



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
08/23/2021**

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime. You served in the Navy from August 28, 1978 to September 3, 1982. We received your supplemental claim on August 16, 2021. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

The level of special monthly compensation is confirmed and continued at its current rate.

EVIDENCE

- Standard 5103 Notice, received on August 19, 2021
- 5103 Notice Acknowledgement, received on August 18, 2021
- VA Form 20-0995 Supplemental Claim Application, received on August 16, 2021
- VAMC (Veterans Affairs Medical Center) treatment records, Central TX VAMC, for the period April 22, 2019 to April 30, 2019
- Service Treatment and Personnel Records, for the period August 28, 1978 to September 3, 1982



REASONS FOR DECISION

Entitlement to special monthly compensation based on aid and attendance.

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. The current level of entitlement to special monthly compensation is confirmed and continued based on the evidence reviewed. (38 CFR 3.350)

38 CFR 3.350(b)(4) states, "Permanently bedridden. The criteria for rating are contained in §3.352(a). Where possible, determinations should be on the basis of permanently bedridden rather than for need of aid and attendance (except where 38 U.S.C. 1114(r) is involved) to avoid reduction during hospitalization where aid and attendance is provided in kind."

On your examination conducted by LHI dated 3/3/2019, the examiner noted that you are not permanently bedridden. Furthermore, 38 CFR 3.350(c) states the criteria for SMC(m) housebound. Your exam did not show the medical history or current symptoms that would make you eligible for this rate.

(c) Ratings under 38 U.S.C. 1114(m). (1) The special monthly compensation provided by 38 U.S.C. 1114(m) is payable for any of the following conditions:

- (i) Anatomical loss or loss of use of both hands;
- (ii) Anatomical loss or loss of use of both legs at a level, or with complications, preventing natural knee action with prosthesis in place;
- (iii) Anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place with anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place;
- (iv) Blindness in both eyes having only light perception;
- (v) Blindness in both eyes leaving the veteran so helpless as to be in need of regular aid and attendance.

(2) Natural elbow or knee action. In determining whether there is natural elbow or knee action with prosthesis in place, consideration will be based on whether use of the proper prosthetic appliance requires natural use of the joint, or whether necessary motion is otherwise controlled, so that the muscles affecting joint motion, if not already atrophied, will become so. If there is no movement in the joint, as in ankylosis or complete paralysis, use of prosthesis is not to be expected, and the determination will be as though there were one in place.

(3) Eyes, bilateral. With visual acuity 5/200 or less or the vision field reduced to 5 degree



concentric contraction in both eyes, entitlement on account of need for regular aid and attendance will be determined on the facts in the individual case. 38 CFR 3.350(c)

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.

