

Rating Decision		<i>Department of Veterans Affairs Veterans Benefits Administration</i>		Page 1 of 7 05/09/2025	
NAME OF VETERAN		VA FILE NUMBER	SOCIAL SECURITY NR.		POA
					GORDON A GRAHAM
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First of all, there are two ways of looking at this. VA raters may, or may not, be willing to give you both full and half-step bumps until we get a case to the Court to argue that. Until then, try to focus on just half-step bumps. As for the CUE blurb below, the idiots granted him a bump from L to M 1/2 which demonstrated they don't "get" it.

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
06/20/1968	01/25/1971	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	2		None

CLEAR AND UNMISTAKABLE ERROR - 38 CFR 3.105(a)

I hereby certify that the claims record of this Veteran has been reviewed and that the following clear and unmistakable error has been identified: The rating decision dated August 2, 2024, shows you were granted special monthly compensation at the SMC L plus K level based on the need for aid and attendance for Parkinson's residuals with loss of use for a creative organ. An additional rate of special monthly compensation can be assigned when a Veteran has a service connected disability(ies) that warrant special monthly compensation at a level between L and N and also has an additional single permanent disability independently ratable at 100 percent. (38 CFR 3.350) The records show you are also service-connected for chronic lymphocytic leukemia that is an additional independent disability evaluated at 100 percent. As the evidence clearly shows entitlement to an additional rate of special monthly compensation is warranted, the level of special monthly compensation is changed to reflect the need for aid and attendance with an additional independent 100 percent rating plus loss of use of a creative organ.

JURISDICTION: New Claim Received 10/14/2024

ASSOCIATED CLAIM(s): 020; New/Increase; 10/14/2024

SUBJECT TO COMPENSATION (1.SC)

7703

CHRONIC LYMPHOCYTIC LEUKEMIA

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So, looking below, using the CLL, you could get the bump from L to M based on the below 100%. In this case, Bob is L for a&a for his Parkie's so anything that says Parkie's can't be used to bump with...

	Service Connected, Vietnam Era, Presumptive Static Disability 100% from 08/13/2013	
9411	POSTTRAUMATIC STRESS DISORDER WITH DEPRESSIVE DISORDER AND ALCOHOL DEPENDENCE IN PARTIAL REMISSION [PTSD/Medical/Veteran Evidence] Service Connected, Vietnam Era, Incurred Static Disability 30% from 09/19/2006 70% from 06/20/2011	Let's ignore the CLL for 100 and do 1/2 for the 70% for bent brain which give Bob a bump to L 1/2. #1
7005	ISCHEMIC HEART DISEASE Service Connected, Vietnam Era, Presumptive Static Disability 60% from 06/15/2012	IHD for 60% is bump #2 to M
8004-7542	PARKINSON'S DISEASE WITH URINARY PROBLEMS [Agent Orange - Vietnam/Parkinson's Disease] Service Connected, Vietnam Era, Presumptive Static Disability 60% from 10/31/2022	
6847	SLEEP APNEA ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS Service Connected, Vietnam Era, Secondary Static Disability 50% from 07/24/2012	Bump #3 is the OSA for 50 which takes Bob to M 1/2
8520	PERIPHERAL NEUROPATHY OF LEFT FOOT ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS Service Connected, Vietnam Era, Secondary Static Disability 10% from 05/21/2009, Earlier Effective Date Granted 20% from 05/12/2014 40% from 06/26/2020	Bumps #4 and 5 occur when you add up the Diabetes and the tinnitus into two more groups of 50% or more and reach N 1/2 plus his K
8520	RIGHT LOWER EXTREMITY PERIPHERAL NEUROPATHY ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS Service Connected, Vietnam Era, Secondary Static Disability 10% from 04/21/2010 (7913-8520) 20% from 05/12/2014 (7913-8520) 40% from 06/26/2020	
8516	PERIPHERAL NEUROPATHY OF RIGHT UPPER EXTREMITY (MAJOR)	

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So, here we are at N 1/2 +K. This gets another bump from Max P to SMC O under §3.350(h)(1). Under (h)(2), because bob has an underlying L for a&a, he automatically advances to SMC R1.

Service Connected, Vietnam Era, Incurred
Static Disability
10% from 05/21/2009
30% from 05/12/2014

8526 PERIPHERAL NEUROPATHY RIGHT LOWER EXTREMITY (FEMORAL NERVE)
ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE
DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
30% from 06/14/2024

8526 PERIPHERAL NEUROPATHY LEFT LOWER EXTREMITY (FEMORAL NERVE)
ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE
DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
30% from 06/14/2024

7913 DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND
ONYCHOMYCOSIS [Agent Orange/Diabetes]
Service Connected, Vietnam Era, Presumptive
Static Disability
20% from 05/21/2009

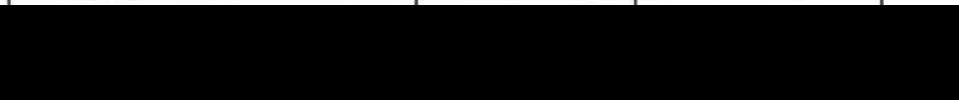
8716 PERIPHERAL NEUROPATHY OF LEFT UPPER EXTREMITY (MINOR)
ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE
DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
10% from 05/21/2009
20% from 05/12/2014

6260 TINNITUS
Service Connected, Vietnam Era, Incurred-COMBAT

10% from 07/08/2005

6100 BILATERAL HEARING LOSS
Service Connected, Vietnam Era, Incurred
Static Disability
10% from 11/16/2007
Original Date of Denial: 09/23/2005

7705 THROMBOCYTOPENIA ASSOCIATED WITH CHRONIC LYMPHOCYTIC
LEUKEMIA
Service Connected, Vietnam Era, Secondary

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Static Disability
0% from 09/18/2013

6519-6516 SPEECH CHANGES(MILD HYPOPHONIA) ASSOCIATED WITH PARKINSON'S DISEASE WITH URINARY PROBLEMS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 10/31/2022

7203 DIFFICULTY CHEWING, SWALLOWING ASSOCIATED WITH PARKINSON'S DISEASE WITH URINARY PROBLEMS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 10/31/2022

7319 IRRITABLE BOWEL SYNDROME, CONSTIPATION ASSOCIATED WITH PARKINSON'S DISEASE WITH URINARY PROBLEMS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 10/31/2022

8207 LOSS OF AUTOMATIC MOVEMENT, RIGHT SIDE ASSOCIATED WITH PARKINSON'S DISEASE WITH URINARY PROBLEMS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 10/31/2022

8207 LOSS OF AUTOMATIC MOVEMENT, LEFT SIDE ASSOCIATED WITH PARKINSON'S DISEASE WITH URINARY PROBLEMS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 10/31/2022

8528 PERIPHERAL NEUROPATHY LEFT LOWER EXTREMITY (OBTURATOR NERVE) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024

8528 PERIPHERAL NEUROPATHY RIGHT LOWER EXTREMITY (OBTURATOR NERVE) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024

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- 8529 PERIPHERAL NEUROPATHY RIGHT LOWER EXTREMITY (EXTERNAL CUTANEOUS NERVE OF THE THIGH) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024
- 8529 PERIPHERAL NEUROPATHY LEFT LOWER EXTREMITY (EXTERNAL CUTANEOUS NERVE OF THE THIGH) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024
- 8530 PERIPHERAL NEUROPATHY LEFT LOWER EXTREMITY (ILLIO-INGUINAL NERVE) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024
- 8530 PERIPHERAL NEUROPATHY RIGHT LOWER EXTREMITY (ILLIO-INGUINAL NERVE) ASSOCIATED WITH DIABETES MELLITUS TYPE II WITH ERECTILE DYSFUNCTION AND ONYCHOMYCOSIS
Service Connected, Vietnam Era, Secondary
Static Disability
0% from 06/14/2024

COMBINED EVALUATION FOR COMPENSATION :

10% from 07/08/2005
40% from 09/19/2006
70% from 05/21/2009 (Bilateral factor of 1.9 Percent for diagnostic codes 8516, 8716)
70% from 04/21/2010 (Bilateral factor of 3.4 Percent for diagnostic codes 8516, 8716, 8520, 8520)
90% from 06/20/2011 (Bilateral factor of 3.4 Percent for diagnostic codes 8516, 8716, 8520, 8520)
100% from 06/15/2012 (Bilateral factor of 3.4 Percent for diagnostic codes 8516, 8716, 8520, 8520)
100% from 05/12/2014 (Bilateral factor of 6.4 Percent for diagnostic codes 8516, 8716, 8520, 8520)
100% from 06/26/2020 (Bilateral factor of 8 Percent for diagnostic codes 8516, 8716, 8520, 8520)
100% from 06/14/2024 (Bilateral factor of 9 Percent for diagnostic codes 8516, 8716, 8520, 8520, 8526, 8526)

SPECIAL MONTHLY COMPENSATION :

K-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (k) and 38 CFR 3.350(a) on

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account of loss of use of a creative organ from 08/13/2009.

S-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (s) and 38 CFR 3.350(i) on account of chronic Lymphocytic Leukemia rated 100 percent and additional service-connected disabilities of tinnitus, bilateral hearing loss, peripheral neuropathy of left foot, ischemic heart disease, posttraumatic stress disorder with depressive disorder and alcohol dependence in partial remission, sleep apnea, right lower extremity peripheral neuropathy, independently ratable at 60 percent or more from 08/13/2013 to 10/30/2022.

L-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (l) and 38 CFR 3.350(b) on account of being so helpless as to be in need of regular aid and attendance from 10/31/2022. **Parkinson's only**

P-2 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (p) and 38 CFR 3.350(f)(4) at the rate intermediate between subsection (m) and subsection (n) on account of entitlement to the rate equal to subsection (l) with additional disability, chronic Lymphocytic Leukemia independently ratable at 100 percent from 10/31/2022. (f) (4) here ^ using the L for Parkie's technically only bumps him to M. Three VA bigwigs signed off on this as correct. They came up with M 1/2.

EFFECTIVE DATE	BASIC	HOSPITAL	LOSS OF USE	ANAT. LOSS	OTHER LOSS
08/13/2009	01	01	00	00	1
08/13/2013	49	49	00	00	1
10/31/2022	25	49	00	00	5

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPeacetime, Vietnam Era)

5010 DEGENERATIVE JOINT DISEASE LEFT SHOULDER, NON-DOMINANT
(CLAIMED SECONDARY TO AGENT ORANGE EXPOSURE AND DIABETES)
Not Service Connected, Vietnam Era, Not Established by Presumption

Original Date of Denial: 08/28/2015

6844-6843 PNEUMONIA
Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 08/28/2007

7627 PROSTATE PROBLEMS SECONDARY TO AGENT ORANGE EXPOSURE
Not Service Connected, Peacetime, Not Incurred/Caused by Service

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Original Date of Denial: 08/28/2007

7799-7703 HAIRY B CELL LEUKEMIA, PREVIOUSLY CONSIDERED AS LYMPH NODES
[Agent Orange - Vietnam/Hairy and Chronic B Cell Leukemias (including CLL)]
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 08/28/2007

7829 SKIN CONDITION SECONDARY TO AGENT ORANGE EXPOSURE
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/28/2007

7833 MALIGNANT MELANOMA
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 01/26/2010

9434 DEPRESSION
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 01/26/2010

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35 from 08/13/2013

eSign: certified by VBADETGOMEZA1, RVSR

eSign: certified by ADJATHOM, Decision Review
Officer

eSign: certified by ADJJWINT, Coach

