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Issue/Contention	Effective Date
Dependents' Educational Assistance (Chapter 35)	Nov 3, 2017

Explanation

- 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.
- The effective date of this grant is November 3, 2017, the date of VA examination establishing permanency.

Issue/Contention	Effective Date
Entitlement to special monthly compensation based on housebound	Nov 3, 2017

Explanation

- Entitlement to special monthly compensation is warranted in this case because criteria regarding housebound have been met.
- Special monthly compensation is payable where the Veteran has a single service-connected disability rated as 100 percent and has additional service-connected disability or disabilities independently ratable at 60 percent, separate and distinct from the 100 percent service-connected disability (or individual unemployability due to a single condition) and involving different anatomical segments or bodily systems. Although you were previously granted individual unemployability based on your 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, radiculopathy of both right upper and lower extremities and left lower extremity, the evidence now shows that your service connected depression is severe enough in and of itself to preclude you from gaining or maintaining substantially gainful employment (Buie v. Shinseki). You also have additional disabilities rated 60 percent or more which are separate, distinct and involve different anatomical segment or bodily system. Therefore, entitlement to statutory housebound is established effective November 3, 2017, the date you met the criteria for this benefit.

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Issue/Contention	Percent (%) Continued
depression	70%
Explanation	
• The evaluation of depression is continued as 70 percent disabling. • We have assigned a 70 percent evaluation for your depression based on: • Forgetting names • Depressed mood • Disturbances of motivation and mood • Mild memory loss • Forgetting recent events • Chronic sleep impairment • Panic attacks (weekly) • Difficulty in adapting to stressful circumstances • Difficulty in adapting to work • Grossly inappropriate behavior • Panic attacks (less than weekly) • Difficulty in adapting to a worklike setting • Occupational and social impairment with reduced reliability and productivity • Forgetting directions • The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 70 percent disability evaluation. • A higher evaluation of 100 percent is not warranted for major depressive disorder unless the evidence shows total occupational and social impairment, due to such symptoms as: • gross impairment in thought processes or communication • persistent delusions or hallucinations • grossly inappropriate behavior • persistent danger of hurting self or others • intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene) • disorientation to time or place • memory loss for names of close relatives, own occupation, or own name. • We reviewed the evidence received and determined your service-connected condition hasn't increased in severity sufficiently to warrant a higher evaluation. An evaluation of 70 percent was previously assigned for this condition effective April 2, 2012. There is no evidence of record that shows that you are unable to manage your financial affairs.	

Are You Entitled to Additional Benefits?

Your combined evaluation is 30 percent or more disabling; therefore, you may be eligible for additional benefits based on dependency. We may be able to pay you retroactive benefits for your dependents if you submit your dependency claim within a year from the date of this letter. If you wish to notify us of your dependents, please do so through eBenefits, an electronic resource in a self-service environment. Use of these resources often helps us serve you faster! Just visit www.eBenefits.va.gov to enroll and submit your dependency information.

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/.