



**DEPARTMENT OF VETERANS AFFAIRS
Manila Regional Office
1501 Roxas Blvd
1302 Pasay City, Philippines**

KEVIN [REDACTED]

VA File Number
[REDACTED]

**Represented By:
VETERANS OF FOREIGN WARS OF THE US**

**Decision Review Officer Decision
04/19/2016**

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era and Peacetime. You served in the Army from March 15, 1983 to September 17, 1989 and from December 6, 1990 to June 5, 1991. We received a Notice of Disagreement from you on November 5, 2015 about one or more of our earlier decisions. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. A clear and unmistakable error was committed in Rating Decisions of February 7, 2014, April 13, 2015 and June 26, 2015. Service connection for loss of use of both feet with an evaluation of 100 percent is granted effective April 19, 2012.
2. Entitlement to special monthly compensation based on loss of use of both feet and higher special monthly compensation rate at the L1/2 level is granted from April 19, 2012.

3. Entitlement to a higher level of special monthly compensation rate at the R1 level is established from June 1, 2014.
4. Entitlement to special monthly compensation rate at the R2 level is established effective April 24, 2015.
5. Entitlement to an earlier effective date for service connection of lumbosacral strain (claimed as back condition previously rated under DC 5237) is granted because a clear and unmistakable error was made; therefore, a 40 percent evaluation is assigned effective April 24, 2015.
6. Entitlement to an earlier effective date for service connection of bowel incontinence is granted because a clear and unmistakable error was made; therefore, a 100 percent evaluation is assigned effective April 24, 2015.
7. Entitlement to an earlier effective date for service connection of bladder incontinence is granted because a clear and unmistakable error was made; therefore, a 60 percent evaluation is assigned effective April 24, 2015.
8. Entitlement to individual unemployability prior to March 20, 2014 is moot and academic.
9. Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted, with a new effective date of April 19, 2012.
10. Entitlement to automobile or other conveyance and adaptive equipment is established.
11. Entitlement to specially adapted housing is established.

EVIDENCE

- VA Clinical records from the VA System for the period of June 2008 to March 2016
- Email correspondence dated July 2015, November 2015
- Letter received on July 2015, August 2015, October 13, 2015, November 23, 2015, December 14, 2015
- VA Form 21-526EZ, Application For Disability Compensation And related Compensation Benefits, received on July 14, 2015, July 23, 2015, July 25, 2015
- VA Form 21-4138, Statement in Support of Claim, received on July 30, 2015, August 11, 2015, September 22, 2015, October 13, 2015, November 5, 2015
- VA letter dated July 30, 2015
- VA examination dated August 2015

- Caregiver Agreement, received on August 2015
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, received on August 2015
- Statement from Ms. J. Burgos and Ms. K. dela Cruz, received on August 2015
- VA Form 27-0820, Report of General Information, dated September 1, 2015, September 22, 2015, October 13, 2015, October 14, 2015, October 19, 2015, November 5, 2015, November 24, 2015, December 11, 2015, December 14, 2015, December 21, 2015, December 22, 2015, January 7, 2016, January 14, 2016, January 22, 2016, February 12, 2016, February 22, 2016, February 26, 2016, March 11, 2016, March 18, 2016, March 22, 2016, March 28, 2016, March 29, 2016, March 30, 2016, March 31, 2016, April 5, 2016
- With reference to Rating Decision of January 13, 2012, February 7, 2014, August 26, 2014, April 13, 2015, June 6, 2015, September 17, 2015, October 22, 2015; and all the evidence considered therein
- VA decision letter dated January 20, 2012, February 11, 2014, August 27, 2014, April 14, 2015, June 30, 2015, September 18, 2015, October 26, 2015
- VA medical opinion dated October 20, 2015
- VA Form 21-0958, Notice of Disagreement, received on November 5, 2015
- Post decision review explanation letter dated November 25, 2015
- Informal Conference report, dated November 27, 2015, March 3, 2016
- VA examination dated February 2, 2016
- VA Form 21-0960M-14, Back Disability Benefits Questionnaire, received on March 3, 2016
- Letter from the Board of Veterans Appeals (BVA) received on March 2016

REASONS FOR DECISION

1. Whether a clear and unmistakable was committed in Rating Decision of February 7, 2014, April 13, 2015, and June 26, 2015 in not granting loss of use of both feet.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was a clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been. In this case, a grant of service connection for loss of both feet is warranted.

A clear and unmistakable error was committed in Rating Decisions of February 7, 2014, April 13, 2015 and June 26, 2015.

Rating Decision of February 7, 2014 granted the following:

service connection for radiculopathy, right and left lower extremities each with a noncompensable evaluation with an effective date of April 19, 2012.

Rating Decision of April 13, 2015 granted the following:

service connection for femoral nerve radiculopathy, right and left lower extremities and assigned a 30 percent evaluation for each lower extremity; and

increased evaluation of sciatic nerve radiculopathy, right and left lower extremities from 0 percent each lower extremity to 60 percent each lower extremity.

Rating Decision of June 26, 2015 granted the following:

service connection for ilio-inguinal nerve radiculopathy, right and left lower extremities with each assigned a 10 percent evaluation;

service connection for obturator nerve radiculopathy, right and left lower extremities with each assigned a noncompensable evaluation; and

service connection for external cutaneous nerve of thigh, right and left lower extremities with each assigned a noncompensable evaluation.

An effective date of October 17, 2013 was assigned for the grant of service connection and increased evaluation, which factually ascertained findings and severity of radiculopathy.

However, VA examination of October 17, 2013 clearly indicated that remaining function is so diminished that amputation with prosthesis would equally serve the Veteran. The affected extremities were identified as both the lower extremities. Hence, there is loss of use of both feet with an evaluation of 100 percent. An effective date of April 19, 2012 is assigned, the date of receipt of claim for increased evaluation. A separate evaluation for each lower extremity affected by radiculopathy is not warranted, as this would violate the principle of pyramiding.

There are VA medical records that show remaining function of the lower extremities to be intact. However, review of the evidence of record indicates that Veteran's disability picture essentially shows that he has no remaining function of both lower extremities. This is supported by the VA progress notes, lay statements, and records from the Veteran's attending physicians. In this case, we have considered the records from his health care providers of more weight. Moreover, we have also invoked reasonable doubt in this case, as the evidence is in equipoise. Thereby, granting this benefit.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR I.5.C.12.e

2. Entitlement to special monthly compensation based on loss of use of both feet and higher special monthly compensation rate at the L1/2 level.

Entitlement to special monthly compensation under 38 U.S.C. 1114, subsection (l) and 38 CFR 3.350(b) on account of loss of use of both feet is established from April 19, 2012.

Entitlement to special monthly compensation under 38 U.S.C. 1114, subsection (p) and 38 CFR 3.350(f)(3) at the rate intermediate between subsection (l) and subsection (m) on account of entitlement to the rate equal to subsection (l) with additional disability(ies) of seizure disorder with major epilepsy attacks independently ratable at 50 percent or more is established from April 19, 2012.

Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of both feet and higher special monthly compensation rate at the L1/2 level were met from April 19, 2012, the date loss of use of both feet is established. Since you were rated 60% for seizure disorder with major epilepsy attacks from April 1, 2011 and granted loss of use of both feet from April 19, 2012, the criteria for this benefit has been met.

3. Entitlement to a higher level of special monthly compensation rate at the R1 level.

Entitlement to special monthly compensation under 38 U.S.C. 1114, subsection (o) and 38 CFR 3.350(e) on account of loss of use of both feet and being so helpless as to be in need of regular aid and attendance is established from June 1, 2014.

Entitlement to additional aid and attendance under 38 U.S.C. 1114, subsection (r)(1) and 38 CFR §3.350(h) subject to the provisions of 38 CFR §3.552(b)(2) on account of entitlement under subsection (o), and being in need of regular aid and attendance is established from June 1, 2014.

Entitlement to special monthly compensation under 38 U.S.C. 1114, subsection (p) and 38 CFR 3.350(f)(4) at the rate equal to subsection (m) on account of entitlement to the rate equal to subsection (l) with additional disability, posttraumatic stress disorder (PTSD) independently ratable at 100 percent is established from March 6, 2015.

Entitlement 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 is established from March 11, 2015.

Entitlement to a higher level of special monthly compensation rate at the R1 level is established from June 1, 2014. Beginning this date aid and attendance allowance based on the functional impairment brought about by your service-connected seizure disorder with major epilepsy attacks is granted. The grant of aid and attendance due to your service-connected seizure disorder to include the previous grant of loss of use of both feet qualifies you for this level of special monthly compensation. This rate is established effective June 1, 2014, the date you met the criteria for this benefit.

Further, beginning March 6, 2015 you were granted service connection for PTSD with an evaluation of 100 percent. Moreover, another 100 percent evaluation is assigned from April 24, 2015 for bowel incontinence. However, while these are additional disabilities rated as 100 percent, there is no change in your monetary benefits which remains at the rate of R1 level.

In addition, special monthly compensation based on loss of use of a creative organ is established, the date service connection for erectile dysfunction is warranted. This additional benefit would not change your monetary payment as the rate at the R1 level is still in effect which provides the greater benefit.

Note: This is a full grant of this issue sought under appeal.

4. Entitlement to special monthly compensation rate at the R2 level.

Entitlement to additional aid and attendance under 38 U.S.C. 1114, subsection (r)(2) and 38 CFR §3.350(h) subject to the provisions of 38 CFR §3.552(b)(2) on account of entitlement under subsection (o), and being in need of regular aid and attendance, and, in addition, on account of a higher level of care is established from April 24, 2015.

Entitlement to special monthly compensation rate at the R2 level is established effective April 24, 2015, the date we received your claim. Evidence from your attending physician indicates that you are in constant need for in-home care. You would require hospitalization, nursing home care, or some type of residential care due to your service-connected disabilities. Further, you are currently being cared for by a health care professional who receives supervision and instructions from your attending physicians at the VA Manila Clinic.

This is the highest level of special monthly compensation under the law.

5. Whether the effective date of compensation for lumbosacral strain (claimed as back condition previously rated under DC 5237) was a clear and unmistakable error.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been.

The criteria for rating diseases and injuries of the spine apply with or without symptoms such as pain (whether or not it radiates), stiffness, or aching in the area of the spine affected by residuals of injury or disease. An evaluation of 40 percent is granted for forward flexion of the thoracolumbar spine of 30 degrees or less; or, favorable ankylosis of the entire thoracolumbar spine. A higher evaluation of 50 percent is not warranted unless there is unfavorable ankylosis of the entire thoracolumbar spine.

Rating Decision of September 17, 2015 increased the evaluation of lumbosacral strain (claimed as back condition previously rated under DC 5237) to 40 percent effective July 23, 2015, the date the claim was received. However, review of records show that an earlier claim for increased evaluation of the back was received on April 24, 2015. This was subsequently reiterated in the prescribed form on July 23, 2015.

Therefore, an earlier effective date for increased evaluation of this condition is warranted effective April 24, 2015.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR I.5.C.12.e

6. Whether the effective date of compensation for bowel incontinence was a clear and unmistakable error.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been.

An evaluation of 100 percent is granted whenever there is a complete loss of sphincter control.

Rating Decision of September 17, 2015 granted service connection for bowel incontinence with an evaluation of 100 percent effective July 23, 2015, the date the claim was received. However, review of records show that an informal claim for increase related to the service-connected back condition was received on April 24, 2015. This was subsequently formalized in the prescribed form on July 23, 2015.

Therefore, an earlier effective date for the grant of service connection for bowel incontinence is granted effective April 24, 2015.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR I.5.C.12.e

7. Whether the effective date of compensation for bladder incontinence was a clear and unmistakable error.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been.

An evaluation of 60 percent is assigned whenever there is a requirement for use of an appliance or the wearing of absorbent materials which must be changed more than four times per day.

Rating Decision of September 17, 2015 granted service connection for bladder incontinence with an evaluation of 60 percent effective July 23, 2015, the date the claim was received. However, review of records show that an informal claim for increase related to the service-connected back condition was received on April 24, 2015. This was subsequently formalized in the prescribed form on July 23, 2015.

Therefore, an earlier effective date for the grant of service connection for bladder incontinence is granted effective April 24, 2015.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR I.5.C.12.e

8. Entitlement to individual unemployability prior to March 20, 2014.

Rating Decision of August 26, 2014 granted total disability rating based on individual unemployability effective March 20, 2014, the day following the discontinuance of your employment at the VA Medical Center in Phoenix. Prior to this date we received your claim for this benefit which was denied in Rating Decision of January 13, 2012. In view of the grant of loss of use of both feet effective April 19, 2012, the issue of individual unemployability is moot and academic.

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

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 loss of use of both feet is warranted effective April 19, 2012.

10. Whether the decision to deny entitlement to automobile or other conveyance and adaptive equipment was a clear and unmistakable error.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been. In this case, entitlement to automobile and adaptive equipment is granted as the previous decision denying these benefits was a clear and unmistakable error.

A certificate of eligibility for financial assistance in the purchase of one automobile or other conveyance and of basic entitlement to necessary adaptive equipment will be made when the veteran has loss or permanent loss of use of one or both feet which is the result of injury or disease incurred or aggravated during active military service. Entitlement to automobile and adaptive equipment is established based on this level of impairment.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR 1.5.C.12.e

11. Whether the decision to deny entitlement to specially adapted housing was a clear and unmistakable error.

Clear and unmistakable errors are errors that are undebatable, so that it can be said that reasonable minds could only conclude that the previous decision was fatally flawed at the time it was made. A determination that there was clear and unmistakable error must be based on the record and the law that existed at the time of the prior decision. Once a determination is made that there was a clear and unmistakable error in a prior decision that would change the outcome, then that decision must be revised to conform to what the decision should have been. In this case, entitlement to special housing assistance is granted as the previous decision denying these benefits was a clear and unmistakable error.

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 2101(a) may be extended when the veteran is permanently disabled as the result of the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

Entitlement to special housing assistance is established based on this level of impairment which is caused by the service-connected condition of loss of use of both feet.

This decision is based on DRO Decisional Authority which exercises single signature CUE authority as per MR I.5.C.12.e

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 web site, www.va.gov.



DEPARTMENT OF VETERANS AFFAIRS

APR 22 2016

In Reply Refer To: [REDACTED]

Dear Mr. [REDACTED]

We made a decision on your claim for an increase in your service-connected compensation based on your notice of disagreement (NOD) received on November 5, 2015.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our Decision Review Officer (DRO) decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$3,996.00	May 1, 2012	Benefit Change to Compensation, Compensation Rating Adjustment, Special Monthly Compensation Adjustment
4,063.00	Dec 1, 2012	Cost of Living Adjustment
4,124.46	Dec 1, 2013	Cost of Living Adjustment
4,123.67	Jan 1, 2014	Cost of Living Adjustment
7,365.87	Jul 1, 2014	Helpless Child Adjustment, School Child Adjustment, Special Monthly Compensation Adjustment
7,491.08	Dec 1, 2014	Cost of Living Adjustment
7,361.02	Jan 1, 2015	Change in Parent Status



7,361.02	Apr 1, 2015	Special Monthly Compensation Adjustment
8,427.34	May 1, 2015	Special Monthly Compensation Adjustment

We are paying you as a Veteran with 1 dependent. Your payment includes an additional amount for your child, . *Let us know right away if there is any change in the status of your dependents.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact that financial institution.

*If this account is no longer open,
please notify us immediately.*


What We Decided

Entitlement to a higher level of special monthly compensation rate at the R1 level is established from June 1, 2014.

This is a full grant of the benefits sought on appeal for the above issue. We feel that all the benefits you sought have been granted. Because of this, no further action will be taken on your appeal. It is considered resolved.

A clear and unmistakable error was committed in Rating Decisions of February 7, 2014, April 3, 2015 and June 26, 2015. Service connection for loss of use of both feet with an evaluation of 100 percent is granted effective April 19, 2012.

Entitlement to special monthly compensation based on loss of use of both feet and higher special monthly compensation rate at the L1/2 level is granted from April 19, 2012.



Entitlement to special monthly compensation rate at the R2 level is established effective April 24, 2015.

Entitlement to an earlier effective date for service connection of lumbosacral strain (claimed as back condition previously rated under DC 5237) is granted because a clear and unmistakable error was made; therefore, a 40 percent evaluation is assigned effective April 24, 2015.

Entitlement to an earlier effective date for service connection of bowel incontinence is granted because a clear and unmistakable error was made; therefore, a 100 percent evaluation is assigned effective April 24, 2015.

Entitlement to an earlier effective date for service connection of bladder incontinence is granted because a clear and unmistakable error was made; therefore, a 60 percent evaluation is assigned effective April 24, 2015.

Entitlement to individual unemployability prior to March 20, 2014 is moot and academic.

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35 is granted, with a new effective date of April 19, 2012.

Entitlement to automobile or other conveyance and adaptive equipment is established.

Entitlement to specially adapted housing is established.

Your overall or combined rating is 100 percent. We do not add the individual percentages of each condition to determine your combined rating. We use a combined rating table that considers the effect from the most serious to the least serious conditions.

We have enclosed a copy of your DRO Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision. Your DRO Decision and this letter constitute our decision based on your NOD received on November 5, 2015.

We enclosed a VA Form 21-8760, "Additional Information for Veterans with Service-Connected Permanent and Total Disability," which explains certain factors concerning your benefits.

We enclosed a VA Form 21-8764, "Disability Compensation Award Attachment-Important Information," which explains certain factors concerning your benefits.



Evidence We Need From You to Complete Your Claim For Dependents

Veterans who have service-related conditions with a combined evaluation of 30 percent or more may receive an additional allowance for their dependents; therefore, you may be eligible for additional benefits based on dependency. If you wish to submit a claim for dependents, please complete and return the attached VA Form 21-686c, Declaration of Status of Dependents. Please fill out every blank on the form.

When and Where to Send the Information or Evidence

Send the information or the evidence to the address at the top of this letter. Please put your full name and VA file number on the evidence.

We may be able to pay you from the date we received your claim, if we receive the information or evidence within one year from the date of this letter and we decide that you are entitled to VA benefits. If we do not receive the evidence within one year from the date of this letter, we can only pay you from the date we receive the evidence.

Are You Entitled to Additional Benefits


The Department of Education provides a program for Veterans to discharge their student loans. To be eligible, the Veteran must have a service-connected disability(ies) that is 100% disabling, or be totally disabled based on an Individual Unemployability determination. For more information concerning this benefit, please call toll-free 1-888-303-7818. Visit the website at <http://www.disabilitydischarge.com/Home/>.

If you served overseas in support of a combat operation you may be eligible for mental health counseling at no cost to you at the Veteran's Resource Center. For more information on this benefit please visit <http://www.myhealth.va.gov/mhv-portal-web/>.

You may be eligible for medical care by the VA health care system for any service-connected disability. You may apply for medical care or treatment at the nearest medical facility. If you apply in person, present a copy of this letter to the Patient Registration/Eligibility Section. If you apply by writing a letter, include your VA file number and a copy of this letter.

REDUCE OR ELIMINATE
YOUR MEDICAL CO-PAYMENTS

If you receive care at a VA medical facility, **please call our Health Benefits Call Center at 1-877-222-VETS (8387) or notify your**



local VA medical center of this change in your compensation benefits. This rating decision may reduce or eliminate your co-payments for your VA-provided medical care. You may also be eligible for a refund based on this rating decision. Information regarding VA health care eligibility and co-payments is available at our website <http://www.va.gov/healthbenefits/cost/>.

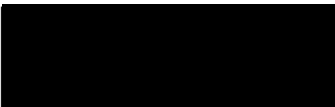
You should contact your State office of Veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a Veteran (or surviving dependent of a Veteran). State offices of Veteran's affairs are available at <http://www.va.gov/statedva.htm>.

The VA provides Blind Rehabilitation services to eligible blind, low vision, or visually impaired Veterans to help them regain their independence and quality of life. The Veteran's blindness, low vision, or vision impairment does NOT have to be related or caused by military service. If you need help with your vision loss, please contact your nearest Visual Impairment Services Team Coordinator (VIST) at the eye clinic at your nearest VA Medical Center. For more information, go to <http://www.rehab.va.gov/blindrehab/>.

You may be able to receive vocational rehabilitation employment services. The enclosed VA Form 28-8890, "Important Information About Vocational Rehabilitation Benefits," explains this benefit completely. To apply for this benefit, complete and return the enclosed VA Form 28-1900, "Disabled Veterans Application for Vocational Rehabilitation."

Because of the rating action described in this letter, you may be eligible to have your government life insurance premiums waived. (This doesn't apply if you have Veterans Group Life Insurance [VGLI]). *If your answer is "yes" to all of the following questions*, you should contact the VA Insurance Center at the following toll free telephone number in order to request a "waiver of premiums" on your government life insurance policy. Call 1-800-669-8477.

- Do you have an active government life insurance policy?
- Do you currently pay premiums for your government life insurance policy?
- Are you considered to be unemployable, or are you rated 100% disabled by VA?
- Were you under age 65 when you became unable to work or 100% disabled?



Your dependents may be eligible for Dependents' Educational Assistance. Please visit http://www.gibill.va.gov/pamphlets/CH35/CH35_Pamphlet.pdf to find a copy of VA Pamphlet 22-73-3, "Summary of Education Benefits," which explains the program. To make a claim, complete and return the enclosed VA Form 22-5490, Application for Survivors' and Dependents' Educational Assistance.

Surviving spouses and children of Service Members who die in the line of duty after September 10, 2001, may also be eligible for the Fry Scholarship, which offers entitlement to the Post-9/11 GI Bill. Benefits include tuition and fee payments, a monthly housing allowance, and a books and supplies stipend. Please visit the GI Bill webpage at www.benefits.va.gov/gibill/index.asp for more information.

Your dependents may be eligible for benefits under CHAMPVA. CHAMPVA is a health benefits program in which the Department of Veterans Affairs (VA) shares the cost of certain healthcare and supplies with eligible beneficiaries. To be eligible for the CHAMPVA program a dependent must be the spouse or child of a Veteran who is permanently and totally disabled from a service-connected disability. The Health Administration Center in Denver, Colorado administers the CHAMPVA program. You should call 1-800-733-8387 if additional information is needed.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you must complete and return to us the enclosed VA Form 21-0958, *Notice of Disagreement*, in order to initiate your appeal. You have *one year from the date of this letter to appeal the decision*. The enclosed VA Form 4107, *Your Rights to Appeal Our Decision*, explains your right to appeal.

What Is eBenefits

eBenefits provides electronic resources in a self-service environment to Servicemembers, Veterans, and their families. Use of these resources often helps us serve you faster! Through the eBenefits website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contact and direct deposit information and view payment history
- Request a Veterans Service Officer to represent you
- Track the status of your claim or appeal
- Obtain verification of your military service, civil service preference, or VA benefits



We sent a copy of this letter to your representative, Veterans of Foreign Wars of the US, whom you can also contact if you have questions or need assistance.

Sincerely yours,

Regional Office Director

For inquiries, visit our website at <https://iris.va.gov>

Enclosure(s): Decision Review Officer Decision

VA Form 21-8760

VA Form 21-8764

VA Form 21-686c

VA Form 28-1900

VA Form 28-8890

VA Form 22-5490

VA Form 21-0958

VA Form 4107

cc: Veterans of Foreign Wars of the US

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