



HIGHER-LEVEL REVIEW RETURN

POA Gordon A. Graham, Esq.	DATE OF RETURN: Mar 24, 2022	REGIONAL OFFICE NUMBER 346
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NAME OF CLAIMANT [REDACTED]	VA FILE NUMBER [REDACTED]
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SECTION I

THE HIGHER-LEVEL REVIEW BEING RETURNED RELATES TO THE FOLLOWING ISSUES:

LIST ALL SPECIFIC ISSUES BEING RETURNED <i>(Continue on additional page as necessary)</i>	DATE OF VA DECISION NOTICE
1. Entitlement to special monthly compensation based on aid and attendance.	03/07/2022

SECTION II

THE HIGHER-LEVEL REVIEW HAS BEEN RETURNED FOR THE FOLLOWING REASONS:

DUTY TO ASSIST ERRORS *(Select all that apply)*

PRIVATE MEDICAL RECORDS
 FEDERAL MEDICAL RECORDS
 OTHER MEDICAL RECORDS
 EXAMINATION OR MEDICAL OPINION
 OTHER RECORDS

REQUIRED DEVELOPMENT - DIFFERENCE OF OPINION *(Select all that apply)*

FEDERAL RECORDS
 OTHER RECORDS
 EXAMINATION OR MEDICAL OPINION
 OTHER DEVELOPMENT

EXPLANATION FOR ITEMS CHECKED *(Continue on additional page as necessary)*

Veteran is claiming entitlement to special monthly compensation based on aid and attendance. On VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance notes you require assistance with cooking/preparing meals, bathing and tending to other hygiene needs, you are legally blind, would require nursing home care if not for your spouse, requires medication management, and that you are unable to travel unaccompanied beyond your premises due to blindness.

Per VIII.iv.4.A.8.c, if the Veteran does not have a single disability evaluated as 100

SECTION III

FAVORABLE FINDINGS: LIST SPECIFIC FAVORABLE FINDINGS BY ISSUE *(Continue on additional page as necessary)*

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percent (regardless of the combination) and the disability is so severe as to demonstrate the need for A&A, refer the case to Compensation Service (211B) for an advisory opinion requesting consideration for entitlement to A&A on an extra-schedular basis.

The Veteran does not have a single disability evaluated as 100% disabling but the evidence shows his service connected blindness is so severe it demonstrates the need for A&A.

Please refer the case to Compensation Service (211B) for an advisory opinion requesting consideration for entitlement to A&A on an extra-schedular basis.

(38 CFR 3.159; VIII.iv.4.A.8.c)