

<b>Rating Decision</b>		<i>Department of Veterans Affairs Veterans Benefits Administration</i>		Page 1 of 7 11/27/2024
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ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
05/27/1968	05/26/1970	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1		None

**JURISDICTION:** Authorized Review Requested 06/03/2024

**ASSOCIATED CLAIM(s):** 040; AMA Difference of Opinion - Rating (040); 06/03/2024

**SUBJECT TO COMPENSATION (I.SC)**

- 7005** MYOCARDIAL INFARCTION AND CORONARY ARTERY DISEASE (CLAIMED AS ISCHEMIC HEART DISEASE) [Agent Orange - Vietnam/Ischemic Heart Disease]  
Service Connected, Vietnam Era, Incurred  
Static Disability  
100% from 02/05/2019, Earlier Effective Date Granted  
Original Date of Denial: 03/28/2019
- 8004-8613 RIGHT UPPER EXTREMITY WITH TREMOR AND MUSCLE RIGIDITY AND STIFFNESS AS A RESULT OF COMPLICATION OF PARKINSON'S DISEASE WITH PERIPHERAL NEUROPATHY (DOMINANT) [Agent Orange - Vietnam/Parkinson's Disease]  
Service Connected, Vietnam Era, Presumptive  
Static Disability  
20% from 11/12/2013 (8613)  
40% from 05/15/2015 (8613)  
70% from 11/08/2017
- 7528 PROSTATE CANCER [Agent Orange - Vietnam/Prostate Cancer]  
Service Connected, Vietnam Era, Presumptive  
Static Disability  
100% from 04/04/2016  
40% from 03/01/2018
- 8520 LEFT LOWER EXTREMITY TREMORS, BALANCE IMPAIRMENT, AND MUSCLE

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**RIGIDITY WITH PERIPHERAL NEUROPATHY**

Service Connected, Vietnam Era, Presumptive

Static Disability

20% from 11/12/2013

20% from 10/01/2015

20% from 11/08/2017

40% from 10/11/2018

8520 **RIGHT LOWER EXTREMITY TREMORS, BALANCE IMPAIRMENT, AND MUSCLE RIGIDITY WITH PERIPHERAL NEUROPATHY [Agent Orange - Vietnam/Parkinson's Disease]**

Service Connected, Vietnam Era, Presumptive

Static Disability

20% from 11/12/2013

20% from 10/01/2015

20% from 11/08/2017

40% from 10/11/2018

9400 **SLEEP DISTURBANCE S A RESULT OF COMPLICATION OF PARKINSON'S DISEASE ASSOCIATED WITH HERBICIDE EXPOSURE [Agent Orange - Vietnam/Parkinson's Disease]**

Service Connected, Vietnam Era, Presumptive

Static Disability

30% from 05/15/2015

8613 **LEFT UPPER HAND TREMORS WITH PERIPHERAL NEUROPATHY**

Service Connected, Vietnam Era, Presumptive

Static Disability

20% from 11/12/2013

30% from 11/08/2017

7913 **DIABETES MELLITUS WITH ERECTILE DYSFUNCTION [Agent Orange - Vietnam/Diabetes]**

Service Connected, Vietnam Era, Incurred

Static Disability

20% from 11/12/2013 to 12/21/2016

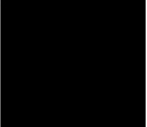
7913 **DIABETES MELLITUS WITH ERECTILE DYSFUNCTION AND CHRONIC RENAL DISEASE (CLAIMED AS KIDNEY CONDITIONS SECONDARY TO DIABETES MELLITUS WITH ERECTILE DYSFUNCTION)**

Service Connected, Vietnam Era, Presumptive

Static Disability

20% from 12/21/2016

7114 **LEFT LOWER EXTREMITY PERIPHERAL VASCULAR DISEASE, (CLAIMED AS ATHEROSCLEROSIS) ASSOCIATED WITH DIABETES MELLITUS WITH**



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ERECTILE DYSFUNCTION AND CHRONIC RENAL DISEASE (CLAIMED AS KIDNEY CONDITIONS SECONDARY TO DIABETES MELLITUS WITH ERECTILE DYSFUNCTION)

Service Connected, Vietnam Era, Secondary  
Static Disability  
20% from 10/16/2017

6260

TINNITUS

Service Connected, Vietnam Era, Incurred  
Static Disability  
10% from 11/12/2013

7319

CONSTIPATION AS RESULT OF COMPLICATION OF PARKINSON'S DISEASE

[Agent Orange - Vietnam/Parkinson's Disease]  
Service Connected, Vietnam Era, Presumptive  
Static Disability  
10% from 11/27/2018

8211

LEFT SIDE STOOPED POSTURE DUE TO PARKINSON'S DISEASE

Service Connected, Vietnam Era, Presumptive  
Static Disability  
0% from 10/11/2018  
10% from 12/19/2023

8211

RIGHT SIDE STOOPED POSTURE DUE TO PARKINSON'S DISEASE

Service Connected, Vietnam Era, Presumptive  
Static Disability  
0% from 10/11/2018  
10% from 12/19/2023

6100

BILATERAL HEARING LOSS

Service Connected, Vietnam Era, Incurred  
Static Disability  
0% from 05/27/1970

7805

SCARS, SFW RIGHT UPPER ARM Laterally AND RIGHT CALF Laterally

Service Connected, Vietnam Era, Incurred  
Static Disability  
0% from 05/27/1970

6211

PERFORATED RIGHT TYMPANIC MEMBRANE

Service Connected, Vietnam Era, Incurred  
Static Disability  
0% from 02/04/1972

7805

SCARS, ANTERIOR ABDOMEN ASSOCIATED WITH PROSTATE CANCER

Service Connected, Vietnam Era, Secondary



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- Static Disability  
0% from 05/12/2016
- 6275 PARTIAL LOSS OF SMELL AS RESULT OF COMPLICATION OF PARKINSON'S DISEASE  
Service Connected, Vietnam Era, Presumptive  
Static Disability  
0% from 11/27/2018
- 8205 DIFFICULTY CHEWING AS RESULT OF COMPLICATION OF PARKINSON'S DISEASE  
Service Connected, Vietnam Era, Presumptive  
Static Disability  
0% from 11/27/2018

**COMBINED EVALUATION FOR COMPENSATION :**

- 0% from 05/27/1970  
80% from 11/12/2013 (Bilateral factor of 5.9 Percent for diagnostic codes 8613, 8613, 8520, 8520)  
90% from 05/15/2015 (Bilateral factor of 7 Percent for diagnostic codes 8613, 8613, 8520, 8520)  
100% from 04/04/2016 (Bilateral factor of 7 Percent for diagnostic codes 8613, 8613, 8520, 8520)  
100% from 10/16/2017 (Bilateral factor of 7.6 Percent for diagnostic codes 8613, 8613, 8520, 8520, 7114)  
100% from 11/08/2017 (Bilateral factor of 8.9 Percent for diagnostic codes 8613, 8613, 8520, 8520, 7114)  
100% from 10/11/2018 (Bilateral factor of 9.4 Percent for diagnostic codes 8613, 8613, 8520, 8520, 7114)

**SPECIAL MONTHLY COMPENSATION :**

K-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (k) and 38 CFR 3.350(a) on account of loss of use of a creative organ from 11/12/2013.

S-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (s) and 38 CFR 3.350(i) on account of prostate cancer rated 100 percent and additional service-connected disabilities of diabetes mellitus with erectile dysfunction, peripheral neuropathy, left upper extremity (claimed as hand tremors), tinnitus, balance impairment s a result of complication of Parkinson's disease associated with herbicide exposure, peripheral neuropathy, right lower extremity (claimed as tingling on feet), sleep disturbance s a result of complication of Parkinson's disease associated with herbicide exposure, scars, SFW right upper arm laterally and right calf laterally, perforated right tympanic membrane, peripheral neuropathy, right upper extremity with tremor and muscle rigidity and stiffness as a result of complication of Parkinson's disease associated with herbicide exposure (dominant), bilateral hearing loss, peripheral neuropathy, left lower extremity (claimed as tingling on feet), independently ratable at 60 percent or more from 04/04/2016.

K-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (k) and 38 CFR 3.350(a) on

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account of loss of use of a creative organ from 03/01/2018.

L-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (l) and 38 CFR 3.350(b) on account of being so helpless as to be in need of regular aid and attendance from 10/11/2018.

P-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (p) and 38 CFR 3.350(f)(3) at the rate intermediate between subsection (l) and subsection (m) on account of entitlement to the rate equal to subsection (l) with additional disabilities, tinnitus, prostate cancer, diabetes mellitus with erectile dysfunction and chronic renal disease (claimed as kidney conditions secondary to diabetes mellitus with erectile dysfunction) independently ratable at 50 percent or more from 10/11/2018.

P-2 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (p) and 38 CFR 3.350(f)(4) at the rate equal to subsection (m) on account of entitlement to the rate equal to subsection (l) with additional disability, myocardial infarction and coronary artery disease (claimed as ischemic heart disease) independently ratable at 100 percent from 02/05/2019.

EFFECTIVE DATE	BASIC	HOSPITAL	LOSS OF USE	ANAT. LOSS	OTHER LOSS
11/12/2013	01	01	00	00	1
04/04/2016	49	49	00	00	1
03/01/2018	01	01	00	00	1
10/11/2018	24	49	00	00	5
02/05/2019	25	49	00	00	5

**NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPeacetime, Vietnam Era)**

7010 LEFT POPLITEAL ARTERY ANEURYSM SECONDARY TO DIABETES MELLITUS WITH ERECTILE DYSFUNCTION ASSOCIATED WITH DIABETES MELLITUS WITH ERECTILE DYSFUNCTION  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 03/15/2017

7099-7005 HYPERLIPIDEMIA  
Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 04/03/2014



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7110 DISTALL AORTA/LATERAL PROTRUDING ANEURYSM SECONDARY TO DIABETES MELLITUS WITH ERECTILE DYSFUNCTION ASSOCIATED WITH DIABETES MELLITUS WITH ERECTILE DYSFUNCTION  
Not Service Connected, Peacetime, Not Incurred/Caused by Service  
Static Disability

Original Date of Denial: 03/15/2017

9411 POST TRAUMATIC STRESS DISORDER [PTSD - Combat/Combat Medal]  
Not Service Connected, Vietnam Era, No Diagnosis

Original Date of Denial: 01/18/2019

**ANCILLARY DECISIONS**

Entitled to Automobile and Adaptive Equipment

Entitled to Specially Adapted Housing

Basic Eligibility under 38 USC Ch 35 from 11/08/2017

**NOTES TO REVIEWER:** Please note that the RD dated 1/18/19 granted SMC(I) stating it was "due to loss of use both feet"; however, DC 5110 was not awarded for BLLE LOU and the evidence does not show BLLE LOU but rather the need for aid and attendance due to PD (which as of that date has residuals which combined to 100% overall). No CUE is called; rather, the SMC(I) is adjusted to reflect the need for A&A rather than BLLE LOU.

Also note that the RD dated 1/18/19 failed to infer SMC-P(1) due to additional SC disabilities of DMII and prostate cancer residuals. Also the RD dated 12/14/23 failed to infer SMC-P(2) due to the additional 100% for DC 7005 granted in that rating effective 2/5/19 (earliest effective date possible). These levels of SMC are inferred and granted in this rating.

Also note that a difference of opinion was noted in the HLR conducted 6/3/24; the resulting DBQ's indicate that PD has been properly evaluated (with residual combining to 100% overall combined evaluation since 10/11/18) with the following exceptions:



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DC 6502 must be evaluated with the BLLE's as noted in the PD Job Aid, DC 8004-9400 has been adjusted to remove the DC 8004 since the RUE due to PD became the predominant residual 11/8/17, and moderate stooped posture bilaterally under DC 8211 has been overlooked and is inferred and granted in this rating. The current evidence does not show a compelling need to re-evaluate DC's 9400, 7319, 6275, 8205, 8207, or 8210.

Also note that although the PD DBQ conducted 10/3/24 brings competency into question, the DBQ conducted 10/16/24 (nor the DBQ conducted 11/28/18) does not; hence, the issue is not raised in this rating.

Also note that although caseload shows the issues of MI and CAD as included in the difference of opinion EP 040, a review of the 0996 received 12/19/23 and the 0999 filed 6/3/24 shows that the conditions are not under review. Also note that the award of MI/CAD at 100% supports the elevation of SMC from SMC-L1/2 to SMC(m) but does not show any additional need for aid and attendance.

Also note that although VBMS shows a pending Heart DBQ in CAPRI requested 11/7/24, no request was established in CPRS and none was warranted.

eSign: certified by VSCALANE, RQRS/DRO

eSign: certified by VBAWACCRUZJ, Decision Review Officer

