



DEPARTMENT OF VETERANS AFFAIRS

Huntington Regional Office
640 Fourth Avenue
Huntington WV 25701

2013 In Reply Refer To: C

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Dear Mr. C

We made a decision on your claim for an increase in your service connected compensation received on , 2011.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$3,445.00	, 2012	Increased Evaluation, Grant Special Monthly Compensation
3,502.00	2012	Cost of Living Adjustment
3,424.00		W reaches Age 18 and is Removed from the Award
3,309.00	,	S reaches Age 18 and is Removed from the Award

We are paying you as a veteran with 3 dependents. Your payment includes an additional amount for your spouse, Renee, and your children, W: nd S *Let us know right away if there is any change in the status of your dependents.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact that financial institution.

*If this account is no longer open,
please notify us immediately.*

What We Decided

We determined that the following condition was related to your military service, so service connection has been granted:

Medical Description	Percent (%) Assigned	Effective Date
Hepatitis c	100%	May, 2012

A temporary 100 percent evaluation is assigned due to total right hip replacement surgery conducted on May 1, 2013 at the Martinsburg VA Medical Center. A 30 percent evaluation is assigned from May 1, 2014, the day following the one-year, 100 percent rating due to the surgical procedure of your service connected right hip condition.

An examination will be scheduled at a future date to evaluate the severity of your service connected post-prosthetic replacement of the right hip (previously rated as residual of fracture, right femur, open reduction internal fixation with degenerative changes of right hip).

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We determined that the following conditions were not related to your military service, so service connection couldn't be granted:

Medical Description
Osteomyelitis
Bilateral phlebitic syndrome of the lower legs/ankles/feet, with persistent edema and stasis pigmentation

We determined that the following service connected condition has worsened, so we granted an increase in your assigned percentage:

Medical Description	Old Percent (%) Assigned	New Percent (%) Assigned	Effective Date
Migraines, residual of meningitis (previously rated as headaches, residual of meningitis)	10%	50%	March 1, 2012

Basic eligibility to Dependents' Educational Assistance is established from March 1, 2012.

We granted entitlement to special monthly compensation effective March 1, 2012 because you are housebound.

Your overall or combined rating is 100%. We do not add the individual percentages of each condition to determine your combined rating. We use a combined rating table that considers the effect from the most serious to the least serious conditions.

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision. Your Rating Decision and this letter constitute our decision based on your claim received on March 1, 2011. It represents all claims we understood to be specifically made, implied, or inferred in that claim.

We enclosed a VA Form 21-8760, "Additional Information for Veterans with Service-Connected Permanent and Total Disability," which explains certain factors concerning your benefits.

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We have no record of you appointing a service organization or representative to assist you with your claim. You can contact us for a listing of the recognized veterans' service organizations and/or representatives. Veterans' service organizations, which are recognized or approved to provide services to the veteran community, can also help you with any questions.

Sincerely yours,

Laura A. Finlay

Laura A. Finlay
Veterans Service Center Manager

Enclosure(s): Rating Decision
VA Form 21-0958
VA Form 21-8760
VA Form 21-686c
VA Form 21-674
VA Form 28-1900
VA Form 28-8890
VA Form 22-5490
VA pamphlet 22-73-3
VA Form 4107

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**DEPARTMENT OF VETERANS AFFAIRS
Huntington VA Regional Office
640 Fourth Avenue
Huntington, WV 25701**

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VA File Number

**Rating Decision
M 2013**

INTRODUCTION

The records reflect that you are a veteran of the Peacetime. You served in the Navy from . . . , 1978 to . . . 1986. You filed a new claim for benefits that was received on 1 . . . 2011. Based on a review of the evidence listed below, we have made the following decisions on your claim.

DECISION

1. Service connection for hepatitis C is granted with an evaluation of 100 percent effective M . . . , 2012.
2. A temporary 100 percent evaluation is assigned due to total right hip replacement surgery conducted on . . . 2013 at the Martinsburg VA Medical Center. A 30 percent evaluation is assigned from . . . 2014, the day following the one-year, 100 percent rating due to the surgical procedure of your service connected right hip condition.
3. Evaluation of migraines, residual of meningitis (previously rated as headaches, residual of meningitis under DC 8019), which is currently 10 percent disabling, is increased to 50 percent effective . . . , 2012.

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4. Entitlement to special monthly compensation based on Housebound criteria being met is granted from [redacted] 2012, the date you met the schedular requirement for this benefit.
5. Basic eligibility to Dependents' Educational Assistance is established from [redacted] 2012.
6. Service connection for bilateral phlebitic syndrome of the lower legs/ankles/feet, with persistent edema and stasis pigmentation is denied.
7. Service connection for osteomyelitis is denied.

EVIDENCE

- Rating Decision, and all evidence contained therein, dated [redacted], 2013
- Veterans Claims Assistance Act (VCAA) Letter, dated [redacted], 2013
- VA Form 21-0820 Report of General Information, dated [redacted] 2013
- VA Examination, Martinsburg VA Medical Center, dated [redacted] 2013
- (2) VA Form 21-4138's, Statement in Support of Claim, received [redacted], 2013
- VAMC (Veterans Affairs Medical Center) treatment records, Martinsburg VA Medical Center, dated [redacted], 2013 to present
- CBP Advanced Training Center Time and Attendance Reports, received April [redacted] 2013
- Service Treatment Records, submitted by you, pertaining to blood transfusion, received March [redacted] and April [redacted], 2013
- Verification of Honorable Service from [redacted], 1978 through [redacted] 1986

REASONS FOR DECISION

1. Service connection for hepatitis C.

Service connection for hepatitis C has been established as directly related to military service. During your Martinsburg VA Medical Center examination dated [redacted] 2013, the physician stated your hepatitis C is at least as likely as not related to a blood transfusion you received during service subsequent to a motor vehicle accident which is verified by your service treatment records. Therefore, service connection is established.

An evaluation of 100 percent is assigned from [redacted], 2012, the date we received your claim for benefits.

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We have assigned a 100 percent evaluation for your hepatitis C (or non-A, non-B hepatitis) based on your Martinsburg VA Medical Center examination results dated [redacted] 2013 which showed:

- Near-constant debilitating symptoms

Additional symptom(s) include:

- Daily fatigue

This is the highest schedular evaluation allowed under the law for hepatitis C.

2. Evaluation of the service connected residuals of fracture, right femur, open reduction internal fixation with degenerative changes of right hip currently rated as 30 percent disabling.

We have assigned a 100 percent evaluation from [redacted], 2013, the date of your replacement surgery as shown by treatment reports from the Martinsburg VA Medical Center, to [redacted] 2014, the last day of the month following a one-year, 100 percent rating following implantation of your prosthesis.

We have assigned a 30 percent evaluation for your post-prosthetic replacement effective [redacted] 2014, based on:

- Minimum evaluation following prosthetic replacement

A higher evaluation of 50 percent is not warranted for post-prosthetic replacement unless there is post-prosthesis placement with moderately severe residual weakness, pain or limitation motion

A future physical examination will be scheduled to assess your right hip condition after the 100 percent rating period has ended.

3. Evaluation of migraines, residual of meningitis (previously rated as headaches, residual of meningitis under DC 8019) currently evaluated as 10 percent disabling.

The evaluation of migraines, residual of meningitis (previously rated as headaches, residual of meningitis under DC 8019) is increased to 50 percent disabling effective [redacted] 2012, the date we received your claim for increase in this condition.

We have assigned a 50 percent evaluation for your headaches, residual of meningitis based on your Martinsburg VA Medical Center examination results dated [redacted] 2013 which showed:

- Very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability

Note: You reported to your examiner that over the past 6 months, you have lost twenty days from work because of your migraines. You also submitted a spread sheet to our office showing your absences from work.

This is the highest schedular evaluation allowed under the law for this condition.

4. 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 as the evidence shows you have a single disability ratable at 100 percent (Hepatitis C) and additional disabilities independently ratable at 60 percent or more (migraine headaches, residual of meningitis, multiple scars, right lower extremity and right buttock) from : 2012.

5. Eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power.

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows you currently have a total service-connected disability (hepatitis C), permanent in nature.

6. Service connection for bilateral phlebitic syndrome of the lower legs/ankles/feet, with persistent edema and stasis pigmentation as secondary to the service-connected disability of residuals, fracture of left tibia and fibula with intramedullary rod and arthritis, left knee.

Service connection may be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. The evidence does not show that bilateral phlebitic syndrome of the lower legs/ankles/feet, with persistent edema and stasis pigmentation is related to the service-connected condition of residuals, fracture of left tibia and fibula with intramedullary rod and arthritis, left knee, nor is there any evidence of this disability during military service.

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The evidence does not show an event, disease or injury in 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. The VA medical opinion provided by a physician at the Martinsburg VA Medical Center found no link between your diagnosed medical condition and military service or any service connected condition. The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. Your condition is not one of the chronic diseases that VA presumes is related to your military service.

7. Service connection for osteomyelitis.

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

Your Martinsburg VA Medical Center examination dated 2013 and treatment reports from that facility did not provide a diagnosis of 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.