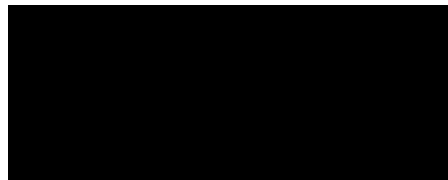




**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office**



**Represented By:
GORDON A GRAHAM
Rating Decision
02/25/2021**

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime and Vietnam Era. You served in the Navy from January 7, 1959 to July 16, 1962 and from October 10, 1962 to October 21, 1977. We received your supplemental claim on December 2, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for unspecified depressive disorder (claimed as depression) is granted with an evaluation of 50 percent effective December 2, 2020.
2. Entitlement to special monthly compensation based on housebound criteria being met is granted from December 2, 2020.

EVIDENCE

- Department of Veterans Affairs Rating Decision, dated February 20, 2003



- VA Form 20-0995 Supplemental Claim Application, received December 2, 2020
- VA examination report Seattle VAMC dated December 17, 2002.
- Statement from Gordon Graham, dated December 02, 2020, received December 05, 2020.
- VA treatment record from Puget Sound VA Medical Center dated November 06, 2002 through April 16, 2020
- VA examination report for QTC examination with medical opinion conducted January 28, 2021.

REASONS FOR DECISION

1. Service connection for unspecified depressive disorder (claimed as depression) as secondary to the service-connected disability of ischemic heart disease status post myocardial infarction and coronary artery bypass graft.

Service connection for unspecified depressive disorder (claimed as depression) has been established as related to the service-connected disability of ischemic heart disease status post myocardial infarction and coronary artery bypass graft. (38 CFR 3.310)

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been. (38 CFR 3.105)


The decision to deny compensation, dated February 20, 2003, for unspecified depressive disorder (claimed as depression) is not considered to have been clearly and unmistakably erroneous because the decision was properly based on the available evidence of record at the time and the rules then in effect. (38 CFR 3.105) Although your disability was found to be secondary to ischemic heart disease your condition was not service connected at that time. Service connection for ischemic heart disease was subsequently granted due to a change in legislation, however the liberalizing legislation does not apply to the disability of depression. (38 CFR 3.114, PL 116-23, 38 CFR 3.307, 38 CFR 3.309)

An evaluation of 50 percent is assigned from December 2, 2020, the date we received your supplemental claim. The effective date for supplemental claims received more than one year after the date on which the agency of original jurisdiction issues notice of a decision will be fixed in accordance with the date entitlement arose, but will not be earlier than the date of receipt of the supplemental claim. (38 CFR 3.400, 38 CFR 3.2500, 38 CFR 3.2501)

We have assigned a 50 percent evaluation for your depressive disorder, depression based on:

- Chronic sleep impairment
- Depressed mood
- Disturbances of motivation and mood



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- Mild memory loss
 - Occupational and social impairment with reduced reliability and productivity
 - Suspiciousness

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 50 percent disability evaluation. (38 CFR 4.7, 38 CFR 4.126)

A higher evaluation of 70 percent is not warranted for a mental disorder unless the evidence shows occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as:

- Suicidal ideation
- Obsessional rituals which interfere with routine activities
- Speech intermittently illogical, obscure, or irrelevant
- Near-continuous panic or depression affecting the ability to function independently, appropriately and effectively
- Impaired impulse control (such as unprovoked irritability with periods of violence)
- Spatial disorientation
- Neglect of personal appearance and hygiene
- Difficulty in adapting to stressful circumstances (including work or a worklike setting)
- Inability to establish and maintain effective relationships. (38 CFR 4.125, 38 CFR 4.126, 38 CFR 4.130)

2. Entitlement to special monthly compensation based on housebound.

Entitlement to special monthly compensation is warranted in this case because criteria regarding housebound have been met. (38 CFR 3.350)

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.

