Rating Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference

**Answer Key**

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Practical Exercise

**The instructor is to review the scenarios with the trainees and provide the answers to the associated questions.**

**Instructions:** Answer the following questions.

1. Prior rating decision established service connection for loss of use of left leg (40 percent) and other disabilities combining to 60 percent. Veteran now files a claim for automobile allowance which he has never requested to date. Is veteran eligible for automobile/adaptive equipment? Is a rating decision required to complete this claim? Why or why not?

 ANSWER: Yes, the veteran is eligible for automobile and adaptive equipment allowances. A rating decision should be completed because a prior rating decision did not address this issue and the corporate record needs to show entitlement to this benefit.

2. Veteran has severe service-connected disabilities of the cardiovascular rated at 100 percent. He files a claim for automobile/adaptive equipment. Is he eligible? Is a rating decision required to complete this claim? Why or why not?

 ANSWER: No, the veteran is not eligible as he has no qualifying disability. A rating decision is required to deny entitlement.

3. Veteran has a 30 percent service connected disability of the left knee, files a claim for automobile/adaptive equipment, stating that his knee precludes him from properly using the brake pedal. Veteran’s last rating was more than 2 years ago. Is veteran eligible for automobile/adaptive equipment? What is proper action required by RVSR to complete this claim? Is a rating decision required to complete this claim? Why or why not?

 ANSWER: Eligibility is unclear; VAE in order to ascertain current level of disability. Rating decision will be required in this instance to rate implicit claim for increase and to dispose of the explicit claim for automobile/adaptive equipment based on the findings of the contemporaneous exam.

4. Veteran files claim for service connection, claims loss of use (LOU) of lower extremities secondary to motor vehicle accident in service, in which he was a passenger. Medical evidence confirms LOU, however veteran states that he “hates to use his crutches, and can’t use wheelchair since house is too small, so [he] sometimes just holds on to things and pulls himself along.” If disabilities are service connected, is vet eligible for SAH since his disabilities “preclude locomotion without aid of braces, crutches, canes, or a wheelchair”? Should rating decision specifically address issue of entitlement to SAH even though veteran did not claim it?

 ANSWER: Yes, veteran is eligible for SAH. Evidence as presented clearly shows that he only “occasionally” moves about without aids. Rating decision should specifically address entitlement to SAH, as qualifying disabilities exist, even in the absence of a specific claim for the benefit.

5. Veteran previously found eligible for SAH while living in another state. Vet has now relocated and files another claim. Is a rating decision required in order to complete this claim? Why or why not?

 ANSWER: No rating decision needed; prior rating already determined eligibility. Claim (along with copy of prior rating) should be forwarded to Loan Guaranty for their processing.

6. Veteran requests Civil Service Preference based on disability. Assume veteran meets service requirements. Only service connected disability is a 0 percent evaluation for healed, non-displaced fracture of left little finger. Rating that established service connection noted no scars or loss of function. Is veteran eligible for the 10-point preference? Is a rating decision required? Why or why not?

 ANSWER: Veteran is not eligible for 10-point preference. Rating decision is required in order to properly dispose of issue as there are no ascertainable residuals.

7. Veteran requests Civil Service Preference based on disability. Assume veteran meets service requirements. Only service connected disability is a 0 percent for residuals of prostate cancer, but has SMC “K” for loss of use of creative organ. Is veteran eligible for the 10-point preference? Is a rating decision required? Why or why not?

 ANSWER: Veteran is eligible for 10-point preference as he is in receipt of compensation (SMC). Rating decision is not required for that reason.

8. True or False. For a veteran to be entitled to Special Adapted Housing or Special Home Adaptation grant, the qualifying disabilities must be permanent in nature.

ANSWER: False: SHA requirements have been changed to indicate visual impairment does not need to be permanent or total any longer. (M21-1 IX.1.3.1.c)

9. Which of the following statements are true?

* 1. Servicepersons are not eligible for automobile/adaptive equipment allowance or SAH/SHA grant.
	2. A veteran who is entitled to compensation under 38 CFR 3.383 is not eligible for automobile/adaptive equipment allowance or SAH/SHA grant.
	3. A veteran who has ALS that is totally disabling qualifies for Specially Adapted Housing.
	4. Anatomical loss, or loss of use of, both upper extremities does not qualify a Veteran for SAH benefits.

ANSWER: B

10. Veteran is receiving 100 percent compensation for loss of use of both legs under 38 USC 1151. The veteran files a claim for automobile/adaptive equipment on that basis. He has no service-connected disabilities. Is the veteran eligible to the automobile/adaptive equipment? Is a rating decision required to complete this claim? Why or why not?

ANSWER: Yes, the veteran is eligible. A rating decision is needed because this issue was not addressed in a prior rating decision and the corporate record needs to show eligibility this benefit.

1. The veteran is receiving 100 percent compensation for anatomical loss of the left leg and loss of use of the right leg under 38 USC 1151, and requires a wheelchair for locomotion. The rating decision establishing compensation did not address any ancillary issues. The veteran does not have any service-connected disabilities. A claim for Special Home Adaptation grant has been received. Is the veteran eligible? Is a rating decision needed? Why or why not?

ANSWER: Yes, the veteran is eligible. A rating decision is needed to establish eligibility for this benefit because it was not addressed in any prior rating and the corporate database needs to show the entitlement to this benefit.