



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
01/04/2022**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Navy from May 17, 2000 to May 1, 2003. The Board of Veterans Appeals made their decision on your appeal on December 17, 2021. We have implemented their decision based on the evidence listed below.

DECISION

Entitlement to special monthly compensation based on loss of use of leg is granted from September 23, 2014.

EVIDENCE

- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, received January 17, 2020
 - VA Form 21-526, Veteran's Application for Compensation and/or Pension, submitted with one additional page, received November 13, 2018
 - Section (§) 5103 Notice, dated December 3, 2018
- [REDACTED]

- Section (§) 5103 Notice Response, received January 7, 2019
- Aid and Attendance Examination, August 19, 2019
- Statement of Case received July 18, 2019
- Rating Decision, dated September 3, 2019

REASONS FOR DECISION

Entitlement to special monthly compensation.

In accordance with the Board of Veterans' Appeals decision dated December 17, 2021, entitlement to special monthly compensation (SMC) under 38 U.S.C. § 1114(o) is granted for the period on appeal, and, in turn, entitlement to SMC under 38 U.S.C. § 1114(r)(1) is warranted. Please refer to BVA decision of December 17, 2021, for more information as to the reasons and basis for this decision. (38 CFR 3.350, 38 CFR 3.400, 38 CFR 3.401, 38 CFR 3.103)

The effective date of this grant is September 23, 2014, the earliest date you met all the parameters necessary to be eligible for this entitlement. (38 CFR 3.350, 38 CFR 3.400)

Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (o) and 38 CFR 3.350(e) on account of [being so helpless as to be in need of regular aid and attendance] and [the loss of use of one hand with the loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place] from September 23, 2014.

Entitled to additional aid and attendance allowance under 38 U.S.C. 1114, subsection (r)(1) and 38 CFR 3.350(h) subject to the provisions of 38 CFR 3.552(b)(2) on account of entitlement under subsection (o), and in need of regular aid and attendance and being in need of regular aid and attendance from September 23, 2014.

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.