

REMAND DATE: July 27, 2022

REMANDED

Service connection for bilateral Achilles tendon condition is remanded.

Service connection for bilateral calcaneal plantar posterior spurs is remanded.

REASONS FOR REMAND

The Veteran served on active duty from November 1980 to May 1983. These matters come before the Board of Veterans' Appeals (Board) on appeal from a May 2014 Rating Decision issued by the Department of Veterans Affairs (VA) Regional Office (RO).

In November 2019 a hearing was held before the undersigned; a transcript is of record.

These matters were before the Board in February 2020 and April 2021 and were remanded for further development.

Service Connection

1. Service connection for bilateral Achilles tendon condition is remanded.

In accordance with the April 2021 Board remand instructions, the Veteran was provided a May 2021 VA examination during which the conducting physician opined that it was less likely than not that the Veteran's bilateral Achilles tendon condition is causally related to service. As a rationale, the physician stated that the Veteran separated from service in 1983 and he was not diagnosed with Achilles tendonitis until about 30 years later. However, the physician did not account for the Veteran's competent and credible Board testimony indicating that when he got out of the service, his Achilles tendon pain was prevalent. *Layno v. Brown*, 6 Vet. App. 465, 471 (1994). The physician also did not offer an opinion concerning the cause of the Veteran's Achilles tendon condition.

Without an adequate examination, the Board cannot make a fully informed decision on the issue of entitlement to service connection for bilateral Achilles tendon condition. The Board apologizes for the additional delay in remanding the Veteran's claim but finds that it is necessary to make a fair and accurate decision on the claim.

2. Service connection for bilateral calcaneal plantar posterior spurs is remanded.

In accordance with the April 2021 Board remand instructions, the Veteran was provided a May 2021 VA examination during which the conducting physician opined that it was less likely than not that the Veteran's bilateral calcaneal plantar posterior spurs are causally related to service. As a rationale, the physician stated that the Veteran

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separated from service in 1983 and was not diagnosed with bilateral calcaneal plantar posterior spurs until about 30 years later. However, a May 2014 VA examination indicates that the onset of the Veteran's bone spurs developed in the late 1980s, which would have been soon after exiting from service. The physician also did not offer an opinion concerning the cause of the bilateral calcaneal plantar posterior spurs.

Without an adequate examination, the Board cannot make a fully informed decision on the issue of entitlement to service connection for bilateral calcaneal plantar posterior spurs. The Board apologizes for the additional delay in remanding the Veteran's claim but finds that it is necessary to make a fair and accurate decision on the claim.

The matters are REMANDED for the following action:

1. Please note that this Veteran's case has been advanced on the docket and, by law, ALL remanded claims must be processed expeditiously.
2. Schedule the Veteran for a VA examination with a podiatrist to determine the nature and cause of his diagnosed bilateral Achilles tendon condition and bilateral calcaneal plantar posterior spurs.
3. The examiner is to be informed that the May 2014 VA examiner indicated that the Veteran's bone spurs developed in the late 1980s and the Veteran is competent and credible to testify that his symptoms began right after service. The examiner should not offer an opinion on the sole basis that there is a 30-year gap between the end of service and a formal diagnosis of both conditions. Rather, the examiner must consider the credible statements of the Veteran describing his foot pain in service from the boots he had to run and march in and how that pain continued since service. Based on review of the record and examination of the Veteran, the examiner should provide an opinion that responds to the following:
 - a. Is it at least as likely as not (50 percent or greater) that the Veteran's bilateral Achilles tendon condition is related to his active duty service?
 - b. Is it at least as likely as not (50 percent or greater) that the Veteran's bilateral calcaneal plantar posterior spurs is related to his active duty service?

A detailed explanation (rationale) is requested for all opinions provided. (By law, the Board is not permitted to rely on any conclusion that is not supported by a thorough explanation. Providing an opinion or conclusion without a thorough explanation will delay processing of the claim and may also result in a clarification being requested).