



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office**

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
DISABLED AMERICAN VETERANS
Rating Decision
06/01/2022**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era, Peacetime and Vietnam Era. You served in the Army from May 25, 1972 to January 28, 1979 and the Air Force from December 20, 1990 to July 1, 1991 and from October 15, 2000 to March 3, 2001. The Board of Veterans Appeals made their decision on your appeal on May 31, 2022. We have implemented their decision based on the evidence listed below.

DECISION

Service connection for hepatitis C with residuals to include advanced liver disease/F4 fibrosis is granted with an evaluation of 0 percent effective September 16, 2019.

EVIDENCE

- Board of Veterans' Appeals Decision, dated May 31, 2022
- Service treatment and personnel records for the periods of active duty from May 1972 to January 1979, December 1990 to July 1991 and October 2000 to March 2001, to include National Guard records from August 1976 to August 2014, received on April 21, 1987,

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November 15, 1988, April 29, 2011, June 17, 2011, October 25, 2011, April 18, 2012 and March 20, 2014

- DD Form 214, Certificate of Release or Discharge from Active Duty, from May 25, 1972 through January 28, 1979, received on January 14, 1983 and June 2, 2011
- DD Form 214, Certificate of Release or Discharge from Active Duty, from December 20, 1990 through July 1, 1991, received on March 20, 2014
- DD Form 214, Certificate of Release or Discharge from Active Duty, from October 15, 2000 through March 3, 2001, received on June 2, 2011
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, September 17, 2019
- Intent to File Correspondence received on September 16, 2019
- VA Form 21-4138, Statement in Support of Claim, received September 17, 2019
- VA Correspondence dated September 27, 2019
- VA LHI Contract Examination, Hepatitis, Cirrhosis and Other Liver Conditions with medical opinion, dated December 11, 2019
- VA treatment records from the Kansas VA Medical Center from January 10, 2012 to May 26, 2022
- Rating Decision, dated January 8, 2020
- Notification Letter dated January 9, 2020
- VA Form 20-0995, Decision Review Request: Supplemental Claim, received April 13, 2020
- Physician's Statement and Medical Opinion dated April 4, 2020, received April 13, 2020
- Rating Decision, dated April 24, 2020
- VA contract examination, LHI, dated June 11, 2020
- Rating Decision, dated June 15, 2020
- VA Form 10182, Decision Review Request Board Appeal (Notice of Disagreement), received July 3, 2020

REASONS FOR DECISION

Service connection for hepatitis C with residuals to include advanced liver disease/F4 fibrosis.

On May 31, 2022, the Board of Veterans Appeals issued a decision on your pending appeal. This decision merely implements the decision administered by the Board of Veterans Appeals. Please see the decision of May 31, 2022 for additional details and information regarding their decision.

Service connection for hepatitis C with residuals to include advanced liver disease/F4 fibrosis has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

An evaluation of 0 percent is assigned from September 16, 2019, the date VA received your intent to file for compensation. (38 CFR 3.155, 38 CFR 3.400, 38 CFR 3.2500)

In assigning the evaluation, VA treatment records were reviewed and considered alongside VA examinations of December 11, 2019, and June 11, 2020. Both VA examinations noted the diagnosis of hepatitis C, resolved, with F4 fibrosis without cirrhosis, confirmed by CT scan in

2017. You have had a negative viral load since 2016. No further treatment has been necessary. Although symptoms of fatigue and upper quadrant pain were subjectively reported after the examination, it was initially reported that there were no symptoms regarding the diagnosis of hepatitis-C. When VA treatment records were reviewed, there were no reports of fatigue nor upper quadrant pain related to the diagnosed condition. No incapacitating episodes are objectively noted on VA examination or found within VA treatment records. No malaise or nausea is found. The examiner noted that fatigue is a routine symptom of active hepatitis-C and again, your diagnosed hepatitis-C has resolved.

We have assigned a noncompensable evaluation for your hepatitis C to include advanced liver disease/ F4 fibrosis based on:

- Nonsymptomatic (38 CFR 4.31)

A higher evaluation of 10 percent is not warranted for hepatitis C unless the evidence shows:

- Intermittent fatigue, malaise, and anorexia or incapacitating episodes (with symptoms such as fatigue, malaise, nausea, vomiting, anorexia, arthralgia, and right upper quadrant pain) having a total duration of at least one week, but less than two weeks, during the past 12-month period. (38 CFR 4.114)

A noncompensable evaluation is assigned unless there is some disabling interference with digestion. (38 CFR 4.114)

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 website, www.va.gov.