



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



**VA File Number**



**Represented By:  
GORDON A GRAHAM  
Rating Decision  
08/10/2022**

**INTRODUCTION**

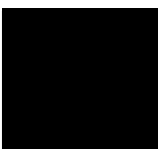
You elected to have a higher-level review of our previous decision conducted; however, an error was discovered in our duty to assist in gathering evidence to support your claim. Subsequent development actions have been completed to correct our error. We have processed your claim under the supplemental claim process.

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. A supplemental review of your file was authorized on March 25, 2022. Based on the review and the evidence listed below, we have made the following decision(s).

**DECISION**

Entitlement to special monthly compensation based on aid and attendance criteria being met is granted from October 1, 2018.

**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 July 6, 2022
- 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
- VA Form 20-0999, Higher-Level Review Return, dated March 24, 2022
- Extra-Schedular Memorandum dated April 19, 2022
- Extra-Schedular Memorandum Response, received August 9, 2022

### **REASONS FOR DECISION**

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

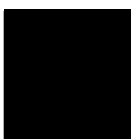
We have granted entitlement to special monthly compensation because the criteria regarding aid and attendance have been met, as the evidence of records shows that you are in need of the aid and attendance of another person due to your service-connected disabilities. (38 CFR 3.350)

In accordance to the March 25, 2022, Higher Level Review return, your claimed was returned for correction of a duty to assist error in the prior decision. (38 CFR 3.156, 38 CFR 3.159, 38 CFR 3.2601, 38 CFR 3.2502)

The evidence shows that your service connected condition of bilateral retinal detachment associated with malaria is currently evaluated as 90 percent disabling however, the disability is so severe as to demonstrate the need for aid and attendance. To correct our error, we referred your case to Compensation Service for an advisory opinion requesting consideration for entitlement to aid and attendance on an extra-schedular basis.

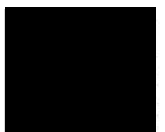
We received a response from the Director of Compensation service on August 9, 2022 recommending entitlement to special monthly compensation for aid and attendance.

The effective date of this grant is October 1, 2018, the earliest date you met all the parameters necessary to be eligible for this entitlement. (38 CFR 3.350, 38 CFR 3.400)



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



Effective Date	Basic Code	Hosp Code	LOU Code	Anat Loss Code	Other Loss Code	SMC
10-01-2018	03	49	11	00	4	L

**SMC PARAGRAPHS (IF ANY):**

{K-1} Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (k) and 38 CFR 3.350(a) on account of loss of use of one eye having only light perception from October 1, 2018. **Not payable concurrently with special monthly compensation under subsection (l).**

{L-1} Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (l) and 38 CFR 3.350(b) on account of being so helpless as to be in need of regular aid and attendance while not hospitalized at U.S. government expense from October 1, 2018.

**ANCILLARY BENEFITS (IF ANY):**

Per 38 U.S.C. 3901, entitlement to automobile and adaptive equipment is established based on:

- Permanent impairment of vision of both eyes: central visual acuity of  $^{20}/_{200}$  or less in the better eye, with corrective glasses, or central visual acuity of more than  $^{20}/_{200}$  if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than  $20^{\circ}$  in the better eye

Per 38 U.S.C. 2101(b), entitlement to Special Home Adaptation Grant is established based on service-connected:

- Blindness in both eyes with visual acuity of  $^{20}/_{200}$  or less

**NOTES (IF ANY):**

Per M21-1MR IX.i.2.1.e, entitlement to Automotive and Adaptive Equipment is not authorized when entitlement is based on 38 CFR §3.383 (Paired Organs).

Per M21-1MR IX.i.3.1.d, entitlement to Special Home Adaptation grants (SHA) is not authorized when entitlement is based on 38 CFR §3.383 (Paired Organs).

Veteran: [REDACTED]

Printed: August 1, 2022

DEPARTMENT OF VETERANS

AFFAIRS

Created by: Special Monthly Compensation Calculator (v101818\_0750)

User: VBASEABROWNE on 346-LT-BROWNE

Date/Time Generated: August 10, 2022, 12:01

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