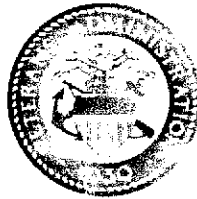


IN THE APPEAL OF

GEORGE P. OJALA

SS



BOARD OF VETERANS APPEALS
WASHINGTON, D.C. 20420

FINDINGS AND DECISION

)
)
)
)

DOCKET NO. 81-16 411

DATE

SEP 8 1981

1981

THE ISSUE

1. Entitlement to a temporary total disability rating based on hospitalization from September 25, 1979, to October 17, 1979.
2. Entitlement to a temporary total disability rating based on hospitalization from November 26, 1979, to May 16, 1980.
3. Entitlement to an increased rating for schizophrenic reaction, latent type, evaluated as fifty per cent (50%) disabling.

REPRESENTATION

Appellant represented by: Veterans of Foreign Wars of the United States

CONSULTATIONS BY THE BOARD

Robert E. Sullivan, Staff Legal Adviser

OJALA, George P.

A 70 percent rating is provided for posttraumatic stress neurosis when the ability to establish and maintain effective or favorable relationships with people is seriously impaired and there are psychoneurotic symptoms of such severity and persistence that there is pronounced impairment in the ability to obtain or retain employment. A 100 percent rating is authorized when the attitudes of all contacts except the most intimate are so adversely affected as to result in virtual isolation in the community and there are totally incapacitating psychoneurotic symptoms bordering on gross repudiation of reality with disturbed thought or behavioral processes associated with almost all daily activities such as fantasy, confusion, panic and explosions of aggressive energy resulting in profound retreat from mature behavior such that the veteran is demonstrably unable to obtain or retain employment. (38 C.F.R. Part 4, Code 9411)

When a reasonable doubt arises regarding service origin, the degree of disability, or any other point, such doubt will be resolved in favor of the claimant. A reasonable doubt means a substantial doubt and one within the range of probability as distinguished from speculation or remote possibility. (38 C.F.R. 3.102)

DISCUSSION AND EVALUATION

The veteran believes that he is entitled to a total rating for his service-connected psychiatric disability back to 1979, when his total rating based on unemployability due to service-connected disability was terminated, and the rating for his service-connected disorder was reduced from 70 percent to 50 percent. "The Veterans Administration examination in November 1978 certainly does not support an evaluation in excess of 50 percent." The Board points out that a Board of Veterans Appeals decision in September 1982, on the evidence then of record, denied entitlement to an increased evaluation for his service-connected disorder. This decision is final in the absence of obvious error. There have been no specific allegations of error of law or fact in regard to the September 1982 decision. The Board has carefully reviewed all of the evidence in connection with the previous Board decision and finds that the medical and legal conclusions entered in connection therewith were adequately supported by the evidence then of record.

Page 3