DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

WILSON B.

VA File Number
XXX XX XXXX

Rating Decision
6/4/2024

INTRODUCTION

The records reflect that WILSON B. was a Veteran of the World War II Era. The Veteran served in the Army from February 8, 1945 to November 10, 1945. The Veteran died on April 30, 2023 and an original death claim was received on June 23, 2023. 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 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received May 19, 2023
- VA Form 21-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits, received

June 23, 2023
- VA Form 21P-530EZ, Application for Burial Benefits, received June 23, 2023
- Veteran's Death Certificate, received June 23, 2023
- Rating Decision, dated May 2, 2021

REASONS FOR DECISION

1. Service connection for the cause of death.

The death of a 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.

Prior to death, the Veteran was 100 percent service connected for aortic insufficiency. The death certificate recorded the Veteran's cause of death as acute hypoxic respiratory failure.

Service-connected diseases or injuries involving active processes affecting vital organs should receive careful consideration as a contributory cause of death, the primary cause being unrelated, from the viewpoint of whether there were resulting debilitating effects and general impairment of health to an extent that would render the person materially less capable of resisting the effects of other disease or injury primarily causing death. Where the service-connected condition affects vital organs as distinguished from muscular or skeletal functions and is evaluated as 100 percent disabling, debilitation may be assumed.

Service connection for the cause of the Veteran's death is granted since the evidence shows that the contributory cause of death was related to military service. (38 CFR 3.312)

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

Eligibility for Dependents' Educational Assistance is derived from a Veteran who was discharged under other than dishonorable conditions; and has permanent and total service-connected disability(ies); or permanent and total disability(ies) existed at the time of death; or the Veteran died as a result of service-connected disability(ies). Also, eligibility exists for a service member 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. Electing to receive DEA benefits while receiving additional compensation, pension or Dependency and Indemnity Compensation (DIC) payments based on the student's school attendance is considered a duplication of benefits and is prohibited. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021, 38 CFR 21.3023)

Basic eligibility for Dependents' Educational Assistance is granted as the evidence shows the Veteran died as a result of a service-connected disability(ies). (38 USC Chapter 35, 38 CFR 3.807)

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 website, www.va.gov.

Rating Decision	*Department of Veterans Affairs* *Veterans Benefits Administration*	Page 1 of 1 6/4/2024	
NAME OF VETERAN WILSON B.	VA FILE NUMBER XX XXX	SOCIAL SECURITY NR XXX-XX-XXXX	POA
			COPY TO

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
02/08/1945	11/10/1945	Army	Honorable

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

JURISDICTION: Original Death Claim Received 06/23/2023

ASSOCIATED CLAIM(s):

160; PMC SC Burial; 06/23/2023

140; PMC-Initial S/C Death; 06/23/2023

DEATH DECISIONS (1d. SC World War II)

Grant, SC Death, Contributory. Cause of death: acute hypoxic respiratory failure

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

eSign: certified by ADJJDOE, RVSR

DRAFT