

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**

Paul Veteran

VA File Number

XXXXXXXX

Represented by:

ANY APPOINTED POA

Rating Decision

MM/DD/YYYY

INTRODUCTION

The records reflect that *Paul 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 July 27, 2022, and an original death claim was received on January 15, 2023. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Entitlement to Dependency and Indemnity Compensation under 38 U.S.C. 1318 is granted.
2. Basic eligibility to Dependents' Educational Assistance is established.

EVIDENCE

- VA Form 21-534EZ received January 15, 2023
- DD214, Certificate of Discharge
- Death certificate received December 20, 2022
- VA Form 21-530EZ received December 20, 2022
- Rating Decision, dated April 15, 2011

REASONS FOR DECISION

1. DIC under 38 U.S.C. 1318 is granted.

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 as: acute respiratory failure and contributing cause of multi organ system failure. Although the Veteran's death may not be due to service-related conditions, Dependency and Indemnity Compensation benefits may be payable as if the cause of death were service connected if the cause of the Veteran's death was not due to willful misconduct and the Veteran was continuously rated totally disabled by reason of service connected disabilities for a period of 10 years or more immediately preceding death; or for five years if the total evaluation was continuously in effect from the date of discharge from military service; or for one year if the Veteran was a former POW who died after September 30, 1999. In this case, the Veteran was considered totally disabled from service-connected disabilities for a period of 10 years at the time death. VA records indicate that the Veteran has been rated totally disabled since April 10, 2011. Entitlement to Dependency and Indemnity Compensation is established because a total evaluation had been in effect for more than 10 continuous years preceding death. Entitlement to Dependency and Indemnity Compensation (DIC) under 38 U.S.C. 1318 is granted. (38 CFR 3.22, 38 CFR 3.312)

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 07/15/2021

ASSOCIATED CLAIM(s): 140; PMC-Initial S/C Death/Pension; 01/15/23
160; Burial Allowance; 12/20/22

DEATH DECISIONS (1d. SC Gulf War)

Grant, 38 USC 1318 - 10 Years.

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

Rating VSR

NOTE TO VSR:

1. Two *dependent children*,
 - a. *Skylar, who is age 17 and Becca, age 14*
2. *Surviving spouse received NSC burial on August 1, 2022*