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|  | Training Scenario Veteran’s appeal is for service connection for sleep apnea. The key portion of the Board remand is highlighted below. |
|  | Board Remand The VA examiner with whom the Veteran met in February 2020 for evaluation of his claimed sleep disorder confirmed a current diagnosis of obstructive sleep apnea, but indicated only that the condition was “less likely as not due to environmental hazards exposure and is secondary to upper airway anatomic conditions leading to airway obstruction and hypoxemia.” No assessment was made with respect to in-service onset, or to any direct etiological connection to service. Moreover, no further explanation was furnished as to why environmental hazards exposure bore no causative or aggravating relationship to development of sleep apnea.  Schedule the Veteran for a VA examination to explore the presence and etiology of sleep apnea. All indicated tests and studies should be conducted and all clinical findings reported in detail. The entire claims file should be made available to and be reviewed by the examiner in conjunction with this request.  The examiner should state whether is at least as likely as not (e.g. at least a 50 percent probability or greater) that sleep apnea began in service or is otherwise related to service, to include as secondary to in-service exposure to environmental hazards. The examiner is reminded that such exposure is conceded in the Veteran’s case.  The medical opinion request asked for the following medical opinion. Medical Opinion Request **DBQ Medical Opinion 1:**  Please review the Veteran's electronic folder in VBMS and state that it was reviewed in your report.  MEDICAL OPINION REQUEST  TYPE OF MEDICAL OPINION REQUESTED: Secondary Service connection.  OPINION REQUESTED: Secondary Service Connection.  Is the Veteran's sleep apnea at least as likely as not (50 percent or greater probability) proximately due to or the result of environmental hazards? Medical Opinion from Examiner Based on review of the medical records, there is no evidence documenting that the environmental hazards caused the Veteran’s sleep apnea. Sleep apnea is secondary to upper airway anatomic conditions leading to airway obstruction and hypoxemia. |
|  | Classroom Discussion 1. Based on the Board remand, was the medical opinion request sufficient? Why or why not?  *Based on the Board remand instructions, the medical opinion request was not sufficient. The remand specifically stated that no rationale was previously provided and noted the examiner should consider the environmental hazards exposure is conceded. Neither of these statements was included in the medical opinion request. In addition, the remand indicated no opinion was previously rendered on aggravation and the medical opinion request did not include aggravation.*  2. Based on the Board remand, was the medical opinion from the examiner sufficient? Why or why not?  *Based on the Board remand, the medical opinion was not sufficient. The examiner did not provide a rationale for the medical opinion, similar to the initial medical opinion that was provided. The medical opinion was conclusory without explanation. Note as well that the medical opinion did not discuss aggravation since the medical opinion request did not include aggravation.* |
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Last Updated:

Month Year