



DEPARTMENT OF VETERANS AFFAIRS
Seattle VA Regional Office/346
915 Second Ave.
Seattle, WA 98174

[REDACTED]

VA File Number

[REDACTED]

Rating Decision
September 28, 2006

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era. You served in the Navy from July 18, 1991 to February 16, 2002. You filed an original disability claim that was received on January 20, 2006. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

- 1 . Service connection for asthma is **denied.**
- 2 . Service connection for right shoulder disability is denied.
- 3 . Service connection for tinnitus (claimed as ringing in the ears) is **denied.**
- 4 . Service connection for mental health disability is **denied.**

EVIDENCE

- Service Medical Records from July 18, 1991 through February 16, 2002
- VCAA letter dated February 15, 2006

Page 2

- VA request for records to Group Health Cooperative done May 22, 2006 and August 29, 2006

NOTE: Please note that we requested private treatment records from Group Health Cooperative twice with no answer to our request. On May 1, 2006 we received your response to our VCAA letter stating that you do not have any other evidence to submit. We need medical evidence of continuity of disability after service in order to request a VA medical examination. It is to your advantage to submit any medical evidence supporting your claims.

REASONS FOR DECISION

1. Service connection for asthma.

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

Service medical records show multiple complaints of sinus problems. You were diagnosed with sinusitis, upper respiratory infections and possible allergic rhinitis. On October 4, 1998 you were diagnosed with an acute asthma episode that resolved on the way to the hospital. Chest x-rays taken that day were negative for any lung or cardiovascular disease. The diagnosis was based on your own history of asthma attacks with very little objective evidence of actual asthma. Discharge exam shows that you gave history of asthma and that you claimed you were using Albuterol but the records do not support such observation. The medical records do not show any objective medical evidence diagnosing asthma during your military service.

In our letter dated February 15, 2006 we requested evidence of current asthma and or treatments for asthma since leaving the military. You told us that you did not have any other evidence to submit and Group Health Cooperative failed to provide any of the records requested.

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

NOTE: It is to your advantage to submit any medical evidence related to your asthma claim so that we can review the evidence and see if there are any grounds to grant service connection. A significant medical record supporting your claim would show that you have a current diagnosis of asthma and that you were treated continuously for asthma since leaving military service.

2. Service connection for right shoulder disability.

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

Service medical records show that on November 1998 you had arthroscopic surgery to repair an anterior superior labral tear of the right shoulder. Discharge exam shows no residuals.

In our letter dated February 15, 2006 we requested evidence of current right shoulder disability and or treatments for right shoulder disability since leaving the military. You told us that you did not have any other evidence to submit and **Group Health Cooperative failed to provide any of the records requested.**

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 right shoulder surgery, 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 right shoulder disability is denied.

NOTE: It is to your advantage to submit any medical evidence related to your right shoulder claim so that we can review the evidence and see if there are any grounds to grant service connection. A significant medical record supporting your claim would show that you have a current right shoulder diagnosis and that you were treated continuously for a right shoulder disability since leaving military service.

3. Service connection for tinnitus (claimed as ringing in the ears).

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

Service medical records are negative for any complaints or treatment for tinnitus. You have not presented any evidence of current tinnitus and the link to service.

Service connection for tinnitus (claimed as ringing in the ears) is denied since this condition neither occurred in nor was caused by service.

4. Service connection for mental health disability.

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

[REDACTED]

Page 4

[REDACTED] . You were hospitalized from February 26, 1994 to March 4, 1994. The discharge diagnosis given was passive aggressive personality [REDACTED]. By the time of the discharge exam there were no complaints of any mental disorder and no follow up was noted.

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 passive aggressive personality [REDACTED], no permanent residual or chronic disability subject to service connection is shown by the service medical records or demonstrated by evidence following service. Please also note that VA law does not allow service connection for personality disorders since personality disorders are not diseases or injuries for compensation purposes (38 CFR 4.127)

Therefore, service connection for passive aggressive personality claimed as mental health disability is denied.

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.