



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

[REDACTED]

**VA File Number**

27 [REDACTED]

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

**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. You filed a new claim for benefits that was received on October 31, 2021. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

1. Evaluation of bilateral retinal detachment, which is currently 90 percent disabling, is continued.
2. Entitlement to individual unemployability is continued.
3. Entitlement to special monthly compensation based on aid and attendance/housebound is denied.

**EVIDENCE**

[REDACTED]

- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received October 31, 2021
- VA Form 21-8940, Veteran's Application For Increased Compensation Based On Unemployability, received October 31, 2021
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, received November 5, 2021, dated November 5, 2021
- Section (§) 5103 Notice Response, received November 5, 2021
- Rating Decision, dated November 22, 2021
- LHI Contract Eye Exam, dated December 13, 2021
- Private Treatment Records, Summit Eye Consultants, received December 26, 2021, for the period October 8, 2021 to November 29, 2021
- VAMC (Veterans Affairs Medical Center) treatment records, Puget Sound, for the period January 9, 2020 to May 7, 2021

### **REASONS FOR DECISION**

#### **1. Evaluation of bilateral retinal detachment currently evaluated as 90 percent disabling.**

Although not directly claimed, your service connected eye condition was re-evaluated within the scope of your Aid and Attendance claim due to indications your condition may have worsened.

The evaluation of bilateral retinal detachment is continued as 90 percent disabling.

We have assigned a 90 percent evaluation for your bilateral retinal detachment based on:

- Visual impairment as described below

Additional symptom(s) include:

- Incapacitating episodes described below

Your visual acuity warrants 80 percent evaluation based on:

Your left eye shows corrected near vision of 10/200 ( 10/200). Your left eye corrected far vision was shown as 20/200 ( 20/200).

Per 38 CFR §4.76(b)(3): In any case where the examiner reports that there is a difference equal to two or more scheduled steps between near and distance corrected vision, with the near vision being worse, the examination report must include at least two recordings of near and distance corrected vision and an explanation of the reason for the difference. In these cases, evaluate based on corrected distance vision adjusted to one step poorer than measured. Therefore, your left eye far vision will be rated as 15/200.

You have light perception only in your right eye. For rating purposes, this is considered as 5/200 based on zero degrees of remaining visual fields. (38 CFR 4.79)



Your visual fields warrant 50 percent evaluation based on:

The left eye shows an average contraction to 40.625 degrees. This is based on the following examination findings: A normal field of vision temporally is 85 degrees. The examination shows 48 degrees. Normal vision down temporally is 85. Your field is 45 in the left eye. The normal field of vision down is 65. 56 degrees is shown. Down nasally, 50 is normal. You show 44. Normal vision nasally is 60. Examination findings show 34. Up nasally, 55 is considered normal. 33 is demonstrated. The normal field of vision up is 45 degrees. 32 is shown. The final field of vision considered for the left eye is up temporally. 55 is normal with 33 shown on examination. The total remaining visual field for the left eye is 325. When this number is divided by the eight directions, rounded up, the average contraction is obtained. The left eye can be rated on its concentric contraction or based on an equivalent visual acuity of 20/70. (38 CFR 4.77)

Unilateral concentric contraction of the left eye visual field with remaining field of 31 to 45 degrees warrants 10 percent evaluation, and is included in your overall visual fields evaluation. (38 CFR 4.79)

A noncompensable evaluation is warranted under the General Rating Formula for Diseases of the Eye based on:

- No incapacitating episodes noted

When both decreased visual acuity and visual field defect are present in one or both eyes and are service connected, the visual acuity and visual field defect (expressed as a level of visual acuity), are separately evaluated and combined under the provisions of 38 CFR §4.25 {38 CFR §4.77(c)}. Your visual acuity warrants 80 percent evaluation. Your visual field defect warrants 50 percent evaluation. These evaluations combine under 38 CFR §4.25 for 90 percent evaluation.

Higher evaluations are based on more severe levels of visual impairment. (38 CFR 4.75, 38 CFR 4.76, 38 CFR 4.79)

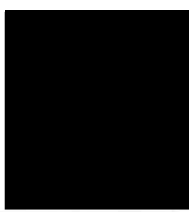
## **2. Continued entitlement to individual unemployability.**

November 22, 2021 VA rating decision awarded entitlement to individual unemployability. A review of current medical records still shows entitlement is warranted.

Entitlement to individual unemployability is continued because you remain unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities. (38 CFR 4.16)

## **3. Entitlement to special monthly compensation based on aid and attendance/housebound.**

VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, dated November 5, 2021, evaluated the need for aid and attendance due to your service connected eye condition.



December 13, 2021 compensation eye exam shows a 90 percent evaluation is warranted for your service connected eyes.

A single disability evaluated as 100-percent disabling under a schedular evaluation is generally a prerequisite for entitlement to A&A. Any lesser disability would be incompatible with the requirements of special monthly compensation for aid and attendance. Additionally, although you are currently 100 percent due to entitlement to individual unemployability due to your eyes, the regulatory requirements for individual unemployability and separate from the requirements for Aid and Attendance. (M21-1 VIII.iv.4.A.8.b.)

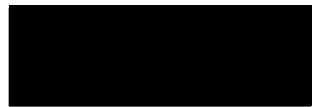
Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. Entitlement to special monthly compensation is not warranted in this case because the criteria regarding aid and attendance/housebound have not been met. (38 CFR 3.350)

Aid and attendance is payable for being so helpless (due to service-connected disabilities) as to be permanently bedridden or in need of regular aid and attendance. Aid and attendance is defined as: inability to dress or undress, or to keep ordinarily clean and presentable; frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid; inability to feed oneself through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or physical or mental incapacity which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to the daily environment. "Bedridden" means that condition which actually requires that the claimant remain in bed. Voluntarily taking to bed or the fact that a physician has prescribed rest in bed for the greater or lesser part of the day to promote convalescence or cure will not suffice. It is only necessary that the evidence shows that the claimant is so helpless as to need regular aid and attendance, not that there be a constant need. Determinations as to the need for regular aid and attendance will not be based solely upon an opinion that their condition is such as would require them to be in bed. They must be based on the actual requirement of personal assistance from others.

Housebound benefits are payable when the claimant is substantially confined, due to service-connected disability(ies), to their dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that this is permanent. Housebound benefits are also payable for a single service-connected disability rated as totally disabling with additional service-connected disability(ies) independently ratable at 60 percent, separate and distinct from the totally disabling service-connected disability. (38 CFR 3.350, 38 CFR 3.352)

#### **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



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