



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

JOHN [REDACTED]

VA File Number
[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
02/20/2020**

INTRODUCTION

The records reflect that you are a veteran of the Peacetime and Vietnam Era. You served in the Marine Corps from June 25, 1964 to June 24, 1968. You filed a claim for increased evaluation that was received on September 3, 2019. Based on a review of the evidence listed below, we have made the following decisions on your claim.

DECISION

1. Service connection for B-cell acute lymphoblastic leukemia associated with herbicide exposure is granted with a 100 percent evaluation effective February 8, 2020.
2. Service connection for Parkinson's disease manifested by right (dominant) upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia) associated with herbicide exposure is granted with a 40 percent evaluation effective September 3, 2019.
3. Service connection for balance impairment associated with herbicide exposure is granted with a 30 percent evaluation effective September 3, 2019.



4. Service connection for sleep disturbances associated with herbicide exposure is granted with a 30 percent evaluation effective September 3, 2019.

5. Service connection for left lower extremity muscle rigidity with bradykinesia associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

6. Service connection for left upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

7. Service connection for loss of automatic movements (seventh cranial nerve, left side) (also claimed as facial impairment) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

8. Service connection for loss of automatic movements (seventh cranial nerve, right side) (also claimed as facial impairment) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

9. Service connection for right lower extremity muscle rigidity with bradykinesia (also claimed as loss of use) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

10. Service connection for stooped posture (eleventh cranial nerve, left side) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

11. Service connection for stooped posture (eleventh cranial nerve, right side) associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

12. Service connection for urinary frequency and obstructed voiding associated with herbicide exposure is granted with a 20 percent evaluation effective September 3, 2019.

13. Service connection for constipation (also claimed as bowel impairment) associated with herbicide exposure is granted with a 10 percent evaluation effective September 3, 2019.

14. Service connection for difficulty chewing and swallowing (twelfth cranial nerve, right side) associated with herbicide exposure is granted with a 10 percent evaluation effective September 3, 2019.

15. Service connection for loss of sense of smell associated with herbicide exposure is granted with a 10 percent evaluation effective September 3, 2019.

16. Service connection for speech changes (tenth cranial nerve, left side) associated with herbicide exposure is granted with a 10 percent evaluation effective September 3, 2019.



17. Service connection for speech changes (tenth cranial nerve, right side) (also claimed as hypophonia) associated with herbicide exposure is granted with a 10 percent evaluation effective September 3, 2019.

18. Service connection for sexual dysfunction associated with herbicide exposure is granted with a 0 percent evaluation effective September 3, 2019.

19. Service connection for difficulty chewing and swallowing (twelfth cranial nerve, left side) is granted with an evaluation of 10 percent effective September 3, 2019.

20. Entitlement to special monthly compensation based on aid and attendance and loss of use of a creative organ criteria being met is granted from September 3, 2019.

21. A finding of incompetency is proposed.

22. The claim for an increased evaluation for posttraumatic stress disorder (PTSD), with alcohol use disorder in sustained remission, and depression and cognitive impairment due to Parkinson's disease is deferred.

EVIDENCE

- Partial service records from your active duty service of June 25, 1964 to June 24, 1968, received September 17, 1997 and July 10, 2014
- VA Form 21-526EZ Veteran's Fully Developed Claim, received September 3, 2019
- VA letter concerning your claim, dated September 16, 2019
- Puget Sound VA treatment records, January 27, 1998 through February 11, 2020
- VA Form 21-526EZ Veteran's Fully Developed Claim, received December 9, 2019
- QTC exam reports, dated November 26, 2019
- Correspondence from your representative, received February 11, 2020
- Memo confirming in-country Vietnam service, dated February 11, 2020
- VA Form 21-526EZ Veteran's Fully Developed Claim, received February 8, 2020

REASONS FOR DECISION

1. Service connection for B-cell acute lymphoblastic leukemia associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for B-cell acute lymphoblastic leukemia has been granted on the basis of presumption due to Agent Orange exposure. (38 CFR 3.307, 38 CFR 3.309)

An evaluation of 100 percent is assigned from February 8, 2020, the date we received your



original claim for this condition. (38 CFR 3.400)

We have assigned a 100 percent evaluation for your B-cell acute lymphoblastic leukemia based on:

- Active disease

This is the highest schedular evaluation allowed under the law for leukemia (except for chronic myelogenous leukemia). (38 CFR 4.117)

2. Service connection for Parkinson's disease manifested by right (dominant) upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease manifested by right (dominant) upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia) has been granted on the basis of presumption due to Agent Orange exposure. (38 CFR 3.307, 38 CFR 3.309)

An evaluation of 40 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 40 percent evaluation for your Parkinson's disease manifested by right (dominant) upper extremity impairment based on:

- Moderate incomplete paralysis of the major extremity (38 CFR 4.124a)

A higher evaluation of 50 percent is not warranted for paralysis of the lower radicular nerve group unless the evidence shows nerve damage is severe. (38 CFR 4.120, 38 CFR 4.124a)

3. Service connection for balance impairment associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 30 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 30 percent evaluation for your balance impairment based on:

- Dizziness and occasional staggering



This is the highest schedular evaluation allowed under the law for peripheral vestibular disorder. (38 CFR 4.87)

4. Service connection for sleep disturbances associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 30 percent is assigned from September 3, 2019, the date we received your claim. (38 CFR 3.400)

Please note that the medical examiner attributed your hypersomnolence to Parkinson's disease. Your medical records show the prescription of a CPAP machine for sleep apnea, which was diagnosed prior to Parkinson's disease.

We have assigned a 30 percent evaluation for your sleep disturbances based on:

- Persistent day-time hypersomnolence

A higher evaluation of 50 percent is not warranted for sleep apnea syndromes unless the evidence shows:

- Requires use of breathing assistance device such as continuous airway pressure (CPAP) machine. (38 CFR 4.96, 38 CFR 4.97)

5. Service connection for left lower extremity muscle rigidity with bradykinesia associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your left lower extremity impairment based on:

- Moderate incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 40 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is moderately severe. (38 CFR 4.120, 38 CFR 4.124a)



6. Service connection for left upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your left upper extremity impairment based on:

- Mild incomplete paralysis of the minor extremity (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the lower radicular nerve group unless the evidence shows nerve damage is moderate. (38 CFR 4.120, 38 CFR 4.124a)

7. Service connection for loss of automatic movements (seventh cranial nerve, left side) (also claimed as facial impairment) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

As the examination showed impairment in the moderate to severe range, we are resolving reasonable doubt in your favor and assigning a severe degree of incomplete paralysis of the seventh cranial nerve. (38 CFR 4.7)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your loss of automatic movements (seventh cranial nerve, left side) based on:

- Severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 7th cranial nerve unless the evidence shows nerve damage is complete. (38 CFR 4.120, 38 CFR 4.124a)

8. Service connection for loss of automatic movements (seventh cranial nerve, right side) (also claimed as facial impairment) associated with herbicide exposure.



Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

As the examination showed impairment in the moderate to severe range, we are resolving reasonable doubt in your favor and assigning a severe degree of incomplete paralysis of the seventh cranial nerve. (38 CFR 4.7)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your loss of automatic movements (seventh cranial nerve, right side) based on:

- Severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 7th cranial nerve unless the evidence shows nerve damage is complete. (38 CFR 4.120, 38 CFR 4.124a)

9. Service connection for right lower extremity muscle rigidity with bradykinesia (also claimed as loss of use) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your right lower extremity impairment based on:

- Moderate incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 40 percent is not warranted for paralysis of the sciatic nerve unless the evidence shows nerve damage is moderately severe. (38 CFR 4.120, 38 CFR 4.124a)

10. Service connection for stooped posture (eleventh cranial nerve, left side) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service



connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your stooped posture (eleventh cranial nerve, left side) based on:

- Severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 11th cranial nerve unless the evidence shows nerve damage is complete. (38 CFR 4.120, 38 CFR 4.124a)

11. Service connection for stooped posture (eleventh cranial nerve, right side) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your stooped posture (eleventh cranial nerve, right side) based on:

- Severe incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 11th cranial nerve unless the evidence shows nerve damage is complete. (38 CFR 4.120, 38 CFR 4.124a)

12. Service connection for urinary frequency and obstructed voiding associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)



An evaluation of 20 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 20 percent evaluation for your urinary frequency based on:

- Daytime voiding interval between one and two hours

Additional symptom(s) include:

- Decreased force of stream
- Hesitancy
- Slow stream
- Weak stream

A higher evaluation of 30 percent is not warranted for neurogenic bladder unless the evidence shows:

- Obstructed voiding symptoms including:
 - Urinary retention requiring intermittent or continuous catheterization. (38 CFR 4.115a, 38 CFR 4.115b)

Additionally, a higher evaluation of 40 percent is not warranted for neurogenic bladder unless the evidence shows:

- Urinary frequency symptoms including:
 - Awakening to void five or more times per night; or,
 - Daytime voiding interval less than one hour; or,
- Voiding dysfunction symptoms including:
 - The wearing of absorbent materials which must be changed two to four times per day is required. (38 CFR 4.115a, 38 CFR 4.115b)

13. Service connection for constipation (also claimed as bowel impairment) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your constipation based on:

- Moderate symptoms

A higher evaluation of 30 percent is not warranted for irritable bowel syndrome unless the evidence shows severe symptoms demonstrated by diarrhea, or alternating diarrhea and



constipation, with more or less constant abdominal distress. (38 CFR 4.114)

14. Service connection for difficulty chewing and swallowing (twelfth cranial nerve, right side) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

As the examination showed impairment in the mild to moderate range, we are resolving reasonable doubt in your favor and assigning a moderate degree of incomplete paralysis of the seventh cranial nerve. (38 CFR 4.7)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your difficulty chewing and swallowing (twelfth cranial nerve, right side) based on:

- Moderate incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 12th cranial nerve unless the evidence shows nerve damage is severe. (38 CFR 4.120, 38 CFR 4.124a)

15. Service connection for loss of sense of smell associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your loss of sense of smell based on:

- Complete loss

This is the highest schedular evaluation allowed under the law for complete loss of sense of smell. (38 CFR 4.87a)



16. Service connection for speech changes (tenth cranial nerve, left side) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your speech changes (tenth cranial nerve, left side) based on:

- Moderate incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 10th cranial nerve unless the evidence shows nerve damage is severe. (38 CFR 4.120, 38 CFR 4.124a)

17. Service connection for speech changes (tenth cranial nerve, right side) (also claimed as hypophonia) associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your speech changes (tenth cranial nerve, right side) based on:

- Moderate incomplete paralysis (38 CFR 4.124a)

A higher evaluation of 30 percent is not warranted for paralysis of the 10th cranial nerve unless the evidence shows nerve damage is severe. (38 CFR 4.120, 38 CFR 4.124a)

18. Service connection for sexual dysfunction associated with herbicide exposure.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent



Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

A noncompensable evaluation is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a noncompensable evaluation for your sexual dysfunction based on:

- Loss of erectile power (38 CFR 4.31)

Note: In every instance where the schedule does not provide a zero percent evaluation for a diagnostic code, a zero percent evaluation shall be assigned when the requirements for a compensable evaluation are not met. {38 CFR §4.31}

A higher evaluation of 20 percent is not warranted for penile deformity with loss of erectile power unless the evidence shows:

- Deformity with loss of erectile power. (38 CFR 4.115b)

This disability is not specifically listed in the rating schedule; therefore, it is rated analogous to a disability in which not only the functions affected, but anatomical localization and symptoms, are closely related. (38 CFR 4.20)

19. Service connection for difficulty chewing and swallowing (twelfth cranial nerve, left side) as secondary to the service-connected disability of Parkinson's disease manifested by right (dominant) upper extremity tremor and muscle rigidity with bradykinesia (also claimed as apraxia).

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to Agent Orange. Although not shown in service, service connection for Parkinson's disease has been granted on the basis of presumption due to Agent Orange exposure and the identified complications of Parkinson's disease are granted on a secondary basis to the primary Parkinson's evaluation. (38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.310)

As the examination showed impairment in the mild to moderate range, we are resolving reasonable doubt in your favor and assigning a moderate degree of incomplete paralysis of the seventh cranial nerve. (38 CFR 4.7)

An evaluation of 10 percent is assigned from September 3, 2019, the date we received your claim for Parkinson's disease. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your difficulty chewing and swallowing (twelfth cranial nerve, left side) based on:

- Moderate incomplete paralysis (38 CFR 4.124a)



A higher evaluation of 30 percent is not warranted for paralysis of the 12th cranial nerve unless the evidence shows nerve damage is severe. (38 CFR 4.120, 38 CFR 4.124a)

20. Entitlement to special monthly compensation based on aid and attendance and loss of use.

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

You are entitled to special monthly compensation based on the need for regular aid and attendance due solely to your Parkinson's disease complications. We are increasing your level of special monthly compensation by one-half of a rate (from the "L" rate for aid and attendance to the "L 1/2" rate) as you have a separate service-connected disability (PTSD) rated at 50 percent or higher. This rate will be increased to the "M" rate of special monthly compensation effective February 8, 2020, as you will receive a full-step rate increase based on the grant of an additional disability at 100 percent (leukemia), effective the same date. (38 CFR 3.400)

Finally, you will receive an additional allotment (known as SMC "K") for loss of use of a creative organ due to erectile dysfunction caused by Parkinson's. (38 CFR 3.350, 38 CFR 3.351)

The effective date is September 3, 2019, the date you met the above criteria. (38 CFR 3.400, 38 CFR 3.350)

21. Competency to handle disbursement of funds.

A mentally incompetent person is defined as one who, because of injury or disease, lacks the mental capacity to control or manage his or her own affairs, including disbursements of funds without limitation. Where there is a doubt as to whether the beneficiary is capable of administering his or her funds, such doubt will be resolved in favor of competency. Since there is a definitive finding of incompetency by a physician in this case, and the claimant is not shown to be able to manage personal affairs to include disbursement of funds, we propose to make a determination of incompetency for VA purposes. {38 CFR 3.353}

22. Evaluation of posttraumatic stress disorder (PTSD), with alcohol use disorder in sustained remission, and depression and cognitive impairment due to Parkinson's disease currently evaluated as 50 percent disabling.

The evaluation for posttraumatic stress disorder (PTSD), with alcohol use disorder in sustained remission, and depression and cognitive impairment due to Parkinson's disease is deferred for the following: VA exam

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.

