



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

[REDACTED]

**VA File Number**

[REDACTED]

**Represented By:  
GORDON A GRAHAM  
Rating Decision  
03/24/2022**

**INTRODUCTION**

The records reflect that you are a Veteran of the Vietnam Era. You served in the Army from June 3, 1970 to December 6, 1971. We received your request for a Higher Level Review on March 11, 2022. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.



Please note: The evidentiary record closed on the date of notice of our prior decision. VA received additional evidence, which was not part of that decision after the record closed. If you would like VA to consider this evidence, you may submit a supplemental claim at any time; however, VA must receive your application within one year of the date of notice of this decision to preserve your right to receive the maximum possible benefit.

### **DECISION**

1. Entitlement to specially adapted housing is established.
2. A duty to assist error has been identified during the Higher Level Review for entitlement to special monthly compensation based on aid and attendance.

### **EVIDENCE**

- VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits received October 31, 2021
- Section 5103 Notice Response received October 31, 2021 and



November 3, 2021

- Correspondence to you dated November 3, 2021
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance received November 5, 2021
- Correspondence to you dated December 3, 2021
- VA contract examination (eye) from LHI dated December 13, 2021
- Medical evidence from Summit Eye Consultants for treatment beginning October 8, 2021 through November 29, 2021 received December 26, 2021
- Outpatient treatment records from Puget Sound VA Medical Center for treatment beginning February 2, 2009 through May 7, 2021
- Rating decision dated March 3, 2022
- VA notification letter dated March 7, 2022
- VA Form 20-0996, Decision Review Request: Higher-Level Review received March 11, 2022
- VA Form 27-0820, Report of General Information dated March 15, 2022



- HLR informal conference dated March 23, 2022

## **REASONS FOR DECISION**

### **1. Entitlement to specially adapted housing.**

A certificate of eligibility for assistance in acquiring specially adapted housing may be extended when the Veteran is permanently (but not necessarily totally) disabled due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens; or a permanent and total disability due to loss or, loss of use of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or one lower extremity together with the loss, or loss of use, of one upper extremity which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or both upper extremities precluding use of the arms at or above the elbow; or



amyotrophic lateral sclerosis (ALS) rated 100-percent disabling; or a permanent and total disability due to full-thickness or subdermal burns that have resulted in contractures with limitation of motion of two or more extremities, or at least one extremity and the trunk. (38 USC 2101 per PL 116-154, 38 CFR 3.809)

Entitlement to special housing assistance is established based on this level of impairment which is caused by the service-connected condition of bilateral retinal detachment. (38 CFR 3.809)

**2. Higher Level Review for entitlement to special monthly compensation based on aid and attendance.**

The issue of entitlement to special monthly compensation based on aid and attendance was returned for correction of a duty to assist error in the prior decision. We failed to get other records. We will develop for other records.

Favorable Findings identified in this decision:

You require 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.

Laws and regulations applicable to this issue:

38 CFR §3.159 Department of Veterans Affairs assistance in developing claims

38 CFR 3.2601 Higher-level review.

38 CFR 3.2500 Review of decisions

38 CFR §3.2501 Supplemental claims.

38 CFR 3.2502 Return by higher-level adjudicator or remand by the Board of Veterans' Appeals

**REFERENCES:**

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department



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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](http://www.va.gov).

