



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
04/21/2023**

INTRODUCTION

The records reflect that JAMES D. SNODGRASS was a Veteran of the Peacetime and Vietnam Era. The Veteran served in the Navy from January 7, 1959 to July 16, 1962 and from October 10, 1962 to October 21, 1977. The Board of Veterans Appeals made their decision on your appeal on April 20, 2023. We have implemented their decision based on the evidence listed below.

DECISION

1. Entitlement to individual unemployability is granted effective March 20, 2006.
 2. Entitlement to special monthly compensation based on housebound criteria being met is granted from December 30, 2015.
 3. Entitlement to special monthly compensation based on loss of use of a creative organ is granted from September 17, 2002.
 4. Entitlement to an earlier effective date for the grant of eligibility for Dependents' Educational Assistance under 38 USC chapter 35 is granted, with a new effective date of December 30, 2015.
- [REDACTED]

5. Entitlement to an initial rating of 60 percent from March 20, 2006, through December 2, 2014, and to a rating of 100 percent from November 29, 2018, through June 26, 2019, for ischemic heart disease status post myocardial infarction and coronary artery bypass graft is granted.

EVIDENCE

- VA Form 21-526, Veteran's Application for Compensation and/or Pension, received September 17, 2002
- VA Examination, conducted December 3, 2002
- Rating Decision, dated September 29, 2020
- Board of Veterans' Appeals Decision, dated April 20, 2023

REASONS FOR DECISION

1. Entitlement to individual unemployability.

The Board of Veterans' Appeals made a decision on your claim. For additional information, please refer to the Board of Appeals for Veterans' Appeals decision, dated April 20, 2023. (38 CFR §3.104, 38 CFR §20.1100, 38 CFR §20.1303)

Entitlement to individual unemployability is granted from March 20, 2006 because you are unable to secure or follow a substantially gainful occupation as a result of your service-connected diabetes mellitus type II with left lower extremity peripheral vascular disease, chest scar status post coronary artery bypass graft, right lower extremity peripheral neuropathy. (38 CFR 4.16)

The criteria for a TDIU from March 20, 2006, have been met. 38 U.S.C. §§ 1155, 5107(b); 38 C.F.R. §§ 3.102, 3.340, 3.341, 4.16.

Entitlement to Individual Unemployability includes consideration of all service-connected disabilities and those granted under 38 USC 1151. (38 CFR 4.16)

2. Entitlement to special monthly compensation based on housebound.

The Board of Veterans' Appeals made a decision on your claim. For additional information, please refer to the Board of Appeals for Veterans' Appeals decision, dated April 20, 2023. (38 CFR §3.104, 38 CFR §20.1100, 38 CFR §20.1303)

Entitlement to special monthly compensation is warranted in this case because criteria regarding housebound have been met. (38 CFR 3.350)

{S-1} Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (s) and 38 CFR 3.350(i) on account of ischemic heart disease status post myocardial infarction and

coronary artery bypass graft rated 100 percent and additional service-connected disability(ies) of left lower extremity peripheral neuropathy, diabetes mellitus type II with left lower extremity peripheral vascular disease, right lower extremity peripheral neuropathy, unspecified depressive disorder, independently ratable at 60 percent or more from December 30, 2015.

3. Entitlement to special monthly compensation based on loss of use.

The Board of Veterans' Appeals made a decision on your claim. For additional information, please refer to the Board of Appeals for Veterans' Appeals decision, dated April 20, 2023. (38 CFR §3.104, 38 CFR §20.1100, 38 CFR §20.1303)

Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of a creative organ were met from September 17, 2002. (38 CFR 3.350, 38 CFR 3.400, 38 CFR 3.401) This is the date that we received the Veteran's claim for diabetes. The subsequent examination noted that the Veteran experienced impotence before the date of claim. The Veteran continuously pursued this issue and was later granted service connection for diabetes mellitus type II and other complications. The BVA granted special monthly compensation for loss of use of a creative organ. 38 U.S.C. § 1114; 38 C.F.R. § 3.102, 3.350(a)(1). (38 CFR 3.155, 38 CFR 3.400, 38 CFR 3.2500) (38 CFR 3.816)

{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 a creative organ from September 17, 2002.

4. Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

The Board of Veterans' Appeals made a decision on your claim. For additional information, please refer to the Board of Appeals for Veterans' Appeals decision, dated April 20, 2023. (38 CFR §3.104, 38 CFR §20.1100, 38 CFR §20.1303)

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted because this is the earliest date you met eligibility criteria for a grant of entitlement. (38 CFR 3.400)

5. Entitlement to an initial rating of 60 percent from March 20, 2006, through December 2, 2014, and to a rating of 100 percent from November 29, 2018, through June 26, 2019, for ischemic heart disease status post myocardial infarction and coronary artery bypass graft.

The Board of Veterans' Appeals made a decision on your claim. For additional information, please refer to the Board of Appeals for Veterans' Appeals decision, dated April 20, 2023. (38 CFR §3.104, 38 CFR §20.1100, 38 CFR §20.1303)

Entitlement to an initial rating of 60 percent from March 20, 2006, through December 2, 2014, and to a rating of 100 percent from November 29, 2018, through June 26, 2019, for ischemic heart disease status post myocardial infarction and coronary artery bypass graft is granted.

The criteria for an initial rating of 60 percent from March 20, 2006, through December 2, 2014, and to a rating of 100 percent from November 29, 2018, through June 26, 2019, for ischemic heart disease status post myocardial infarction and coronary artery bypass graft have been met. 38 U.S.C. §§ 1155, 5107; 38 C.F.R. §§ 4.1, 4.14, 4.104, Diagnostic Code 7005 (in effect prior to Sept. 30, 2021).

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.

