



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

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VA File Number

**Represented By:
GORDON A GRAHAM
Rating Decision
10/02/2020**

INTRODUCTION

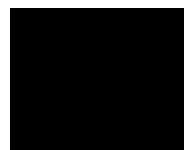
The records reflect that you are a Veteran of the Vietnam Era. You served in the Army from October 18, 1966 to May 3, 1970. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Basic eligibility to Dependents' Educational Assistance is discontinued effective October 1, 2020.
2. Entitlement to individual unemployability is discontinued effective October 1, 2020.

EVIDENCE

- Notification Letter, dated September 17, 2020
- VA Form 4140, Employment Questionnaire, received September 28, 2020, incomplete, Self-sheltered employment but no income listed



- VA Form 21-4138, Statement in Support of Claim, received September 28, 2020
- Spouse Income and Tax Statements, received September 28, 2020

REASONS FOR DECISION

1. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Ch. 35, 38 CFR 3.807)

Basic eligibility for Dependents' Educational Assistance is discontinued as the evidence shows individual unemployability is discontinued effective October 1, 2020, which is the date of last payment. (38 CFR 3.105, 38 CFR 3.501(f), 38 CFR 4.16)

2. Continued entitlement to individual unemployability.

We notified you of our proposal to reduce your current total evaluation based on individual unemployability to the schedular evaluation of 90% because you failed to return the completed VA Form 21-4140, Employment Questionnaire. As of this date, we have not received the completed form from you. Entitlement to individual unemployability is discontinued effective October 1, 2020, which is the date of last payment. (38 CFR 3.105, 38 CFR 3.343, 38 CFR 3.501, 38 CFR 4.16)

We received your incomplete VA Form 21-4140 on September 28, 2020. You stated that you worked at Self-sheltered employment (marginal) from March 2020 to September 2020 but you did not complete the gross earnings per month and give us a complete address; therefore, the individual unemployability is discontinued effective October 1, 2020, which is the date of last payment.

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.