DEPARTMENT OF VETERANS AFFAIRS

January 25, 2016

[redacted]

In reply, refer to:
358/RB

[redacted]

[redacted]:

We made a decision regarding your entitlement to VA benefits.

This letter tells you what we decided. It gives the evidence used and reasons for our decision. We have also included information about what to do if you disagree with our decision and who to contact if you have questions or need assistance.

Your current benefit payment will continue unchanged.

What We Decided

We made the following decision(s):

Issue/Contention
Entitlement to special monthly compensation based on housebound
Explanation
• There is no indication that the claimant is substantially confined to his/her dwelling and immediate premises due to disability, nor that he/she has a single service connected disability rated as totally disabling and additional service connected disabilities that are independently evaluated as 60 percent disabling. • Entitlement to special monthly compensation is not warranted because the criteria regarding housebound have not been met. • We have denied entitlement to special monthly compensation because the evidence shows you are not substantially confined to your home or immediate premises due to your service-connected disability OR that you have a single service-connected disability rated 100 percent (or individual unemployability due to a single condition) and a separate service-connected disability or disabilities independently rated 60 percent or more. Records show Rating Decision of November 20, 2012 granted entitlement to total disability rating based

[redacted]

on individual unemployability as the service-connected allergic rhinitis, degenerative disease, cervical spine, with cervical spondylosis/neural foraminal narrowing, degenerative joint disease, lumbar osteophytes, with slight dextroscoliosis of the lumbar spine and radiculopathy of both upper and lower extremities prevent you from obtaining and retaining substantially gainful occupation.We have considered the Court case Buie v. Shinseki, which requires assessment of all of your service-connected disabilities without regard to the order in which service connection was awarded. We noted that while Rating Decision of November 20, 2012 also granted service connection for depression with an evaluation of 70 percent, it was not the mental condition but your various musculoskeletal conditions which prevent substantially gainful employment. Since, the grant of individual unemployability is based on multiple service-connected conditions and not a single disability, entitlement to statutory housebound benefits under Bradley v. Peake is not warranted.

Are You Entitled to Additional Benefits?

Did you know you may be eligible for a VA guaranteed mortgage with no down payment (potentially exempt from a funding fee depending on your rating)? For more information about this benefit, or to determine and print your Loan Guaranty Certificate of Eligibility, please visit the eBenefits website at http://www.ebenefits.va.gov.

If you served overseas in support of a combat operation you may be eligible for mental health counseling at no cost to you at the Veteran's Resource Center. For more information on this benefit please visit https://www.myhealth.va.gov/mhv-portal-web/.

The VA provides Blind Rehabilitation services to eligible blind, low vision, or visually impaired Veterans to help them regain their independence and quality of life. The Veteran's blindness, low vision, or vision impairment does NOT have to be related or caused by military service. If you need help with your vision loss, please contact your nearest Visual Impairment Services Team Coordinator (VIST) at the eye clinic at your nearest VA Medical Center. For more information, go to www.va.gov/blindrehab/.

The Department of Education provides a program for Veterans to discharge their student loans. To be eligible, the Veteran must have a service-connected disability(ies) that is 100% disabling, or be totally disabled based on an Individual Unemployability determination. For more information concerning this benefit, please call toll-free 1-888-303-7818. Visit the website at http://www.disabilitydischarge.com/home/.

You may be entitled to Armed Forces Commissary and Exchange privileges. Honorably discharged veterans evaluated as 100 percent disabled due to service-connected disability; or, Medal of Honor recipients; or, military retirees and their dependents may qualify for entitlement to this additional benefit. To obtain a certification for commissary store and exchange privileges, please visit eBenefits at www.eBenefits.va.gov, or you can request a copy by visiting your local