BOARD OF VETERANS' APPEALS

FOR THE SECRETARY OF VETERANS AFFAIRS

IN THE APPEAL OF [redacted]

Docket No. 260324-640494
Advanced on the Docket

Represented by
Gordon A. Graham, Agent

DATE: May 19, 2026

ORDER

Entitlement to a separate 30 percent rating for Parkinson's disease is granted.

Entitlement to special monthly compensation based on aid and attendance criteria beginning on March 18, 2024 is granted.

FINDINGS OF FACT

1. Throughout the period on appeal, the Veteran's Parkinson's disease manifested with symptoms that are not independently rated as compensable.

2. The Veteran's claim for entitlement to special monthly compensation based on aid and attendance was filed on March 28, 2020 and the Veteran has been so helpless as to be in the need for the regular aid and attendance of another since that time.

CONCLUSIONS OF LAW

1. The criteria for a separate 30 percent rating for Parkinson's Disease have been met. 38 U.S.C. §§ 1155, 5107; 38 C.F.R. §§ 3.102, 4.1—4.14, 4.124a, Diagnostic Code 8004.

2. The criteria for an effective date of March 28, 2020 for the award of entitlement to special monthly compensation based on aid and attendance have been met. 38 U.S.C. § 5110; 38 C.F.R. § 3.400.

REASONS AND BASES FOR FINDINGS AND CONCLUSIONS

The Veteran had active military service from March 1964 to March 1968.

This case comes before the Board of Veterans' Appeals (Board) on appeal from a rating decision dated December 30, 2025 issued by the Department of Veterans Affairs (VA). The rating decision on appeal constitutes an initial decision; therefore, the modernized review system, also known as the Appeals Modernization Act (AMA), applies.

In the March 2026 VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement), the Veteran elected the Direct Review docket. Therefore, the Board may only consider the evidence of record at the time of the December 2025 agency of original jurisdiction (AOJ) decision on appeal. 38 C.F.R. § 20.301. Any evidence submitted after the AOJ decision on appeal cannot be considered by the Board. 38 C.F.R. §§ 20.300, 20.301, 20.801.

If the Veteran would like VA to consider any evidence that was submitted that the Board could not consider, the Veteran may file a Supplemental Claim (VA Form 20-0995) and submit or identify this evidence. 38 C.F.R. § 3.2501. If the evidence is new and relevant, VA will issue another decision on the claims, considering the new evidence in addition to the evidence previously considered. *Id.* Specific instructions for filing a Supplemental Claim are included with this decision.

The Board is cognizant of the recent decision issued by the United States Court of Appeals for Veterans Claims (Court) in the case of *Williams v. McDonough*, 37 Vet. App. 305 (2024). There, the Court held, in essence, that the Board must refrain from deciding a case until the case proceeds to the point where a docket switch is no longer permitted under the terms of 38 C.F.R. § 20.202(c)(2). The Veteran explicitly waived his right to select a different Board review option and requested

review of his appeal as soon as possible in a March 2026 submission. Therefore, the Board shall proceed with adjudication.

Increased Rating Criteria

Disability ratings are determined by evaluating the extent to which a veteran's service-connected disability adversely affects his or her ability to function under the ordinary conditions of daily life, including employment, by comparing his or her symptomatology with the criteria set forth in the Schedule for Rating Disabilities (Rating Schedule). *See* 38 U.S.C. § 1155; 38 C.F.R. § 4.1. If two ratings are potentially applicable, the higher rating will be assigned if the disability more nearly approximates the criteria required for that rating; otherwise, the lower rating will be assigned. *See* 38 C.F.R. § 4.7. Any reasonable doubt regarding the degree of disability will be resolved in favor of the veteran. *See* 38 C.F.R. § 4.3.

Separate evaluations may be assigned for separate periods of time if such distinct periods are shown by the competent evidence of record during the appeal, a practice known as "staged" ratings. *Hart v. Mansfield*, 21 Vet. App. 505 (2007). VA's determination of the present level of a disability may result in a conclusion that the disability has undergone varying and distinct levels of severity throughout the entire time period the increased-rating claim has been pending. *Hart v. Mansfield, supra*; *Fenderson v. West*, 12 Vet. App. 119 (1999).

Additionally, the Board has considered whether an inferred claim for a total disability based upon individual unemployability (TDIU) has been raised pursuant to *Rice v. Shinseki*, 22 Vet. App. 447 (2009). The Veteran has been in receipt of a TDIU since April 3, 2002 based upon the combined effects of his service connected PTSD and post-operative scar. *See* December 2002 rating decision. The Veteran has not alleged, and the record does not establish, that the Veteran is unable to secure or follow substantially gainful employment due to his service connected Parkinson's disease. As such, the Board finds that a claim for a TDIU is not raised in connection with the instant appeal. *See Rice v. Shinseki*, *supra*.

Although the Board has an obligation to provide reasons and bases supporting its decision, there is no obligation to discuss, in detail, the extensive evidence of

record. *See Gonzales v. West*, 218 F.3d 1378, 1380-81 (Fed. Cir. 2000) (holding that the Board must review the entire record but does not have to discuss each piece of evidence). Therefore, the Board will summarize the relevant evidence where appropriate, and the Board's analysis will focus specifically on what the evidence shows, or fails to show, as it relates to the Veteran's claims.

When there is an approximate balance of positive and negative evidence as to any issue material to the determination of a matter, VA will resolve reasonable doubt in favor of the claimant. 38 U.S.C. § 5107; 38 C.F.R. § 3.102; *Lynch v. McDonough*, 21 F.4th 776 (Fed. Cir. 2021) (*en banc*).

1. Entitlement to a separate 30 percent rating for Parkinson's disease is granted.

The Veteran contends that to a separate rating for his service-connected Parkinson's disease under Diagnostic Code 8004 is warranted. He is currently in receipt of a 10 percent rating for balance impairment associated with Parkinsonism under Diagnostic Codes 8004-6204 as well as noncompensable ratings for speech changes under Diagnostic Codes 8004-6516, and stooped posture under Diagnostic Codes 8004-8211.

Parkinson's disease is rated under Diagnostic Code 8004, which is titled "[p]aralysis agitans." *See Duran v. McDonough*, 36 Vet. App. 230 n.2 (2023) ("'[p]aralysis agitans' is a term for 'shaking palsy' used by Dr. James Parkinson in his groundbreaking 1817 essay on the disease that would be given his name").

Hyphenated Diagnostic Codes are used when a rating under one Diagnostic Code requires use of an additional Diagnostic Code to identify the basis for the evaluation assigned. *See* 38 C.F.R. § 4.27. In this case, the AOJ assigned a hyphenated diagnostic code to recognize Parkinson's disease (Diagnostic Code 8004) to indicate the Veteran's underlying diagnosis and paralysis of the musculospiral nerve (Diagnostic Code 8514) as indicating the symptoms.

Diagnostic Code 8004 states that a 30 percent minimum rating is warranted for paralysis agitans. *See* 38 C.F.R. § 4.124a, Diagnostic Code 8004. The preamble to

this regulation states directs VA to rate Parkinson's disease "from 10 percent to 100 percent in proportion to the impairment of motor, sensory, or mental function." *Id.* VA is further directed to "[c]onsider especially psychotic manifestations, complete or partial loss of use of one or more extremities, speech disturbances, impairment of vision, disturbances of gait, tremors, visceral manifestations, etc., referring to the appropriate bodily system of the schedule. With partial loss of use of one or more extremities from neurological lesions, rate by comparison with the mild, moderate, severe, or complete paralysis of peripheral nerves." *Id.*

Furthermore, a note following Diagnostic Code 8025 indicates that "for the minimum ratings for residuals under diagnostic codes 8000-8025, that there be ascertainable residuals" and therefore requires "[d]eterminations as to the presence of residuals not capable of objective verification, i.e., headaches, dizziness, fatigability," to "be approached on the basis of the diagnosis recorded; subjective residuals will be accepted when consistent with the disease and not more likely attributable to other disease or no disease." *Id.*

However, in *Duran*, the Court provided an in-depth overview of Diagnostic Code 8400 and emphasized that "as a chronic, progressive disease, Parkinson's cannot be cured and does not have inactive periods. So, although Parkinson's disease manifests itself in various ways, it does not appear strictly accurate to call these manifestations 'residuals,' as that word is normally used." *Duran v. McDonough*, 26 Vet. App. at 236. Consistent with *Duran*, the terminology of Parkinson's disease manifestations, rather than residuals, will be used in this decision.

Moreover, the Court held in *Duran* that the minimum 30 percent rating under Diagnostic Code 8004 for paralysis agitans (Parkinson's disease) applies, in addition to separate compensable ratings under other relevant Codes, where those manifestations do not total more than 30 percent under Diagnostic Codes other than Diagnostic Code 8004. *Id.* However, the Court further held that the minimum 30 percent rating under Diagnostic Code 8004 applies, in addition to separate compensable ratings under other relevant codes, where those manifestations total more than 30 percent under Diagnostic Codes other than Diagnostic Code 8004

and there is at least one ascertainable manifestation of Parkinson's disease that is not compensated under any other Code. *Id.*

Therefore, under the Court's holding in *Duran*, a Parkinson's disease diagnosis justifies a minimum rating of 30 percent under Diagnostic Code 8004 where its manifestations, either singly or together, do not warrant a rating higher than 30 percent. If Parkinson's disease manifestations are separately rated and combine to 30 percent or greater, a separate rating under Diagnostic Code 8004 is only warranted if there are any other Parkinson's disease manifestations that cannot be separately rated under any other appropriate diagnostic codes. *Id.*

As noted above, the Veteran is currently rated for three manifestations of Parkinson's Disease, which combine for a rating of less than 30 percent. As the evidence shows that the Veteran has a diagnosis of Parkinson's disease with at least one ascertainable manifestation not being compensated under another Diagnostic Code, the Board agrees with the Veteran that entitlement to a separate initial 30 percent rating under Diagnostic Code 8004 is warranted. *See* 38 C.F.R. § 4.124a, Diagnostic Code 8004; *Duran v. McDonough*, 36 Vet. App. at 237.

The Veteran has not raised any other issues, nor have any other issues been reasonably raised by the record, with regard to such claim. *See Doucette v. Shulkin*, 28 Vet. App. 366 (2017) (confirming that the Board is not required to address issues unless they are specifically raised by the claimant or reasonably raised by the evidence of record).

Based on the foregoing, the Board finds that a rating of 30 percent is warranted throughout the appeal period for the Veteran's Parkinson's Disease under 38 C.F.R. § 4.124a, Diagnostic Code 8004. To that extent, the appeal is granted. 38 U.S.C. § 5107; 38 C.F.R. § 3.102; *Lynch v. McDonough*, *supra.*

Effective Date Criteria

According to applicable law and regulation, except as otherwise provided, the effective date of an award of compensation based upon an original claim will be the date of receipt of the claim or the date entitlement arose, whichever is later.

38 U.S.C. § 5110(a); 38 C.F.R. § 3.400. The date of entitlement to an award of service connection will be the day following separation from active service or the date entitlement arose if the claim is received within one year after separation from service. Otherwise, the effective date will be the date of receipt of the claim, or the date entitlement arose, whichever is later. 38 C.F.R. § 3.400(b)(2)(i).

The effective date of an evaluation and an award of compensation based on a reopened claim is the date of receipt of the new claim or the date entitlement arose, whichever is later. 38 C.F.R. § 3.400(q)(2), (r). Thus, once a previous decision has become final, the earliest effective date of service connection generally is the date of the petition to reopen rather than the date of the initial claim. Exceptions to this rule include a later grant of service connection based in whole or in part on newly obtained service department records under certain circumstances, as provided in 38 C.F.R. § 3.156(c), and when the decision is revised or reversed on the basis of clear and unmistakable error (CUE), as provided in 38 U.S.C. § 5109A(a) and 38 C.F.R. § 3.105(a).

The general rule for claims for increased ratings is that the award is effective the date of receipt of claim, or the date entitlement arose, whichever is later. 38 C.F.R. § 3.400(o)(1). The effective date of an award of increased compensation, to include entitlement to a special monthly compensation, is the earliest date as of which it is factually ascertainable that an increase in disability has occurred, if the claim is received within one year from such date, otherwise, the date of receipt of the claim. 38 C.F.R. § 3.400(o)(2).

38 C.F.R. § 3.156(a), which defines new and material evidence, requires that evidence raise a reasonable possibility of substantiating the claim in order to be considered "new and material," and defines material evidence as evidence, that, by itself or when considered with previous evidence of record, relates to an unestablished fact necessary to substantiate the claim.

2. Entitlement to special monthly compensation based on aid and attendance criteria beginning on March 28, 2020 is granted.

The Veteran asserts that an effective date earlier than November 7, 2025 is warranted for the award of entitlement to a special monthly compensation. *See* April 2025 submission. Specifically, the Veteran's representative argues that an effective date of March 18, 2024 is warranted as the Veteran had continuously pursued his claim and had been residing in a VA nursing facility. *See* March 2025 submission. The Board agrees.

Special monthly compensation is payable at the (l) rate if a veteran, as the result of service-connected disability, is permanently bedridden or so helpless as to be in need of regular aid and attendance. 38 U.S.C. § 1114(l); 38 C.F.R. § 3.350(b).

The following will be accorded consideration in determining the need for regular aid and attendance: inability of claimant to dress or undress himself, or to keep himself 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 of claimant to feed himself through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or incapacity, physical or mental, which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to his daily environment. 38 C.F.R. § 3.352(a). It is not required that all of the disabling conditions enumerated in this paragraph be found to exist before a favorable rating may be made. The particular personal functions which the veteran is unable to perform should be considered in connection with his condition as a whole. It is only necessary that the evidence establish that the veteran is so helpless as to need regular aid and attendance, not that there be a constant need. *Id.*

The regulations also provide additional compensation on the basis of being housebound where the veteran (1) has, in addition to a single, permanent service-connected disability rated 100 percent disabling, additional service-connected disability or disabilities independently ratable at 60 percent, separate and distinct from the 100 percent service-connected disability and involving different anatomical segments or bodily systems, or (2) is permanently housebound by

reason of service-connected disability or disabilities. A veteran will be considered housebound where the evidence shows that, as a direct result of his service-connected disability or disabilities, he is substantially confined to his dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that the disability or disabilities and resultant confinement will continue throughout his lifetime. 38 U.S.C. § 1114(s); 38 C.F.R. § 3.350(i).

By way of background, the Veteran submitted a claim for special monthly compensation on April 28, 2020. *See* April 2020 Examination for Housebound Status or Permanent Need for Regular Aid and Attendance (VA Form 21-2680). In a July 2020 rating decision, the AOJ denied entitlement to special monthly compensation based on aid and attendance. In October 2021, the Veteran submitted a VA Form 20-0995 and requested review of July 2020 rating decision that denied entitlement to special monthly compensation based on aid and attendance. In November 2021, the AOJ issued a supplemental claim decision, which denied the claim based on the evidence of record at the time of that decision. In December 2021, the Veteran submitted a VA Form 20-0995 and requested review of November 2021 rating decision that denied entitlement to special monthly compensation based on aid and attendance. In April 2022, the AOJ issued a supplemental claim decision, which denied the claim based on the evidence of record at the time of that decision.

In January 2023, the Veteran submitted an Application for Disability Compensation and Related Compensation Benefits (VA Form 21-526EZ) seeking entitlement to special monthly compensation based on aid and attendance. In March 2023, the AOJ issued a decision, which denied the claim. In January 2024, the Veteran submitted a VA Form 20-0996, Decision Review Request: Higher-Level Review (HLR), and requested review of the March 2023 decision. In January 2024, the AOJ issued a HLR decision, which considered the evidence of record at the time of the prior March 2023 decision. Next, the Veteran filed a claim for entitlement to service connection for a heart condition on March 18, 2024. *See* VA Form 21-526EZ. In a July 2024 rating decision, the AOJ granted entitlement to service connection for arteriosclerotic heart disease and assigned a 100 percent rating, effective March 18, 2024, and deferred the issue of entitlement to special monthly compensation based on aid and attendance. In an August 2024 rating decision, the

AOJ reduced the Veteran's arteriosclerotic heart disease from 100 percent to 30 percent, effective March 18, 2024. On November 7, 2025, the Veteran submitted a claim for entitlement to special monthly compensation based on aid and attendance. In an April 2026 rating decision, the AOJ granted entitlement to special monthly compensation based on aid and attendance, effective November 7, 2025. As the Veteran filed timely administrative review options within one year of prior rating decisions, he has continuously pursued his claim since April 28, 2020, which is the date of claim.

Turning to the evidence, an April 2020 VA examiner indicated that the Veteran was wheelchair dependent and experienced limited range of motion due to a shoulder injury. The examiner reported that the Veteran was unable to prepare food for himself, and that he required assistance with bathing and tending to other hygienic needs.

At a May 2021 VA examination, the examiner reported that the Veteran was unable to prepare meals, as he was unable to reach into cupboards and unable to stand to prepare meals. The examiner indicated that he the Veteran was also unable to bath himself or tend to other hygienic needs without assistance. The examiner reported that the Veteran had significantly limited range of motion with regard to his upper extremities, and he was wheelchair bound.

At a December 2021 VA examination, the examiner reported that the Veteran was unable to prepare meals, and noted that he needed assistance bathing and tending to other hygienic needs.

At a January 2023 VA examination, the examiner commented that the Veteran had limited upper extremity range of motion. The examiner indicated that the Veteran was unable to leave the house without assistance. The examiner reported that the Veteran was unable to prepare food for himself, and that he required assistance with bathing and tending to other hygienic needs.

A July 2024 VA treatment note indicates that the Veteran was being discharged to a nursing home. A September 2024 VA treatment note indicates that the Veteran continued to be appropriate for nursing home care.

At a January 2025 VA examination, the VA provider found that due to his service-connected disabilities, the Veteran required assistance with bathing/showering, dressing, ambulating within the home or living area, tending to hygiene needs, transferring in or out of bed/chair, and toileting. The VA provider reported that the Veteran had required nursing home care for the prior three year period.

Generally, the effective date of an award of compensation benefits will be the date the claim was received, or the date entitlement arose, whichever is later. *See* 38 U.S.C. § 5110; 38 C.F.R. § 3.400.

Notwithstanding all of the above, for increased rating claims, which encompasses claims for special monthly compensation such as is at issue in the instant case, 38 U.S.C. § 5110(b)(3) and 38 C.F.R. § 3.400(o)(2) potentially allow for an increase in disability compensation of up to one year prior to the date of claim, but no earlier, if it is factually ascertainable based on all evidence of record that an increase in disability had occurred. *See Gaston v. Shinseki*, 605 F.3d 979, 982 (Fed. Cir. 2010) (referencing the "one-year look-back period").

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In this case, the Board finds that it is factually ascertainable that as a result of his service-connected disabilities, the Veteran was so helpless as to be in need of regular aid and attendance since March 24, 2020, the date of claim. In this regard, there are a plethora of VA treatment notes and VA examination reports showing that the Veteran had significant difficulty performing basic activities of daily living. The record further suggests that the Veteran has been residing in a nursing home since approximately July 2024.

In light of the foregoing, the Board finds that the Veteran was so helpless as to be in need of regular aid and attendance beginning April 28, 2020. As such, the Board finds that entitlement to an effective date of April 28, 2020, but no sooner, for the award of special monthly compensation under 38 U.S.C. § 1114(l) is warranted. To that extent, the appeal is granted. 38 U.S.C. § 5107; 38 C.F.R. § 3.102; *Lynch v. McDonough*, *supra*.

Kristy L. Zadora

KRISTY L. ZADORA
Veterans Law Judge
Board of Veterans' Appeals

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The Board's decision in this case is binding only with respect to the instant matter decided. This decision is not precedential and does not establish VA policies or interpretations of general applicability. 38 C.F.R. § 20.1303.