



August 9, 2023

FELISHA DANIELLE SEWARD
2213 JESSOWEN WAY SE
CONYERS GA 30013-6482

We made a decision on your VA benefits.

Dear Felisha Seward:

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.

For your awareness. Effective July 16, 2022, a new three-digit dialing code (988) became available for people to call who are experiencing a Mental Health crisis; this number can also be used by family and friends who are worried about a loved one. The current crisis line, 1-800-273-8255, will remain in service and either can be dialed, 988 is simply designed to be an easily remembered number.

Your Benefit Information:

- Evaluation of gastroesophageal reflux disease (GERD) with hiatal hernia, which is currently 10 percent disabling, is increased to 60 percent effective February 7, 2023.
- Evaluation of bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally, which is currently 30 percent disabling, is increased to 50 percent effective February 7, 2023.
- Evaluation of migraine headaches including migraine variants, which is currently 30 percent disabling, is increased to 50 percent effective February 7, 2023.
- Evaluation of lumbar strain, which is currently 20 percent disabling, is increased to 40 percent effective February 7, 2023.
- Basic eligibility to Dependents' Educational Assistance based on permanent and total disability status is established from February 7, 2023.

Your combined rating evaluation is:

We have included with this letter:

1. Explanation of Payment
2. Additional Benefits
3. Where to Send Your Correspondence
4. VA Form 20-0998
5. Rating Decision
6. Fraud Prevention Attachment

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 GEORGIA DEPARTMENT OF VETERAN SERVICE 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.



Combined Rating Evaluation	Effective Date
20%	Jun 4, 2005
60%	Jun 15, 2009
80%	Sep 2, 2009
80%	Jan 5, 2011
70%	Oct 1, 2012
80%	Jul 22, 2021
80%	Aug 5, 2021
90%	Sep 15, 2021
90%	Mar 24, 2022
100%	Feb 7, 2023

How VA Combines Percentages

If you have more than one condition, VA will combine percentages to determine your overall disability rating. The percentages assigned for each of your conditions may not always add up to your combined rating evaluation. The following website has additional information about how VA combines percentages: <http://www.benefits.va.gov/compensation/rates-index.asp#howcalc>.

See **Rating Decision** to find out why we made this decision.

You may be eligible for VA life insurance benefits. Call the Insurance toll free number, 1-800-669-8477, or visit the Insurance website, <https://www.va.gov/life-insurance/options-eligibility/valife/>, for further information.

Your dependents may be eligible for Dependents' Educational Assistance (Chapter 35). For more information on this program, please visit the following web site: <https://www.va.gov/education/survivor-dependent-benefits/dependents-education-assistance/> or call 1-888-GIBILL-1 (1-888-442-4551).

38 C.F.R. § 21.3023 Nonduplication; pension, compensation, and dependency and indemnity compensation.

38 C.F.R. §3.704 Elections within class of dependents.

38 C.F.R. §3.707 Dependents' educational assistance.

38 C.F.R. §3.807 Dependents' educational assistance; certification



M21-1 III.v.4.B.1.a. Prohibition Against the Duplication of Benefits

III.v.4.B.2.b. Confirming the Amount of the Separation Benefit

Separation/Severance Pay Recoupment Applicable Laws and Regulations:

- 38 C.F.R. §3.700 General.

- 38 C.F.R. §3.31 Commencement of the period of payment.

M21-1 VI.ii.2.3.b. General Policies Regarding Withholdings to Recoup Disability Severance Pay

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason
\$3,857.34	Mar 1, 2023	Compensation Rating Adjustment
\$3,757.00	Mar 22, 2025	Minor Child Adjustment
\$3,621.95	Jul 24, 2032	Minor Child Adjustment

We are currently paying you as a Veteran with 2 dependents. *Let us know right away if there is any change in the status of your dependents.*

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.

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.

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 Right To Seek 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 works.

Important: If you have a service-connected condition which you feel has worsened and is no longer accurately reflected by the level of disability assigned, please use VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits* to request an increased evaluation. However, if you disagree with a decision made within the last year, please refer to the enclosed VA Form 20-0998, *Your Right To Seek Review Of Our Decision*. If you would like us to review a claim that was denied more than one year ago, and you have new and relevant evidence for us to consider, please use VA Form 20-0995, *Decision Review Request: Supplemental Claim*.

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



File Number: 445802066
SEWARD, FELISHA D

cc: GEORGIA DEPARTMENT OF VETERAN SERVICE



Explanation of Payment

Your monthly entitlement amount includes payment for the following dependent(s):

Payment Start Date	Award Dependent(s)
Mar 1, 2023	Saniya, LAYLA
Mar 22, 2025	LAYLA
Jul 24, 2032	None

Let us know right away if there is any change in the status of your dependent(s).

Your combined evaluation is 30 percent or more disabling; therefore, you may be eligible for additional benefits based on dependency. We may be able to pay you retroactive benefits for your dependents if you submit your dependency claim within a year from the date of this letter. If you wish to notify us of your dependents, please do so through eBenefits, an electronic resource in a self-service environment. Use of these resources often helps us serve you faster! Just visit www.eBenefits.va.gov to enroll and submit your dependency information. If you would prefer to submit your request to add your dependents to your award in paper, please complete, sign, and return VA Form 21-686c, *Application Request to Add and/or Remove Dependents*. You can locate the appropriate form(s), please the visit the following website: www.va.gov/vaforms.

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.
Military Pay or Worker's Compensation: Your payments may be affected by the following, which you must bring to our attention: <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.
Dependents: If you have a disability rating of 30 percent or more, you must advise VA of any change with your spouse or children.
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



Evidence received shows a change is warranted.
expense.
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.
Lack of Cooperation: We may stop monthly payments if you: <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.
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.

Additional Benefits

Education, Training, and Employment: <ul style="list-style-type: none">• <u>Education loans:</u> For more information, please call 1-888-GIBILL-1 (1-888-442-4551) or visit www.vets.gov/education.• <u>Veterans with student loans:</u> For more information, please call 1-888-303-7818 or visit www.disabilitydischarge.com/.• <u>Education, training, and employment:</u> For more information, please call 1-800-827-1000 or visit www.vba.va.gov/vre.
Medical Care and Treatment: <ul style="list-style-type: none">• <u>Mental Health Counseling:</u> For more information, please visit www.myhealth.va.gov/mhv-portal-web/.• <u>Blind Rehabilitation:</u> For more information, please visit www.va.gov/blindrehab/.• <u>Change in Compensation Benefits:</u> For more information, please call 1-877-222-VETS or visit www.va.gov/healtheligibility.• <u>Clothing Allowance:</u> For more information, please call 1-800-827-1000 or visit www.vets.gov/disability-benefits/conditions/special-claims/clothing/.• <u>VA Medical Care:</u> Present a copy of this notification letter to the Patient Registration/Eligibility Section at your nearest VA Medical Center www.vets.gov/facility-locator/.



- Dental Benefits: For more information, please contact your nearest VA Medical Center or outpatient clinic www.vets.gov/facility-locator/.
- Spouse or child health care: For more information, please call 1-800-733-8387 or visit www.va.gov/purchasedcare/programs/dependents/champva/.

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.
- Home upgrade due to disability: For more information, please visit www.benefits.va.gov/homeloans/adaptedhousing.asp.
- Car upgrade due to disability: For more information, please call 1-800-827-1000 or visit www.vets.gov/disability-benefits/conditions/special-claims/automobile/.
- Government life insurance: For more information, please call 1-800-669-8477 or visit www.benefits.va.gov/insurance.

Armed Forces Commissary and Exchange:

- You may be entitled to Armed Forces Commissary and Exchange privileges. Honorably discharged Veterans with a service-connected disability; Former Prisoners of War; Purple Heart or Medal of Honor recipients; military retirees; members of the reserves; and their dependents may qualify for entitlement to this additional benefit. For more information, please visit va.gov/resources/commissary-and-exchange-privileges-for-veterans.

Payment for Travel:

- Payment for Travel: You may be eligible for reimbursement for beneficial travel mileage for previous VA medical appointments because of your newly granted service-connected conditions. You must make a request for such reimbursement **within 30 days of this letter** by contacting the Enrollment office at your Medical Center and providing a copy of this letter.

State Benefits:

- State Benefits: For more information, please visit www.va.gov/statedva.htm.

Social Security Administration (SSA) Benefits:

- Social Security Administration (SSA) Benefits: For more information about Social Security



benefits, please call SSA at 1-800-772-1213 (Hearing Impaired TTY line 1-800-325-0778)
or visit www.ssa.gov.



Where to Send Your Correspondence

Documents may be submitted by mail, in person at a VA regional office or electronically. However, VA recommends submitting correspondence electronically as this is the fastest method of receipt.

VA provides several tools to assist in electronic submission. To learn more about how to submit documents and claims electronically, visit www.va.gov/disability/upload-supporting-evidence. You can also go directly to access.va.gov to digitally upload any correspondence using QuickSubmit.

By visiting www.va.gov you can also check your claim status and learn about other VA benefits.

If you need assistance, you can find a local, accredited representative at <https://www.benefits.va.gov/vso/>

If you prefer to mail your correspondence, please use the related mailing address below:

Compensation Benefits Department of Veterans Affairs Compensation Intake Center P.O. Box 4444 Janesville, WI 53547 Toll Free Phone: 1-800-827-1000 Toll Free Fax: (844) 531-7818	Pension & Survivors Benefits Department of Veterans Affairs Pension Intake Center P.O. Box 5365 Janesville, WI 53547 Toll Free Phone: 1-800-827-1000 Toll Free Fax: (844) 655-1604
Board of Veterans' Appeals Department of Veterans Affairs Board of Veterans' Appeals P.O. Box 27063 Washington, DC 20038 Toll Free Fax: (844) 678-8979	Fiduciary Department of Veterans Affairs Fiduciary Intake Center P.O. Box 5211 Janesville, WI 53547 Toll Free Phone: 1-800-827-1000 Toll Free Fax: (888) 581-6826




These addresses serve **all United States and foreign locations.**



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 RIGHT TO SEEK REVIEW OF OUR DECISION

This document outlines your right to seek review of our decision on any issue with which you disagree. You may generally select one of three different review options for each issue decided by VA. However, you may not request review of the same issue using more than one option at the same time. Below is information on the three different review options.

	Supplemental Claim	Higher-Level Review	Board Appeal
What Is This?	A reviewer will determine whether new and relevant evidence changes the prior decision.	An experienced claims adjudicator will review your decision using the same evidence VA considered in the prior decision.	A Veterans Law Judge at the Board of Veterans' Appeals (Board) will review your decision.
By Selecting This Option	<p>You are adding or identifying new and relevant evidence to support your claim that we did not previously consider.</p> <p>VA will assist you in gathering new and relevant evidence that you identify to support your claim.</p>	<p>You have no additional evidence to submit to support your claim, but you believe there was an error in the prior decision.</p> <p>You can request an optional, one-time, informal conference with a Higher-Level Reviewer to identify specific errors in the case, although requesting this conference may delay the review.</p>	<p>You must choose a docket:</p> <p>Direct Review - You do not want to submit evidence or have a hearing.</p> <p>Evidence Submission - You choose to submit additional evidence without a hearing.</p> <p>Hearing - You choose to have a hearing with a Veterans Law Judge.</p>
Goal To Complete	125 days on average	125 days on average	365 days on average for Direct Review (longer for the other options)
Form To File*	VA Form 20-0995, <i>Decision Review Request: Supplemental Claim</i>	VA Form 20-0996, <i>Decision Review Request: Higher-Level Review</i>	VA Form 10182, <i>Decision Review Request: Board Appeal (Notice of Disagreement)</i>
Scan QR Code to Access Form			
Further Options After This Decision Review	You may request another Supplemental Claim, a Higher-Level Review, or a Board Appeal.	You may request a Supplemental Claim or a Board Appeal.	You may request a Supplemental Claim or appeal to the U.S. Court of Appeals for Veterans Claims.



For most VA benefits, **you have 1 year from the date on your decision notice to request a decision review to ensure the earliest possible effective date.** Consult your decision notice for specific limitations.

* All forms listed are available at www.va.gov/find-forms/ or use your mobile device camera to scan the QR code to take you directly to the form you select.

If you do not submit a decision review request within the required time, you may only seek review through the following:

- A request to revise the decision based on a clear and unmistakable error, or
- A Supplemental Claim. If you file a Supplemental Claim after the **1-year** time limit, the effective date for any resulting award of benefits generally will be tied to the date VA receives the Supplemental Claim.

While most decision review options are available to you, there are limitations based on the type of decision you received.

- If you are a party to a **contested claim** - such as claims for apportionment, attorney fee disagreement, or multiple parties filing for survivor's benefits - your *only* option for disagreeing with your decision is to file a Board Appeal within **60 days** of the date on your decision notice.
- If you are seeking review of an **insurance decision** you have an *additional* option to challenge VA's decision by filing a complaint with a United States district court in the jurisdiction in which you reside within 6 years from when the right of action first accrues. Consult your decision notice for details on what options are available and where to send the request.

Get Help with Your Review Request:

For more information on all the available review options, contact us at 1-800-827-1000 or visit www.va.gov/decision-reviews/. If you need help filing a decision review, you may want to work with an accredited attorney, claims agent, or a Veterans Service Organization (VSO) representative. Additional information about working with an accredited attorney, claims agent, or VSO representative is available at www.va.gov/decision-reviews/get-help-with-review-request/. You can find a searchable database of VA-recognized representatives at www.va.gov/ogc/apps/accreditation.

Scan the QR Code to Open the Appropriate Decision Review Website Page



**Supplemental
Claim**



**Higher-Level
Review**



**Board
Appeal**



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

FELISHA SEWARD

**VA File Number
445 80 2066**

**Represented By:
GEORGIA DEPARTMENT OF VETERAN SERVICE
Rating Decision
08/07/2023**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from October 2, 2002 to June 3, 2005. You filed a claim for increased evaluation that was received on June 26, 2023 with Intent To File Claim received February 7, 2023. Based on a review of the evidence listed below, we have made the following decisions on your claim.

DECISION

1. Evaluation of gastroesophageal reflux disease (GERD) with hiatal hernia, which is currently 10 percent disabling, is increased to 60 percent effective February 7, 2023.
2. Evaluation of bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally, which is currently 30 percent disabling, is increased to 50 percent effective February 7, 2023.
3. Evaluation of migraine headaches including migraine variants, which is currently 30 percent disabling, is increased to 50 percent effective February 7, 2023.



4. Evaluation of lumbar strain, which is currently 20 percent disabling, is increased to 40 percent effective February 7, 2023.

5. Basic eligibility to Dependents' Educational Assistance based on permanent and total disability status is established from February 7, 2023.

EVIDENCE

- VBMS Intent To File Claim, received February 7, 2023
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received June 26, 2023
- VA Examination Report of No Show, Lumbar strain, received July 31, 2023
- VA Examination Report of No Show, Migraine headaches, received July 31, 2023
- VA Examination Report of No Show, Bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally, received July 31, 2023
- VA Examination Report of No Show, Gastroesophageal reflux disease (GERD) with hiatal hernia, received July 31, 2023
- Disability Benefit Questionnaire, Private Examination: Esophageal Conditions DBQ, received June 26, 2023
- Disability Benefit Questionnaire, Private Examination: Back (Thoracolumbar Spine) Conditions DBQ, received June 26, 2023
- Disability Benefit Questionnaire, Private Examination: Headaches DBQ, received June 26, 2023
- Disability Benefit Questionnaire, Private Examination: Foot Conditions, Including Flatfoot (Pes Planus) DBQ, conducted June 26, 2023
- Acknowledgement Notification Letter, Application For VA Benefits, conducted June 26, 2023
- Intent To File Claim Notification Letter, Claim For Compensation, conducted February 7, 2023
- Persian Gulf Veteran Memorandum – Sec. 1117, conducted January 27, 2023
- Section (§) 5103 Notice, PACT ACT Gulf War Service Outreach Letter, conducted January 13, 2023
- Toxic Exposure Memorandum – Sec. 1119 Covered Veteran, conducted December 3, 2022
- Compensation Notification Letter, conducted April 19, 2022
- Rating Decision, conducted April 18, 2022
- VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative, Georgia Department Of Veterans Service, received August 30, 2021
- Service Treatment Records, received September 14, 2014; September 30, 2009; December 20, 2005, for the period October 2, 2002 to June 3, 2005
- DD Form 214, Certificate of Release or Discharge from Active Duty, received September 14, 2014, for the period October 2, 2002 to June 3, 2005
- VAMC (Veterans Affairs Medical Center) treatment records, VAMC Atlanta -- Capri progress notes, received August 7, 2023, for the period August 18, 2005 to June 26, 2023

REASONS FOR DECISION



1. Evaluation of gastroesophageal reflux disease (GERD) with hiatal hernia currently evaluated as 10 percent disabling (claimed as increase).

The evaluation of gastroesophageal reflux disease (GERD) with hiatal hernia is increased to 60 percent disabling effective February 7, 2023. (38 CFR 4.1, 38 CFR 3.400, 38 CFR 3.1, 38 CFR 3.159, 38 CFR 4.6)

The effective date of this grant is February 7, 2023. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)

We have assigned a 60 percent evaluation for your gastroesophageal reflux disease (GERD) with hiatal hernia based on:

- Arm pain
- Dysphagia
- Hematemesis
- Persistently recurrent epigastric distress
- Pyrosis (Heartburn and/or Reflux)
- Regurgitation
- Shoulder pain
- Substernal pain
- Vomiting (38 CFR 4.114)

Additional symptom(s) include:

- Symptoms productive of considerable impairment of health (38 CFR 4.114)

This is the highest schedular evaluation allowed under the law for gastroesophageal reflux disease (GERD). (38 CFR 4.112, 38 CFR 4.113, 38 CFR 4.114)

This disability is not specifically listed in the rating schedule; therefore, it is rated analogous to a disability in which not only the functions affected, but anatomical localization and symptoms, are closely related. (38 CFR 4.20)

2. Evaluation of bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally currently evaluated as 30 percent disabling (claimed as increase).

The evaluation of bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally is increased to 50 percent disabling effective February 7, 2023. (38 CFR 4.1, 38 CFR 3.400, 38 CFR 3.1, 38 CFR 3.159, 38 CFR 4.6)

The effective date of this grant is February 7, 2023. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)



We have assigned a 50 percent evaluation for your bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes, bilaterally based on:

- Extreme tenderness of plantar surfaces of the feet (Left)
- Extreme tenderness of plantar surfaces of the feet (Right)
- Marked pronation (Left)
- Marked pronation (Right)
- Symptoms NOT improved by orthopedic shoe or appliance (Left)
- Symptoms NOT improved by orthopedic shoe or appliance (Right) (38 CFR 4.71a)

Additional symptom(s) include:

- Characteristic callosities (Left)
- Characteristic callosities (Right)
- Indication of swelling on use (Left)
- Indication of swelling on use (Right)
- Objective evidence of marked deformity (pronation, abduction, etc.) (Left)
- Objective evidence of marked deformity (pronation, abduction, etc.) (Right)
- Pain on manipulation of the feet (Left)
- Pain on manipulation of the feet (Right)
- Pain on manipulation of the feet, accentuated (Left)
- Pain on manipulation of the feet, accentuated (Right)
- Pain on use of the feet (Left)
- Pain on use of the feet (Right)
- Pain on use of the feet, accentuated (Left)
- Pain on use of the feet, accentuated (Right) (38 CFR 4.59)
- Weight-bearing line over or medial to great toe (Left)
- Weight-bearing line over or medial to great toe (Right) (38 CFR 4.71a)

This is the highest schedular evaluation allowed under the law for flatfoot, acquired. (38 CFR 4.57, 38 CFR 4.71a)

The private examination received on June 26, 2023 assigned a 10 percent evaluation for your bilateral plantar fasciitis based on:

- No relief from non-surgical treatment for the left foot
- No relief from non-surgical treatment for the right foot (38 CFR 4.71a)

A higher evaluation of 20 percent is not warranted for plantar fasciitis unless the evidence shows:

- No relief from both non-surgical and surgical treatment, unilateral. (38 CFR 4.71a)

The private examination received on June 26, 2023 assigned a 0 percent evaluation for your bilateral hammer toes of the fourth and fifth toes based on:

- Single toes (38 CFR 4.71a)

A higher evaluation of 10 percent is not warranted for hammer toe unless the evidence shows:

- All toes hammer toes; or,
- Painful motion of all toes. (38 CFR 4.71a) (38 CFR 4.59)



3. Evaluation of migraine headaches including migraine variants currently evaluated as 30 percent disabling (claimed as increase).

The evaluation of migraine headaches including migraine variants is increased to 50 percent disabling effective February 7, 2023. (38 CFR 4.1, 38 CFR 3.400, 38 CFR 3.1, 38 CFR 3.159, 38 CFR 4.6)

The effective date of this grant is February 7, 2023. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)

We have assigned a 50 percent evaluation for your migraine headaches including migraine variants based on:

- Very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability (38 CFR 4.124a)

This is the highest schedular evaluation allowed under the law for migraines. (38 CFR 4.120, 38 CFR 4.124a)

4. Evaluation of lumbar strain currently evaluated as 20 percent disabling (claimed as increase).

The evaluation of lumbar strain is increased to 40 percent disabling effective February 7, 2023. (38 CFR 4.1, 38 CFR 3.400, 38 CFR 3.1, 38 CFR 3.159, 38 CFR 4.6)

The effective date of this grant is February 7, 2023. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)

We have assigned a 40 percent evaluation for your lumbar strain based on:

- Forward flexion of the thoracolumbar spine 30 degrees or less (38 CFR 4.71a)

Additional symptom(s) include:

- Combined range of motion of the thoracolumbar spine not greater than 120 degrees
- Localized tenderness not resulting in abnormal gait or abnormal spinal contour
- Objective evidence of fatigue
- Objective evidence of incoordination
- Objective evidence of lack of endurance
- Objective evidence of weakness
- Painful motion (38 CFR 4.59) (38 CFR 4.71a)

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 were applied based on additional joint limitation.



A higher evaluation of 50 percent is not warranted for diseases and injuries of the thoracolumbar spine unless the evidence shows:

- Unfavorable ankylosis of the entire thoracolumbar spine. (38 CFR 4.71a)

The VA examiner reported forward flexion, extension, right lateral flexion, left lateral flexion, right lateral rotation, and left lateral rotation are noted on examination, which range of motion (ROM) exhibited pain.

The VA examiner reported there is evidence of pain. There is objective evidence of localized tenderness or pain on palpation of the joint or associated soft tissue. There is pain significantly limits functional ability with repeated use over time. There is pain significantly limits functional ability with flare-ups.

5. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35 based on permanent and total disability status.

Eligibility for Dependents' Educational Assistance is derived from a Veteran who was discharged under other than dishonorable conditions; and has permanent and total service-connected disability/ies; or permanent and total disability/ies existed at the time of death; or the Veteran died as a result of service-connected disability/ies. Also, eligibility exists for a service member who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021, 38 CFR 3.1, 38 CFR 3.159, 38 CFR 4.6)

Basic eligibility for Dependents' Educational Assistance is granted as the evidence shows you currently have a totally disabling service-connected disability or disabilities, permanent in nature. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021)

Evidence we have used to grant permanent and total disability status: VA examinations received on June 26, 2023 document an increase in service connected gastroesophageal reflux disease (GERD) with hiatal hernia, bilateral pes planus with bilateral plantar fasciitis and hammer toes of the fourth and fifth toes bilateral, migraine headaches including migraine variants, and lumbar strain. Your overall combined evaluation is now 100 percent and there is no evidence showing that any service-connected disability affecting your combined evaluation of 100 percent is likely to improve in the future.

Entitlement to Survivor's and Dependents' Educational Assistance (DEA) is granted effective February 7, 2023, which is the date a permanent and total schedular evaluation was assigned. (38 CFR 3.807; 38 CFR 3.400; 38 CFR 21.3021(r))

The effective date of this grant is February 7, 2023. Service connection has been established from the day you have a total service-connected disability, permanent in nature. (38 CFR 3.155, 38 CFR 3.400)



FELISHA SEWARD
445 80 2066
7 of 7

NOTE: For the purposes of dependents' educational assistance under 38 U.S.C. chapter 35 (see § 21.3020), the child, spouse or surviving spouse of a veteran or serviceperson will have basic eligibility. (38 CFR 3.807)

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.



Fraud Prevention: Protect Your Benefits

Please contact the VA ***immediately*** at 1-800-827-1000 if you suspect your information is compromised.

- You receive correspondence from VA concerning a claim, and you don't remember filing a claim contact the VA at 1-800-827-1000.
- You receive correspondence requesting a processing fee prior to releasing benefit payments contact the VA at 1-800-827-1000.
- VA may check in with you by phone, email, or text message. The VA will **never ask for personal information via email**. This includes verification of your SSN, address, and/or bank information. If you are unsure about any call, email, or text, confirm details directly with the VA.
- VA **does not threaten** claimants with jail or lawsuits.
- Be cautious of telephone numbers on caller ID. Scammers may change the telephone number (spoofing) to make a call appear to come from a different person or place.
- When in doubt, hang up and call VA directly at 1-800-827-1000, or call your Power of Attorney representative (DAV, VFW, etc.).
- **Do not ignore emails or letters** from the VA notifying you of an update to direct deposit or eBenefits account information. If you don't remember making changes, it could be the first sign your information was compromised.
- Use secure, unique passwords, and two factor identification where available. To establish a more secure logon for Vets.gov and ebenefits.va.gov with two factor identification create an account via ID.me at <https://api.id.me/en/registration/new>
- Monitor your accounts regularly, respond to fraud alerts and report unauthorized transactions promptly.
- To learn more about protecting yourself from fraud, and how to report it visit <https://www.va.gov/oig/hotline/default.asp>, or go to VA.gov and search "Office of Inspector General".
- For more details on how to avoid scams go to <https://www.fcc.gov/veterans-targeted-benefits-scams>
- Download free financial scam awareness resources at <https://www.consumerfinance.gov/about-us/blog/helping-prevent-scams-targeted-veterans/>
- Get up-to-date information on fraud and scams from the Federal Trade Commission <https://public.tableau.com/profile/federal.trade.commission>