§ 4.123

With psychomotor epilepsy, like those of the seizures, are protean in character.

§ 4.123  Neuralgia, cranial or peripheral.

Neuralgia, cranial or peripheral, characterized by loss of reflexes, muscle atrophy, sensory disturbances, and constant pain, at times excruciating, is to be rated on the scale provided for injury of the nerve involved, with a maximum equal to severe, incomplete paralysis. See nerve involved for diagnostic code number and rating. The maximum rating which may be assigned for neuralgia not characterized by organic changes referred to in this section will be that for moderate, or with sciatic nerve involvement, for moderately severe, incomplete paralysis.

§ 4.124  Neuralgia, cranial or peripheral.

Neuralgia, cranial or peripheral, characterized usually by a dull and intermittent pain, of typical distribution so as to identify the nerve, is to be rated on the same scale, with a maximum equal to moderate incomplete paralysis. See nerve involved for diagnostic code number and rating. Tic douloureux, or trigeminal neuralgia, may be rated up to complete paralysis of the affected nerve.

§ 4.124a  Schedule of ratings—neurological conditions and convulsive disorders.

[With the exceptions noted, disability from the following diseases and their residuals may be rated from 10 percent to 100 percent in proportion to the impairment of motor, sensory, or mental function. Consider especially psychotic manifestations, complete or partial loss of use of one or more extremities, speech disturbances, impairment of vision, disturbances of gait, tremors, visceral manifestations, etc., referring to the appropriate bodily system of the schedule. With partial loss of use of one or more extremities from neurological lesions, rate by comparison with the mild, moderate, severe, or complete paralysis of peripheral nerves]

ORGANIC DISEASES OF THE CENTRAL NERVOUS SYSTEM—Continued

<table>
<thead>
<tr>
<th>Rating</th>
<th>Code</th>
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<tr>
<td>10</td>
<td>8000</td>
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<table>
<thead>
<tr>
<th>Rate residuals, minimum</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Brain, new growth of:</td>
<td></td>
</tr>
<tr>
<td>8002 Malignant</td>
<td>100</td>
</tr>
</tbody>
</table>

NOTE: The rating in code 8002 will be continued for 2 years following cessation of surgical, chemotherapeutic or other treatment modality. At this point, if the residuals have stabilized, the rating will be made on neurological residuals according to symptomaticity.

Minimum rating 30

Rate residuals, minimum 10

8003 Benign, minimum 60

Rate residuals, minimum 10

8004 Paralysis agitans:

Minimum rating 30

8005 Bulbar palsy 100

8007 Brain, vessels, embolism of.

8008 Brain, vessels, thrombosis of.

8009 Brain, vessels, hemorrhage from:

Rate the vascular conditions under Codes 8007 through 8009, for 6 months 100

Rate residuals, thereafter, minimum 10

8010 Myletis:

Minimum rating 10

8011 Poliomyelitis, anterior:

As active febrile disease 100

Rate residuals, minimum 10

8012 Hematomyelia:

For 6 months 100

Rate residuals, minimum 10

8013 Syphilis, cerebrospinal.

8014 Syphilis, meningovascular.

8015 Tabes dorsalis.

NOTE: Rate upon the severity of convulsions, paralysis, visual impairment or psychotic involvement, etc.

8017 Amyotrophic lateral sclerosis:

Minimum rating 30

8018 Multiple sclerosis:

Minimum rating 30

8019 Meningitis, cerebrospinal, epidemic:

As active febrile disease 100

Rate residuals, minimum 10

8020 Brain, abscess of:

As active disease 100

Rate residuals, minimum 10

Spinal cord, new growths of:

8021 Malignant 100

NOTE: The rating in code 8021 will be continued for 2 years following cessation of surgical, chemotherapeutic or other treatment modality. At this point, if the residuals have stabilized, the rating will be made on neurological residuals according to symptomaticity.

Minimum rating 30

Rate residuals, minimum 10

8022 Benign, minimum rating 60

8023 Progressive muscular atrophy:

Minimum rating 30

8024 Syringomyelia:

Minimum rating 30

8025 Myasthenia gravis: Minimum rating 30
ORGANIC DISEASES OF THE CENTRAL NERVOUS SYSTEM—Continued

NOTE: It is required for the minimum ratings for residuals under diagnostic codes 8000–8025, that there be ascertainable residuals. Determinations as to the presence of residuals not capable of objective verification, i.e., headaches, dizziness, fatigability, must be approached on the basis of the diagnosis recorded; subjective residuals will be accepted when consistent with the disease and not more likely attributable to other disease or no disease. It is of exceptional importance that when ratings in excess of the prescribed minimum ratings are assigned, the diagnostic codes utilized as bases of evaluation be cited, in addition to the codes identifying the diagnoses.

8045 Brain disease due to trauma:

Purely neurological disabilities, such as hemiplegia, epileptiform seizures, facial nerve paralysis, etc., following trauma to the brain, will be rated under the diagnostic codes specifically dealing with such disabilities, with citation of a hyphenated diagnostic code (e.g., 8045–8207).

Purely subjective complaints such as headache, dizziness, insomnia, etc., recognized as symptomatic of brain trauma, will be rated 10 percent and no more under diagnostic code 9304. This 10 percent rating will not be combined with any other rating for a disability due to brain trauma. Ratings in excess of 10 percent for brain disease due to trauma under diagnostic code 9304 are not assignable in the absence of a diagnosis of multi-infarct dementia associated with brain trauma.

8046 Cerebral arteriosclerosis:

Purely neurological disabilities, such as hemiplegia, cranial nerve paralysis, etc., due to cerebral arteriosclerosis will be rated under the diagnostic codes specifically dealing with such disabilities, with citation of a hyphenated diagnostic code (e.g., 8046–8207).

Purely subjective complaints such as headache, dizziness, insomnia and irritability, recognized as symptomatic of a properly diagnosed cerebral arteriosclerosis, will be rated 10 percent and no more under diagnostic code 9305. This 10 percent rating will not be combined with any other rating for a disability due to cerebral or generalized arteriosclerosis. Ratings in excess of 10 percent for cerebral arteriosclerosis under diagnostic code 9305 are not assignable in the absence of a diagnosis of multi-infarct dementia with cerebral arteriosclerosis.

NOTE: The ratings under code 8046 apply only when the diagnosis of cerebral arteriosclerosis is substantiated by the entire clinical picture and not solely on findings of retinal arteriosclerosis.

MISCELLANEOUS DISEASES

8100 Migraine:

10

MISCELLANEOUS DISEASES—Continued

Disability from lesions of peripheral portions of first, second, third, fourth, sixth, and eighth nerves will be rated under the Organs of Special Sense. The ratings for the cranial nerves are for unilateral involvement; when bilateral, combine but without the bilateral factor.

Fifth (trigeminal) cranial nerve

8205 Paralysis of:

Complete .............................................................. 50
Incomplete, severe ............................................... 30
Incomplete, moderate ......................................... 10
NOTE: Dependent upon relative degree of sensory manifestation or motor loss.

8305 Neuritis.

8405 Neuralgia.

NOTE: Tic douloureux may be rated in accordance with severity, up to complete paralysis.

Seventh (facial) cranial nerve

8207 Paralysis of:

Complete .............................................................. 30
Incomplete, severe ............................................... 20
Incomplete, moderate .......................................... 10
NOTE: Dependent upon relative loss of innervation of facial muscles.

8307 Neuritis.

8407 Neuralgia.

Ninth (glossopharyngeal) cranial nerve.

8209 Paralysis of:

Complete .............................................................. 30
Incomplete, severe ............................................... 20
Incomplete, moderate .......................................... 10

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### Diseases of the Cranial Nerves—Continued

<table>
<thead>
<tr>
<th>Rating</th>
<th>Major</th>
<th>Minor</th>
</tr>
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<tbody>
<tr>
<td>8309</td>
<td>Neuritis.</td>
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</tr>
<tr>
<td>8409</td>
<td>Neuralgia.</td>
<td></td>
</tr>
<tr>
<td>8210</td>
<td>Paralysis of:</td>
<td></td>
</tr>
<tr>
<td>Complete</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Incomplete, severe</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Incomplete, moderate</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Dependent upon relative loss of ordinary sensation in mucous membrane of the pharynx, fauces, and tonsils.

8310 Neuritis.
8410 Neuralgia.

Eleventh (spinal accessory, external branch) cranial nerve.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Major</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>8211</td>
<td>Paralysis of:</td>
<td></td>
</tr>
<tr>
<td>Complete</td>
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<td></td>
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<td>20</td>
<td></td>
</tr>
<tr>
<td>Incomplete, moderate</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Dependent upon loss of motor function of sternomastoid and trapezius muscles.

8311 Neuritis.
8411 Neuralgia.

Twelfth (hypoglossal) cranial nerve.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Major</th>
<th>Minor</th>
</tr>
</thead>
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<tr>
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<tr>
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<tr>
<td>Incomplete, severe</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Incomplete, moderate</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Dependent upon loss of motor function of tongue.

8312 Neuritis.
8412 Neuralgia.

### Diseases of the Peripheral Nerves

**Schedule of ratings**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Major</th>
<th>Minor</th>
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<td>8510</td>
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<tr>
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<td>60</td>
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<tr>
<td>Incomplete:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe</td>
<td>50</td>
<td>40</td>
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<tr>
<td>Moderate</td>
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<td>30</td>
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<tr>
<td>Mild</td>
<td>20</td>
<td>20</td>
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</tbody>
</table>

The term "incomplete paralysis," with this and other peripheral nerve injuries, indicates a degree of lost or impaired function substantially less than the type picture for complete paralysis given with each nerve, whether due to varied level of the nerve lesion or to partial regeneration. When the involvement is wholly sensory, the rating should be for the mild, or at most, the moderate degree.

The ratings for the peripheral nerves are for unilateral involvement; when bilateral, combine with application of the bilateral factor.

**Upper radicular group (fifth and sixth cervicals)**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Major</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>8511</td>
<td>Paralysis of:</td>
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<tr>
<td>Complete</td>
<td>70</td>
<td>60</td>
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<td>Moderate</td>
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</tr>
<tr>
<td>Mild</td>
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</table>

**Middle radicular group**

<table>
<thead>
<tr>
<th>Rating</th>
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<th>Minor</th>
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<tbody>
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<tr>
<td>Complete</td>
<td>70</td>
<td>60</td>
</tr>
<tr>
<td>Incomplete:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>Moderate</td>
<td>40</td>
<td>30</td>
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<tr>
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**Lower radicular group**

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<tr>
<td>Complete</td>
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<td>80</td>
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<tr>
<td>Incomplete:</td>
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<tr>
<td>Severe</td>
<td>70</td>
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<tr>
<td>Moderate</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>Mild</td>
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</table>

**All radicular groups**

<table>
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<tr>
<td>Incomplete:</td>
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<tr>
<td>Severe</td>
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<tr>
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<td>20</td>
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<tr>
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**The musculospiral nerve (radial nerve)**

<table>
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<th>Rating</th>
<th>Major</th>
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<tr>
<td>Incomplete:</td>
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<tr>
<td>Severe</td>
<td>50</td>
<td>40</td>
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<tr>
<td>Moderate</td>
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<tr>
<td>Mild</td>
<td>20</td>
<td>20</td>
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</tbody>
</table>
DISEASES OF THE PERIPHERAL NERVES—Continued

8614 Neuritis.
8714 Neuralgia.

NOTE: Lesions involving only “dissociation of extensor communs digitorum” and “paralysis below the extensor communs digitorum,” will not exceed the moderate rating under code 8514.

The median nerve

8515 Paralysis of:
Complete: the hand inclined to the ulnar side, the index and middle fingers more extended than normally, considerable atrophy of the muscles of the thenar eminence, the thumb in the plane of the hand (e.g., hand); pronation incomplete and defective, absence of flexion of index finger and feeble flexion of middle finger, cannot make a fist, index and middle fingers remain extended; cannot flex distal phalanges of thumb, defective opposition and abduction of the thumb, at right angles to palm; flexion of wrist weakened; pain with trophic disturbances ...

Incomplete:
Severe .................................................. 70 60
Moderate ............................................... 50 40
Mild ....................................................... 30 20

8616 Paralysis of:

The ulnar nerve

8516 Paralysis of:
Complete: the “griffin claw” deformity, due to flexor contraction of ring and little fingers, atrophy very marked in dorsal interspace and thenar and hypothenar eminences; loss of extension of ring and little fingers cannot spread the fingers (or reverse), cannot adduct the thumb; flexion of wrist weakened ...

Incomplete:
Severe .................................................. 60 50
Moderate ............................................... 40 30
Mild ....................................................... 20 10

8617 Neuritis.
8717 Neuralgia.

Musculocutaneous nerve

8517 Paralysis of:
Complete: weakness but not loss of flexion of elbow and supination of forearm

Incomplete:
Severe .................................................. 30 20
Moderate ............................................... 20 20
Mild ....................................................... 0 0

8618 Neuritis.
8718 Neuralgia.

Circumflex nerve

8518 Paralysis of:
Complete: abduction of arm is impossible, outward rotation is weakened; muscles supplied are deltoid and teres minor ...

Incomplete:
Severe .................................................. 50 40
Moderate ............................................... 30 20
Mild ....................................................... 10 10

8619 Neuritis.
8719 Neuralgia.

Long thoracic nerve

8519 Paralysis of:
Complete: inability to raise arm above shoulder level, winged scapula deformity ...

Incomplete:
Severe .................................................. 30 20
Moderate ............................................... 20 20
Mild ....................................................... 0 0

NOTE: Not to be combined with lost motion above shoulder level.

8620 Neuritis.
8720 Neuralgia.

Sciatic nerve

8520 Paralysis of:
Complete: the foot dangles and drops, no active movement possible of muscles below the knee, flexion of knee weakened or (very rarely) lost ...

Incomplete:
Severe, with marked muscular atrophy ...
Moderately severe ...
Moderate ...
Mild ...

8621 Neuritis.
8721 Neuralgia.

Musculocutaneous nerve (common peroneal)

8521 Paralysis of:
Complete: foot drop and slight droop of first phalanges of all toes, cannot dorsiflex the foot, extension (dorsal flexion) of proximal phalanges of toes lost; abduction of foot lost, adduction weakened; anesthesia covers entire dorsum of foot and toes ...

Incomplete:
Severe ...
Moderate ...
Mild ...

8622 Neuritis.
8722 Neuralgia.

Musculocutaneous nerve (superficial peroneal)

8522 Paralysis of:
Complete: eversion of foot weakened ...

Incomplete:
Severe ...
Moderate ...
Mild ...

8623 Neuritis.
8723 Neuralgia.

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8622 Neuritis.
8722 Neuralgia.

Anterior tibial nerve (deep peroneal)
8523 Paralysis of:
Complete; dorsal flexion of foot lost .......... 30
Incomplete:
Severe .................................................. 20
Moderate .............................................. 10
Mild ....................................................... 0

8623 Neuritis.
8723 Neuralgia.

Internal popliteal nerve (tibial)
8524 Paralysis of:
Complete; plantar flexion lost, frank
adduction of foot impossible, flexion
and separation of toes abolished; no
muscle in sole can move; in lesions of
the nerve high in popliteal fossa, plan-
tar flexion of foot is lost ........................ 40
Incomplete:
Severe .................................................. 30
Moderate .............................................. 20
Mild ....................................................... 10

8624 Neuritis.
8724 Neuralgia.

Posterior tibial nerve
8525 Paralysis of:
Complete; paralysis of all muscles of
sole of foot, frequently with painful pa-
ralysis of a causalgic nature; toes can-
not be flexed; adduction is weakened;
plantar flexion is impaired .................... 30
Incomplete:
Severe .................................................. 20
Moderate .............................................. 10
Mild ....................................................... 10

8625 Neuritis.
8725 Neuralgia.

Anterior crural nerve (femoral)
8526 Paralysis of:
Complete; paralysis of quadriceps exten-
sor muscles .............................. 40
Incomplete:
Severe .................................................. 30
Moderate .............................................. 20
Mild ....................................................... 10

8626 Neuritis.
8726 Neuralgia.

Internal saphenous nerve
8527 Paralysis of:
Severe to complete .............................. 10
Mild to moderate ................................. 0

8627 Neuritis.
8727 Neuralgia.

Obturator nerve
8528 Paralysis of:
Severe to complete .............................. 10
Mild or moderate ................................. 0

8628 Neuritis.
8728 Neuralgia.

External cutaneous nerve of thigh
8529 Paralysis of:
Severe to complete .............................. 10
Mild or moderate ................................. 0

8629 Neuritis.
8729 Neuralgia.

Ilio-inguinal nerve
8530 Paralysis of:
Severe to complete .............................. 10
Mild or moderate ................................. 0

8630 Neuritis.
8730 Neuralgia.

8540 Soft-tissue sarcoma (of neurogenic
origin) ....................................................... 100

NOTE: The 100 percent rating will be continued
for 6 months following the cessation of surgical,
X-ray, antineoplastic chemotherapy or other
therapeutic procedure. At this point, if there has
been no local recurrence or metastases, the
rating will be made on residuals.

The Epilepsies

A thorough study of all material in §§ 4.121 and
4.122 of the preface and under the ratings for
epilepsy is necessary prior to any rating ac-
tion.

8910 Epilepsy, grand mal.
Rate under the general rating formula for major
seizures.

8911 Epilepsy, petit mal.
Rate under the general rating formula for minor
seizures.

NOTE (1): A major seizure is characterized by the
generalized tonic-clonic convolution with uncon-
sciousness.

NOTE (2): A minor seizure consists of a brief
interruption in consciousness or conscious
control associated with staring or rhythmic
blinking of the eyes or nodding of the head
(“pure” petit mal), or sudden jerking move-
ments of the arms, trunk, or head (myoclonic
type) or sudden loss of postural control
(akinetic type).

General Rating Formula for Major and Minor Epi-
leptic Seizures:

- Averaging at least 1 major seizure per
  month over the last year .................... 100
- Averaging at least 1 major seizure in 3
  months over the last year, or more than
  10 minor seizures weekly ................... 80
- Averaging at least 1 major seizure in 4
  months over the last year, or 9–10 minor
  seizures per week ......................... 60
- At least 1 major seizure in the last 6 months
  or 2 in the last year, or averaging at least
  5 to 8 minor seizures weekly .............. 40
- At least 1 major seizure in the last 2 years;
  or at least 2 minor seizures in the last 6
  months ........................................... 20
- A confirmed diagnosis of epilepsy with a his-
tory of seizures ............................. 10
§ 4.125 Diagnosis of mental disorders.

(a) If the diagnosis of a mental disorder does not conform to DSM-IV or is not supported by the findings on the examination report, the rating agency shall return the report to the examiner to substantiate the diagnosis.

(b) If the diagnosis of a mental disorder is changed, the rating agency shall determine whether the new diagnosis represents progression of the prior diagnosis, correction of an error in the prior diagnosis, or development of a new and separate condition. If it is not clear from the available records what the change of diagnosis represents, the rating agency shall return the report to the examiner for a determination.

(Authority: 38 U.S.C. 1155)

[61 FR 52700, Oct. 8, 1996]

§ 4.126 Evaluation of disability from mental disorders.

(a) When evaluating a mental disorder, the rating agency shall consider the frequency, severity, and duration of psychiatric symptoms, the length of remissions, and the veteran's capacity for adjustment during periods of remission. The rating agency shall assign an evaluation based on all the evidence of record that bears on occupational and social impairment rather than solely on the examiner's assessment of the level of disability at the moment of the examination.

(b) When evaluating the level of disability from a mental disorder, the rating agency will consider the extent of social impairment, but shall not assign an evaluation solely on the basis of social impairment.

(c) Delirium, dementia, and amnestic and other cognitive disorders shall be evaluated under the general rating formula for mental disorders; neurologic deficits or other impairments stemming from the same etiology (e.g., a head injury) shall be evaluated separately and combined with the evaluation for delirium, dementia, or amnestic or other cognitive disorder (see § 4.25).

(d) When a single disability has been diagnosed both as a physical condition and as a mental disorder, the rating