

Decision Review Officer Decision	<i>Department of Veterans Affairs Veterans Benefits Administration</i>		Page 1 of 4 05/09/2023
	VA FILE NUMBER 25 673 509	SOCIAL SECURITY NR [REDACTED]	POA GORDON A GRAHAM
			COPY TO

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
06/07/1967	06/06/1969	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1	4	None

CLEAR AND UNMISTAKABLE ERROR - 38 CFR 3.105(a)

I hereby certify that the claims record of this Veteran has been reviewed and that the following clear and unmistakable error has been identified: From RD 11-9-2022: The RD dated 10/3/2007 erroneously assigned an effective date of 5/25/2003 as the original claim date for the claimed left knee patella fracture at 0%. The records indicate the original claim was received 5/25/1983. The RD discussed using the original date, but did not implement the correct date.

Based on the provisions of 38 CFR 3.156(c)(4), a 10 percent evaluation is/was warranted back to the initial date of filing. See rating narrative. Each assigned effective date of this corrected rating corresponds to the date from which benefits would have been payable if it had been made on the date of the reversed decisions (38 CFR 3.400(k)).

JURISDICTION: Higher Level Review Received 02/13/2023

ASSOCIATED CLAIM(s): 030; Higher-Level Review Rating; 02/13/2023

SUBJECT TO COMPENSATION (1.SC)

5054 LEFT HIP REPLACEMENT WITH TRAUMATIC HETEROTOPIC OSSIFICATION ASSOCIATED WITH LEFT KNEE PAINFUL MOTION, S/P FRACTURE AND DEGENERATIVE JOINT DISEASE WITH ATROPHY (PREVIOUSLY CODED AS 5260)

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Service Connected, Vietnam Era, Secondary
 Static Disability
 10% from 02/27/2007
 100% from 06/24/2009 (38 CFR 4.30)
 100% from 07/24/2009
 30% from 08/01/2010
 50% from 09/03/2010
 70% from 05/23/2022

8526 MERALGIA PARESTHETICA INVOLVING LEFT LATERAL FEMORAL
 CUTANEOUS NERVE (CLAIMED LEFT THIGH CONDITION) ASSOCIATED WITH
 LEFT HIP REPLACEMENT WITH TRAUMATIC HETEROTOPIC OSSIFICATION

Service Connected, Vietnam Era, Secondary
 Static Disability
 20% from 09/03/2010

5257 LEFT KNEE LATERAL INSTABILITY, STATUS POST FRACTURE AND
 DEGENERATIVE JOINT DISEASE WITH ATROPHY

Service Connected, Vietnam Era, Incurred
 Static Disability
 10% from 09/14/2007
 0% from 08/01/2008
 10% from 06/20/2013
 20% from 05/23/2022

7354 HEPATITIS C [Hepatitis C]

Service Connected, Vietnam Era, Incurred
 Static Disability
 20% from 04/14/2015
 0% from 11/18/2015
 20% from 05/23/2022
 Original Date of Denial: 07/10/2015

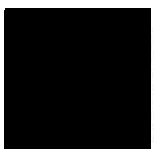
5010-5261 LEFT KNEE PAINFUL MOTION, S/P FRACTURE AND DEGENERATIVE JOINT
 DISEASE WITH ATROPHY (PREVIOUSLY CODED AS 5260)

Service Connected, Vietnam Era, Incurred
 Static Disability
 10% from 05/25/1983, Retroactive Increase Under 38 CFR 3.105(a) (5260)
 10% from 10/17/2006

6260 TINNITUS

Service Connected, Vietnam Era, Incurred
 Static Disability
 10% from 03/14/2018

5010-5260 LEFT KNEE WITH LIMITED FLEXION, STATUS POST FRACTURE AND



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DEGENERATIVE JOINT DISEASE WITH ATROPHY

Service Connected, Vietnam Era, Incurred

Static Disability

0% from 09/16/2019

10% from 05/23/2022

7805

LEFT KNEE SCARS ASSOCIATED WITH LEFT KNEE PAINFUL MOTION, S/P FRACTURE AND DEGENERATIVE JOINT DISEASE WITH ATROPHY (PREVIOUSLY CODED AS 5260)

Service Connected, Vietnam Era, Secondary

Static Disability

0% from 06/20/2013

7799-7716

THROMBOCYTOPENIA (ANEMIA) ASSOCIATED WITH HEPATITIS C

Service Connected, Vietnam Era, Secondary

Static Disability

0% from 05/23/2022

COMBINED EVALUATION FOR COMPENSATION :

10% from 05/25/1983

20% from 02/27/2007

30% from 09/14/2007

20% from 08/01/2008

100% from 06/24/2009 (38 CFR 4.30)

100% from 07/24/2009

40% from 08/01/2010

60% from 09/03/2010

70% from 06/20/2013

90% from 05/23/2022

Individual Unemployability Granted from May 23, 2022

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPeacetime)

5242

DEGENERATIVE ARTHRITIS, LUMBAR SPINE ASSOCIATED WITH LEFT HIP REPLACEMENT WITH TRAUMATIC HETEROTOPIC OSSIFICATION

Not Service Connected, Peacetime, Not Secondary

Static Disability

Original Date of Denial: 07/23/2011

6006

RETINOPATHY

Not Service Connected, Peacetime, No Diagnosis



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Original Date of Denial: 11/09/2022

7005 HEART CONDITION ASSOCIATED WITH HEPATITIS C
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 05/12/2018

7110 AORTIC ANEURYSM (ASCENDING)
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 11/09/2022

7318 GALL BLADDER REMOVAL WITH RESIDUAL SCAR
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 11/09/2022

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35 from 05/23/2022

eSign: certified by VSCMCOLE, DRO, Decision Review
Officer

