



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office**

James Snodgrass



**Represented By:
GORDON A GRAHAM
Rating Decision
02/19/2021**

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime and Vietnam Era. You served in the Navy from January 7, 1959 to July 16, 1962 and from October 10, 1962 to October 21, 1977. We received your supplemental claim on February 11, 2021. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is denied.

EVIDENCE

- Department of Veterans Affairs Rating Decision, dated January 6, 2021
- VA Form 20-0995 Supplemental Claim Application, received February 11, 2021
- Section (§) 5103 Notice Acknowledgement, February 11, 2021



REASONS FOR DECISION

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is denied because the grant was from the date of permanent and total disability. (38 CFR 3.400)

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a service person who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Ch. 35, 38 CFR 3.807)

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows you currently have a total service-connected disability, permanent in nature. (38 USC Chapter 35, 38 CFR 3.807). We have assigned an effective date of June 27, 2019, the date on which you were granted entitlement to a total disability evaluation with no follow up exams deemed necessary. (38 CFR 3.400, 38 CFR 3.2500, PL-116-23)

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our website, www.va.gov.

