

HLR Informal Conference Worksheet

Section I: Administrative Data					
Claimant's Name:				Date:	08/09/2021
File Number:	26 XXXXXXXXXX	Time Began:	12:30pm CST	Time Concluded:	12:47pm CST
POA Name:	GORDON A GRAHAM		POA Contact:	GORDON A GRAHAM	
Higher-Level Reviewer Name:	Wendy XXXXXX , DRO		Higher-Level Reviewer Office:	317 - DROC	
Others in Attendance:	N/A				

Section II: Acknowledgment

I certify that I have read the following statement to the claimant and/or his or her representative:

“VA will conduct one informal conference as part of a higher-level review for the sole purpose of allowing the claimant and/or his or her representative to identify errors of law or fact in a prior decision.

I will document any arguments of fact or law presented by you and/or your representative. The informal conference is not for submission of evidence or introduction of facts not present at the time of our prior decision. If you have additional evidence that you would like to submit for review by VA, you may file a supplemental claim after VA issues notice of our decision to maintain entitlement to the earliest effective date. Or if you wish to withdraw your request for higher-level review, you must provide written notification to VA and may immediately file a supplemental claim; however, effective date protections may not apply.”

Section III: Informal Conference

Instructions: Provide a summary of the discussion by listing the issue, prior decision date, and all errors of fact or law identified by the claimant and/or his or her representative. Do not include any new evidence or facts that were not present at the time of the prior decision.

Issue:	<ul style="list-style-type: none"> *Entitlement to an earlier effective date for service connection of tinnitus *Entitlement to an earlier effective date for service connection of posttraumatic stress disorder with alcohol use disorder * Entitlement to an earlier effective date for service connection of scars, pepper spots of the right arm, right leg, right pelvic region, right neck, and left hand (claimed as painful scars from SFW, pain from SFW R shoulder, pain from SFW R hand, residuals of SFW metal fragments)
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	<ul style="list-style-type: none"> * Entitlement to an earlier effective date for service connection of migraine including migraine variants * Entitlement to an earlier effective date for service connection of status post right (dominant) forearm shell fragment wound with cutaneous neuropraxia from shrapnel wound right dorsum hand and distal radial forearm (previously r forearm SFW MG VIII w/ cutaneous nerve dmg, also claimed as SFW r hand & peripheral neuropathy) * Entitlement to an earlier effective date for service connection of shell fragment wound of the right shoulder (dominant) (claimed as pain from SFW R shoulder) * Entitlement to an earlier effective date for service connection of right corneal shell fragment wound with foreign body residual and pseudoaphakia with sympathetic left eye (previously rated as right cornea shell fragment wound residuals; claimed as loss of use R eye and unhealed injury to eye retained metal fragments and perforation of cornea) * Entitlement to an earlier effective date for service connection of shell fragment wound from right upper thigh (extension) * Entitlement to an earlier effective date for service connection of bilateral deafness (claimed as perforation of tympanic membranes) r * Entitlement to an earlier effective date for service connection of left (nondominant) hand status post shrapnel wound with retained foreign body (previously denied as left hand shell fragment wound; claimed as pain from SFW L hand) * Entitlement to an earlier effective date for service connection of scar, pepper spots of the right leg and right pelvic region and left hand (also claimed as pain from SFW R upper thigh) * Entitlement to an earlier effective date for service connection of scars, pepper spots of the right arm (dominant) * Entitlement to an earlier effective date for service connection of scars, pepper spots on right side of neck * Entitlement to an earlier effective date for service connection of shell fragment wound from right upper thigh (claimed as pain from SFW R upper thigh) * Entitlement to an earlier effective date for service connection of shell fragment wound from right upper thigh (flexion) * Entitlement to an earlier effective date for service connection of status post right upper and lower back shell fragment wound with retained metallic shrapnel near 2nd rib (previously denied as right upper and lower back fragment wound) * Entitlement to an earlier effective date for service connection of traumatic brain injury (TBI)
Prior Decision Date:	January 6, 2021
Identified Error(s) of Law or Fact:	

Representative states the argument is relatively the same regarding all issues. Representative does not believe their contention of an earlier effective date under 38 CFR 3.156(c)(1) being warranted has been considered and/or properly addressed. Representative states the evidence of record at the time of the 1970 decision includes VA Form 21-2545 that lists symptoms that were not considered and were never adjudicated in the September 19, 1970 rating decision. The

representative states that they have submitted their argument a numerous amount of times and their contention of an earlier effective date has been continuously pursued. Representative states that at the time of the 2015 filing, the veteran's Purple Heart had not caught up with him so this provoked 38 CFR 3.156(c)(1). Representative specifically notes that the rating decision stated, 'you reported ringing in your right ear and some tinnitus, along with other symptoms related to your ear, during an August 1970 VA examination, this was not sufficient to raise an informal claim for tinnitus.' They disagree with this statement and argue this supports a prior claim. Representative states that Mr. Long along perimeter in Vietnam when a motar hit and he was hit with shell fragments. All issues were granted based on the additional military personnel records that were submitted; therefore, they believe the effective date falls under 38 CFR 3.156(c)(1). Nothing in his claims folder indicated that Mr. Long was injured in Vietnam until they provided additional military records and everything was granted after this evidence; therefore, one would assume it would have to be based on the additional service records received. Veteran never had any combat medals to prove until this was awarded 2/14/2015 just prior to the filing the 2015 claim. TBI and headaches were not considered at the time of refiling and this had to be specifically claimed separately when not addressed. Representative also states that there were no favorable findings provided within the supplemental claim decision.

Higher Level Reviewer Signature:

Date:

[REDACTED]	[REDACTED]	08/09/2021
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