DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

[redacted]

Rating Decision
03/04/2022

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era and Peacetime. You served in the Air Force from November 18, 1983 to June 30, 1990, from September 10, 2001 to September 11, 2001, from September 9, 2006 to February 23, 2007, from May 1, 2008 to October 17, 2008, from January 21, 2009 to April 3, 2011 and from June 24, 2011 to November 20, 2011. You filed a new claim and a claim for increased evaluation that was received on November 15, 2021. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Evaluation of degenerative arthritis, lumbar spine (claimed as low back condition/pain), which is currently 10 percent disabling, is increased to 20 percent effective November 16, 2020.

2. Service connection for radiculopathy, left lower extremity sciatic nerve is granted with an evaluation of 10 percent effective November 16, 2020.

3. Evaluation of radiculopathy, right lower extremity sciatic nerve, which is currently 10 percent disabling, is continued.

4. Evaluation of hiatal hernia (also claimed as GERD), which is currently 10 percent disabling, is

[redacted]

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continued.

5. Service connection for left ankle strain is denied.

6. Service connection for left chronic wrist sprain is denied.

7. Service connection for left foot degenerative arthritis with posterior calcaneal spur is denied.

8. Service connection for left knee strain is denied.

9. Service connection for right ankle strain is denied.

10. Service connection for right chronic wrist sprain is denied.

11. Service connection for right foot hammer toes with posterior calcaneal spur is denied.

12. Service connection for right hand degenerative arthritis is denied.

13. Service connection for right hip strain is denied.

14. A decision on entitlement to compensation for left hand degenerative arthritis is deferred.

15. A decision on entitlement to compensation for left hip strain is deferred.

16. A decision on entitlement to compensation for right knee strain is deferred.

EVIDENCE

- Service Treatment Records, received September 11, 1993 and December 28, 2014, for multiple periods of service between November 18, 1983 to November 20, 2011
- DD Form 214, Certificate of Release or Discharge from Active Duty, received April 8, 1991, September 11, 1993, November 13, 2012, December 28, 2014 and July 14, 2016, for multiple periods of service between November 18, 1983 to November 20, 2011
- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received November 16, 2020
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received November 15, 2021
- Private Treatment Records with supporting evidence, received November 15, 2021 and January 26, 2022
- VA Form 21-4138, Statement in Support of Claim, received November 15, 2021
- Back (Thoracolumbar Spine) Conditions Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Knee and Lower Leg Conditions Disability Benefit Questionnaire, VES-Contractor,

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conducted December 8, 2021

- Hand and Finger Conditions Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Wrist Conditions Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Ankle Conditions Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Esophageal Conditions (Including gastroesophageal reflux disease (GERD), hiatal hernia and other esophageal disorders) Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Foot Conditions, including Flatfoot (Pes Planus) Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Hip and Thigh Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- Gulf War General Medical Examination for Compensation Disability Benefit Questionnaire, VES-Contractor, conducted December 8, 2021
- VAMC (Veterans Affairs Medical Center) treatment records, Washington, for the period September 2016 to October 2021

REASONS FOR DECISION

1. Evaluation of degenerative arthritis, lumbar spine (claimed as low back condition/pain) currently evaluated as 10 percent disabling.

The evaluation of degenerative arthritis, lumbar spine is increased to 20 percent disabling effective November 16, 2020. (38 CFR 4.1, 38 CFR 3.400)

The effective date of this grant is November 16, 2020. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)

We have assigned a 20 percent evaluation for your degenerative arthritis, lumbar spine based on:
• Forward flexion of the thoracolumbar spine greater than 30 degrees but not greater than 60 degrees

Additional symptom(s) include:
• Combined range of motion of the thoracolumbar spine greater than 120 degrees but not greater than 235 degrees
• Objective evidence of flare-ups
• Painful motion

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in DeLuca v. Brown and Mitchell v. Shinseki, have been considered and were applied based on additional joint limitation.

A higher evaluation of 40 percent is not warranted for diseases and injuries of the thoracolumbar spine unless the evidence shows:
• Favorable ankylosis of the entire thoracolumbar spine; or,
• Forward flexion of the thoracolumbar spine 30 degrees or less. (38 CFR 4.71a)

2. Service connection for radiculopathy, left lower extremity sciatic nerve as secondary to the service-connected disability of degenerative arthritis, lumbar spine.

Service connection for radiculopathy, left lower extremity sciatic nerve has been established as related to the service-connected disability of degenerative arthritis, lumbar spine. (38 CFR 3.303, 38 CFR 3.310)

The effective date of this grant is November 16, 2020. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 10 percent is assigned from November 16, 2020.

We have assigned a 10 percent evaluation for your radiculopathy, left lower extremity sciatic nerve based on:
• Mild incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 20 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is moderate. (38 CFR 4.120, 38 CFR 4.124a)

3. Evaluation of radiculopathy, right lower extremity sciatic nerve currently evaluated as 10 percent disabling.

We reviewed the evidence received and determined your service-connected condition hasn't increased in severity sufficiently to warrant a higher evaluation.

The evaluation of radiculopathy, right lower extremity sciatic nerve is continued as 10 percent disabling.

We have assigned a 10 percent evaluation for your sciatica, right lower extremity based on:
• Mild incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 20 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is moderate. (38 CFR 4.120, 38 CFR 4.124a)

4. Evaluation of hiatal hernia (also claimed as GERD) currently evaluated as 10 percent disabling.

We reviewed the evidence received and determined your service-connected condition hasn't increased in severity sufficiently to warrant a higher evaluation.

The evaluation of hiatal hernia is continued as 10 percent disabling.

We have assigned a 10 percent evaluation for your hiatal hernia based on:
• Arm pain
• Pyrosis (Heartburn and/or Reflux)
• Regurgitation
• Substernal pain

A higher evaluation of 30 percent is not warranted for gastroesophageal reflux disease (gerd) unless the evidence shows:
• Persistently recurrent epigastric distress with dysphagia, pyrosis, and regurgitation, accompanied by substernal or arm or shoulder pain, productive of considerable impairment of health. (38 CFR 4.114, 38 CFR 4.113)

5. Service connection for left ankle strain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for left ankle strain is denied because this disability is determined to result from a known clinical diagnosis of left ankle strain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of left ankle strain.

6. Service connection for left chronic wrist sprain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for left chronic wrist sprain is denied because this disability is determined to result from a known clinical diagnosis of left wrist sprain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of left chronic wrist sprain.

7. Service connection for left foot degenerative arthritis with posterior calcaneal spur as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for left foot degenerative arthritis with posterior calcaneal spur is denied because this disability is determined to result from a known clinical diagnosis of left foot degenerative arthritis with posterior calcaneal spur, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Service connection may be granted on a presumptive basis for left foot hand degenerative arthritis if this condition is manifested to a compensable degree (severe enough to be evaluated at least 10 percent disabling) within a certain period after military discharge. As the medical evidence fails to show a diagnosis of left foot degenerative arthritis within the time period specified under 38 CFR 3.307, service connection on a presumptive basis must be denied. (38 CFR 3.303, 38 CFR 3.307, 38 CFR 3.309)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of left foot degenerative arthritis with posterior calcaneal spur.

The claimed disability of left foot degenerative arthritis is a chronic disease which may be presumptively linked to your military service.

You have sufficient service to meet the minimum requirements for presumptive service connection. Records show you served in the Air Force for multiple periods between November 18, 1983 to November 20, 2011.

8. Service connection for left knee strain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this

condition.

Service connection for left knee strain is denied because this disability is determined to result from a known clinical diagnosis of left knee strain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of left knee strain.

9. Service connection for right ankle strain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for right ankle strain is denied because this disability is determined to result from a known clinical diagnosis of right ankle strain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of right ankle strain.

10. Service connection for right chronic wrist sprain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or

combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for right chronic wrist sprain is denied because this disability is determined to result from a known clinical diagnosis of right wrist sprain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of right chronic wrist sprain.

11. Service connection for right foot hammer toes with posterior calcaneal spur as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for right foot hammer toes with posterior calcaneal spur is denied because this disability is determined to result from a known clinical diagnosis of right foot hammer toes with posterior calcaneal spur, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of right foot hammer toes with posterior calcaneal spur.

12. Service connection for right hand degenerative arthritis as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for right hand degenerative arthritis is denied because this disability is determined to result from a known clinical diagnosis of right hand degenerative arthritis, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Service connection may be granted on a presumptive basis for right hand degenerative arthritis if this condition is manifested to a compensable degree (severe enough to be evaluated at least 10 percent disabling) within a certain period after military discharge. As the medical evidence fails to show a diagnosis of right hand degenerative arthritis within the time period specified under 38 CFR 3.307, service connection on a presumptive basis must be denied. (38 CFR 3.303, 38 CFR 3.307, 38 CFR 3.309)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA examination conducted on December 8, 2021 confirms a current diagnosis of right hand degenerative arthritis.

The claimed disability of right hand degenerative arthritis is a chronic disease which may be presumptively linked to your military service.

You have sufficient service to meet the minimum requirements for presumptive service connection. Records show you served in the Air Force for multiple periods between November 18, 1983 to November 20, 2011.

13. Service connection for right hip strain as due to an undiagnosed illness.

The "Persian Gulf War Veterans' Benefits Act" authorizes VA to compensate any Gulf veteran suffering from a "qualifying chronic disability," resulting from an undiagnosed illness or combination of undiagnosed illnesses, appearing either during active duty in the Southwest Asia theater of operations during the Gulf War, or to a degree of 10 percent or more within a presumptive period following service in the theater. Section 202 of the "Veterans Education and Benefits Expansion Act of 2001" expanded the definition of "qualifying chronic disability" to include (1) a medically unexplained chronic multi-symptom illness (such as chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders) that is defined by a cluster of signs or symptoms; and (2) any diagnosed illness that the Secretary of the VA determines in regulations warrants a presumption of service-connection. To fulfill the requirement for chronicity, the claimed illness must have persisted for a period of 6 months. The 6-month period of chronicity is measured from the earliest date on which all pertinent evidence establishes that the signs or symptoms of the disability first became manifest. (38 CFR 3.317)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

Service connection for right hip strain is denied because this disability is determined to result from a known clinical diagnosis of right hip strain, which, under current law, is not a qualifying disability associated with Gulf War service. Further, the condition was not incurred in or aggravated by service. (38 CFR 3.317, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. VA exam conducted on December 8, 2021 confirms a current diagnosis of right hip strain.

14. Compensation for left hand degenerative arthritis.

The issue of compensation for left hand degenerative arthritis is deferred for the following information: medical opinion

15. Compensation for left hip strain.

The issue of compensation for left hip strain is deferred for the following information: medical opinion

16. Compensation for right knee strain.

The issue of compensation for right knee strain is deferred for the following information: medical opinion

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all Veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our website, www.va.gov.