July 7, 2020

LEMUEL CLAYTON BRAY
2833 MAIN ST
TORRINGTON WY 82240-1929

The Board of Veterans' Appeals remanded your appeal on May 11, 2017. We made a decision on your entitlement to VA benefits.

Dear Lemuel Bray:

This letter will guide you through the information you should know and steps you may take now that VA has made a decision about your benefits.

Your Benefit Information:

- Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted, with a new effective date of September 16, 1985.
- Entitlement to an earlier effective date for the grant of individual unemployability is granted, with a new effective date of September 16, 1985.

See **Rating Decision** to find out why we made this decision.

We granted your claim for additional dependency benefits because the following dependent(s) meet the criteria for establishing a relationship and you have at least a 30% disability compensation evaluation:

Type of Dependent	Name	Effective Date
Spouse	Kazuko Bray	Oct 11, 1984

We have included with this letter:

1. Explanation of Payment
2. Additional Benefits
3. Where to Send Written Correspondence
4. VA Form 20-0998
5. Rating Decision
6. VA Form 21-4138
7. VA Form 21-8760
8. VA Form 21-8764
9. VA Form 28-1900
10. VA Form 28-8890
11. Fraud Prevention Attachment

Contact information:

Web: www.vets.gov
Phone: 1-800-827-1000
TDD: 711
To send questions online: visit https://iris.custhelp.com/

Social Media:

Twitter: @VAVetBenefits
Facebook: www.facebook.com/VeteransBenefits

Your representative:

You appointed PETER S CAMERON as your accredited representative. They have also received a copy of this letter.

They can help you with any questions you have about your claim.

If you or someone you know is in crisis, call the *Veterans Crisis Line* at 1-800-273-8255 and press 1.

Kazuko Bray has been added to your award effective Oct 11, 1984, because you submitted all the required information and meet the eligibility requirements for the dependency allowance. (38 CFR 3.4, 38 CFR 3.50, 38 CFR 3.57, 38 CFR 3.204, 38 CFR 3.205, 38 CFR 3.216)

If you would like to withdraw your appeal at this time, please let us know within 60 days. For your convenience, we are enclosing VA Form 21-4138, Statement in Support of Claim.

We enclosed a VA Form 21-8760, Additional Information for Veterans with Service-Connected Permanent and Total Disability, which explains certain factors concerning your benefits.

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason
$1,374.00	Oct 1, 1985	Individual Unemployability Adjustment
$1,416.00	Dec 1, 1985	Cost of Living Adjustment
$1,437.00	Dec 1, 1986	Cost of Living Adjustment
$1,496.00	Dec 1, 1987	Cost of Living Adjustment
$1,556.00	Dec 1, 1988	Cost of Living Adjustment
$1,629.00	Dec 1, 1989	Cost of Living Adjustment
$1,629.00	Jan 1, 1990	Compensation Rating Adjustment
$1,716.00	Jan 1, 1991	Cost of Living Adjustment
$1,780.00	Dec 1, 1991	Cost of Living Adjustment
$1,798.00	Mar 1, 1992	Gross Rate Additional Amount
$1,780.00	Apr 1, 1992	Gross Rate Additional Amount
$1,833.00	Dec 1, 1992	Cost of Living Adjustment
$1,833.00	Jun 1, 1993	Compensation Rating Adjustment
$1,833.00	Jun 11, 1993	Compensation Rating Adjustment
$1,879.00	Dec 1, 1993	Cost of Living Adjustment
$1,930.00	Dec 1, 1994	Cost of Living Adjustment
$1,979.00	Dec 1, 1995	Cost of Living Adjustment
$2,036.00	Dec 1, 1996	Cost of Living Adjustment
$2,078.00	Dec 1, 1997	Cost of Living Adjustment

Monthly Entitlement Amount	Payment Start Date	Reason
$2,104.00	Dec 1, 1998	Cost of Living Adjustment
$2,153.00	Dec 1, 1999	Cost of Living Adjustment
$2,228.00	Dec 1, 2000	Cost of Living Adjustment
$2,287.00	Dec 1, 2001	Cost of Living Adjustment
$2,318.00	Dec 1, 2002	Cost of Living Adjustment
$2,366.00	Dec 1, 2003	Cost of Living Adjustment
$2,429.00	Dec 1, 2004	Cost of Living Adjustment
$2,528.00	Dec 1, 2005	Cost of Living Adjustment
$2,610.00	Dec 1, 2006	Cost of Living Adjustment
$2,669.00	Dec 1, 2007	Cost of Living Adjustment
$2,823.00	Dec 1, 2008	Cost of Living Adjustment
$2,823.00	Aug 1, 2009	Compensation Rating Adjustment
$2,924.00	Dec 1, 2011	Cost of Living Adjustment
$2,973.00	Dec 1, 2012	Cost of Living Adjustment
$3,017.60	Dec 1, 2013	Cost of Living Adjustment
$3,017.60	Jan 1, 2014	Cost of Living Adjustment
$3,068.90	Dec 1, 2014	Cost of Living Adjustment
$3,078.11	Dec 1, 2016	Cost of Living Adjustment
$3,139.67	Dec 1, 2017	Cost of Living Adjustment
$3,227.58	Dec 1, 2018	Cost of Living Adjustment
$3,279.22	Dec 1, 2019	Cost of Living Adjustment
$3,279.22	Mar 1, 2020	Compensation Rating Adjustment

We are currently paying you as a Veteran with one dependent. *Let us know right away if there is any change in the status of your dependents.*

If payments are due, you should receive your first payment, if not already in receipt of payments, within 7-10 days of this notice.

See **Explanation of Payment** for more details about your payment.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact your financial institution.

If this account is no longer open,

please notify us immediately.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you have one year from the date of this letter to select a review option in order to protect your initial filing date for effective date purposes. You must file your request on the required application form for the review option desired. The table below represents the review options and their respective required application form.

Review Option	Required Application Form
Supplemental Claim	VA Form 20-0995, *Decision Review Request: Supplemental Claim*
Higher-Level Review	VA Form 20-0996, *Decision Review Request: Higher-Level Review*
Appeal to the Board of Veterans' Appeals	VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)*

Please note: You **may not** request a higher-level review of a higher-level review decision issued by VA.

The enclosed VA Form 20-0998, *Your Rights To Seek Further Review Of Our Decision*, explains your options in greater detail and provides instructions on how to request further review. You may download a copy of any of the required application forms noted above by visiting www.va.gov/vaforms/ or you may contact us by telephone at 1-800-827-1000 and we will mail you any form you need.

You can visit www.va.gov/decision-reviews to learn more about how the disagreement process works.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter as noted below letting us know what you would like to obtain. Some evidence may be obtained online by visiting www.va.gov.

Thank you for your service,

Regional Office Director

cc: PETER S CAMERON
Law Office of Peter S. Cameron, APC
4003 Wabash Avenue
San Diego CA 92104

Explanation of Payment

Your monthly entitlement amount includes payment for the following dependent(s):

Payment Start Date	Award Dependent(s)
Oct 1, 1985	KAZUKO
Dec 1, 1985	KAZUKO
Dec 1, 1986	KAZUKO
Dec 1, 1987	KAZUKO
Dec 1, 1988	KAZUKO
Dec 1, 1989	KAZUKO
Jan 1, 1990	KAZUKO
Jan 1, 1991	KAZUKO
Dec 1, 1991	KAZUKO
Mar 1, 1992	KAZUKO
Apr 1, 1992	KAZUKO
Dec 1, 1992	KAZUKO
Jun 1, 1993	KAZUKO
Jun 11, 1993	KAZUKO
Dec 1, 1993	KAZUKO
Dec 1, 1994	KAZUKO
Dec 1, 1995	KAZUKO
Dec 1, 1996	KAZUKO
Dec 1, 1997	KAZUKO
Dec 1, 1998	KAZUKO
Dec 1, 1999	KAZUKO
Dec 1, 2000	KAZUKO
Dec 1, 2001	KAZUKO
Dec 1, 2002	KAZUKO
Dec 1, 2003	KAZUKO

Payment Start Date	Award Dependent(s)
Dec 1, 2004	KAZUKO
Dec 1, 2005	KAZUKO
Dec 1, 2006	KAZUKO
Dec 1, 2007	KAZUKO
Dec 1, 2008	KAZUKO
Aug 1, 2009	KAZUKO
Dec 1, 2011	KAZUKO
Dec 1, 2012	KAZUKO
Dec 1, 2013	KAZUKO
Jan 1, 2014	KAZUKO
Dec 1, 2014	KAZUKO
Dec 1, 2016	KAZUKO
Dec 1, 2017	KAZUKO
Dec 1, 2018	KAZUKO
Dec 1, 2019	KAZUKO
Mar 1, 2020	KAZUKO

Let us know right away if there is any change in the status of your dependent(s).

Please Take Action: What Things Affect Your Right to Payment?

Please notify VA ***immediately*** if there is a change in any condition affecting your right to continued payments. If you don't notify us of these changes immediately, you may have to return any overpayments. Those changes include:

Evidence received shows a change is warranted.
Military Pay or Worker's Compensation: Your payments may be affected by the following, which you must bring to our attention: • Reentrance into active military or naval service. • Receipt of armed forces service retirement pay, unless your retirement pay has already been reduced because of award of disability compensation. • Receipt of benefits from the Office of Federal Employees Compensation. • Receipt of active duty or drill pay as a reservist or member of the National Guard.

Evidence received shows a change is warranted.
Dependents: If you have a disability rating of 30 percent or more, you must advise VA of any change with your spouse or children.
Hospitalization: If your award includes Aid and Attendance benefits, we may reduce this additional allowance if you are admitted to a hospital, nursing home, or domiciliary care at VA expense.
Incarceration: Benefits will be reduced if you are incarcerated in a federal, state, or local penal institution for more than 60 days for conviction of a felony.
Lack of Cooperation: We may stop monthly payments if you: • fail to submit evidence we requested, • fail to attend a VA examination when requested, or • Submit false or fraudulent evidence to VA, or cause false or fraudulent evidence to be submitted to VA.
Fraud/Lying to Government: The law provides severe penalties, which include fines, imprisonment, or both, for the fraudulent acceptance of any payment to which you are not entitled. We may verify information you submit through computer-matching programs with other agencies.

Additional Benefits

Education, Training, and Student Loans:

- Education loans: For more information, please call 1-888-GIBILL-1 (1-888-442-4551) or visit www.vets.gov/education.
- Veterans with student loans: For more information, please call 1-888-303-7818 or visit www.disabilitydischarge.com/.

Medical Care and Treatment:

- Mental Health Counseling: For more information, please visit www.myhealth.va.gov/mhv-portal-web/.
- Blind Rehabilitation: For more information, please visit www.va.gov/blindrehab/.
- Change in Compensation Benefits: For more information, please call 1-877-222-VETS or visit www.va.gov/healtheligibility.
- Clothing Allowance: For more information, please call 1-800-827-1000 or visit www.vets.gov/disability-benefits/conditions/special-claims/clothing/.
- VA Medical Care: Present a copy of this notification letter to the Patient

Registration/Eligibility Section at your nearest VA Medical Center www.vets.gov/facility-locator/.

- Dental Benefits: For more information, please contact your nearest VA Medical Center or outpatient clinic www.vets.gov/facility-locator/.
- Spouse or child health care: For more information, please call 1-800-733-8387 or visit www.va.gov/purchasedcare/programs/dependents/champva/.

Home Adaptations/Loans, Automobile Benefits, and Life Insurance:

- Loans: For more information, please visit www.benefits.va.gov/homeloans/.
- Funding Fee Refund: If you paid a funding fee at the closing of a VA guaranteed home loan and your VA compensation award provides an effective rating date that was prior to your loan closing date, then you may be eligible for a funding fee refund. Please contact either your current mortgage servicer or a VA Regional Loan Center at (877) 827-3702 to begin the refund process.
- Home upgrade due to disability: For more information, please visit www.benefits.va.gov/homeloans/adaptedhousing.asp.
- Car upgrade due to disability: For more information, please call 1-800-827-1000 or visit www.vets.gov/disability-benefits/conditions/special-claims/automobile/.
- Government life insurance premiums: For more information, please call 1-800-669-8477 or visit www.benefits.va.gov/insurance.

Armed Forces Commissary and Exchange:

- Armed Forces Commissary and Exchange: For more information, please visit www.ebenefits.va.gov to locate your Regional Benefit Office, please visit www.vets.gov/facility-locator/.

Payment for Travel:

- Payment for Travel: You may be eligible for reimbursement for beneficial travel mileage for previous VA medical appointments because of your newly granted service-connected conditions. You must make a request for such reimbursement **within 30 days of this letter** by contacting the Enrollment office at your Medical Center and providing a copy of this letter.

State Benefits:

- State Benefits: For more information, please visit www.va.gov/statedva.htm.

Social Security Administration (SSA) Benefits:

- Social Security Administration (SSA) Benefits: For more information about Social Security benefits, please call SSA at 1-800-772-1213 (Hearing Impaired TTY line 1-800-325-0778) or visit www.ssa.gov.

DEPARTMENT OF VETERANS AFFAIRS
Appeals Management Office
DROC-DC

Lemuel Bray

VA File Number
29 730 199

Represented By:
PETER S CAMERON
Decision Review Officer Decision
04/16/2020

INTRODUCTION

The records reflect that you are a Veteran of the Peacetime and Vietnam Era. You served in the Navy from January 5, 1961 to February 19, 1964, from February 20, 1964 to July 20, 1969 and from July 21, 1969 to July 19, 1974. The Board of Veterans Appeals remanded the case to our office on May 11, 2017. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Entitlement to an earlier effective date for the grant of individual unemployability is granted, with a new effective date of September 16, 1985.

2. Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted, with a new effective date of September 16, 1985.

EVIDENCE

- Compensation Services Extra-Schedular Advisory Opinion Response, received on April 08, 2020
- Board of Veterans Appeals (BVA) Remand dated May 11, 2017
- VA Form 21-8940, Veteran's Application For Increased Compensation Based on Employability, received on November 11, 2016

REASONS FOR DECISION

1. Entitlement to an earlier effective date for the grant of individual unemployability.

Entitlement to an earlier effective date for the grant of individual unemployability is granted because entitlement is warranted due to an extraschedular entitlement. (38 CFR 4.16, 38 CFR 3.400)

Advisory Opinion – Extra-Schedular Consideration under 38 C.F.R. CFR 4.16(b) dated April 8, 2020, made the determination that the claim for extra-schedular evaluation under 38 C.F.R. 4.16(b) for Total Disability Individual Unemployability (TDIU) for a period prior to July 10, 2009 is granted. The effective date of this grant is established as September 16, 1985, the day after you last worked full time. The issue of entitlement to TDIU is addressed and remanded by the Board of Veterans Appeals (BVA) in a decision dated May 11, 2017.

Effective September 16, 1985, your service-connected disablement met the requirements for consideration of total benefits because of unemployability under 38 CFR 4.16(b). You last worked full-time on September 15, 1985, as a Bookkeeper. Since your service-connected disabilities of can reasonably be expected to preclude employment in occupations you are experienced to perform, total compensation benefits are granted on the basis of unemployability. Entitlement to benefits that are ancillary to a determination of total compensation (such as Dependents' Educational Assistance) are made effective from the same date.

This rating decision represents a total grant of benefits sought on appeal for this issue. As such, this issue is considered resolved in full.

2. Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

Entitlement to an earlier effective date for the grant of eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35 is granted because entitlement to an earlier date is warranted . (38 CFR 3.400)

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran

died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power.

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows the veteran currently has a total service-connected disability, permanent in nature, effective September 16, 1985, the date you were granted entitlement to individual unemployability.

This decision is ancillary to the issue(s) on appeal. It is regarded as inextricably intertwined with the appellate issue(s) decided herein. No further action is required.

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.