

Using the sample rating below, generate a decision notification to the surviving spouse. Include all notification requirements as applicable.

SAMPLE DIC RATING - 1



**DEPARTMENT OF VETERANS AFFAIRS
REGIONAL OFFICE
1 VETERAN'S AVENUE
HOMETOWN USA**

Larry Veteran

**VA File Number
XXXXXXXX**

**Represented by:
ANY APPOINTED POA**

**Rating Decision
MM/DD/YYYY**

INTRODUCTION

The records reflect that *Larry Veteran* was a Veteran of the Gulf War. The Veteran served in the Army from June 28, 1999 to December 31, 2004. The Veteran died on September 7, 2021, and an original death claim was received on November 15, 2022. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

- 1 . Service connection for the cause of death is granted.
- 2 . Basic eligibility to Dependents' Educational Assistance is established.

EVIDENCE

- VA Form 21-534EZ received November 15, 2022
- DD214, Certificate of Discharge
- Death certificate received November 15, 2022
- Rating Decision, dated April 15, 2011

REASONS FOR DECISION

1. Service connection for the cause of death.

The death of the Veteran will be considered as having been due to a service-connected disability when the evidence establishes that such disability was either the primary or contributory cause of death. The cause of death is recorded on the Veteran's death certificate as cardiopulmonary arrest due to small cell lung cancer. The Veteran died September 7, 2021. During the Veteran's lifetime he was properly service connected for lung cancer. Service connection for the cause of the Veteran's death is granted since evidence shows that the primary cause of death was related to military service.

2. Eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

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 died as a result of a service-connected disability.

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 web site, www.va.gov.

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
06/28/1999	12/31/2004	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1		None

JURISDICTION: Original Death Claim Received 11/15/2022

ASSOCIATED CLAIM(s): 140; PMC-Initial S/C Death/Pension; 11/15/22

DEATH DECISIONS (1d. SC Gulf War)

Grant, SC Death, Primary. Cause of death: Cardiopulmonary arrest due to small cell lung cancer

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

Rating VSR

NOTE TO VSR:

Annie, the surviving spouse, indicated that she has *one dependent child, age 22, who is a helpless child.*

Burial was never granted and a claim for burial was never submitted.