



**DEPARTMENT OF VETERANS AFFAIRS  
VA Regional Office  
130 South Elmwood  
Buffalo NY 14202-2478**

**MICHAEL J. LITTLE**

**VA File Number**

**Represented By:  
NEW YORK DIVISION OF VETERANS AFFAIRS**

**Rating Decision  
April 09, 2014**

### **INTRODUCTION**

The records reflect that you are a veteran of the Gulf War Era. You served in the Navy from January 22, 2003 to October 25, 2006, from May 15, 2008 to May 25, 2009 and from October 16, 2009 to November 11, 2010. You filed an original disability claim that was received on March 8, 2013. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

### **DECISION**

1. Service connection for post traumatic stress disorder and unspecified depressive disorder is granted with an evaluation of 70 percent effective March 8, 2013.
2. Service connection for migraine headaches is granted with an evaluation of 30 percent effective March 8, 2013.
3. Service connection for irritable bowel syndrome is granted with an evaluation of 10 percent effective March 8, 2013.

### **EVIDENCE**

- VA Form 21-526EZ Veteran's Fully Developed Claim, received March 8, 2013
- VA treatment reports dated June 2009 to April 2014
- Partial service treatment reports dated 2003 to 2006
- Some service treatment records were unavailable for review
- VA Form 21-4138, Statement in Support of Claim, received September 23, 2013
- Veterans Claims Assistance Act (VCAA) Letter, dated January 13, 2014
- VA Form 21-4138, Statement in Support of Claim, received January 13, 2014 with attached articles
- VA Form 21-0781, Statement In Support Of Claim For Service Connection for Post-Traumatic Stress Disorder (PTSD), received January 13, 2014
- VAMC examinations dated January 18, 2014
- VA letters dated August 16, 2013, December 31, 2013 and March 13, 2014 were sent to you requesting that you send any copies of your service treatment records. As of this date, no reply has been received.
- Personnel file

### **REASONS FOR DECISION**

#### **1. Service connection for post traumatic stress disorder and unspecified depressive disorder.**

Service connection for post traumatic stress disorder and unspecified depressive disorder has been established as directly related to military service.

We concede you experienced a stressful event in service or fear of hostile military or terrorist activity.

An evaluation of 70 percent is assigned from March 8, 2013, the date that your claim was received.

We have assigned a 70 percent evaluation for your post traumatic stress disorder and unspecified depressive disorder based on:

- Occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood
- Disturbances of motivation and mood
- Impairment of short- and long-term memory
- Chronic sleep impairment
- Anxiety

- Suspiciousness
- Depressed mood
- Mild memory loss

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 70 percent disability evaluation.

A higher evaluation of 100 percent is not warranted unless the evidence shows total occupational and social impairment, due to such symptoms as:

- gross impairment in thought processes or communication
- persistent delusions or hallucinations
- grossly inappropriate behavior
- persistent danger of hurting self or others
- intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene)
- disorientation to time or place
- memory loss for names of close relatives, own occupation, or own name.

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination.

## **2. Service connection for migraine headaches.**

Service connection for migraine headaches has been established as directly related to military service.

An evaluation of 30 percent is assigned from March 8, 2013, the date that your claim was received.

We have assigned a 30 percent evaluation for your migraine headaches based on:

- Characteristic prostrating attacks occurring on an average once a month over last several months

A higher evaluation of 50 percent is not warranted unless the evidence shows the condition is very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability.

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination.

### **3. Service connection for irritable bowel syndrome.**

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by service if manifested to a compensable degree following military discharge. Although not shown in service, service connection for irritable bowel syndrome has been granted on the basis of presumption.

Service connection may be established for a disability resulting from undiagnosed illness or a medically unexplained chronic multi-symptom illness that is defined by a cluster of symptoms, or a diagnosed illness that is determined by VA regulation to warrant a presumption of service connection which manifested itself either during active service in the Southwest Asia theater of operations during the Gulf War, or to a degree of ten percent or more after the date on which the veteran last performed service in the Southwest Asia theater of operations during the Gulf War.

An evaluation of 10 percent is assigned from March 8, 2013, the date that your claim was received.

We have assigned a 10 percent evaluation for your irritable colon syndrome (spastic colitis, mucous colitis, etc.) based on:

- Moderate symptoms
- Frequent episodes of bowel disturbance

Additional symptom(s) include:

- Diarrhea
- Disturbances of bowel function

A higher evaluation of 30 percent is not warranted unless there are severe symptoms demonstrated by diarrhea, or alternating diarrhea and constipation, with more or less constant abdominal distress.

### **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 web site, [www.va.gov](http://www.va.gov).