



**DEPARTMENT OF VETERANS AFFAIRS  
Veteran Benefit Administration  
Regional Office**

[REDACTED]

**VA File Number**  
[REDACTED]

**Represented By:  
GORDON A GRAHAM  
Rating Decision  
11/02/2024**

**INTRODUCTION**

The records reflect that you are a Veteran of the Gulf War Era. You served in the Air Force from February 11, 2003 to March 15, 2007. You filed a new claim for benefits that was received on July 24, 2024. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

Entitlement to special monthly compensation based on aid and attendance/housebound is denied.

**EVIDENCE**

- VAMC (Veterans Affairs Medical Center) treatment records, [REDACTED] VAMC, received October 8, 2024, for the period September 25, 2024 to October 4, 2024
  - VAMC (Veterans Affairs Medical Center) treatment records, [REDACTED] VAMC, received August 8, 2024, for the period January 2, 2024 to August 8, 2024
  - Section (§) 5103 Notice, conducted August 2, 2024
  - VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid
- [REDACTED]

- and Attendance, received July 24, 2024
- Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, conducted June 11, 2024

### **REASONS FOR DECISION**

#### **Entitlement to special monthly compensation based on aid and attendance/housebound.**

Entitlement to an additional payment of compensation is established when service-connected impairment imposes a special level of disability. Entitlement to special monthly compensation is not warranted in this case because the criteria regarding aid and attendance/housebound have not been met. (38 CFR 3.350)

Aid and attendance is payable for being so helpless (due to service-connected disabilities) as to be permanently bedridden or in need of regular aid and attendance. Aid and attendance is defined as: inability to dress or undress, or to keep ordinarily clean and presentable; frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid; inability to feed oneself through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or physical or mental incapacity which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to the daily environment. "Bedridden" means that condition which actually requires that the claimant remain in bed. Voluntarily taking to bed or the fact that a physician has prescribed rest in bed for the greater or lesser part of the day to promote convalescence or cure will not suffice. It is only necessary that the evidence shows that the claimant is so helpless as to need regular aid and attendance, not that there be a constant need. Determinations as to the need for regular aid and attendance will not be based solely upon an opinion that their condition is such as would require them to be in bed. They must be based on the actual requirement of personal assistance from others.

Housebound benefits are payable when the claimant is substantially confined, due to service-connected disability(ies), to their dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that this is permanent. Housebound benefits are also payable for a single service-connected disability rated as totally disabling with additional service-connected disability(ies) independently ratable at 60 percent, separate and distinct from the totally disabling service-connected disability. (38 CFR 3.350, 38 CFR 3.352)

The examination form received on July 24, 2024 (which was indicated to be a claim for Special Monthly Pension), show you needed help with hygiene due to stroke, TBI, and joint pains. The examination form also showed the need for medication management, with no explanation.

Although the examination form received on July 24, 2024 shows that you require medication management (specifically help with remembering to take pills and ordering all medications), the reason for that need is unclear and the form is incomplete, so it is insufficient for rating purposes.

There is no clear medical evidence that you currently require aid and attendance. Please note that

if you did require aid and attendance, in order to grant this benefit, we would need clear medical evidence that you require regular aid and attendance of another person to perform routine activities of daily living solely or partially due to one or both of your service-connected disabilities that are evaluated as totally disabling.

**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](http://www.va.gov).