

September 4, 2019



We made a decision on your VA benefits.

Dear [REDACTED]:

This letter will guide you through the information you should know and steps you may take now that VA has made a decision about your benefits.

Your Benefit Information:

- The claim for service connection for posttraumatic stress disorder remains denied because the evidence submitted is not new and relevant.

Your current benefit payment will continue unchanged.

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason
\$130.94	Nov 1, 2014	Original Award
\$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
\$140.05	Dec 1, 2018	Cost of Living Adjustment

If payments are due, you should receive your first payment, if not already in receipt of payments, within 7-10 days of this notice.

See **Explanation of Payment** for more details about your payment.



We have included with this letter:

1. Explanation of Payment
2. Additional Benefits
3. Where to Send Written Correspondence
4. VA Form 20-0998
5. Rating Decision

Contact information:

Web: www.vets.gov
Phone: 1-800-827-1000
TDD: 711
To send questions online: visit <https://iris.custhelp.com/>

Social Media:

Twitter: @VAVetBenefits
Facebook: www.facebook.com/VeteransBenefits

Your representative:

You appointed CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS as your accredited representative. They have also received a copy of this letter.

They can help you with any questions you have about your claim.

If you or someone you know is in crisis, call the *Veterans Crisis Line* at 1-800-273-8255 and press 1.



File Number: [REDACTED]

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

If this account is no longer open,

please notify us immediately.

Evidence Considered

In making our decision, in addition to the evidence listed in the Rating Decision, we considered the following evidence:

- Please see enclosed rating decision narrative for evidence considered.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you have one year from the date of this letter to select a review option in order to protect your initial filing date for effective date purposes. You must file your request on the required application form for the review option desired. The table below represents the review options and their respective required application form.

Review Option	Required Application Form
Supplemental Claim	VA Form 20-0995, <i>Decision Review Request: Supplemental Claim</i>
Higher-Level Review	VA Form 20-0996, <i>Decision Review Request: Higher-Level Review</i>
Appeal to the Board of Veterans' Appeals	VA Form 10182, <i>Decision Review Request: Board Appeal (Notice of Disagreement)</i>

Please note: You may not request a higher-level review of a higher-level review decision issued by VA.

The enclosed VA Form 20-0998, *Your Rights To Seek Further Review Of Our Decision*, explains your options in greater detail and provides instructions on how to request further review. You may download a copy of any of the required application forms noted above by visiting www.va.gov/vaforms/ or you may contact us by telephone at 1-800-827-1000 and we will mail you any form you need.

You can visit www.va.gov/decision-reviews to learn more about how the disagreement process



File Number: [REDACTED]
[REDACTED]

works.

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.va.gov.

Thank you for your service,

Regional Office Director

cc: CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS



Explanation of Payment

Please Take Action: What Things Affect Your Right to Payment?

Please notify VA *immediately* if there is a change in any condition affecting your right to continued payments. If you don't notify us of these changes immediately, you may have to return any overpayments. Those changes include:

Evidence received shows a change is warranted.	
<p>Military Pay or Worker's Compensation: Your payments may be affected by the following, which you must bring to our attention:</p> <ul style="list-style-type: none"> • Reentrance into active military or naval service. • Receipt of armed forces service retirement pay, unless your retirement pay has already been reduced because of award of disability compensation. • Receipt of benefits from the Office of Federal Employees Compensation. • Receipt of active duty or drill pay as a reservist or member of the National Guard. 	
<p>Dependents: If you have a disability rating of 30 percent or more, you must advise VA of any change with your spouse or children.</p>	
<p>Hospitalization: If your award includes Aid and Attendance benefits, we may reduce this additional allowance if you are admitted to a hospital, nursing home, or domiciliary care at VA expense.</p>	
<p>Incarceration: Benefits will be reduced if you are incarcerated in a federal, state, or local penal institution for more than 60 days for conviction of a felony.</p>	
<p>Lack of Cooperation: We may stop monthly payments if you:</p> <ul style="list-style-type: none"> • fail to submit evidence we requested, • fail to attend a VA examination when requested, or • Submit false or fraudulent evidence to VA, or cause false or fraudulent evidence to be submitted to VA. 	
<p>Fraud/Lying to Government: The law provides severe penalties, which include fines, imprisonment, or both, for the fraudulent acceptance of any payment to which you are not entitled. We may verify information you submit through computer-matching programs with other agencies.</p>	

Additional Benefits

<p>Medical Care and Treatment:</p> <ul style="list-style-type: none"> • <u>Mental Health Counseling:</u> For more information, please visit www.myhealth.va.gov/mhv-portal-web/.



- Blind Rehabilitation: For more information, please visit www.va.gov/blindrehab/.

Home Adaptations/Loans, Automobile Benefits, and Life Insurance:

- Loans: For more information, please visit www.benefits.va.gov/homeloans/.
- Funding Fee Refund: If you paid a funding fee at the closing of a VA guaranteed home loan and your VA compensation award provides an effective rating date that was prior to your loan closing date, then you may be eligible for a funding fee refund. Please contact either your current mortgage servicer or a VA Regional Loan Center at (877) 827-3702 to begin the refund process.



WHERE TO SEND YOUR WRITTEN CORRESPONDENCE

The time it takes your response to reach VA affects how long it takes us to process your claim. We recommend responding electronically whenever possible to minimize the time we spend waiting for mail. Only claimants or representatives can upload responses electronically right now. If you are not a claimant or representative, we recommend faxing so VA can receive your responses immediately.

The **fastest** way to respond to VA is to upload your correspondence electronically through VA.gov.

Visit <https://www.va.gov>. Under **Disability** click “Upload Evidence to support your claim”.

If you cannot upload your correspondence, fax or mail it to the applicable address below. These addresses serve **all United States and foreign locations**.

To determine where to send your correspondence, identify your benefit type (Compensation, Veterans Pension, or Survivor Benefits); then, locate the applicable fax number or mailing address.

Compensation Claims	Veterans Pension and Survivor Benefit Claims
Fax Toll Free: 844-531-7818 Or mail to: Department of Veterans Affairs Evidence Intake Center P.O. Box 4444 Janesville, WI, 53547-4444	Fax Toll Free: 844-655-1604 Or mail to: Department of Veterans Affairs Pension Intake Center P.O. Box 5365 Janesville, WI 53547-5365



You can also send a text message to 838255 to receive confidential support 24 hours a day, 7 days a week, 365 days a year. For more information, visit www.veteranscrisisline.net

YOUR RIGHTS TO SEEK FURTHER REVIEW OF OUR DECISION

After careful and compassionate consideration of the matter(s) before VA, we have reached a decision. This document outlines your rights to seek further review of our decision on any issue with which you are dissatisfied or disagree. This document does not apply to decisions issued by the Board of Veterans' Appeals (Board), which have a separate rights notice. For **most VA benefits**, you must elect one of the review options discussed below within **one year** of the date on your decision notice letter to preserve your right to receive the maximum possible benefit. **Consult your decision notice letter for specific filing time limits.** If you are a party to a **contested claim**, you must file an appeal to the Board within **60 days** of the date on your decision notice letter in order to seek review. All parties to a contested claim will have received notice of the decision. See the section below regarding filing an appeal to the Board. You may select different review options for each issue decided by VA. The options are as follows:

Review Options	VA Benefit Claim	Parties to a Contested Claim	Insurance Claim	Fiduciary Decision
Supplemental Claim	✓	Not Available	✓	Not Available
Higher-Level Review	✓	Not Available	✓	✓
Appeal to the Board	✓	✓	✓	✓
U.S. District Court Complaint	Not Available	Not Available	✓	Not Available

VA benefits include Compensation, Pension/Survivors Benefits, Education, Loan Guaranty, Vocational Rehabilitation & Employment, Veterans Health Administration, or National Cemetery Administration.

You **MAY NOT** concurrently file for review of any single issue using more than one option at a time. The following is an overview of each option to help you select the most appropriate course of action. You can also find detailed information on all of the available review options and apply at www.vets.gov.

Descriptions of Review Options

Supplemental Claim	Higher-Level Review	Appeal to the Board	U. S. District Court
<p>Use this option when you have additional evidence that is NEW AND RELEVANT to support granting the benefit(s) sought or you can identify existing relevant records that you would like VA to obtain. (NEW evidence means information not previously submitted to VA, and RELEVANT evidence means information that tends to prove or disprove a matter at issue.)</p> <p>VA will assist you in gathering new and relevant evidence to support a Supplemental Claim.</p>	<p>Use this option when you have NO additional evidence to submit, or that you would like VA to obtain, in support of a previously decided issue.</p> <p>You <i>may not</i> request a Higher-Level Review of a Higher-Level Review decision or a Board decision.</p> <p>The designated reviewer will conduct a brand new review of the issue(s) based on the evidence that was before VA at the time of the prior decision(s). An informal conference is available to you and/or your representative, if you choose to exercise this option. The purpose of this telephonic contact is to point out specific errors in the case. VA will not consider any new evidence.</p>	<p>Use this option to appeal to the Board for consideration by a Veterans Law Judge. You may appeal to the Board from a Supplemental Claim decision or a Higher-Level Review decision.</p> <p>When appealing to the Board, you may request a hearing with a Veterans Law Judge and/or the opportunity to submit additional evidence. You may also choose for the Board to review your claim without any additional evidence or a hearing, which may result in a faster decision. By selecting one of these options, the Board will place your appeal onto a list for consideration in the order it was received.</p> <p>The Board does not have a duty to assist you in obtaining additional evidence, but may review whether VA properly fulfilled its duty to assist you in the original claim process and may remand your claim on that basis.</p>	<p>(INSURANCE CLAIMS ONLY)</p> <p>You may challenge VA's decision on your insurance application or claim by filing a complaint with a United States district court in the jurisdiction in which you reside within six years from when the right of action first accrues.</p> <p>To find a district court, use the map at: www.uscourts.gov/court_locator.aspx.</p>

How do I request review by VA of my decision?

To select a review option, you must submit the appropriate form to the appropriate office for review.

For a **Supplemental Claim**, consult your decision notice letter for the required forms and ways to submit the request.

For a **Higher-Level Review**, complete **VA Form 20-0996, Decision Review Request: Higher-Level Review** (available at www.va.gov/vaforms/), and consult your decision notice letter for the required ways to submit the request.

To **Appeal to the Board**, complete **VA Form 10182 - Decision Review Request: Board Appeal (Notice of Disagreement)** (available at www.va.gov/vaforms/), and send the form to:

Board of Veterans' Appeals
P.O. Box 27063
Washington, DC 20038
Fax: 844-678-8979

Can someone help me with my request for review?

Yes, VA recognizes and accredits attorneys, claims agents, and Veterans Service Organizations (VSOs) representatives to assist VA claimants with their benefits claims. VSOs and their representatives are not permitted to charge fees or accept gifts for their services. Only VA-accredited attorneys and claims agents may charge you fees for assisting in a claim for VA benefits, and only after VA has issued an initial decision on the claim and the attorney or claims agent has complied with the power-of-attorney and the fee agreement requirements. For more information on the types of representatives available, see www.va.gov/ogc/accreditation.asp.

If you have not already selected a representative, or if you want to change your representative, a searchable database of VA-recognized VSOs and VA-accredited attorneys, claims agents, and VSO representatives is available at www.va.gov/ogc/apps/accreditation/index.asp. Contact your local VA office for assistance with appointing a representative or visit www.ebenefits.va.gov.

What happens if I do not submit my request for review on time?

If you do not request a review option within the required time limit, you may only seek review through the following options:

- File a request for revision of the decision based on a clear and unmistakable error in the decision;
- File a Supplemental Claim along with new and relevant evidence to support your issue(s). Where a Supplemental Claim is filed after the time limit to seek review of a decision, the effective date for any resulting award of benefits generally will be tied to the date that VA receives the Supplemental Claim.

For more information on all the available review options visit: www.va.gov, or www.vets.gov or contact us at 1-800-827-1000.

NOTE: This form supersedes VA Forms 4107, 4107C, 4107VHA, 4107VRE, 4107INS for VA decisions after the publication in the Federal Register of the applicability date on which the *Veterans Appeals Improvement and Modernization Act of 2017* goes into effect.



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
Rating Decision
09/01/2019**

INTRODUCTION

The records reflect that you are a Veteran of the Vietnam Era. You served in the Marine Corps from [REDACTED]. A Supplemental Claim Application to review a previous claim on August 16, 2019. Based on the review and the evidence listed below, we have made the following decision(s).

DECISION

The claim for service connection for posttraumatic stress disorder remains denied because the evidence submitted is not new and relevant.

EVIDENCE

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



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REASONS FOR DECISION

Service connection for posttraumatic stress disorder.

A claimant may file a supplemental claim by submitting or identifying new and relevant evidence.

Relevant evidence means evidence that tends to prove or disprove a matter at issue in a claim. (38 CFR 3.2501) The evidence from Private VA Examination for Post traumatic Stress Disorder (PTSD), VA San Francisco and 4138 Statement in support of claim submitted in connection with the current claim does not constitute relevant evidence because it does not prove or disprove a matter at issue within your claim. This examination is a review examination and confirms your diagnosis for your condition. This examination is not sufficient examination due to the lack of stressor information that associates your PTSD to service. It is also a review examination not an initial PTSD examination and the lack of a verifiable stressor.

You provided a stressor in support for your claimed posttraumatic stress disorder indicating personal assault, on which you described several instances of abuse from your drill instructor while in basic training. We have reviewed your personnel and medical records and there is no evidence available to corroborate your claimed stressor. The evidence indicates that you were diagnosed with passive dependent reaction. Additionally, you were admitted to the hospital because you expressed your great fear of "having to kill" and manifesting uncontrollable crying, diaphoresis, and tremulousness. You were recently diagnosed with posttraumatic stress disorder and we asked a medical opinion for relationship between your in-service condition and your current diagnosis. On the VA examination conducted February 18, 2019 the examiner opined that your claimed condition was less likely than not (less than 50 percent probability) incurred in or caused by the claimed in-service injury, event, or illness. The examiner indicated that your posttraumatic stress disorder is less likely than not due to your in-service military stressors of having to kill and being separated from your mother. You had pre-existing stressors which resulted in depression. Medical board report revealed that you had emotional problems with firm authoritarian directions and were diagnosed with a personality disorder.

We have denied your claim for service connection for posttraumatic stress disorder. We previously denied service connection for your condition on the rating decision dated April 24, 2017 and again on March 4, 2019. You were previously denied service connection because your service treatment records show that you were discharged from service based on unsuitability in the service due to the symptoms of your diagnosed severe passive dependent



personality. You were admitted for mental health evaluation during which time you reported an intense fear of "having to kill." You displayed helplessness, indecisiveness, a tendency to cling to others, and tearfulness, tremulousness and diaphoresis when confronted with minor stressful situations or criticism.

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Favorable Findings identified in this decision:

The examination conducted January 24, 2019 diagnosed you with posttraumatic stress disorder.

The evidence shows that your service treatment records for the period of September 10, 1965 to January 14, 1966 show complaints, treatment and diagnosis of a personality disorder.

Laws and Regulations applicable to this issue:

38 CFR §3.1 Definitions.
38 CFR §3.4 Compensation.
38 CFR §3.151 Claims for disability benefits.
38 CFR §3.155 How to file a claim.
38 CFR §3.159 Department of Veterans Affairs assistance in developing claims.
38 CFR §3.160 Status of claims.
38 CFR §3.303 Principles relating to service connection.
38 CFR §3.304 Direct service connection; wartime and peacetime.
38 CFR §3.307 Presumptive service connection for chronic, tropical, or prisoner-of-war related disease, disease associated with exposure to certain herbicide agents, or disease associated with exposure to contaminants in the water supply at Camp Lejeune; wartime and service on or after January 1, 1947.
38 CFR §3.309 Disease subject to presumptive service connection.
38 CFR §3.400 Effective Dates - General.
38 CFR §3.2500 Review of decisions.
38 CFR §3.2501 Supplemental claims
38 CFR §3.156 New and material evidence.
38 CFR §3.317 Compensation for certain disabilities occurring in Persian Gulf Veterans.
38 CFR §3.326 Examinations.
38 CFR §3.104 Finality of decisions.
38 CFR §4.1 Essentials of evaluative rating.
38 CFR §4.2 Interpretation of examination reports.
38 CFR §4.3 Resolution of reasonable doubt.
38 CFR §4.6 Evaluation of evidence.
38 CFR §4.61 Examination.
38 CFR §4.125 Diagnosis of mental disorders.
38 CFR §4.126 Evaluation of disability from mental disorders.
38 CFR §4.129 Mental disorders due to traumatic stress.



38 CFR §4.130 Schedule of ratings-Mental disorders. (9411)

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.

