



DEPARTMENT OF VETERANS AFFAIRS

January 3, 2017

Dear Mr. [REDACTED]

Enclosed is a "Supplemental Statement of the Case" (SSOC). It is not a decision on any new issues, but is intended to inform you of any material changes in, or additions to, the information contained in the "Statement of the Case" (SOC) that we previously sent to you. The following information will help you decide how to respond. We encourage you to discuss this with your representative, if you have one.

Your appeal was previously remanded by the Board of Veterans' Appeals ("Board") for further development, which has been completed. Before returning your appeal to the Board, we are giving you a period of time to respond with additional comments or evidence. Please note that a response at this time is optional and is not required to continue your appeal.

- If you wish to respond, you have 30 days from the date of this letter to respond. There is no special form to use. You can simply write to us and tell us in your own words what you disagree with in this SSOC and why.
- If you do not wish to respond, and you do not want us to wait for the 30 days to expire, you can write to us and let us know that. If you do not respond, the Board will consider what you have already submitted in deciding your appeal.

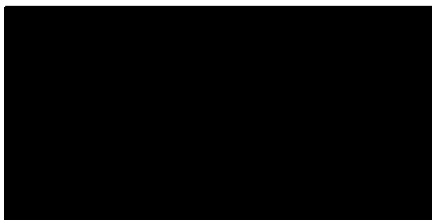
We hope that the above information is helpful.

Sincerely yours,

RO Director

RO Director

Enclosure(s): SSOC Notice Response
Centralized Mail Address Enclosure



Supplemental Statement of the Case	<i>Department of Veterans Affairs</i> VARO	Page 1 01/03/2017	
NAME OF VETERAN [REDACTED]	VA FILE NUMBER [REDACTED]	SOCIAL SECURITY NR [REDACTED]	[REDACTED]

ISSUE:

1. Entitlement to service connection for a lumbar spine disability.
2. Entitlement to service connection for a cervical spine disability.

EVIDENCE:

- Medical opinion dated April 28, 2016
- Treatment records from Erlanger Health System received October 28, 2016
- Treatment records from the Tennessee Valley Health Care System dated March 30, 2011, to January 3, 2017

ADJUDICATIVE ACTIONS:

06-03-2014 The appeal was remanded by the Board of Veterans' Appeals for additional development.

01-03-2017 Claim reconsidered based on additional evidence.

PERTINENT LAWS; REGULATIONS; RATING SCHEDULE PROVISIONS:

Unless otherwise indicated, the symbol “§” denotes a section from title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans’ Relief. Title 38 contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits.

See prior Statement of the Case.

VA, in determining all claims for benefits that have been reasonably raised by the filings and evidence, has applied the benefit-of-the-doubt and liberally and sympathetically reviewed all submissions in writing from the Veteran as well as all evidence of record.

DECISION:

1. Entitlement to service connection for a lumbar spine disability is denied.
2. Entitlement to service connection for a cervical spine disability is denied.

Supplemental Statement of the Case	<i>Department of Veterans Affairs VARO</i>		Page 2 01/03/2017
NAME OF VETERAN [REDACTED]	VA FILE NUMBER [REDACTED]	SOCIAL SECURITY NR [REDACTED]	POA [REDACTED]

REASONS AND BASES:

1. Entitlement to service connection for a lumbar spine disability.

BVA remanded this issue for an addendum opinion from the VA examiner who conducted the examination in December 2011. The examiner reviewed all of the evidence and stated there is nothing to change the opinion rendered on December 6, 2011. She stated although you insist you have had pain since your military service, pain is not a diagnosis, complaints of pain are common in the general population, and you had no treatment for or diagnosis for your back issues until 2005. It was also of note that soft tissue injuries such as a strain which is a common cause of complaints of back and neck pain, do not cause DJD/DDD of the spine. She stated your spine conditions, diagnosed in 2005, are commensurate with your age.

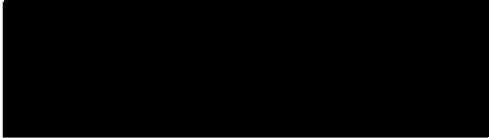
Treatment records from [REDACTED] show complaints of and treatment for back pain. CT of the lumbar spine dated February 22, 2016, shows degenerative changes. You underwent surgery February 26, 2016.

Service connection for a lumbar spine disability is denied because this condition neither occurred in nor was caused by service. In addition, there is no evidence showing arthritis of the lumbar spine manifested to a compensable degree within 1 year following discharge from service.

2. Entitlement to service connection for a cervical spine disability.

BVA remanded this issue for an addendum opinion from the VA examiner who conducted the examination in December 2011. The examiner reviewed all of the evidence and stated there is nothing to change the opinion rendered on December 6, 2011. She stated although you insist you have had pain since your military service, pain is not a diagnosis, complaints of pain are common in the general population, and you had no treatment for or diagnosis for your neck issues until 2005. It was also of note that soft tissue injuries such as a strain which is a common cause of complaints of back and neck pain, do not cause DJD/DDD of the spine. She stated your spine conditions, diagnosed in 2005, are commensurate with your age.

Service connection for a cervical spine disability is denied because this condition neither occurred in nor was caused by service. In addition, there is no evidence showing arthritis of the cervical spine manifested to a compensable degree within 1 year following discharge from service.



SSOC NOTICE RESPONSE

We have provided you with a Supplemental Statement of the Case (SSOC) about the evidence considered in your appeal. You have 30 days from the date of the SSOC within which to submit additional information or evidence. At this time, if you choose to, you may indicate whether you intend to submit additional information or evidence you know about that would help support your appeal.

Your signature on this response will not affect whether or not you are entitled to VA benefits. It will not affect the amount of benefits to which you may be entitled. It will not affect the assistance VA will provide you in obtaining evidence to support your appeal. It also will not affect the date any benefits will begin if your appeal is granted. Your response will let us know whether to return your case to the Board of Veterans' Appeals without waiting the full 30 days.

RESPONSE

I elect *one* of the following:

 I have no other information or evidence to submit. Please return my case to the Board of Veterans' Appeals for further appellate consideration as soon as possible.

 I have more information or evidence to submit in support of my appeal. VA will wait the full 30-day period to give me a chance to submit this information or evidence. I understand that if this evidence is not submitted within the 30-day period, my case will be returned to the Board of Veterans' Appeals.

Appellant/Representative Signature

Date