

DEPARTMENT OF VETERANS AFFAIRS



In Reply Refer To: 397/KNF

Dear [REDACTED]

You have chosen to participate in the Rapid Appeals Modernization Program (RAMP). VA completed your request for supplemental claim review received on January 17, 2018.

We made a decision regarding your entitlement to VA benefits.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision 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:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$129.00	Feb 1, 2013	Original Award
130.94	Dec 1, 2013	Cost of Living Adjustment
133.17	Dec 1, 2014	Cost of Living Adjustment
133.57	Dec 1, 2016	Cost of Living Adjustment
136.24	Dec 1, 2017	Cost of Living Adjustment

### 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.*

## What We Decided

We determined that the following condition was related to your military service, so service connection has been granted:

Medical Description	Percent (%) Assigned	Effective Date
Bilateral tinnitus	10%	Jan 8, 2013

We determined that the following condition was related to your military service. We granted a 0% evaluation for each disability, however no monetary compensation can be awarded.

Medical Description	Effective Date
Bilateral hearing loss	January 8, 2013

The law says VA can't pay for disabilities that are less than 10% disabling.

Your overall or combined rating is 10% effective January 8, 2013. 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.

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision. Your Rating Decision and this letter constitute our decision based on the supplemental claim review request that we received on January 17, 2018. It represents all claims we understood to be specifically made, implied, or inferred in that claim.

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



## 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, you should write and tell us why. You have one year from the date of this letter to file one of the following options:

For review of a supplemental claim decision, you may

- File a Supplemental Claim
- Request Higher-Level Review
- File an Appeal to the Board of Veterans' Appeals

**Please note:** You **may not** request a higher-level review after receiving a decision on a higher-level review or an appeal to the Board of Veterans' Appeals.

You must use the attached VA Form 21-4138, *Statement in Support of Claim, "RAMP Selection"* to notify us of your decision to seek further review. The VA Form 21-4138, *"RAMP Selection"* is the only form accepted by VA during RAMP.

If you elect to file an appeal with the Board of Veterans' Appeals, your Notice of Disagreement (NOD) will be assigned a docket number based upon the date of receipt. The Board will begin processing these appeals in the new, more efficient appeals process no earlier than February 2019.

The enclosed *"RAMP Review Rights,"* explains your options in greater detail and provides instructions on how to request further review.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter as noted below letting us know what you would like to obtain. Some evidence may be obtained online by visiting [www.eBenefits.va.gov](http://www.eBenefits.va.gov).

## What Is eBenefits?

eBenefits provides electronic resources in a self-service environment to Servicemembers, 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
- 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](http://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.

<b>If you</b>	<b>Here is what to do.</b>
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 <a href="https://iris.va.gov">https://iris.va.gov</a> .
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 [REDACTED].

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, Arizona Department of Veterans' Services, whom you can also contact if you have questions or need assistance.

Thank you for your service,

Regional Office Director

Enclosures:   Where to Send Your Written Correspondence  
                  Rating Decision  
                  RAMP Review Rights  
                  VA Form 21-4138, Statement in Support of Claim, "RAMP Selection"  
                  VA Form 21-8764  
                  VA Form 28-1900  
                  VA Form 28-8890

cc: Arizona Department of Veterans' Services



**DEPARTMENT OF VETERANS AFFAIRS**  
**Department of Veteran Affairs**  
**Appeals Management Center**

[REDACTED]

**VA File Number**

[REDACTED]

**Represented By:**  
**ARIZONA DEPARTMENT OF VETERANS' SERVICES**  
**Rating Decision**  
**02/27/2018**

**INTRODUCTION**

As a result of the enactment of the Veterans Appeals Improvement and Modernization Act of 2017 (Public Law 115-55), the Department of Veterans Affairs (VA) is required to change its current appeals process. Under the authority of Public Law 115-55, VA created the Rapid Appeals Modernization Program (RAMP) to provide Veterans with the earliest possible resolution of their claims. You have chosen to participate in RAMP, and you selected to have your claim reviewed under the Supplemental Claim Review option.

The records reflect that you are a Veteran of the Vietnam Era. You served in the [REDACTED] from August 28, 1974, to August 22, 1977. We received your request for a Supplemental Claim on January 17, 2018. Based on the review and the evidence listed below, we have made the following decision(s).

**DECISION**

1. Service connection for bilateral tinnitus is granted with an evaluation of 10 percent effective January 8, 2013.

2. Service connection for bilateral hearing loss is granted with an evaluation of 0 percent effective January 8, 2013.

### **EVIDENCE**

- VA Form 21-526, Veteran's Application for Compensation and/or Pension, received January 8, 2013
- Veterans Claims Assistance Act (VCAA) Letter, dated October 16, 2013
- Service treatment records, for the period of service, from August 28, 1974 through August 22, 1977
- DD Form 214, Certificate of Release or Discharge from Active Duty, for the period of service, from August 28, 1974 through August 22, 1977
- Military personnel records, for the period of service, from August 28, 1974 through August 22, 1977.
- VCAA Notice Response, received October 30, 2013
- VA Treatment Records, VAMC Prescott, from December 17, 2012 through November 25, 2013
- Veteran's Statement, received November 1, 2013.
- VA Form 21-4138, Statement in Support of Claim, with photographs and personnel records, received November 1, 2013
- Statement from spouse, received November 1, 2013
- Private treatment records, [REDACTED], dated December 28, 2012
- VA Form 27-0820, Report of General Information, no records found at VAMC Albany, dated January 22, 2014
- Disability Benefits Questionnaire, Hearing Loss and Tinnitus, VAMC Prescott, dated January 28, 2014
- Rating Decision, dated January 30, 2014
- Notice of Disagreement, received December 3, 2014
- Private Medical Opinion, [REDACTED], received February 24, 2015
- Veteran's Statement, received February 24, 2015
- RAMP Notice Letter, dated January 2, 2018
- RAMP Opt-In Election, received January 17, 2018

### **REASONS FOR DECISION**

#### **1. Entitlement to service connection for bilateral tinnitus.**

Service connection for bilateral tinnitus has been established as directly related to military service.

Evidence supportive of the claim includes the May 14, 2014 opinion of [REDACTED], who opined that your bilateral tinnitus was at least as likely as not due to the noise exposure you incurred while in the military. Your DD Form 214 supports that your military occupation was a Power Generation Equipment Repairman which is consistent with acoustic trauma . Evidence

against the claim includes the January 28, 2014 opinion of the VA physician that your bilateral tinnitus was less likely as not due to your military service. The medical opinions are in conflict. There is no compelling justification to side with either expert. Thus, the evidence is equally balanced. All reasonable doubt has been resolved in your favor. When there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of the matter, the benefit of the doubt in resolving each such issue shall be given to the claimant.

An evaluation of 10 percent is assigned from January 8, 2013, the date VA received your claim.

We have assigned a 10 percent evaluation for your bilateral tinnitus based on the VA examination dated January 28, 2014 which shows:

- Recurrent tinnitus

A single evaluation for recurrent tinnitus is assigned whether the sound is perceived in one ear, both ears, or in the head.

This is the highest schedular evaluation allowed under the law for tinnitus.

Other favorable findings identified in the decision:

None.

Laws and regulations applicable to this issue:

- 38 USC § 1110 Basic Entitlement
- 38 USC § 1131 Basic Entitlement
- 38 CFR § 3.102 Reasonable doubt
- 38 CFR § 3.303 Principles relating to service connection
- 38 CFR § 3.304 Direct service connection; wartime and peacetime
- 38 CFR § 3.400 Effective Dates General
- 38 CFR § 4.87 Schedule of ratings—ear

## **2. Entitlement to service connection for bilateral hearing loss.**

We have granted your claim for bilateral hearing loss.

Evidence supportive of the claim includes the May 14, 2014 opinion of ██████████, who opined that your bilateral hearing loss was at least as likely as not due to the noise exposure you incurred while in the military. Your DD Form 214 supports that your military occupation was a Power Generation Equipment Repairman which is consistent with acoustic trauma. Evidence against the claim includes the January 28, 2014 opinion of the VA physician that your bilateral hearing loss was less likely as not due to your military service. The medical opinions are in conflict. There is no compelling justification to side with either expert. Thus, the evidence is in equal balance. All reasonable doubt has been resolved in your favor. When there is an

approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of the matter, the benefit of the doubt in resolving each such issue shall be given to the claimant.

An evaluation of 0 percent is assigned from January 8, 2013, the date VA received your claim.

VA examination findings dated January 28, 2014 show the left ear with 100 percent discrimination. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 15, at 1000 Hz is 20, at 2000 Hz is 15, at 3000 Hz is 30, and at 4000 Hz is 40. The average decibel loss is 26 in the left ear. The right ear shows a speech discrimination of 100 percent. Your right ear Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 15, at 1000 Hz is 15, at 2000 Hz is 10, at 3000 Hz is 20, and at 4000 Hz is 40. The average decibel loss is 21 in the right ear.

An evaluation of 0 percent is assigned because the VA examination dated January 28, 2014 shows your right ear has a speech discrimination of 100 with an average decibel loss of 21 and your left ear has a speech discrimination of 100 with an average decibel loss of 26. The evaluation for hearing loss is based on objective testing. Higher evaluations are assigned for more severe hearing impairment.

Other favorable findings identified in the decision:

None.

Laws and regulations applicable to this issue:

38 USC § 1110 Basic Entitlement  
38 USC § 1131 Basic Entitlement  
38 CFR § 3.102 Reasonable doubt  
38 CFR § 3.303 Principles relating to service connection  
38 CFR § 3.304 Direct service connection; wartime and peacetime  
38 CFR § 3.400 Effective Dates General  
38 CFR § 4.85 Evaluation of hearing impairment  
38 CFR § 4.86 Exceptional patterns of hearing impairment

**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).