



**DEPARTMENT OF VETERANS AFFAIRS
Veteran Benefits Administration
Decision Review Operations Center**

[REDACTED]

VA File Number
[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
10/16/2025**

INTRODUCTION

The records reflect that you are a Veteran of the Vietnam Era. You served in the Navy from September 24, 1965 to September 22, 1967. The Board of Veterans Appeals remanded the case to our office on May 29, 2025. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Evaluation of sleep disturbance, depression, cognitive impairment and memory loss, which is currently 50 percent disabling, is increased to 70 percent effective October 4, 2025.
2. Evaluation of balance impairment with right lower extremity, tremors and bradykinesia, which is currently 40 percent disabling, is continued.
3. Evaluation of left lower extremity muscle rigidity, stiffness, and bradykinesia, which is currently 40 percent disabling, is continued.
4. The level of special monthly compensation is confirmed and continued at its current rate.

EVIDENCE

- Board of Veterans' Appeals Decision, received May 29, 2025
- Disability Benefit Questionnaires, VES, conducted June 21, 2025 and October 4, 2025
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received December 13, 2024
- VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement), received April 15, 2025

REASONS FOR DECISION

1. Evaluation of sleep disturbance, depression, cognitive impairment and memory loss currently evaluated as 50 percent disabling.

On May 29, 2025, the Board of Veterans' Appeals (BVA) remanded your claim for VA contracted medical examinations and medical opinions. The examinations conducted by VES in June and October 2025 show that the examiner reviewed your entire folder.

The evaluation of sleep disturbance, depression, cognitive impairment and memory loss is increased to 70 percent disabling effective October 4, 2025, the date the medical evidence showed a worsening of your condition. (38 CFR 4.1, 38 CFR 3.400)

We have assigned a 70 percent evaluation for your sleep disturbance, depression, cognitive impairment and memory loss based on:

- Anxiety
- Chronic sleep impairment
- Depressed mood
- Difficulty in adapting to a worklike setting
- Difficulty in adapting to stressful circumstances
- Difficulty in adapting to work
- Difficulty in establishing and maintaining effective work and social relationships
- Disturbances of motivation and mood
- Flattened affect
- Forgetting directions
- Forgetting names
- Forgetting recent events
- Mild memory loss
- Occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 70 percent disability evaluation. (38 CFR 4.7, 38 CFR 4.126)

A higher evaluation of 100 percent is not warranted for a mental disorder unless the evidence

shows total occupational and social impairment, due to such symptoms as:

- Gross impairment in thought processes or communication
- Persistent delusions or hallucinations
- Grossly inappropriate behavior
- Persistent danger of hurting self or others
- Intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene)
- Disorientation to time or place
- Memory loss for names of close relatives, own occupation, or own name. (38 CFR 4.125, 38 CFR 4.126, 38 CFR 4.130)

2. Evaluation of balance impairment with right lower extremity, tremors and bradykinesia currently evaluated as 40 percent disabling.

On May 29, 2025, the Board of Veterans' Appeals (BVA) remanded your claim for VA contracted medical examinations and medical opinions. The examinations conducted by VES in June and October 2025 show that the examiner reviewed your entire folder.

The evaluation of balance impairment with right lower extremity, tremors and bradykinesia is continued as 40 percent disabling.

We have assigned a 40 percent evaluation for your left lower extremity muscle rigidity, stiffness, and bradykinesia based on:

- Moderately severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 60 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows:

- Nerve damage is severe with marked muscular atrophy. (38 CFR 4.120, 38 CFR 4.124a)

3. Evaluation of left lower extremity muscle rigidity, stiffness, and bradykinesia currently evaluated as 40 percent disabling.

On May 29, 2025, the Board of Veterans' Appeals (BVA) remanded your claim for VA contracted medical examinations and medical opinions. The examinations conducted by VES in June and October 2025 show that the examiner reviewed your entire folder.

The evaluation of left lower extremity muscle rigidity, stiffness, and bradykinesia is continued as 40 percent disabling.

We have assigned a 40 percent evaluation for your left lower extremity muscle rigidity, stiffness, and bradykinesia based on:

- Moderately severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 60 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows:

- Nerve damage is severe with marked muscular atrophy. (38 CFR 4.120, 38 CFR 4.124a)

4. Entitlement to special monthly compensation based on loss of use.

On May 29, 2025, the Board of Veterans' Appeals (BVA) remanded your claim for VA contracted medical examinations and medical opinions. The examinations conducted by VES in June and October 2025 show that the examiner reviewed your entire folder. The examiner opined that the functioning of your extremities is not at the level that would be considered loss of use for compensation purposes.

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. The current level of entitlement to special monthly compensation is confirmed and continued based on the evidence reviewed. (38 CFR 3.350)

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.