DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

LEROY G.

VA File Number
XXX XXXX

Represented By:
OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS
Rating Decision
06/09/2024

INTRODUCTION

The records reflect that LEROY G. was a Veteran of the Gulf War Era. The Veteran served in the Army from October 30, 2012, to October 31, 2016. The Veteran died on March 24, 2024, and an original death claim was received on May 20, 2024. 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 USC 1318 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 20, 2024

LEROY G
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- VA Form 21P-530EZ, Application for Burial Benefits, received May 20,
- 2024, Veteran's Death Certificate, received May 20, 2024
- VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative, received May 20, 2024
- Rating Decision, dated December 15, 2016

REASONS FOR DECISION

1. Entitlement to Dependency and Indemnity Compensation under 38 U.S.C. 1318.

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 five years if the total evaluation was continuously in effect from the date of discharge from military service.

In this case, the Veteran was considered totally disabled from service-connected disabilities since release from active-duty effective November 1, 2016, which was for at least five years immediately preceding death. (38 CFR 3.22)

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 at the time of death had a total service-connected disability(ies), permanent in nature. (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

LEROY G
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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 06/09/2024

NAME OF VETERAN	VA FILE NUMBER	SOCIAL SECURITY NR	POA
LEROY G.	XX XX XXXX	XXX XX XXXX	OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS

COPY TO

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
10/30/2012	10/31/2016	Army	Honorable

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

JURISDICTION: Original Death Claim Received 05/20/2024

ASSOCIATED CLAIM(s):

140; PMC-Initial S/C Death; 05/20/2024

160; PMC SC Burial; 05/20/2024

DEATH DECISIONS (8d. NSC Vietnam Era)

Grant, 38 USC 1318 - 5 Years.

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35

eSign: certified by ADJJDOE, RVSR