



DEPARTMENT OF VETERANS AFFAIRS  
Seattle Regional Office

February 17, 2015

GORDON A. GRAHAM  
[REDACTED]

In Reply Refer To:

[REDACTED]  
GORDON A. GRAHAM

Dear Mr. Graham:

Enclosed is a "Supplemental Statement of the Case" (SSOC), which is an update to the "Statement of the Case" (SOC) that we previously sent to you. The following information will help you decide how to respond. We encourage you to discuss this with your representative, if you have one.

Select one of the following two sets of instructions, based on whether or not you wish to have your appeal considered by the Board of Veterans' Appeals.

*Please note*, when we refer to a "**formal appeal**" in this letter, we mean a completed and signed VA Form 9, "Appeal to Board of Veterans' Appeals," like the one we enclosed with your SOC. You may also put the same information in a letter to us, but we recommend that you use the form to make sure you include everything needed to perfect your appeal. By "**filing**" your formal appeal, we mean bringing your appeal to this office and giving it to us, or mailing it to us.

**1. I wish to continue my appeal to the Board of Veterans' Appeals.**

**a. *I already filed a formal appeal.*** If you already filed a formal appeal with us, and still wish to continue your appeal, your response to this SSOC is optional.

If you wish to respond, you have 30 days from the date of this letter to respond. There is no special form to use. You can simply write to us and tell us in your own words what you disagree with in this SSOC and why. If you do not wish to respond, and you do not want us to wait for the full 30 days to expire, you can write to us and let us know that.

**b. *I have not filed my formal appeal yet. What do I need to do?*** If you have not filed your formal appeal with us and you wish to continue your appeal after reading this SSOC, please complete a formal appeal (explained above) and file it with us as soon as possible. You can include with your formal appeal any response that you may have to this SSOC or prior SOC. Please read the instructions that come with the VA Form 9 carefully, particularly the information about how long you have to file the form. **Please note that you can lose your right to appeal if you do not file your formal appeal on time.**

As a reminder, you may always send us more evidence about the claim you are appealing, but you should not delay filing your formal appeal just because you sent us more evidence, as this will not necessarily extend your time to file a formal appeal.

**2. I DO NOT wish to continue my appeal to the Board of Veterans' Appeals.**

**a. *I have already filed a formal appeal. What do I need to do?*** If you already filed a formal appeal, but changed your mind about appealing, please write to us as soon as possible and let us know that you are withdrawing your appeal.

**b. *I have not filed my formal appeal yet. What do I need to do?*** If you have not filed a formal appeal, and do not wish to continue your appeal, you do not need to do anything. We will close your appeal when the time limit for filing a formal appeal runs out.

We hope that the above information is helpful.

Sincerely yours,

RO Director

Encl: Where to Send Your Written Correspondence

CC: None

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[REDACTED]

SOCIAL SECURITY NR

POA

None

**ISSUE:**

Evaluation of porphyria cutanea tarda.

**EVIDENCE:**

- Board of Veterans' Appeals decision dated November 21, 2013
- Claim for service connection for porphyria cutanea tarda, received 3/31/94
- Treatment records, Gig Harbor Medical Clinic, 1/07 to 1/08
- Statement, Robert Findlay, M.D., dated 11/14/07
- Statement, Deborah Graham, dated 2/9/08
- Treatment records, Cascade Eye and Skin, 11/92 to 10/07
- Treatment records, Richard Rynes, M.D., received 7/08
- Treatment records, Sanjik Oh, received 7/08
- Treatment records, VA Puget Sound, 8/08 to 9/14
- VA examination, 7/08
- Treatment records, Tacoma Digestive Center, received 10/9/08
- Rating decision, 11/7/94

**ADJUDICATIVE ACTIONS:**

- 10-06-2014      The veteran was furnished a Statement of the Case outlining actions taken on the claim.
- 10-27-2014      Substantive Appeal Received.

**PERTINENT LAWS; REGULATIONS; RATING SCHEDULE PROVISIONS:**

Unless otherwise indicated, the symbol "§" denotes a section from title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief. Title 38 contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits.

§4.117 (7700X) Schedule of ratings-hemic and lymphatic systems

7700 Anemia, pernicious:

Acute, rapidly progressive, without remission, or few or brief remissions      100

Chronic, following acute attacks, severe with characteristic marked departures from normal blood count, with severe impairment of

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health and pronounced asthenia 70  
Chronic, following acute attacks with characteristic definite departures  
from normal blood count, with impairment of health and severe  
asthenia 60  
Incipient, with characteristic achlorhydria and changes in blood count 30

§4.117 (7704) Schedule of ratings-hemic and lymphatic systems

7704 Polycythemia vera:

During periods of treatment with myelosuppressants and for  
three months following cessation of myelosuppressant therapy 100  
Requiring phlebotomy 40  
Stable, with or without continuous medication 10

Note: Rate complications such as hypertension, gout, stroke or thrombotic disease separately.

§4.117 (7704X) Schedule of ratings-hemic and lymphatic systems

7704 Polycythemia, primary.

Rate as pernicious anemia.

§4.118 (7806) (before 08-30-02) Schedule of ratings-skin

7806 Eczema:

With ulceration or extensive exfoliation or crusting, and systemic or  
nervous manifestations, or exceptionally repugnant 50  
With exudation or itching constant, extensive lesions, or  
marked disfigurement 30  
With exfoliation, exudation or itching, if involving an exposed  
surface or extensive area 10  
With slight, if any, exfoliation, exudation or itching, if on a nonexposed  
surface or small area 0

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SOCIAL SECURITY NR

POA

None

§4.118 (7806) (effective 08-30-02) Schedule of ratings-skin

7806 Dermatitis or eczema.

- |  |    |
|--|----|
| More than 40 percent of the entire body or more than 40 percent of exposed areas affected, or; constant or near-constant systemic therapy such as corticosteroids or other immunosuppressive drugs required during the past 12-month period.   | 60 |
| 20 to 40 percent of the entire body or 20 to 40 percent of exposed areas affected, or; systemic therapy such as corticosteroids or other immunosuppressive drugs required for a total duration of six weeks or more, but not constantly, during the past 12-month period.  | 30 |
| At least 5 percent, but less than 20 percent, of the entire body, or at least 5 percent, but less than 20 percent, of exposed areas affected, or; intermittent systemic therapy such as corticosteroids or other immunosuppressive drugs required for a total duration of less than six weeks during the past 12-month period. | 10 |
| Less than 5 percent of the entire body or less than 5 percent of exposed areas affected, and; no more than topical therapy required during the past 12-month period.   | 0  |
- Or rate as disfigurement of the head, face, or neck (DC 7800) or scars (DC's 7801, 7802, 7803, 7804, or 7805), depending upon the predominant disability.

§4.118 (7815) (before 08-30-02) Schedule of ratings-skin

7815 Pemphigus.

Unless otherwise provided, rate codes 7807 through 7819 as for eczema, dependent upon location, extent, and repugnant or otherwise disabling character of manifestations.

Note: The most repugnant conditions may be submitted for central office rating with several unretouched photographs. Total disability ratings may be assigned without reference to Central Office in the most severe cases of pemphigus and dermatitis exfoliativa with constitutional symptoms.

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POA  
None

§4.118 (7815) (effective 08-30-02) Schedule of ratings-skin

7815 Bullous disorders (including pemphigus vulgaris, pemphigus foliaceus, bullous pemphigoid, dermatitis herpetiformis, epidermolysis bullosa acquisita, benign chronic familial pemphigus (Hailey-Hailey), and porphyria cutanea tarda):

More than 40 percent of the entire body or more than 40 percent of exposed areas affected, or; constant or near-constant systemic therapy such as corticosteroids or other immunosuppressive drugs required during the past 12-month period. 60

20 to 40 percent of the entire body or 20 to 40 percent of exposed areas affected, or; systemic therapy such as corticosteroids or other immunosuppressive drugs required for a total duration of six weeks or more, but not constantly, during the past 12-month period. 30

At least 5 percent, but less than 20 percent, of the entire body, or at least 5 percent, but less than 20 percent, of exposed areas affected, or; intermittent systemic therapy such as corticosteroids or other immunosuppressive drugs required for a total duration of less than six weeks during the past 12-month period. 10

Less than 5 percent of the entire body or exposed areas affected, and; no more than topical therapy required during the past 12-month period. 0

Or rate as disfigurement of the head, face, or neck (DC 7800) or scars (DC's 7801, 7802, 7803, 7804, or 7805), depending upon the predominant disability.

§4.118 (7800) (effective 10-08) Schedule of ratings - skin

7800 Burn scar(s) of the head, face, or neck; scar(s) of the head, face, or neck due to other causes; or other disfigurement of the head, face, or neck:

With visible or palpable tissue loss and either gross distortion or asymmetry of three or more features or paired sets of features (nose, chin, forehead, eyes (including eyelids), ears (auricles), cheeks, lips), or; with six or more characteristics of disfigurement

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SOCIAL SECURITY NR

POA

None

With visible or palpable tissue loss and either gross distortion or asymmetry of two features or paired sets of features (nose, chin, forehead, eyes (including eyelids), ears (auricles), cheeks, lips), or; with four or five characteristics of disfigurement

50

With visible or palpable tissue loss and either gross distortion or asymmetry of one feature or paired set of features (nose, chin, forehead, eyes (including eyelids), ears (auricles), cheeks, lips), or; with two or three characteristics of disfigurement

30

With one characteristic of disfigurement

10

Note (1): The 8 characteristics of disfigurement, for purposes of evaluation under §4.118, are:

Scar 5 or more inches (13 or more cm.) in length.

Scar at least one-quarter inch (0.6 cm.) wide at widest part.

Surface contour of scar elevated or depressed on palpation.

Scar adherent to underlying tissue.

Skin hypo- or hyper-pigmented in an area exceeding six square inches (39 sq. cm.).

Skin texture abnormal (irregular, atrophic, shiny, scaly, etc.) in an area exceeding six square inches (39 sq. cm.).

Underlying soft tissue missing in an area exceeding six square inches (39 sq. cm.).

Skin indurated and inflexible in an area exceeding six square inches (39 sq. cm.).

Note (2): Rate tissue loss of the auricle under DC 6207 (loss of auricle) and anatomical loss of the eye under DC 6061 (anatomical loss of both eyes) or DC 6063 (anatomical loss of one eye), as appropriate.

Note (3): Take into consideration unretouched color photographs when evaluating under these criteria.

Note (4): Separately evaluate disabling effects other than disfigurement that are associated with individual scar(s) of the head, face, or neck, such as pain, instability, and residuals of associated muscle or nerve injury, under the appropriate diagnostic code(s) and apply § 4.25 to combine the evaluation(s) with the evaluation assigned under this diagnostic code.

Note (5): The characteristic(s) of disfigurement may be caused by one scar or by multiple scars; the characteristic(s) required to assign a particular evaluation need not be caused by a single scar in order to assign that evaluation.

§4.118 (7801) (effective 08-30-02) Schedule of ratings-skin

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SOCIAL SECURITY NR

POA  
None

7801 Scars, other than head, face, or neck, that are deep or that cause limited motion:

Area or areas exceeding 144 square inches (929 sq.cm.).	40
Area or areas exceeding 72 square inches (465 sq. cm.).	30
Area or areas exceeding 12 square inches (77 sq. cm.).	20
Area or areas exceeding 6 square inches (39 sq. cm.).	10

Note (1): Scars in widely separated areas, as on two or more extremities or on anterior and posterior surfaces of extremities or trunk, will be separately rated and combined in accordance with Sec. 4.25 of this part.

Note (2): A deep scar is one associated with underlying soft tissue damage.

§4.118 (7801) (effective 10-08) Schedule of ratings - skin

7801 Burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are deep and nonlinear:

Area or areas of 144 square inches (929 sq. cm.) or greater	40
Area or areas of at least 72 square inches (465 sq. cm.) but less than 144 square inches (929 sq. cm.)	30
Area or areas of at least 12 square inches (77 sq. cm.) but less than 72 square inches (465 sq. cm.)	20
Area or areas of at least 6 square inches (39 sq. cm.) but less than 12 square inches (77 sq. cm.)	10

Note (1): A deep scar is one associated with underlying soft tissue damage.

Note (2): If multiple qualifying scars are present, or if a single qualifying scar affects more than one extremity, or a single qualifying scar affects one or more extremities and either the anterior portion or posterior portion of the trunk, or both, or a single qualifying scar affects both the anterior portion and the posterior portion of the trunk, assign a separate evaluation for each affected extremity based on the total area of the qualifying scars that affect that extremity, assign a separate evaluation based on the total area of the qualifying scars that affect the anterior portion of the trunk, and assign a separate evaluation based on the total area of the qualifying scars that affect the posterior portion of the trunk. The midaxillary line on each side separates the anterior and posterior portions of the trunk. Combine the separate evaluations under § 4.25. Qualifying scars are scars that are nonlinear, deep, and are not located on the head, face, or neck.



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§4.118 (7802) (effective 08-30-02) Schedule of ratings-skin

7802 Scars, other than head, face, or neck, that are superficial and that do not cause limited motion: Area or areas of 144 square inches (929 sq. cm.) or greater. 10

Note (1): Scars in widely separated areas, as on two or more extremities or on anterior and posterior surfaces of extremities or trunk, will be separately rated and combined in accordance with Sec. 4.25 of this part.

Note (2): A superficial scar is one not associated with underlying soft tissue damage.

§4.118 (7802) (effective 10-08) Schedule of ratings - skin

7802 Burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are superficial and nonlinear:

Area or areas of 144 square inches (929 sq. cm.) or greater 10

Note (1): A superficial scar is one not associated with underlying soft tissue damage.

Note (2): If multiple qualifying scars are present, or if a single qualifying scar affects more than one extremity, or a single qualifying scar affects one or more extremities and either the anterior portion or posterior portion of the trunk, or both, or a single qualifying scar affects both the anterior portion and the posterior portion of the trunk, assign a separate evaluation for each affected extremity based on the total area of the qualifying scars that affect that extremity, assign a separate evaluation based on the total area of the qualifying scars that affect the anterior portion of the trunk, and assign a separate evaluation based on the total area of the qualifying scars that affect the posterior portion of the trunk. The midaxillary line on each side separates the anterior and posterior portions of the trunk. Combine the separate evaluations under § 4.25. Qualifying scars are scars that are nonlinear, superficial, and are not located on the head, face, or neck.

§4.118 (7803) (effective 08-30-02) Schedule of ratings-skin

7803 Scars, superficial, unstable. 10

Note (1): An unstable scar is one where, for any reason, there is frequent loss of covering of skin over the scar.

Note (2): A superficial scar is one not associated with underlying soft tissue damage.

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§4.118 (7804) (effective 08-30-02) Schedule of ratings-skin

7804 Scars, superficial, painful on examination. 10

Note (1): A superficial scar is one not associated with underlying soft tissue damage.

Note (2): In this case, a 10-percent evaluation will be assigned for a scar on the tip of a finger or toe even though amputation of the part would not warrant a compensable evaluation.

(See Sec. 4.68 of this part on the amputation rule.)

§4.118 (7804) (effective 10-08) Schedule of ratings - skin

7804 Scar(s), unstable or painful:

Five or more scars that are unstable or painful 30

Three or four scars that are unstable or painful 20

One or two scars that are unstable or painful 10

Note (1): An unstable scar is one where, for any reason, there is frequent loss of covering of skin over the scar.

Note (2): If one or more scars are both unstable and painful, add 10 percent to the evaluation that is based on the total number of unstable or painful scars.

Note (3): Scars evaluated under diagnostic codes 7800, 7801, 7802, or 7805 may also receive an evaluation under this diagnostic code, when applicable.

§4.118 (7805) (effective 08-30-02) Schedule of ratings-skin

7805 Scars, other; Rate on limitation of function of affected part.

§4.118 (7805) (effective 10-08) Schedule of ratings - skin

7805 Scars, other (including linear scars) and other effects of scars evaluated under diagnostic codes 7800, 7801, 7802, and 7804:

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SOCIAL SECURITY NR

POA  
None

Evaluate any disabling effect(s) not considered in a rating provided under diagnostic codes 7800-04 under an appropriate diagnostic code.

**VA, in determining all claims for benefits that have been reasonably raised by the filings and evidence, has applied the benefit-of-the-doubt and liberally and sympathetically reviewed all submissions in writing from the Veteran as well as all evidence of record.**

**DECISION:**

1. A 60 percent evaluation for porphyria cutanea tarda (PCT) rating analogous to the criteria for polycythemia is established effective March 31, 1994.
2. A 10 percent evaluation has been assigned for skin involvement of porphyria cutanea tarda from March 31, 1994.

**REASONS AND BASES:**

**1. Evaluation of porphyria cutanea tarda.**

Note: These determinations are considered to be a partial grant of the benefits sought on appeal, as you have indicated that you desired a 100 percent evaluation for PCT.

**A. A 60 percent evaluation for porphyria cutanea tarda rating analogous to the criteria for polycythemia is established effective March 31, 1994.**

Entitlement to an earlier effective date for service connection for porphyria cutanea tarda (PCT) has been granted effective March 31, 1994, the date we received your claim for service connection. Service connection is granted and a 60 percent evaluation assigned effective March 31, 1994.

Rating the hemic manifestations of your condition resulting in anemia caused by periodic phlebotomies analogous to polycythemia, an evaluation of 60 percent is assigned for chronic disease following acute attacks with departures from normal blood count, impairment of health, and severe asthenia. We have considered your argument that this condition should be rated analogous to dialysis; however, you have reported experiencing persistent symptoms of anemia following ongoing phlebotomies performed to manage your PCT which is most consistent with assignment using criteria from hemic/lymphatic disorders. Your treatment records reference chronic anemia. This evaluation is assigned based on criteria which are no longer in effect, but were as of the effective date of the grant of service connection. A higher evaluation of 70 percent is not warranted under the old criteria unless evidence demonstrates chronic disease following acute attacks with marked departures from normal blood count, and severe impairment of health and asthenia. Under rating criteria currently in effect, a higher evaluation of 100 percent is

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assigned during periods of treatment with myelosuppressants and for three months following cessation of myelosuppressant therapy.

**B. Entitlement to a separate compensable evaluation for skin manifestations of porphyria cutanea tarda.**

As noted above, entitlement to an earlier effective date for service connection for porphyria cutanea tarda (PCT) has been granted effective March 31, 1994, the date we received your claim for service connection. A separate 10 percent evaluation for the skin manifestations of your PCT is assigned effective March 31, 1994, based on symptoms of exfoliation, exudation, or itching involving an exposed surface or extensive area. The overall medical evidence of record, including the VA examination in July 2008, suggests that the skin manifestations of the disorder have largely been limited to the hands. This evaluation is assigned based on criteria which are no longer in effect, but were as of the effective date of the grant of service connection. A higher evaluation of 30 percent is not warranted under the old criteria unless the record shows constant exudation or itching, extensive lesions, or marked disfigurement. A higher evaluation of 30 percent is not warranted under the new criteria unless the record shows dermatitis or eczema involving 20 to 40 percent of the entire body or 20 to 40 percent of exposed areas affected, or; systemic therapy such as corticosteroids or other immunosuppressive drugs required for a total duration of six weeks or more, but not constantly, during the past 12-month period.