



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

[REDACTED]

VA File Number
[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
02/20/2025**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Navy from October 24, 2012 to October 24, 2023. You filed a new claim for benefits that was received on August 30, 2024. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. A finding of incompetency is proposed.
2. Entitlement to special monthly compensation based on aid and attendance is denied.

EVIDENCE

- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received August 30, 2024
 - Section (§) 5103 Notice, dated September 9, 2024
- [REDACTED]

- Martinsburg VAMC (Veterans Affairs Medical Center) treatment records, for the period September 21, 2023 to February 13, 2025
- Baltimore VAMC (Veterans Affairs Medical Center) treatment records, for the period June 6, 2024 to August 26, 2024
- Aid and Attendance or Housebound Examination, VES, conducted November 21, 2024
- Addendum to the aid and attendance DBQ examination, VES, received February 14, 2024

REASONS FOR DECISION

1. Competency to handle disbursement of funds.

We received a VA Aid and Attendance or Housebound Examination, which indicates that you require assistance managing finances and would benefit from a fiduciary. The examiner noted that "you had cognitive issues and was not able to provide an adequate history, and also noted to have lack of judgment and impulsivity. Your wife had to answer questions during the examination." The examiner indicated that you are not capable of managing your own financial affairs.

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 disbursement 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)

2. Entitlement to special monthly compensation based on aid and attendance.

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 have not been met. (38 CFR 3.350)

This benefit is payable for being so helpless (due to service-connected disabilities) as to be permanently bedridden or in need of regular aid and attendance. The following will be considered in determining the need for regular aid and attendance: 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 (this will not include the adjustment of appliances which normal persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.); 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 will be a proper basis for the determination. "Bedridden" means that condition which, through its essential character, actually requires that the claimant remain in bed.

The fact that a claimant has voluntarily taken to bed or 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 not required that all of the disabling conditions be found to exist before a favorable rating may be made. The particular personal functions which the claimant is unable to perform should be considered in connection with their condition as a whole. 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. (38 CFR 3.350, 38 CFR 3.352)

Favorable Findings identified in this decision:

You require aid and attendance. You need **some** assistance with dressing, undressing, bathing, and grooming.

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.