



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefit Administration
DROC**

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
08/30/2022**

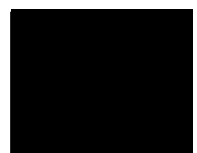
INTRODUCTION

The records reflect that you are a Veteran of the Peacetime. You served in the Navy from August 28, 1978 to September 3, 1982. The Board of Veterans Appeals made their decision on your appeal on August 5, 2022. We have implemented their decision based on the evidence listed below.

DECISION

1. Entitlement to separate special monthly compensation (SMC) at the (I) rate based on the need for regular aid and attendance due to a neurocognitive disability alone effective February 12, 2018, is granted.
2. Entitlement to SMC at the (o) rate from February 12, 2018, is granted.
3. Entitlement to SMC at the (r)(1) rate from February 12, 2018, is granted

EVIDENCE



- Board of Veterans' Appeals Decision, received August 5, 2022

REASONS FOR DECISION

1. special monthly compensation (SMC) at the L rate

The Board of Veterans' Appeals granted your claim for special monthly compensation (SMC) at the L rate in a decision dated August 5, 2022. Please refer to this decision for specific reasons and bases. (38 CFR 3.2500, 3.400)

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. The current level of entitlement to special monthly compensation is confirmed and continued based on the evidence reviewed. The Board found that you are entitled to a separate award of SMC at the (l) rate from February 12, 2018, because the neurocognitive disability independently rendered you so helpless as to be in the need of regular aid and attendance. (38 CFR 3.350)

2. SMC at the (o) rate from February 12, 2018, is granted.

The Board of Veterans' Appeals granted your claim for special monthly compensation (SMC) at the L rate in a decision dated August 5, 2022. Please refer to this decision for specific reasons and bases. (38 CFR 3.2500, 3.400)

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. The Board found that you are entitled to a separate SMC at the (l) rate based on the need of regular aid and attendance for the neurocognitive disability alone. You were already in receipt of SMC at the (l) rate based on the need of regular aid and attendance for the respiratory/diabetic disabilities. As you now have two SMC (l) rate awards from February 12, 2018, the Board found entitlement to SMC at the (o) rate from February 12, 2018, is warranted. (38 CFR 3.350)

3. SMC at the (r)(1) rate from February 12, 2018, is granted.

The Board of Veterans' Appeals granted your claim for special monthly compensation (SMC) at the L rate in a decision dated August 5, 2022. Please refer to this decision for specific reasons and bases. (38 CFR 3.2500, 3.400)

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. You have been granted SMC at the (l) rate for two distinct disabilities that independently render you in need of regular aid and attendance, you are then entitled to SMC at the (o) rate based on these two distinct SMC (l) rates, and with these two pre-requisites met, the Board found entitlement to SMC at the (r)(1) rate warranted from



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February 12, 2018. (38 CFR 3.350)

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.

