

<b>Decision Review Officer Decision</b>	<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  
 [REDACTED]

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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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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

