



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
08/31/2020**

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime. You served in the Army from September 25, 1985 to October 14, 1988. We received your supplemental claim on July 1, 2020. Based on a review of the evidence listed below, we have made the following decision on your claim.

DECISION

The previous denial of service connection for posttraumatic stress disorder (PTSD) is confirmed and continued.

EVIDENCE

- Enlistment examination, Dated September 3, 1985
 - Service treatment records for the period of service, from September 25, 1985 through October 14, 1988
 - Service Personnel Records, from September 25, 1985 through October 14, 1988
 - DD Form 214, Certificate of Release or Discharge from Active Duty, from September 25,
- [REDACTED]

- 1985 through October 14, 1988
- Medical records, Puget Sound VA Health Care System, from January 6, 2017 through July 10, 2020
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received August 14, 2017
- VA Form 21-0781a, Statement In Support Of Claim For Service Connection For Post-Traumatic Stress Disorder (PTSD) Secondary To Personal Trauma, received August 14, 2017
- VA Duty to Assist letter (military sexual trauma), dated August 28, 2017
- VA Form 27-0820 Report of General Information, MST stressor telephone call, dated August 30, 2017
- VA Initial Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, Puget Sound VA Health Care System, dated October 5, 2017
- Rating decision, Dated October 10, 2017
- VA Decision Notification Letter, Dated October 13, 2017
- Medical records, The Veterans Center, received July 3, 2018
- Rating decision, Dated August 14, 2018
- VA Decision Notification Letter, Dated August 17, 2018
- VA Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire with medical review and opinion, [REDACTED]
- Resume, [REDACTED]
- VA Form 20-0995, Decision Review Request - Supplemental Claims, received July 1, 2020
- Military Sexual Trauma Outreach Coordinator Personal Trauma/Marker Worksheet, dated July 30, 2020
- VA Initial Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire with opinion, Veterans Evaluation Services Contract Examiner, dated August 10, 2020
- Personal Trauma Development Checklist, dated August 31, 2020

REASONS FOR DECISION

Service connection for posttraumatic stress disorder (PTSD).

Service connection for post-traumatic 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. (38 CFR 3.304)

A diagnosis of post-traumatic 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 post-traumatic stress disorder which would permit a finding of service connection. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 4.125) We have conducted two VA mental health examinations and both examiners determined that you do not have a mental disorder that conforms with DSM-5 criteria.

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. In support of your claim, you submitted a Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire prepared by Elaine M. Tripi, PhD, together with a medical review and opinion. We reviewed that submittal and consider it evidence. However, we cannot use Dr. Tripi's DBQ and opinion to support your claim. The DBQ is the incorrect form for an initial diagnosis of PTSD and is one used to evaluate PTSD that has already been service connected. Also, the DBQ uses DSM-4 criteria. For VA purposes, the diagnosis of a mental disorder must conform to Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), American Psychiatric Association (2013). Furthermore, there is no indication that Dr. Tripi's performed an examination of you either in person or via Tele-C&P or other videoconferencing. That said, a mental health DBQ submitted by a private provider and based on a telephone interview with a Veteran is not acceptable or actionable for rating purposes under any circumstances. (MR21-1 III.iv.3.D.2.c) Finally, a claim for service connection for PTSD must be performed by a VA psychiatrist or psychologist, or a psychiatrist or psychologist with whom VA has contracted. (MR21-1 III.iv.3.D.2.h)

"Credible supporting evidence that the claimed inservice stressor actually occurred" means that there is a legal standard that must be met and that the Veteran's report of the incident must be supported by service or civilian documentation of the incident, or if that is not available, there must be other evidence that would lead to the reasonable conclusion that the incident occurred. Such other evidence would generally include military or civilian documentation of behavioral changes after the incident which could reasonably be expected from a person who had undergone a personal assault. Such changes include, but are not limited to: sudden requests for other duty assignments without justification, obsessive behavior (such as over, or under, eating), increased disrespect for military or civilian authority etc. Although we concede that a review of your service treatment records show markers that could support diagnosis of PTSD or another mental health condition related to military sexual trauma in service, we conclude based on the evidence that you do not currently have a mental health disorder conforming to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

Therefore, the previous denial of service connection for posttraumatic stress disorder (PTSD) is confirmed and continued.

Favorable Findings identified in this decision:

You have been diagnosed with a disability. Diagnosis of PTSD, Elaine M. Tripi, PhD.

PTSD military sexual trauma markers noted in your service treatment records: Stomach problems 11/0/86; pregnancy test, 11/17/1986.

Laws and Regulations applicable to this issue:

38 CFR §3.303 Principles relating to service connection.

38 CFR §3.304 (f) Direct service connection; wartime and peacetime. (Posttraumatic stress disorder.)

38 CFR §3.2500 Review of decisions.

38 CFR §3.2501 Supplemental claims.
38 CFR §4.125 Diagnosis of mental disorders.

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.

