



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefit Administration
Regional Office**

ROBERT LOCKETT

VA File Number



**Represented By:
GORDON A GRAHAM
Rating Decision
01/18/2019**

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era. You served in the Army from May 27, 1968, to May 26, 1970. You filed a claim for increased evaluation that was received on October 11, 2018. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Evaluation of right upper extremity with tremor and muscle rigidity and stiffness as a result of complication of Parkinson's disease with peripheral neuropathy (dominant), which is currently 70 percent disabling, is continued.
2. Evaluation of left lower extremity tremors and muscle rigidity with peripheral neuropathy, which is currently 20 percent disabling, is increased to 40 percent effective October 11, 2018.
3. Evaluation of right lower extremity tremors and muscle rigidity with peripheral neuropathy, which is currently 20 percent disabling, is increased to 40 percent effective October 11, 2018.

4. Evaluation of left upper hand tremors with peripheral neuropathy, which is currently 30 percent disabling, is continued.
5. Evaluation of balance impairment s a result of complication of Parkinson's disease associated with herbicide exposure, which is currently 10 percent disabling, is increased to 30 percent effective October 11, 2018.
6. Evaluation of sleep disturbance s a result of complication of Parkinson's disease associated with herbicide exposure, which is currently 30 percent disabling, is continued.
7. Service connection for constipation as result of complication of Parkinson's disease associated with herbicide exposure is granted with a 10 percent evaluation effective November 27, 2018.
8. Entitlement to special monthly compensation based on loss of use of both feet is granted from October 11, 2018.
9. Service connection for difficulty chewing as result of complication of Parkinson's disease is granted with an evaluation of 0 percent effective November 27, 2018.
10. Service connection for partial loss of smell as result of complication of parkinson's disease is granted with an evaluation of 0 percent effective November 27, 2018.
11. Entitlement to automobile or other conveyance and adaptive equipment is established.
12. Entitlement to specially adapted housing is established.
13. Service connection for posttraumatic stress disorder is denied.

EVIDENCE

- Rating Decision (review of narrative and codesheet, dated February 15, 2018
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, October 11, 2018
- VA Form 21-0781, Statement In Support Of Claim For Service Connection for Post-Traumatic Stress Disorder (PTSD), received October 11, 2018
- Disability Benefit Questionnaire, Initial PTSD, VES contracted examination, received October 30, 2018
- Disability Benefit Questionnaire, parkinson's disease and medical opinion, Dallas VAMC, November 27, 2014
- Section (§) 5103 Notice, dated December 12, 2018
- Section (§) 5103 Notice Response, received December 12, 2018
- VAMC (Veterans Affairs Medical Center) treatment records, Dallas VA Medical Center, from June 12, 2014 through January 15, 2018

REASONS FOR DECISION

1. Evaluation of right upper extremity with tremor and muscle rigidity and stiffness as a result of complication of Parkinson's disease with peripheral neuropathy (dominant) currently evaluated as 70 percent disabling.

The evaluation of right upper extremity with tremor and muscle rigidity and stiffness as a result of complication of Parkinson's disease with peripheral neuropathy (dominant) is continued as 70 percent disabling.

We have assigned a 70 percent evaluation for your peripheral neuropathy, right upper extremity with tremor and muscle rigidity and stiffness as a result of complication of Parkinson's disease associated with herbicide exposure (dominant) based on:

- Severe incomplete paralysis of the major extremity

This is the highest schedular evaluation allowed under the law for neuritis of all radicular nerve groups.

2. Evaluation of left lower extremity tremors and muscle rigidity with peripheral neuropathy currently evaluated as 20 percent disabling.

The evaluation of left lower extremity tremors and muscle rigidity with peripheral neuropathy is increased to 40 percent disabling effective October 11, 2018.

The effective date of this grant is October 11, 2018. Entitlement to an increased evaluation has been established from the date the claim was received. When an increased evaluation is granted based on VA medical evidence showing an increase in disability after the date the claim was received, the effective date of the increase is the date the claim was received.

We have assigned a 40 percent evaluation for your left lower extremity tremors and muscle rigidity with peripheral neuropathy based on:

- Moderately severe incomplete paralysis

A higher evaluation of 60 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is severe with marked muscular atrophy.

3. Evaluation of right lower extremity tremors and muscle rigidity with peripheral neuropathy currently evaluated as 20 percent disabling.

The evaluation of right lower extremity tremors and muscle rigidity with peripheral neuropathy is increased to 40 percent disabling effective October 11, 2018.

The effective date of this grant is October 11, 2018. Entitlement to an increased evaluation has been established from the date the claim was received. When an increased evaluation is granted

based on VA medical evidence showing an increase in disability after the date the claim was received, the effective date of the increase is the date the claim was received.

We have assigned a 40 percent evaluation for your right lower extremity tremors and muscle rigidity with peripheral neuropathy based on:

- Moderately severe incomplete paralysis

A higher evaluation of 60 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is severe with marked muscular atrophy.

4. Evaluation of left upper hand tremors with peripheral neuropathy currently evaluated as 30 percent disabling.

The evaluation of left upper hand tremors with peripheral neuropathy is continued as 30 percent disabling.

We have assigned a 30 percent evaluation for your left upper hand tremors with peripheral neuropathy based on:

- Moderate incomplete paralysis of the minor extremity

A higher evaluation of 60 percent is not warranted for neuritis of all radicular nerve groups unless the evidence shows nerve damage is severe.

5. Evaluation of balance impairment s a result of complication of Parkinson's disease associated with herbicide exposure currently evaluated as 10 percent disabling.

The evaluation of balance impairment s a result of complication of Parkinson's disease associated with herbicide exposure is increased to 30 percent disabling effective October 11, 2018.

The effective date of this grant is October 11, 2018. Entitlement to an increased evaluation has been established from the date the claim was received. When an increased evaluation is granted based on VA medical evidence showing an increase in disability after the date the claim was received, the effective date of the increase is the date the claim was received.

We have assigned a 30 percent evaluation for your balance impairment s a result of complication of Parkinson's disease associated with herbicide exposure based on:

- Dizziness (conceded whenever staggering is noted)
- Occasional staggering

This is the highest schedular evaluation allowed under the law for peripheral vestibular disorder.

6. Evaluation of sleep disturbance s a result of complication of Parkinson's disease associated with herbicide exposure currently evaluated as 30 percent disabling.

The evaluation of sleep disturbance s a result of complication of Parkinson's disease associated with herbicide exposure is continued as 30 percent disabling.

We have assigned a 30 percent evaluation for your sleep disturbance s a result of complication of Parkinson's disease associated with herbicide exposure based on:

- Occupational and social impairment with occasional decrease in work efficiency and intermittent periods of inability to perform occupational tasks (although generally functioning satisfactorily, with routine behavior, self-care, and conversation normal)
- Chronic sleep impairment

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 30 percent disability evaluation.

A higher evaluation of 50 percent is not warranted for generalized anxiety disorder unless the evidence shows occupational and social impairment with reduced reliability and productivity due to such symptoms as:

- flattened affect
- circumstantial, circumlocutory, or stereotyped speech
- panic attacks more than once a week
- difficulty in understanding complex commands
- impairment of short- and long-term memory (e.g., retention of only highly learned material, forgetting to complete tasks)
- impaired judgment
- impaired abstract thinking
- disturbances of motivation and mood
- difficulty in establishing and maintaining effective work and social relationships.

7. Service connection for constipation as result of complication of Parkinson's disease associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for constipation as result of complication of Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure.

The effective date of this grant is November 27, 2018. Service connection has been established from the day entitlement arose. When a claim for presumptive service connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim or the date entitlement arose, whichever is later.

An evaluation of 10 percent is assigned from November 27, 2018.

We have assigned a 10 percent evaluation for your constipation as result of complication of Parkinson's disease based on:

- Moderate symptoms

A higher evaluation of 30 percent is not warranted for irritable bowel syndrome unless the evidence shows severe symptoms demonstrated by diarrhea, or alternating diarrhea and constipation, with more or less constant abdominal distress.

8. Entitlement to special monthly compensation based on loss of use.

Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of both feet were met from October 11, 2018.

9. Service connection for difficulty chewing as result of complication of Parkinson's disease.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by service if manifested to a compensable degree following military discharge. Although not shown in service, service connection for difficulty chewing as result of complication of Parkinson's disease has been granted on the basis of presumption.

The effective date of this grant is November 27, 2018. Service connection has been established from the day entitlement arose (date of VA examination). When a claim for presumptive service connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim or the date entitlement arose, whichever is later.

A noncompensable evaluation is assigned from November 27, 2018.

We have assigned a noncompensable evaluation for your difficulty chewing as result of complication of Parkinson's disease based on:

- Mild incomplete paralysis

Note: In every instance where the schedule does not provide a zero percent evaluation for a diagnostic code, a zero percent evaluation shall be assigned when the requirements for a compensable evaluation are not met. {38 CFR §4.31 }

A higher evaluation of 10 percent is not warranted for paralysis of the 5th cranial nerve unless the evidence shows nerve damage is moderate.

10. Service connection for partial loss of smell as result of complication of parkinson's disease.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by service if manifested to a compensable degree following military discharge. Although not shown in service, service connection for partial loss of smell as result of complication of Parkinson's disease has been granted on the basis of presumption.

The effective date of this grant is November 27, 2018. Service connection has been established from the day entitlement arose (date of VA examination). When a claim for presumptive service

connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim or the date entitlement arose, whichever is later.

A noncompensable evaluation is assigned from November 27, 2018.

We have assigned a noncompensable evaluation for your partial loss of smell as result of complication of parkinson's disease based on:

- Partial loss

Note: In every instance where the schedule does not provide a zero percent evaluation for a diagnostic code, a zero percent evaluation shall be assigned when the requirements for a compensable evaluation are not met. {38 CFR §4.31}

A higher evaluation of 10 percent is not warranted for complete loss of sense of smell unless the evidence shows complete sensory loss.

11. Entitlement to automobile or other conveyance and adaptive equipment or for adaptive equipment only.

A certificate of eligibility for financial assistance in the purchase of one automobile or other conveyance and of basic entitlement to necessary adaptive equipment will be made when the veteran is entitled to compensation under chapter 11 of title 38, United States Code and has loss or permanent loss of use of one or both feet which is the result of injury or disease incurred or aggravated during active military service. Entitlement to automobile and adaptive equipment is established based on this level of impairment.

12. Entitlement to specially adapted housing.

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 2101(a) may be extended when the veteran is permanently disabled as the result of the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

Entitlement to special housing assistance is established based on this level of impairment which is caused by the service-connected condition of loss of use of both feet.

13. Service connection for posttraumatic stress disorder.

Service connection for posttraumatic stress disorder requires medical evidence diagnosing the condition in accordance with 38 CFR 4.125(a); a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred.

If the evidence establishes that the veteran engaged in combat with the enemy and the claimed

stressor is related to that combat, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, occurrence of the claimed in-service stressor may be established by the veteran's lay testimony alone. If the evidence establishes that the veteran was a prisoner-of-war under the provisions of 38 CFR 3.1(y) and the claimed stressor is related to that prisoner-of-war experience, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, occurrence of the claimed in-service stressor may be established by the veteran's lay testimony alone. {38 CFR Sections 3.1(y), 3.304(f), 4.125(a)} A diagnosis of posttraumatic stress disorder must meet all diagnostic criteria as stated in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The evidence does not show a confirmed diagnosis of posttraumatic stress disorder which would permit a finding of service connection.

We concede you experienced a stressful event in service or fear of hostile military or terrorist activity, as you were awarded the Combat Infantry Badge and Purple Heart.

The VA medical opinion found no persistent disability.

The evidence does not show a current diagnosed disability.

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.