

VETERANS ADMINISTRATION

Regional Office

STATEMENT OF THE CASE

IN THE APPEAL
OF

FROM THE DECISION OF THE
VETERANS ADMINISTRATION
DATED:

ISSUE:

Service connection for left hand and wrist condition.

[REDACTED]

SUMMARY OF EVIDENCE AND ADJUDICATIVE ACTIONS:

Service

[REDACTED] honorable.

[REDACTED] Veteran filed a claim for service connection for left wrist and hand and arm hemangioma which he stated began in [REDACTED]

[REDACTED] Veterans Administration rating denied service connection for left wrist and hand condition. This was on the basis of a VA examination and review of all service records. The veteran's service medical records disclose that he was treated on [REDACTED] and [REDACTED] for stiffness and pain of the left wrist and hand and multiple cyst were noted in that area. On [REDACTED] he was again treated and had a history of multiple cyst existing for [REDACTED] and again on [REDACTED] he gave a history of cyst existing for the past year. Service records show surgery for a left wrist and hand growths [REDACTED]. On a VA examination of [REDACTED] he gave a history of the growths on the left wrist both anteriorly and posteriorly since birth. The VA examination show the scars for the surgery in service as well healed, nonkeloidal with no evidence of recurrence of growth. Neurological examination of this area was negative.

[REDACTED] Veterans Administration letter to the veteran notified him of the above VA decision.

[REDACTED] Veteran submitted a notice of disagreement and a service medical record dated [REDACTED] showing multiple masses left hand with a 1 1/2 year history of existence.

[REDACTED] Letter was sent to the veteran from the VA clarifying the VA decision.

[REDACTED] Veteran submitted a notice of disagreement stating his growths on his hand [REDACTED] after entering service which be approximately [REDACTED] contradicting the service medical evidence showing treatment in [REDACTED] in his statement in service that the condition started [REDACTED]

PERTINENT LAWS, REGULATIONS AND RATING SCHEDULE PROVISIONS:

Service connection involves many factors but basically it means that the facts as shown by the evidence established that a particular injury or disease resulting in disability was incurred coincident with service in the Armed Forces, or if pre-existing such service, was aggravated therein. (38 CFR 3.303(A))

[REDACTED]

Aggravation may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of the disability prior to, during and subsequent to service. (38 CFT 3.306B)

When a reasonable doubt arises regarding service origin, the degree of disability, or any other point, such doubt will be resolved in favor of the claimant. A reasonable doubt means a substantial doubt and one within the range of probability as distinguished from speculation or remote possibility. (38 CFR 3.102)

DECISION:

Service connection was denied for veteran's left wrist and hand condition.

REASONS FOR DECISION:

The evidence in its entirety and considering the veteran's numerous conflicting statements as to date of origin of his claimed condition warrants a determination that the veteran's left wrist and hand condition existed prior to service and was not aggravated by any incident in service. Surgery in service for the growths on his left wrist are held to have been remedial in nature for condition existing prior to induction.

SUBMITTED BY: _____

Rating Specialist

DATED: _____

APPROVED BY: _____

ACTING Section Chief

DATED: _____

TDIU Decision (excerpt)

EVIDENCE

- VA Examination, VAMC [REDACTED]
- VA Letter (Duty To Assist) dated [REDACTED]

REASONS FOR DECISION

1. Service connection for Hemangioma, left wrist with ulnar and radial deviations.

The VA examination showed in the medical history that Impaired function of the left hand secondary to the impaired sensation in the superficial radial nerve distribution and neuropathic disabling pain with limitation of the range of motion of the digits of the left hand, secondary to operative partial resection of cavernous hemangioma of the left hand. Unable to perform [REDACTED]
[REDACTED] He is not working since [REDACTED] He is unable to [REDACTED]
[REDACTED]

The VA examination showed [REDACTED]
[REDACTED] Status of extensive cavernous hemangioma, multifocal, left hand and wrist. Status post dissection and partial excision of cavernous hemangioma involving the radial side of the dorsum of the left hand and the radial edge of the volar aspect of the left wrist. Status post inadvertent transection of the superficial radial nerve. Status of significant reduction of the arterial flow of the left radial artery involving the radial side of the superficial palmar arterial arch with demonstrated lack of filling of the deep palmar arterial arch. Diminished arterial flow to the left thumb (First digit). Absence of the [REDACTED]

2. Service connection for Partial loss of sensation of the superficial branch of the left radial nerve as secondary to the service-connected disability of Hemangioma, left wrist with ulnar and radial deviations.

The facts and circumstances pertaining to this decision are the same as those that were discussed in the issue (Hemangioma, left wrist with ulnar and radial deviations). Based on that evidence, Service connection for Partial loss of sensation of the superficial branch of the left radial nerve has been established as related to the service-connected disability of Hemangioma, left wrist with ulnar and radial deviations.

3. Entitlement to individual unemployability.

The VA examiner's opinion was based on the veteran's work experience, education, and

[REDACTED]

[REDACTED]

Dear [REDACTED]

Your disability compensation claim has been carefully considered. To be entitled to compensation, the evidence must show: (1) that you have a disability which was incurred in or aggravated by your service, in line-of-duty, and (2) it must be 10% or more disabling. The evidence, including your service records, does not meet these requirements. You are not, therefore, entitled to compensation.

Service connection for your claimed disabilities was denied for the following reasons:

It was held that your postoperative scars on your left wrist and hand were not incurred in or aggravated by your service, having existed prior to your service. Any treatment in service is considered a remedial measure. There is no record of any disease or injury in service which caused an aggravation.

Sincerely yours,

[REDACTED]
Adjudication Officer

Enclosure:
[REDACTED]

FILE-ADJ DIV.
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

NOTE - SHADED AREA TO BE COMPLETED BY INPUT ACTIVITY

1. COPY TO <input type="checkbox"/> INS <input type="checkbox"/> MED		<input type="checkbox"/> DEB FOLDER <input type="checkbox"/> R & E FOLDER		<input type="checkbox"/> OTHER (Specify)		RATING DECISION		2. FILE NUMBER					
4. DATE OF CLAIM 1-23-80		5. DATE OF LAST EXAMINATION		6. DATE OF DEATH		7. INITIALS AND SURNAME OF VETERAN							
8. SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		9. BRANCH A. ARMY B. NAVY C. USMC D. USCG E. USPHS F. USAF		H. WAC I. AIR CORPS (For others See M21-1, App. C)		10. ACTIVE DUTY (Mo., day, yr.) EOD RAD		11. ADJUT. SVC 1. WT. 2. PFE 3. EOD		12. DATE OF BIRTH		13. COMBAT 1. NONE 2. COMP 3. NON COMP 4. BOTH	
14. EMPLOYABILITY (For compensation only) 1. EMPLOYABLE OR NOT AN ISSUE 2. UNEMPLOYABLE		15. COMPETENCY 1. COMPETENT OR NOT AN ISSUE 2. INCOMPETENT		16. NO. OF S/C DISAB. (0 through 9) (9 to show 9 or more)		17. FUTURE DATE CONTROLS PHYSICAL EXAM. NO. YR. REASON NONE 01				18. DATE OF THIS RATING			
19. NARRATIVE													
<p>J. Original claim.</p> <p>I. Service connection for hemangioma, left wrist.</p> <p>F. Above veteran had surgery [REDACTED] for excision of growth on the left wrist, both anteriorly and posteriorly, which he states existed since birth. The above examination disclose the scars as nonkeloidal, nontender, well healed with no evidence of local recurrence or growth. No neurological disease was found and there was normal sensation over the left hand and forearm.</p> <p>D. The veteran's surgery in service for the growths on his left wrist is held to have been remedial in nature for a condition existing prior to induction.</p> <p>7899 8. NSC PTE SCARS, POSTOPERATIVE, LEFT WRIST AND HAND</p>													
20. SPECIAL PROVISION CODE 1 - PAR. 28 2 - VAR. 1321 3 - ANAL. RATING 4 - PAR. 28 2 - PAR. 30 4 - VAR. 1322 6 - OTHER OR COMB						21. SPECIAL MONTHLY COMPENSATION A. SMC PAR CODE B. LOSS OF USE C. ANAT. LOSS D. OTHER LOSS				22. NUMBER OVER SIX			
23. CLAIMANT REPRESENTED BY: <input type="checkbox"/> AL <input type="checkbox"/> VFW <input type="checkbox"/> GAV <input type="checkbox"/> ARC <input type="checkbox"/> AMVETS <input type="checkbox"/> OTHER (Specify)						24. RATING BOARD NO.				25. R.O. NO.			
26. RATING SPECIALIST (Medical)				27. RATING SPECIALIST (Legal-Occupational)				28. RATING SPECIALIST (Legal-Occupational)					

VA FORM 21-6796
AUG 1977

EXPIRING STOCKS OF VA FORMS
WILL BE USED.