



**DEPARTMENT OF VETERANS AFFAIRS  
Seattle Regional Office  
Jackson Federal Building  
915 2ND AVE  
Seattle, WA 98174**

**VA File Number**

**Represented by:  
AFRICAN AMERICAN PTSD ASSOCIATION**

**Rating Decision  
August 08, 2015**

**INTRODUCTION**

The records reflect that you are a veteran of the Gulf War Era. You served in the Army from March 11, 2003 to November 4, 2007. You filed a new claim for benefits that was received on May 7, 2015. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

1. Service connection for other specified trauma and stressor-related disorder is granted with an evaluation of 30 percent effective May 7, 2014.
2. Service connection for traumatic brain injury is denied.
3. Service connection for sleep apnea is denied.
4. Service connection for left foot condition is denied.

5. Service connection for right foot condition is denied.
6. Service connection for left shoulder condition is denied.
7. Service connection for right ankle condition is denied.
8. Service connection for left ankle condition is denied.

### EVIDENCE

- VA Form 21-526EZ, claim for compensation, received May 7, 2015
- Military hospital treatment records, received May 7, 2015
- VA Form 21-0781, posttraumatic stress disorder stressor statement, received May 7, 2015
- VA traumatic brain injury exam, dated July 9, 2015
- VA initial posttraumatic stress disorder exam with medical opinion, dated July 9, 2015
- Service treatment records from your active duty military service with the U.S. Army from the period of March 11, 2003 to November 4, 2007
- DD Form 214 from your active duty military service with the U.S. Army from the period of March 11, 2003 to November 4, 2007 with service in Iraq and receipt of Iraq campaign medal

### REASONS FOR DECISION

#### 1. Service connection for other specified trauma and stressor-related disorder.

A QTC examiner opined that your diagnosed mental condition was at least as likely as not (50 percent or greater probability) was incurred in or caused by your active duty military service. Therefore, service connection for other specified trauma and stressor-related disorder has been established as directly related to military service.

An evaluation of 30 percent is assigned from May 7, 2014, one year prior to the date we received your claim. Effective date assigned via Section 506 of PL 112-154.

We have assigned a 30 percent evaluation for your other specified trauma and stressor-related disorder based on:

- Disturbances of motivation and mood
- Forgetting directions
- Chronic sleep impairment
- Forgetting recent events
- Anxiety
- Depressed mood
- Forgetting names
- Mild memory loss

- Occupational and social impairment due to mild or transient symptoms which decrease work efficiency and ability to perform occupational tasks only during periods of significant stress

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 posttraumatic stress 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.

This disability is not specifically listed in the rating schedule; therefore, it is rated analogous to a disability in which not only the functions affected, but anatomical localization and symptoms, are closely related.

## **2. Service connection for traumatic brain injury.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. Service connection for traumatic brain injury is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed.

While it was noted in your post-service medical records that you were historically diagnosed with a mild TBI/concussion by Dr. Lisa McPeak in May of 2011, your more recent QTC traumatic brain injury exam found no basis for a diagnosis. Additionally, your service treatment records do not contain complaints, treatment, or diagnosis for this condition. Therefore, service connection for this condition is denied.

## **3. Service connection for sleep apnea.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service.

Service connection for sleep apnea is denied since this condition neither occurred in nor was caused by service.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. We did not find a link between your medical condition and military service.

#### **4. Service connection for left foot condition.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service.

A disability which began in service or was caused by some event in service must be considered "chronic" before service connection can be granted. Although there is a record of treatment in service for left foot condition, no permanent residual or chronic disability subject to service connection is shown by the service medical records or demonstrated by evidence following service. Therefore, service connection for left foot condition is denied.

While your service treatment records reflect complaints, treatment, or a diagnosis similar to that claimed, the medical evidence supports the conclusion that a persistent disability was not present in service. The evidence does not show a current diagnosed disability.

#### **5. Service connection for right foot condition.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. Service connection for right foot condition is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show a current diagnosed disability.

#### **6. Service connection for left shoulder condition.**

The evidence shows that left shoulder condition existed prior to service. There must be objective evidence of worsening of a pre-existing condition in order to establish service connection by aggravation. There is no evidence that the condition permanently worsened as a result of service.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show an event, disease or injury in service.

#### **7. Service connection for right ankle condition.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. Service connection for right ankle condition is denied

because the medical evidence of record fails to show that this disability has been clinically diagnosed.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show a current diagnosed disability.

**8. Service connection for left ankle condition.**

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. Service connection for left ankle condition is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. 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 web site, [www.va.gov](http://www.va.gov).