DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

Felix W.

VA File Number
XXX XX XXXX

Represented By:
ALABAMA DEPARTMENT OF VETERANS AFFAIRS
Rating Decision
MM/DD/YYYY

INTRODUCTION

The records reflect that FELIX W. was a Veteran of the Gulf War Era and Peacetime. The Veteran served in the Army from May 13, 1985 to October 9, 1985 and from August 28, 1986 to December 7, 1994. The Veteran died on April 18, 2011 and an original death claim was received on May 25, 2024. 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 May 24, 2024

- Veteran's Death Certificate, received May 24, 2024
- VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative, received May 24, 2024
- Rating Decision, dated June 3, 2018

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 chronic obstructive pulmonary disease. The death certificate recorded the Veteran's cause of death as chronic obstructive pulmonary disease (COPD).

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. 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.

DRAFT

Rating Decision	*Department of Veterans Affairs* *Veterans Benefits Administration*		Page 1 of 2 6/4/2024
NAME OF VETERAN Felix W	VA FILE NUMBER XXX XX XXX	SOCIAL SECURITY NR XXX-XX-XXXX	POA ALABAMA DEPARTMENT OF VETERANS AFFAIRS
			COPY TO

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
05/13/1985	10/09/1985	Army	Honorable
08/28/1986	12/07/1994	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1		

JURISDICTION: Original Death Claim Received 05/25/2024

ASSOCIATED CLAIM(s): 140; PMC-Initial S/C Death; 05/25/2024

DEATH DECISIONS (1d. SC Gulf War)

Grant, SC Death, Primary. Cause of death: chronic obstructive pulmonary disease (COPD)

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

Please CEST EP 165 and release the substitute claimant recognition letter. Please notify the surviving spouse that a claim for accrued benefits is pending a decision by the Regional Office.
XI.ii.3.E.17.a.
If the PMC can grant SC for the cause of death without making a decision on the Veteran's claim for SC at the time of death, then the accrued claim or request for substitution is not intertwined. The accrued claim or request for substitution should be worked by the VSC of jurisdiction.

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eSign: certified by ADJDOE, RVSR

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