



DEPARTMENT OF VETERANS AFFAIRS
St. Petersburg Regional Office
PO BOX 1437
St. Petersburg, FL
33731

[REDACTED]

VA File Number

[REDACTED]

Represented By:
AGENT OR PVT ATTY-EXCLUSIVE CONTACT NOT REQUESTED

Rating Decision
05/22/2015

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era. You served in the Army from April 4, 1968 to March 30, 1970. The Board of Veterans Appeals made their decision on your appeal on May 14, 2015. We have implemented their decision based on the evidence listed below.

DECISION

1. Service connection for residuals of cerebral vascular accident (claimed as stroke) to include bowel incontinence is granted with an evaluation of 100 percent effective March 10, 2012.
2. Service connection for loss of use of both legs is granted with an evaluation of 100 percent effective March 10, 2012.
3. Service connection for loss of use of the left upper extremity is granted with an evaluation of 70 percent effective March 10, 2012.

4. Service connection for urinary incontinence is granted with an evaluation of 60 percent effective March 10, 2012.
5. Entitlement to special monthly compensation based on the need for aid and attendance at a higher level is granted from March 10, 2012.
6. Entitlement to automobile or other conveyance and adaptive equipment is established.
7. Entitlement to specially adapted housing is established.

EVIDENCE

- Board of Veterans' Appeals (BVA) decision dated May 14, 2015, Docket No. 14-42 875, and all evidence considered therein
- VA Form 21-0820 Report of General Information, dated December 16, 2011
- VA Form 21-0820 Report of General Information, dated March 10, 2012
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, Dr. Stacy Pasquarella, dated April 5, 2013
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, Estela (last name illegible), ADNB, dated September 19, 2013
- VA examination results, Ft. Myers VA Outpatient Clinic, dated December 4, 2012
- Hospital records, Tampa General Hospital, dated November 2011 through February 2012
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, Dr. Stephen Piccione, dated January 17, 2012
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, Dr. Mark Jawahir, dated February 18, 2012
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, Dr. W. Scott Burgin, dated February 16, 2012

REASONS FOR DECISION

1. Service connection for residuals of cerebral vascular accident (claimed as stroke) to include bowel incontinence.

In their decision dated May 14, 2015, the Board of Veterans' Appeals (BVA) found that resolving all doubt in your favor, your stroke residuals are related to your service-connected spine and post-traumatic stress disorder (PTSD). As such, service connection for stroke residuals has been established as related to the service-connected disabilities of herniated nucleus pulposus/degenerative disc disease, lumbosacral spine and PTSD.

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Hospital records from Tampa General Hospital show you suffered a cerebrovascular accident on November 6, 2011.

Medical evidence from Dr. Stacy Pasquarella, dated April 5, 2013, notes you have bowel incontinence as a result of your stroke.

Medical evidence from Estela (last name is illegible), ARNP, dated September 19, 2013, notes your use of absorbent materials and a catheter for treatment of incontinence.

An evaluation of 100 percent is assigned from March 10, 2012.

We have assigned a 100 percent evaluation for your residuals of cerebral vascular accident to include bowel incontinence based on:

- Complete loss of sphincter control

Additional symptoms include:

- Wearing of pad

This is the highest schedular evaluation allowed under the law for impairment of sphincter control.

The effective date of grant is the date we received your claim for service-connection of a stroke, as you have continuously prosecuted your claim and it is held that your residuals existed at that time. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim.

This decision is made pursuant to BVA decision dated May 14, 2015. Please see that decision for more information as to the reasons and bases for this decision.

2. Service connection for loss of use of both legs.

In their decision dated May 14, 2015, the Board of Veterans' Appeals (BVA) found that your loss of use of both legs is service-connected. Paralysis of the right leg has been found to be due to service-connected lumbar spine disability, and loss of use of the left leg is a residual of your stroke. Therefore, service connection for loss of use of both legs has been established as related to the service-connected disabilities of residuals of cerebral vascular accident and lumbar spine disability.

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The cited evidence shows that you are wheelchair bound and have bilateral foot drop with bilateral lower extremity weakness.

An evaluation of 100 percent is assigned from March 10, 2012.

We have assigned a 100 percent evaluation for your loss of use of both legs based on:

- Loss of use of both feet

This is the highest schedular evaluation allowed under the law for loss of use of both feet.

The effective date of grant is the date service connection was established for stroke residuals, as your loss of use is considered in part a residual of your stroke and it is held that your impairments existed at that time.

3. Service connection for loss of use of the left upper extremity as secondary to the service-connected disability of residuals of cerebral vascular accident.

In their decision dated May 14, 2015, the Board of Veterans' Appeals (BVA) found that service connection for stroke residuals is granted.

Medical evidence from Dr. Stacy Pasquarella, dated April 5, 2013, notes your left hand is your dominant hand. Your left hand, left wrist and left elbow are contracted.

Medical evidence from Estela (last name is illegible), ARNP, dated September 19, 2013, notes you have left hemi-plegia and your left fingers are contracted.

VA examination results from December 4, 2012, show you have atrophy of the left bicep as a result of your cerebrovascular accident. Left upper extremity muscle strength was 0/5.

Service connection for loss of use of the left upper extremity has been established as related to the service-connected disability of residuals of cerebral vascular accident.

An evaluation of 70 percent is assigned from March 10, 2012.

We have assigned a 70 percent evaluation for your loss of use of the left upper extremity based on:

- Loss of use of the major hand

A higher evaluation of 80 percent is not warranted for loss of use of one hand unless the evidence shows amputation of the arm above insertion of pronator teres.

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Additionally, a higher evaluation of 100 percent is not warranted for loss of use of one hand unless the evidence shows amputation or loss of use of another extremity at any level.

The effective date of grant is the date service connection was established for stroke residuals, as your left upper extremity impairment is considered a residual of your stroke and it is held that your condition existed at that time.

4. Service connection for urinary incontinence as secondary to the service-connected disability of residuals of cerebral vascular accident.

In their decision dated May 14, 2015, the Board of Veterans' Appeals (BVA) found that service connection for stroke residuals is granted.

Medical evidence from Dr. Stacy Pasquarella, dated April 5, 2013, notes you have bowel incontinence as a result of your stroke.

Medical evidence from Estela (last name is illegible), ARNP, dated September 19, 2013, notes your use of absorbent materials and a catheter for treatment of incontinence.

Service connection for urinary incontinence has been established as related to the service-connected disability of residuals of cerebral vascular accident.

An evaluation of 60 percent is assigned from March 10, 2012.

We have assigned a 60 percent evaluation for your neurogenic bladder based on:

- Requiring the use of an appliance

Additional symptoms include:

- Daytime voiding interval between one and two hours

This is the highest schedular evaluation allowed based on voiding dysfunction.

The effective date of grant is the date service connection was established for stroke residuals, as your urinary incontinence is considered a residual of your stroke and it is held that your condition existed at that time.

5. Entitlement to special monthly compensation based on the need for aid and attendance at a higher level.

In their decision dated May 14, 2015, the Board of Veterans' Appeals (BVA) found you are entitled to special monthly compensation at the rate provided by 38 USC 1114(o) from March 10, 2012, on account of loss of use of both legs and loss of anal and bladder sphincter control, and the need for aid and attendance. You receive necessary and lift-sustaining daily health care with hands-on facilitation by your wife and grandson who perform under the direction, guidance, and supervision of a caregiver. You wife also consults with licensed health care providers on at least a monthly basis.

Therefore, special monthly compensation of account of the need for aid and attendance at a higher level under 38 USC 114(r)(2) is granted.

The effective date of grant is March 10, 2012, the date service connection has been established for loss of use of both legs and loss of anal and bladder sphincter control, as these disabilities, along with your need for aid and attendance, support entitlement to the higher level of special monthly compensation.

This decision is made pursuant to BVA decision dated May 14, 2015. Please see that decision for more information as to the reasons and bases for this decision.

6. Entitlement to automobile or other conveyance and adaptive equipment or for adaptive equipment only.

A certificate of eligibility for financial assistance in the purchase of one automobile or other conveyance and of basic entitlement to necessary adaptive equipment will be made when the veteran has loss or permanent loss of use of one or both feet which is the result of injury or disease incurred or aggravated during active military service.

Entitlement to automobile and adaptive equipment is established based on this level of impairment.

7. Entitlement to specially adapted housing.

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 2101(a) may be extended when the veteran is permanently disabled as the result of the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

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			AGENT OR PVT ATTY- EXCLUSIVE CONTACT NOT REQUESTED		

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
04/04/1968	03/30/1970	Army	Honorable

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

JURISDICTION: BVA Decision Dated 05/14/2015

ASSOCIATED CLAIM(S): 172; BVA Grant; 05/14/2015

SUBJECT TO COMPENSATION (I.SC)

- 9411 POST TRAUMATIC STRESS DISORDER (PTSD) [PTSD/Medical/Veteran Evidence]
Service Connected, Vietnam Era, Incurred Static Disability
50% from 12/12/2000
100% from 04/25/2006
- 5110 LOSS OF USE OF BOTH LEGS ASSOCIATED WITH RESIDUALS OF CEREBRAL VASCULAR ACCIDENT TO INCLUDE BOWEL INCONTINENCE
Service Connected, Vietnam Era, Secondary Static Disability
100% from 03/10/2012
- 8009-7332 RESIDUALS OF CEREBRAL VASCULAR ACCIDENT TO INCLUDE BOWEL INCONTINENCE ASSOCIATED WITH HERNIATED NUCLEUS PULPOSES/DEGENERATIVE DISC DISEASE, LUMBOSACRAL SPINE (RS CHANGE FORMERLY CODED UNDER 5293
Service Connected, Vietnam Era, Secondary Static Disability
100% from 03/10/2012
- 8009-5125 LOSS OF USE OF THE LEFT (DOMINANT) UPPER EXTREMITY ASSOCIATED WITH RESIDUALS OF CEREBRAL VASCULAR ACCIDENT TO INCLUDE BOWEL INCONTINENCE
[REDACTED] Service Connected, Vietnam Era, Secondary Static Disability
70% from 03/10/2012

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5243 HERNIATED NUCLEUS PULPOSES/DEGENERATIVE DISC DISEASE,
LUMBOSACRAL SPINE (RS CHANGE FORMERLY CODED UNDER 5293
Service Connected, Vietnam Era, Incurred
Static Disability
10% from 03/31/1979
60% from 08/01/1979
100% from 10/22/1979 (38 CFR 4.30)
60% from 02/01/1980

8009-7542 URINARY INCONTINENCE ASSOCIATED WITH RESIDUALS
OF CEREBRAL VASCULAR ACCIDENT TO INCLUDE BOWEL
INCONTINENCE
Service Connected, Vietnam Era, Secondary
Static Disability
60% from 03/10/2012
Original Date of Denial: 02/05/2013

7354 HEPATITIS C
Service Connected, Vietnam Era, Incurred
20% from 12/22/2000

7336 HEMORRHOIDS
Service Connected, Vietnam Era, Incurred
0% from 03/31/1970

COMBINED EVALUATION FOR COMPENSATION :

0% from 03/31/1970
10% from 03/31/1979
60% from 08/01/1979
100% from 10/22/1979 (38 CFR 4.30)
60% from 02/01/1980
80% from 12/12/2000
100% from 04/25/2006
Individual Unemployability Granted from November 18, 1999 to April 25, 2006

SPECIAL MONTHLY COMPENSATION :

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 while not hospitalized at U.S. government expense from 04/25/2006.

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 [REDACTED]

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O-2 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (o) and 38 CFR 3.350(e) on account of paraplegia with loss of use of both legs and loss of anal and bladder sphincter control from 03/10/2012.

R-2 Entitled to additional aid and attendance allowance under 38 U.S.C. 1114, subsection (r)(2) and 38 CFR 3.350(h) subject to the provisions of 38 CFR 3.552(b)(2) on account of entitlement under subsection (o) and being in need of regular aid and attendance, and, in addition, on account of need of a higher level of care from 03/10/2012.

EFFECTIVE DATE	BASIC	HOSPITAL	LOSS OF USE	ANAT. LOSS	OTHER LOSS
04/25/2006	03	48	00	00	4
03/10/2012	60	37	31	00	4

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSC Vietnam Era)

- 5003-5260 **ARTHRITIS OF BILATERAL KNEES**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 04/28/2015
- 5003-5284 **ARTHRITIS OF BILATERAL FEET**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 04/28/2015
- 6599-6513 **CHRONIC SINUSITIS**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 02/05/2013
- 6600 **BRONCHITIS**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 02/05/2013
- 6604 **CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 02/05/2013
- 7101 **HYPERTENSION**
Not Service Connected, Not Incurred/Caused by Service
Original Date of Denial: 02/05/2013
- 7913 **DIABETES MELLITUS TYPE 2 [Agent Orange - Vietnam/Diabetes]**
Not Service Connected, No Diagnosis
Original Date of Denial: 04/28/2015

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COMPETENCY DECISIONS

Competent

ANCILLARY DECISIONS

Entitled to Specially Adapted Housing

Not Entitled to Special Home Adaptation

Entitled to Automobile and Adaptive Equipment

Basic Eligibility under 38 USC Ch 35 from 11/18/1999

Decision made pursuant to BVA decision dated 5-14-15, Docket No. 14-42 875.

Service connection for right lower extremity radiculopathy (DC 8520) was previously granted effective 12/4/12, as secondary to the service connected lumbar condition. However, as LOU of the right leg is being granted effective 3/10/12, prior to 12/4/12, the issue of right lower extremity radiculopathy (DC 8520) is being closed out and removed from the code sheet.

I certify that I have reviewed and electronically signed this decision. ESF, CJRVSR

Second Signature

