



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

[REDACTED]

VA File Number
[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
08/07/2020**

INTRODUCTION

The records reflect that you are a Veteran of the Vietnam Era. You served in the Air Force from September 2, 1964 to August 26, 1968. The Board of Veterans Appeals made their decision on your appeal on July 31, 2020. We have implemented their decision based on the evidence listed below.

DECISION

Entitlement to service connection for prostate cancer associated with herbicide exposure is granted with a 100 percent evaluation effective September 29, 2015.

EVIDENCE

- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received September 29, 2015
- Rating Decision, dated January 8, 2016
- VA letter concerning your claim, dated January 19, 2016
- VA letter concerning your claim, dated July 11, 2016



- VA Form 21-0958, Notice of Disagreement, received September 14, 2016
- Statement of the Case, dated February 10, 2020
- VA Form 9 Appeal to Board of Appeals, received March 10, 2020
- VA Form 8, Certification of Appeal, dated March 17, 2020
- VAMC (Veterans Affairs Medical Center) treatment records, Roseburg VAMC, from January 22, 2008 through June 2, 2020
- Private Treatment Records, from OHSU, dated March 4, 2020, received June 10, 2020
- Board of Veterans Appeals Decision, dated July 31, 2020

REASONS FOR DECISION

Entitlement to service connection for prostate cancer associated with herbicide exposure is granted.

Please refer to the July 31, 2020 BVA decision for additional discussion and BVA's reasons and bases for the grant of entitlement to service connection for prostate cancer 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 prostate cancer has been granted on the basis of presumption due to Agent Orange exposure. (38 CFR 3.307, 38 CFR 3.309)

The effective date of this grant is September 29, 2015. Service connection has been established from the date of your original claim, via continuous pursuit of this issue. A claimant may continuously pursue a claim or an issue by timely and properly filing one of the following administrative review options, as specified (except as otherwise provided in paragraphs (c), (e), and (f) of this section), after any decision by the agency of original jurisdiction, Board of Veterans' Appeals, or by the U.S. Court of Appeals for Veterans Claims, provided that any appeal to the U.S. Court of Appeals for Veterans Claims is timely filed as determined by the court. (38 CFR 3.156, 38 CFR 3.157, 38 CFR 3.400, 38 CFR 3.2500)

An evaluation of 100 percent is assigned from September 29, 2015.

We have assigned a 100 percent evaluation for your prostate cancer based on:

- Active malignancy

Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of 38 CFR §3.105(e). If there has been no local recurrence or metastasis, you will be rated on residuals such as voiding dysfunction or renal dysfunction, whichever is predominant. (38 CFR 4.115b)

This is the highest schedular evaluation allowed based on renal dysfunction. (38 CFR 4.115a, 38



CFR 4.115b)

This is the highest schedular evaluation allowed under the law for malignant neoplasms of the genitourinary system. (38 CFR 4.115a, 38 CFR 4.115b)

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination. (38 CFR 3.327, 38 CFR 3.344)

Your Roseburg VAMC treatment records had a note on March 31, 2020 indicating the following: Prostate cancer was diagnosed by biopsy September 1, 2015, rebiopsied in 2016 with atypical tissue, rebiopsied by MRI fusion at OHSU on March 4, 2020 with extensive prostate adenocarcinoma group III. The treatment note indicates community care oncology and radiation oncology. A note on October 11, 2017 showed watchful waiting active surveillance with elevated PSA. A note on January 3, 2019 showed the following PSA levels: June 7, 2018 8.29; July 5, 2018 8.49 and November 30, 2018 8.82. Due to this information, your condition is considered active continuously from the date of your claim. (38 CFR 4.3, 38 CFR 4.6, 38 CFR 4.7)

This is a full grant of benefits sought on appeal.

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.



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ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
09/02/1964	08/26/1968	Air Force	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1	4	0321

JURISDICTION: BVA Decision Dated 07/31/2020

ASSOCIATED CLAIM(s): 070; BVA Grant (070); 07/31/2020

SUBJECT TO COMPENSATION (1.SC)

- 7528 PROSTATE CANCER [Agent Orange - outside Vietnam or unknown/Prostate Cancer]
Service Connected, Vietnam Era, Incurred
Future Exam March 2021
100% from 09/29/2015
Original Date of Denial: 01/08/2016
- 5215 FRACTURE LEFT NAVICULAR
Service Connected, Vietnam Era, Incurred
Static Disability
10% from 08/27/1968
- 6100 BILATERAL HEARING LOSS
Service Connected, Vietnam Era, Incurred

10% from 03/14/2008
- 6260 TINNITUS
Service Connected, Vietnam Era, Incurred

10% from 03/14/2008

COMBINED EVALUATION FOR COMPENSATION :



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10% from 08/27/1968
30% from 03/14/2008
100% from 09/29/2015

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCVietnam Era)

5257 RIGHT KNEE DISABILITY
Not Service Connected, No Diagnosis

0%

8515-8516 LEFT CARPAL TUNNEL SYNDROME, STATUS POST CARPAL TUNNEL RELIEF
AND LEFT ULNAR NEUROPATHY, STATUS POST LEFT ULNAR RELIEF
Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 08/11/2008

PENSION ENTITLEMENT DECISIONS (2 PT, 9 NOT PT, 11A, and 11B)

Permanent and Total for NSC from 03/08/1994

COMBINED EVALUATION FOR PENSION : 100%

DISABILITIES CONSIDERED FOR PENSION PURPOSES ONLY

5243 DEGENERATIVE JOINT DISEASE, LUMBAR SPINE WITH CITED NEUROPATHY,
LEFT EXTREMITY
Pension

40%

8515 SEVERE LEFT HAND STRENGTH LOSS
Pension

40%

5243 DEGENERATIVE DISK DISEASE, CERVICAL SPINE
Pension

20%

7099-7000 FUNCTIONAL HEART MURMUR FROM CHILDHOOD



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Pension

0%

COMBINED EVALUATION FOR PENSION : 100%

This is a full grant of benefits sought on appeal.

esign: certified by VBAPORBrinkB, RVSR

