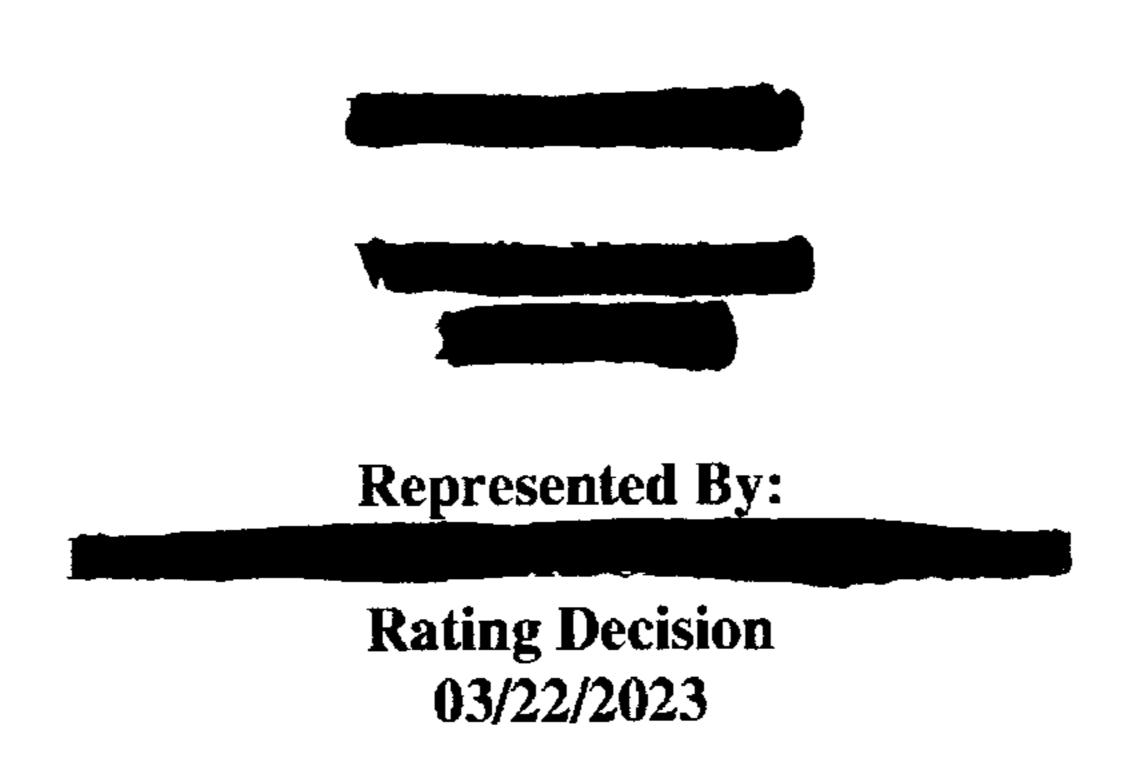


DEPARTMENT OF VETERANS AFFAIRS Veterans Benefits Administration Regional Office

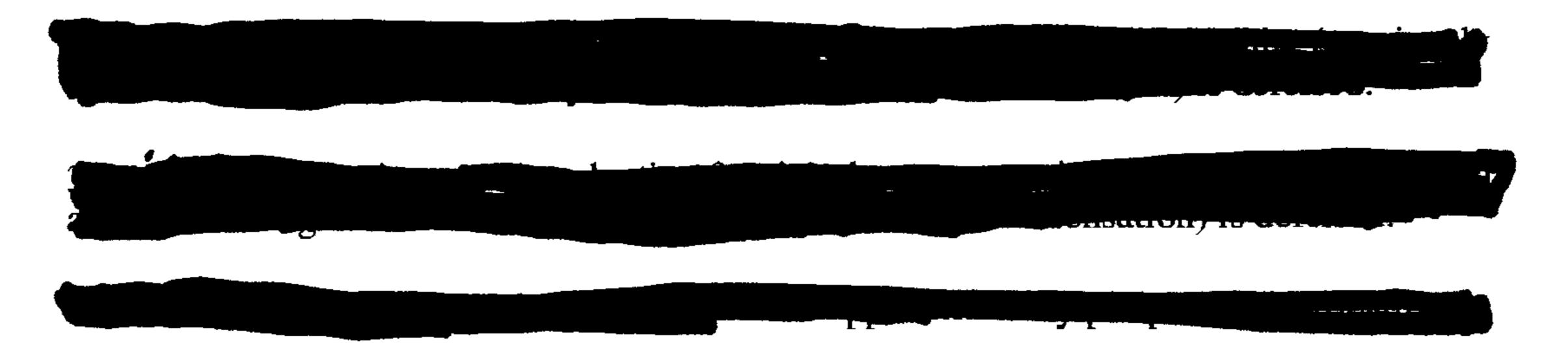


INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era, Peacetime and Vietnam Era. You served in the Air Force from August 14, 1969 to August 31, 1999. You filed a new claim for benefits that was received on November 13, 2022. Based on a review of the evidence listed below, we have made the following decisions on your claim.

DECISION

1. Service connection for degenerative arthritis of the cervical spine is granted with an evaluation of 10 percent effective November 12, 2022.







EVIDENCE

- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received November 13, 2022
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received January 6, 2023
- Service Treatment Records, received October 1, 2014
- DD Form 214, Certificate of Release or Discharge from Active Duty, received October 1, 2014, for the period August 14, 1969 to August 31, 1999
- VAMC (Veterans Affairs Medical Center) treatment records, Hampton, for the period April 11, 2011 to March 16, 2023
- VAMC (Veterans Affairs Medical Center) treatment records, Detroit, October 28, 1999
- VAMC (Veterans Affairs Medical Center) treatment records, Washington, for the period May 19, 2005 to February 28, 2007
- Disability Benefit Questionnaires, conducted November 8, 2022 and March 8, 2023

REASONS FOR DECISION

1. Service connection for degenerative arthritis of the cervical spine.

Service connection for degenerative arthritis of the cervical spine has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is November 12, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim for service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400).

While the VA examiner also diagnosed you with degenerative disc disease and spinal stenosis, a negative opinion was provided for these additional diagnoses so we have determined only your degenerative arthritis of the cervical spine is service connected.

An evaluation of 10 percent is assigned from November 12, 2022.

We have assigned a 10 percent evaluation for your degenerative arthritis of of the cervical spine based on:

• 38 CFR §4.59 allows consideration of functional loss due to painful motion to be rated to at



Rating Decision	Department of Veterans Affairs Detroit Regional Office		Page 5 02/01/2000
NAME OF VETERAN	VA FILE NUMBER	SOCIAL SECURITY NR	POA

6. The law provides that a person who submits a claim for VA benefits must submit evidence sufficient to justify a belief that the claim is well grounded. A well-grounded claim is a plausible claim, one which has merit on its own, or is capable of substantiation. Such a claim need not be conclusive, but it must be accompanied by evidence which shows that the claimed condition exists and is possibly related to service.

Compensation is payable for a disease or injury which causes a disabling physical or mental limitation. The evidence regarding neck stiffness fails to show a disability for which compensation may be established. It is therefore not a well-grounded claim which can be resolved. In order to establish a well-grounded claim, it is necessary to provide evidence which demonstrates an actually disabling condition.

The service medical records show the veteran was seen June 12, 1996 with current neck pain, denies injury. He reported stiff neck for one week, pointing to upper neck area. Physical examination showed cervical spine with full range of motion with tenderness along C5-C6. Assessment cervical strain/sprain.

At the VA examination the veteran reported he has neck pain. VA examination of the cervical spine shows that the head is square on the shoulders and there is no muscle spasm. Muscle tone is good without any tenderness. The range of motion reveals 25 degrees of flexion and extension without any pain, 20 degrees of lateral flexion bilaterally and 45 degrees of rotation bilaterally. X-rays of the cervical spine (neck) were normal. VA examination show no objective evidence of pathology of the neck and service connection is denied. The rule regarding benefit of reasonable doubt does not apply because the preponderance of evidence is unfavorable.

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Date/Time Exam Performed: 28 Oct 1999 @ 1140

Ordering Location: --

Requesting Provider: HANS, BIJAYA A

Reason for Study: --

Performing Location: JOHN D.DINGELL VA MEDICAL CTR

Clinical History:

r/o residuals of trauma.

Radiologist: --

Report

Report:

Impression:

STUDY CERVICAL SPINE.

THERE IS REVERSAL OR NORMAL LORDOTIC CURVATURE OF CERVICAL SPINE
WHICH MAY BE RELATED TO MUSCLE SPASM OR TRAUMA. HYPERTROPHIC
CHANGES ARE SEEN IN THE CERVICAL SPINE. THERE IS NARROWING OF
THE DISC SPACES BETWEEN C3 AND C5 AND POSTERIOR SPUR FORMATION IN
MULTIPLE LEVELS. THESE FINDINGS INDICATE SPONDYLOSIS.

PERIVERTEBRAL SOFT TISSUES ARE UNREMARKABLE.

IMPRESSION: CERVICAL SPONDYLOSIS WITH POSSIBLE MUSCLE SPASM.

DD&T:10-28-99 sl

Source: VA

Last Updated: --

Sorted By: Date/Time Exam Performed (Descending)