



**DEPARTMENT OF VETERANS AFFAIRS  
Veterans Benefits Administration  
Regional Office**

[REDACTED]  
**VA File Number**

[REDACTED]  
**Represented By:**

[REDACTED]  
**Rating Decision**  
09/25/2017

**INTRODUCTION**

The records reflect that you are a veteran of the Vietnam Era. You served in the Army from [REDACTED]. The Board of Veterans Appeals made their decision on your appeal on August 10, 2017. We have implemented their decision based on the evidence listed below.

**DECISION**

1. Service connection for degenerative disc disease, cervical spine (formerly rated as degenerative disc disease, cervical spine with radiculopathy and previously claimed as peripheral neuropathy) is granted with an evaluation of 10 percent effective October 19, 2005.
2. Service connection for degenerative disc disease, lumbar spine (claimed as lumbar spine disability) is granted with an evaluation of 10 percent effective October 19, 2005.
3. Service connection for radiculopathy, left lower extremity (wholly sensory) is granted with an evaluation of 10 percent effective December 6, 2011.

4. Service connection for radiculopathy, right lower extremity (wholly sensor) is granted with an evaluation of 10 percent effective December 6, 2011.

#### EVIDENCE

- Board of Veterans Appeals (BVA) Decision, August 10, 2017
- VA Form 21-526, "Veteran's Application for Compensation and/or Pension", Received October 19, 2005
- Notice of Disagreement, dated April 23, 2007
- VA examination, [REDACTED], dated December 6, 2011
- All other available evidence of record

#### REASONS FOR DECISION

##### **1. Service connection for degenerative disc disease, cervical spine (formerly rated as degenerative disc disease, cervical spine with radiculopathy and previously claimed as peripheral neuropathy).**

Service connection for degenerative disc disease, cervical spine (formerly rated as degenerative disc disease, cervical spine with radiculopathy and previously claimed as peripheral neuropathy) has been established as directly related to military service.

The effective date of this grant is October 19, 2005, the date of your "peripheral neuropathy" claim.

An evaluation of 10 percent is assigned from October 19, 2005.

We have assigned a 10 percent evaluation for your degenerative disc disease, cervical spine (claimed as cervical spine disability) based on:

- Combined range of motion of the cervical spine greater than 170 degrees but not greater than 335 degrees

Additional symptom(s) include:

- X-ray evidence of degenerative arthritis

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 are not warranted.

A higher evaluation of 20 percent is not warranted for degenerative arthritis of the spine unless the evidence shows:

- Combined range of motion of the cervical spine not greater than 170 degrees; or,
- Forward flexion of the cervical spine greater than 15 degrees but not greater than 30 degrees;

or,

- Muscle spasm or guarding severe enough to result in an abnormal gait or abnormal spinal contour such as scoliosis, reversed lordosis, or abnormal kyphosis.

Additionally, a higher evaluation of 20 percent is not warranted for degenerative arthritis of the spine unless the evidence shows:

- X-ray evidence of involvement of two or more major joints or two or more minor joint groups, with occasional incapacitating exacerbations.

Important: This rating decision represents a full and final determination of this issue on appeal. As such, this issue is considered resolved in full.

**2. Service connection for degenerative disc disease, lumbar spine (claimed as lumbar spine disability).**

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

The effective date of this grant is October 19, 2005, the date of your "back" claim.

An evaluation of 10 percent is assigned from October 19, 2005.

We have assigned a 10 percent evaluation for your degenerative disc disease, lumbar spine (claimed as lumbar spine disability) based on:

- Combined range of motion of the thoracolumbar spine greater than 120 degrees but not greater than 235 degrees

Additional symptom(s) include:

- X-ray evidence of degenerative arthritis
- 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 20 percent is not warranted for degenerative arthritis of the spine unless the evidence shows:

- Combined range of motion of the thoracolumbar spine not greater than 120 degrees; or,
- Forward flexion of the thoracolumbar spine greater than 30 degrees but not greater than 60 degrees; or,
- Muscle spasm or guarding severe enough to result in an abnormal gait or abnormal spinal contour such as scoliosis, reversed lordosis, or abnormal kyphosis.

Additionally, a higher evaluation of 20 percent is not warranted for degenerative arthritis of the spine unless the evidence shows:

- X-ray evidence of involvement of two or more major joints or two or more minor joint groups, with occasional incapacitating exacerbations.

Important: This rating decision represents a full and final determination of this issue on appeal. As such, this issue is considered resolved in full.

**3. Service connection for radiculopathy, left lower extremity (wholly sensory) as secondary to the service-connected disability of degenerative disc disease, lumbar spine (claimed as lumbar spine disability).**

Service connection for radiculopathy, left lower extremity (wholly sensory) has been established as related to the service-connected disability of degenerative disc disease, lumbar spine (claimed as lumbar spine disability).

An evaluation of 10 percent is assigned from December 6, 2011, the date of your VA examination.

We have assigned a 10 percent evaluation for your radiculopathy, left lower extremity (wholly sensory) based on:

- Mild incomplete paralysis

A higher evaluation of 20 percent is not warranted for neuritis of the sciatic nerve unless the evidence shows nerve damage is moderate.

**4. Service connection for radiculopathy, right lower extremity (wholly sensor) as secondary to the service-connected disability of degenerative disc disease, lumbar spine (claimed as lumbar spine disability).**

Service connection for radiculopathy, right lower extremity (wholly sensor) has been established as related to the service-connected disability of degenerative disc disease, lumbar spine (claimed as lumbar spine disability).

An evaluation of 10 percent is assigned from December 6, 2011, the date of your VA examination.

We have assigned a 10 percent evaluation for your radiculopathy, right lower extremity (wholly sensor) based on:

- Mild incomplete paralysis

A higher evaluation of 20 percent is not warranted for neuritis of the sciatic nerve unless the evidence shows nerve damage is moderate.

**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](http://www.va.gov).