



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

[REDACTED]

VA File Number

[REDACTED]

**Represented By:
GORDON A GRAHAM
Rating Decision
06/24/2026**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from July 19, 2010 to November 7, 2013. We received your supplemental claim on March 27, 2026. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

The denial for special monthly compensation based on higher level of aid and attendance for SMC (t) is continued to be denied.

EVIDENCE

- C&P Exam, received on June 16, 2026
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- C&P Exam, received on June 16, 2026
- C&P Exam, received on June 16, 2026
- Correspondence, received on June 11, 2026
- Exam Request, received on April 28, 2026
- Fee Allocation Notice, received on April 22, 2026
- Fee Allocation Notice, received on April 22, 2026
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on April 22, 2026
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on April 21, 2026
- Rating Decision - Codesheet, received on April 21, 2026
- Rating Decision - Narrative, received on April 21, 2026
- Award Print, received on April 21, 2026
- VA Form 27-0820, Report of General Information, received on April 21, 2026
- Award Print, received on April 20, 2026
- CAPRI, received on April 20, 2026
- CAPRI, received on April 20, 2026
- Miscellaneous C&P Correspondence, received on April 20, 2026
- Miscellaneous C&P Correspondence, received on April 20, 2026
- VAMC Other Output / Reports, received on March 30, 2026
- VAMC Other Output / Reports, received on March 30, 2026
- VAMC Other Output / Reports, received on March 30, 2026
- VAMC Other Output / Reports, received on March 30, 2026
- Compensation End of Day Letter, received on March 30, 2026
- Notification Letter (e.g. VA 20-8993, VA 21-0290, PCGL), received on March 27, 2026
- VA Form 21-4138, Statement In Support of Claim, received on March 27, 2026
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, received on March 27, 2026
- VA Examination, received on March 27, 2026
- VA Form 20-0995, Supplemental Claim Application, received on March 27, 2026
- Medical Treatment Record - Non-Government Facility, received on March 27, 2026
- Medical Treatment Record - Non-Government Facility, received on March 27, 2026
- VA Form 21-4138, Statement In Support of Claim, received on March 27, 2026
- VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, received on March 27, 2026
- VA Form 20-0995, Supplemental Claim Application, received on March 27, 2026
- VA Examination, received on March 27, 2026
- Correspondence, received on March 26, 2026
- VA Form 20-0998, Your Right to Seek Further Review of Our Decision, received on March 26, 2026

REASONS FOR DECISION

Entitlement to special monthly compensation based on higher level of aid and attendance for SMC (t)

A claimant may file a supplemental claim by submitting or identifying new and relevant evidence. New evidence is evidence not previously part of the actual record before agency

adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter at issue in a claim. (38 CFR 3.2501)

In support of your claim, new and relevant evidence has been received and your claim is now reconsidered.

Entitlement to special monthly compensation based on higher level of aid and attendance for SMC (t) is continued to be denied.

You are currently evaluated at 100 percent for posttraumatic stress disorder with traumatic brain injury under the mental disorder criteria and you are in receipt of special monthly compensation at the (l) rate based on the need for regular aid and attendance. This benefit recognizes that, due to service connected conditions, you require the regular assistance of another person with activities of daily living such as bathing, dressing, maintaining personal hygiene, and protecting yourself from hazards. A higher level of special monthly compensation under 38 U.S.C 1114(t) requires more than the need for regular aid and attendance. Although the evidence shows that family members assist you with activities of daily living, the record does not establish that you require a higher level of care due to service connected residuals of traumatic brain injury. While a VA Form 21-2680 dated February 10, 2026, noted your condition of posttraumatic stress disorder with traumatic brain injury and indicated a need for assistance with activities of daily living, a subsequent VA Form 21-2680 completed on May 19, 2026, attributed the impairment solely to your service connected back condition. Current traumatic brain injury residuals are shown to include tinnitus and subjective complaints of memory loss. The evidence does not demonstrate that, absent such care, hospitalization, nursing home care, or residential institutional care would be required due to your service connected traumatic brain injury. Therefore, the criteria for SMC at the (t) rate have not been met. (38 CFR 3.350(j); 38 CFR 3.352(b)).

A veteran is entitled to the higher level aid and attendance allowance authorized by 38 CFR 3.350(j) in lieu of the regular aid and attendance allowance when all of the following conditions are met:

- (i) As a result of service-connected residuals of traumatic brain injury, the veteran meets the requirements for entitlement to the regular aid and attendance allowance.
- (ii) As a result of service-connected residuals of traumatic brain injury, the veteran needs a "higher level of care" than is required to establish entitlement to the regular aid and attendance allowance, and in the absence of the provision of such higher level of care the veteran would require hospitalization, nursing home care, or other residential institutional care.

Favorable Findings identified in this decision:

You require aid and attendance. VA Forms 21-2680 document the need for assistance with certain activities of daily living. Family members assist with some activities of daily living.

Service connection for posttraumatic stress disorder with traumatic brain injury is established



and evaluated at 100 percent disabling under the mental health criteria.

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.