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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 16-3392

FREDDIE M. EDMUNDS, APPELLANT,

v.

DAVID J. SHULKIN, M.D.,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before TOTH, *Judge*.

MEMORANDUM DECISION

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

TOTH, *Judge*: Freddie Edmunds served in the Army for three months in 1988 and has worked as a police officer almost continuously since then. He appeals a Board decision denying service connection for flat feet and tendonitis in both shoulders. His flat feet condition was noted in his entrance examination, so his claim turns on whether his disability was aggravated by service. *See* 38 U.S.C. §§ 1111 and 1153. He was treated for shoulder pain from muscle strain and spasms during basic training; x-rays showed no abnormalities of the bones or joints, and he was diagnosed with exertional rhabdomyolysis (muscle breakdown). No further complaints about his shoulders from Mr. Edmunds were documented during the remainder of his service. He likewise has no documented complaints related to his feet during service or after.

He argues that the medical examinations provided by VA were inadequate because neither accounted for his lay statements indicating pain since service. His statements were allegedly dismissed for lack of post-service treatment. But medical examiners are not required to discuss every favorable piece of evidence or provide reasons and bases for each decision. *Monzingo v. Shinseki*, 26 Vet.App. 97, 105-06 (2012). Instead, the examiner must consider the veteran's prior medical history and describe the disability in sufficient detail to allow the Board to understand the medical issues. *Stefl v. Nicholson*, 21 Vet.App. 120, 123 (2007).

Mr. Edmunds acknowledges that the 2010 examiner described in detail his in-service shoulder injuries. He does not, however, acknowledge the examiner's specific notation that she reviewed his lay statement and recorded the onset of his current disability as 1988. The examiner recounted a shoulder sprain in 2005, shoulder stiffness treated in 2007, and treatment for back and shoulder pain from shoveling snow in 2009. She also found no record to support recurrence of the muscle breakdown he experienced during service because his creatine phosphokinase (CPK) levels were near normal. These things, along with an absence of recurring shoulder problems between 1988 and 2005, a left-shoulder injury during a car accident in 2010, and the fact that his job as a policeman entailed strenuous physical activity, made it more likely, in the examiner's opinion, that his shoulder disability was not due to service.

The examiner for his bilateral foot disability specifically mentioned reviewing statements made by Mr. Edmunds and his mother. The opinion also noted that his feet caused him pain during service. But this examiner, too, concluded that there was a large gap in time before Mr. Edmunds raised any concerns about his feet, and no evidence showed any injuries or events in service that could have permanently worsened his pre-existing foot condition.

Although lay statements in some circumstances can constitute competent medical evidence, *see Jandreau v. Nicholson*, 492 F.3d 1372, 1377 (Fed. Cir. 2007), that's not the case here. The Board recognized that Mr. Edmunds is competent to report pain, and it noted his mother's corroborating statements indicating as much, but it found neither person competent to speak to the etiology of his bilateral shoulder disability or his bilateral foot disability. Thus, it determined that no evidence in the record supported a finding that his disabilities were related to service.

Ultimately, Mr. Edmunds thinks his statements should have carried more weight. But that's for the Board to determine, not the Court. The adequacy of a medical opinion is reviewed for clear error, *D'Aries v. Peake*, 22 Vet.App. 97, 104 (2008), and the Court finds none here. Accordingly, the September 12, 2016, Board decision is AFFIRMED.

DATED: January 18, 2018

Copies to:

Maxwell D. Kinman, Esq.

VA General Counsel (027)