



DEPARTMENT OF VETERANS AFFAIRS
REGIONAL OFFICE

In Reply Refer To: 318/213/djw

Dear Mr. [REDACTED]

We made a decision on your appeal.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision and statement of the case that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Total VA Benefit	Amount Withheld	Amount Paid	Effective Date	Reason For Change
\$1,085.00	\$277.00	\$808.00	Dec 1, 2012	Retired Pay Adjustment, Compensation Rating Adjustment, Combat Related Special Compensation, Cost of Living Adjustment
1,124.00	285.00	839.00	Feb 1, 2013	Minor Child Adjustment, Retired Pay Adjustment
1,140.87	288.06	852.81	Dec 1, 2013	Combat Related Special Compensation, Cost of Living Adjustment, Retired Pay Adjustment
1,139.65	288.61	851.04	Jan 1, 2014	Cost of Living Adjustment, Retired Pay Adjustment



1,401.89	550.85	851.04	Sep 1, 2014	Retired Pay Adjustment, Compensation Rating Adjustment
1,354.89	534.85	820.04	Oct 5, 2014	Minor Child Adjustment, Retired Pay Adjustment
1,378.32	543.73	834.59	Dec 1, 2014	Cost of Living Adjustment, Retired Pay Adjustment
1,378.32	258.96	1,119.36	Feb 1, 2015	Retired Pay Adjustment
1,378.32	0.00	1,378.32	Oct 1, 2015	Retired Pay Adjustment
1,330.32	0.00	1,330.32	Oct 20, 2014	Minor Child Adjustment
1,259.32	0.00	1,259.32	Jul 6, 2029	Minor Child Adjustment

We are paying you as a veteran with 3 dependent(s). Your payment includes an additional amount for your spouse Sharon and your children Christian and Cameron. *Let us know right away if there is any change in the status of your dependents.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact that financial institution.

*If this account is no longer open,
please notify us immediately.*

We Have Withheld Benefits

You are not allowed to receive full military retired pay and full VA compensation at the same time. The following will provide an explanation of how this works:

- *If your VA compensation is less than your retired pay*, you will receive compensation payments. The military service department will pay you the difference between your compensation and your retired pay.
- *If your VA compensation is greater than your retired pay*, we will pay you compensation, and you will not receive retired pay.

For now, we must withhold all of your compensation until October 1, 2015. We must do this to prevent a double payment. By working together with the military service department, we will make sure you get your full combined payment.

Important Information: VA compensation isn't taxable. Please contact the Internal Revenue Service for tax information.

Concurrent Receipt of VA Compensation and Military Retired Pay

You may be eligible for full or partial concurrent receipt of VA compensation and military retired pay under the Combat-Related Special Compensation (CRSC) and/or Concurrent Retired and Disability Pay (CRDP) programs. Your retired pay center (RPC) has been notified of this award of VA compensation. If your RPC determines the withholdings from your VA compensation should be retroactively adjusted due to CRSC/CRDP eligibility; VA will be notified and will adjust your VA compensation accordingly.

More information on CRSC and CRDP can be found at the following web site: <http://www.dfas.mil/dfas/retiredmilitary/disability/payment.html>, or by calling your RPC as shown below:

- Defense Finance and Accounting Service (DFAS): 1-800-321-1080
- United States Coast Guard: 1-800-772-8724
- Public Health Service: 1-800-638-8744

What We Decided

- Service connection for degenerative disc disease, lumbar spine is granted with an evaluation of 20 percent effective November 7, 2012.
- The initial 10 percent evaluation assigned for left knee arthritis with patellofemoral pain syndrome (previously evaluated as chondromalacia with degenerative changes in the patella of the bilateral knees).
- The initial 10 percent evaluation assigned for right knee arthritis with patellofemoral pain syndrome (previously evaluated as chondromalacia with degenerative changes in the patella of the bilateral knees) is proper.

Your overall or combined rating has increased to 50% effective November 7, 2012 and then increased to 60% effective August 30, 2014. We do not add the individual percentages of each condition to determine your combined rating. We use a combined rating table that considers the effect from the most serious to the least serious conditions.

This is a full grant of benefits sought on your appeal for degenerative disc disease, lumbar spine. Therefore, your appeal for this issue is considered satisfied and has been closed.

We have enclosed a copy of your Rating Decision and Statement of the Case for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision.

We enclosed a VA Form 21-8764, "Disability Compensation Award Attachment-Important Information," which explains certain factors concerning your benefits.

Your combined evaluation is 30 percent or more disabling; therefore, you may be eligible for additional benefits based on dependency. We may be able to pay you retroactive benefits for your dependents if you submit your dependency claim within a year from the date of this letter. If you wish to notify us of your dependents, please do so through eBenefits, an electronic resource in a self-service environment. Use of these resources often helps us serve you faster! Just visit www.eBenefits.va.gov to enroll and submit your dependency information.

Are You Entitled to Additional Benefits?

You may be eligible for government life insurance if you

- were released from active duty after April 25, 1951,
- are in good health (except for any service connected conditions), and
- apply within two years of this notification of your disability rating.

If you are totally disabled, you may be eligible to have your government life insurance premiums waived. The Insurance is called Service-Disabled Veterans Insurance (S-DVI), and you should receive a package within two weeks. This package will contain information about the insurance and an application. If you do not receive an S-DVI package, please contact the Insurance Center to request additional information. Call the Insurance toll free number, 1-800-669-8477, or visit the Insurance web site, <http://www.benefits.va.gov/insurance/>, for further information about Service-Disabled Veterans Insurance.

If you served overseas in support of a combat operation you may be eligible for mental health counseling at no cost to you at the Veteran's Resource Center. For more information on this benefit please visit <http://www.myhealth.va.gov/mhv-portal-web/>.

You may be eligible for medical care by the VA health care system for any service connected disability. You may apply for medical care or treatment at the nearest medical facility. If you apply in person, present a copy of this letter to the Patient Registration/Eligibility Section. If you apply by writing a letter, include your VA file number and a copy of this letter.

**REDUCE OR ELIMINATE
YOUR MEDICAL CO-PAYMENTS**

If you receive care at a VA medical facility, **please call our Health Benefits Call Center at 1-877-222-VETS (8387) or notify your local VA medical center** of this change in your compensation benefits. This rating decision may reduce or eliminate your co-payments for your VA-provided medical care. You may also be eligible for a refund based on this rating decision. Information regarding VA health care eligibility and co-payments is available at our website <http://www.va.gov/healthbenefits/cost/>.

You should contact your State office of Veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a Veteran (or surviving dependent of a Veteran). State offices of Veteran's affairs are available at <http://www.va.gov/statedva.htm>.

The VA provides Blind Rehabilitation services to eligible blind, low vision, or visually impaired Veterans to help them regain their independence and quality of life. The Veteran's blindness, low vision, or vision impairment does NOT have to be related or caused by military service. If you need help with your vision loss, please contact your nearest Visual Impairment Services Team Coordinator (VIST) at the eye clinic at your nearest VA Medical Center. For more information, go to <http://www.rehab.va.gov/blindrehab/>.

You may be able to receive vocational rehabilitation employment services. The enclosed VA Form 28-8890, "Important Information about Vocational Rehabilitation Benefits," explains this benefit completely. To apply for this benefit, complete and return the enclosed VA Form 28-1900, "Disabled Veterans Application for Vocational Rehabilitation."

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision regarding *degenerative disc disease, lumbar spine*, you must complete and return to us the enclosed VA Form 21-0958, *Notice of Disagreement*, in order to initiate your appeal. You have *one year from the date of this letter to appeal the decision*. The enclosed VA Form 4107, "*Your Rights to Appeal Our Decision*," explains your right to appeal.

Please refer to the attached Statement of the Case for your continued appeal rights on all other issues still on appeal. If you wish to continue the appeal by completing VA Form 9, please **return it to** the appropriate address listed on the attached *Where to Send Your Written Correspondence*.

What Is eBenefits?

eBenefits provides electronic resources in a self-service environment to Service members, Veterans, and their families. Use of these resources often helps us serve you faster! Through the eBenefits website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contact and direct deposit information and view payment history
- Request a Veterans Service Officer to represent you
- Track the status of your claim or appeal
- Obtain verification of your military service, civil service preference, or VA benefits
- And much more!

Enrolling in eBenefits is easy. Just visit www.eBenefits.va.gov for more information. If you submit a claim in the future, consider filing through eBenefits. Filing electronically, especially if you participate in our fully developed claim program, may result in faster decision than if you submit your claim through the mail.

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at https://iris.va.gov .
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please mail or fax all written correspondence to the appropriate address listed on the attached <i>Where to Send Your Written Correspondence</i> .

In all cases, be sure to refer to your VA file number 225 13 6196.

If you are looking for general information about benefits and eligibility, you should visit our website at <https://www.va.gov>, or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

We sent a copy of this letter to your representative, National Association for Black Veterans, Inc, whom you can also contact if you have questions or need assistance.

Sincerely yours,
RO Director
VA Regional Office

CONTACT US ON-LINE AT <https://iris.va.gov>

Enclosure(s): Rating Decision
Statement of the Case
VA Form 21-8764
VA Form 28-1900
VA Form 28-8890
VA Form 4107
VA Form 21-0958
Where to Send Your Written Correspondence

cc: National Association for Black Veterans, Inc



DEPARTMENT OF VETERANS AFFAIRS
Winston-Salem Regional Office
251 N. Main Street
Winston-Salem, NC
27155

Represented By:
NATIONAL ASSOCIATION FOR BLACK VETERANS, INC

Decision Review Officer Decision

INTRODUCTION

The records reflect that you are a veteran of the Peacetime and Gulf War Era. You served in the Army from November 15, 1988 to September 30, 2010. We received a Notice of Disagreement from you on July 28, 2014 about one or more of our earlier decisions. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for degenerative disc disease, lumbar spine is granted with an evaluation of 20 percent effective November 7, 2012.

EVIDENCE

- Service treatment records from November 1988 through September 2010
- Womack AMC/Ft. Bragg treatment records from December 2010 through March 2013
- Carolina Imaging records dated December 9, 2013 and March 25, 2015
- Medical Statement from John Hancock PA dated April 23, 2014
- VA Examination, dated October 30, 2013

REASONS FOR DECISION

Service connection for degenerative disc disease, lumbar spine.

Service connection for degenerative disc disease, lumbar spine has been established as directly related to military service.

The rating decision of 05/12/11 denied service connection for your lumbar spine because there was no diagnosis found on examination and no evidence of impaired range of motion of degenerative arthritis. You did not appeal this decision within one year of this decision and it became final 05/12/12. On 11/07/12, you reopened the claim by submitting records of MRI reports from your service treatment records and current MRI reports and treatment since your discharge. The MRI report from your service treatment records, dated 12/21/09, shows a minimal concentric disc bulge at L4-L5 and from L5-S1. The records from Carolina Imaging show persistent disc dessication at L5-S1, a concentric disc bulge spondylitic spurring and degenerative facet arthropathy at L4-L5 and degenerative facet arthropathy in 2012 and 2013. These records are evidence of continual treatment since service for degenerative disc disease of the lumbar spine of the same spinal segments as noted in service. The opinion of Mr. Hancock, your treating physician, in conjunction with the aforementioned evidence, establish that the current degenerative disc disease, confirmed by MRI, is a continuation of the same treatment in service.

A 20 percent evaluation is assigned from November 7, 2012, the date your reopened claim was received.

We have assigned a 20 percent evaluation for your degenerative disc disease, lumbar spine based on:

- Forward flexion of the thoracolumbar spine greater than 30 degrees but not greater than 60 degrees

Additional symptom(s) include:

- With no incapacitating episodes during the past 12 months
- Combined range of motion of the thoracolumbar spine greater than 120 degrees but not greater than 235 degrees
- Painful motion upon examination

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in *DeLuca v. Brown* and *Mitchell v. Shinseki*, have been considered and applied under 38 CFR §4.59.

A higher evaluation of 40 percent is not warranted for intervertebral disc syndrome (IVDS) unless the evidence shows:

- Favorable ankylosis of the entire thoracolumbar spine; or,
- Forward flexion of the thoracolumbar spine 30 degrees or less.

Additionally, a higher evaluation of 40 percent is not warranted for intervertebral disc syndrome (IVDS) unless the evidence shows:

- intervertebral disc syndrome (IVDS) with incapacitating episodes having a total duration of at least four weeks but less than six weeks during the past 12 months.

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 web site, www.va.gov.

