DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

DOUGLAS A.

VA File Number
XXX XX XXXX

Rating Decision
03/09/2023

INTRODUCTION

The records reflect that DOUGLAS A. was a Veteran of the Vietnam Era. The Veteran served in the Army from April 11, 1967 to January 13, 1970. The Veteran died on January 20, 2023 and an original death claim was received on February 24, 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 21-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits, received February 24, 2023
- Veteran's Death Certificate, received February 24, 2023
- VA Memo confirming Republic of Vietnam service and exposure to herbicides, dated March 9, 2023

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 service connected for posttraumatic stress disorder (PTSD) with depressive and anxiety disorders. The death certificate recorded the Veteran's cause of death as malignant neoplasm of main bronchus.

Under the provisions of 38 USC 1116, VA has determined that presumption of service connection based on certain locations associated with herbicide exposure during military service is not warranted for any conditions other than those for which VA has found a positive association between the condition and such exposure. VA has determined that a positive association exists between exposure to herbicides and the subsequent development of the following conditions: AL amyloidosis; chloracne or other acneform disease consistent with chloracne; bladder cancer; type 2 diabetes (also known as type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; hypertension; hypothyroidism; ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction; atherosclerotic cardiovascular disease including coronary artery disease (including coronary spasm) and coronary bypass surgery; and stable, unstable, and Prinzmetal's angina); all chronic B-cell leukemias (including, but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia); monoclonal gammopathy of undetermined significance; multiple myeloma; non-Hodgkin's lymphoma; Parkinson's disease; parkinsonism; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure. (38 USC 1116, 38 CFR 3.307, 38 CFR 3.309, 38 CFR 3.312)

A Veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, to May 7, 1975, shall be presumed to have been exposed to herbicide agents, unless there is affirmative evidence to establish that the Veteran was not exposed to any such agent during that service.

VA has confirmed that the Veteran has the requisite qualifying service.

Though not shown in service, nor diagnosed and manifested to a compensable degree within one year of discharge, service connection for the cause of the Veteran's death is granted because the Veteran's listed cause of death is among the disabilities that are presumed to be a result of Agent Orange exposure.

Service connection for the cause of the Veteran's death is granted on a primary basis as the evidence shows that it was directly 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. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021)

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 03/09/2023
NAME OF VETERAN DOUGLAS A.	VA FILE NUMBER XXX XX XXXX	SOCIAL SECURITY NR XXX-XX-XXXX	POA
			COPY TO

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
04/11/1967	01/13/1970	Army	Honorable

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

JURISDICTION: Original Death Claim Received 02/24/2023

ASSOCIATED CLAIM(s): 140; PMC-Initial S/C Death; 02/24/2023

DEATH DECISIONS (1d. SC Vietnam Era)

Grant, SC Death, Primary. Cause of death: malignant neoplasm of main bronchus [Agent Orange - Vietnam/Respiratory Cancers]

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

eSign: certified by ADJJDOE, RVSR