



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
12/16/2022**

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime and Vietnam Era. You served in the Air Force from October 24, 1972 to June 30, 1976. The Board of Veterans Appeals made their decision on your appeal on December 12, 2022. We have implemented their decision based on the evidence listed below.

DECISION

Entitlement to special monthly compensation based on aid and attendance criteria being met is granted from December 7, 2021.

EVIDENCE

- Board of Veterans' Appeals (BVA) Decision dated December 12, 2022
- VA Form VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement) dated July 11, 2022
- Medical Evidence from Private Attorney Gordon Graham dated July 11, 2022
- Decision Notification letter dated July 6, 2022

- Rating Decision and associated evidence dated June 29, 2022
- Rating decision and associated evidence dated April 11, 2022
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received December 6, 2021
- VA 21-526EZ, Fully Developed Claim (Compensation), received on April 29, 2022
- Copies of VA treatment records, [REDACTED] VAMC, received on April 25, 2022
- VA 27-0820 Report of General Information, received on April 25, 2022
- VA Form 21-4138 Statement In Support of Claim, received on April 25, 2022
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, dated June 6, 2022
- VAMC (Veterans Affairs Medical Center) treatment records, [REDACTED] VA Health Care System, for the period August 16, 2014 to December 12, 2022, reviewed December 16, 2022
- We have reviewed your VA eClaims folder and the relevant evidence therein as of the date this decision was completed.
- While some evidence submitted may not be discussed, all evidence was considered and only the most significant or pertinent evidence is being discussed

REASONS FOR DECISION

Entitlement to special monthly compensation based on aid and attendance.

The Board of Veterans' Appeals reviewed your claim and granted service connection for this condition in their decision dated December 12, 2022. Please refer to that decision for information as to the reasons and bases for the Decision. (38 CFR 20.1104, 38 CFR §3.159, 38 CFR §3.2500, 38 CFR §3.102, 38 CFR §4.6)

The Board found that the evidence of record supports that you require aid and attendance due to service-connected disability. They concluded that with reasonable doubt resolved in your favor, from December 7, 2021, but no earlier, the criteria for SMC based on the regular need for the aid and attendance of another person due to service-connected disabilities have been met. 38 U.S.C. §§ 1114(l), 1114(s), 5107, 5110; 38 C.F.R. §§ 3.102, 3.104(c), 3.350(b), 3.350(i), 3.352(a), 3.400, 20.801(a).

Aid and attendance benefits may be awarded when the Veteran is so helpless as to be permanently bedridden or in need of the regular aid and attendance of another person to attend to the routine activities of daily living. The medical evidence shows you have been diagnosed with hepatic encephalopathy. The medical evidence also shows you must prepare meals, bath and administer medication and you require assistance with these basic needs and protection from the hazards or dangers incident to daily living.

Entitlement to special monthly pension based on the need for aid and attendance benefits is effective December 7, 2021, the date that we received your claim.

They noted in their decision that December 7, 2021, is the earliest date there is evidence about a factual ascertainable increase in symptoms consistent with a regular need for aid and attendance.

(38 CFR 3.2500, 38 CFR 3.400, 38 CR 3.102)

Entitlement to special monthly compensation is warranted in this case because criteria regarding aid and attendance have been met. (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.

Probably the shortest Rating Decision granting aid and attendance anyone will ever read...

