



Aid & Attendance and Housebound

Lesson 3.4 Learning Objectives

Identify the requirements to receive benefits for severe levels of disability, such as those related to long-term care.

- Recognize when claims for these benefits should be considered and how these claims are related to increased ratings claims.
- Learn about the importance of lay evidence to certain special monthly compensation (SMC) claims.
- Identify the requirements to receive different levels of SMC.

Special Monthly Compensation (SMC)

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- SMC rates are for especially serious disabilities.
- SMC rates are tied to categories in 38 USC § 1114¹:
 - SMC(l) to SMC(p) cover specific disabilities
 - SMC(r) to SMC(s) cover specific needs for care
- These rates are paid instead of standard VA disability rates (except for SMC(k), which is paid in addition).
- To qualify under any category, a condition must be service-connected.

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Inferring SMC

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- SMC is an inherent part of an increased rating claim. A claim for SMC can be “part and parcel” of a claim for an increased rating.
- The Veteran is presumed to be seeking the maximum benefit possible unless there is an expressed satisfaction at or desire for a lower level of benefits.¹
- Therefore, SMC should be considered anytime the Veteran is seeking increased benefits.²

¹*AB v. Brown*, 6 Vet. App. 35, 38 (1993)

²*Bradley v. Peake*, 22 Vet. App. 280 (2008).

SMC and Lay Evidence

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- Some levels of SMC can be established through lay evidence.
- Other levels of SMC can only be established through medical evidence.
- Always think about the evidence you need to submit to win the Veteran's claim.⁵

SMC Chart: Law, Regulation, & Payment

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VA SMC Category	38 U.S.C. Sec. 1114	38 C.F.R. Sec. 3.350	Monthly Rate 12/01/2022
ANATOMICAL LOSS OF USE	k	a	\$ 128.62
BILATERAL LOSS OF USE	l	b	\$ 4,506.84
DISABILITY COMBINATIONS	m	c	\$ 4,973.76
DISABILITY COMBINATIONS	n	d	\$ 5,658.02
DISABILITY COMBINATIONS	o/p	e	\$ 6,324.26
LAST AWARDED 08/19/1968	q	q	\$ 67.00
SPECIAL A&A	r1	h	\$ 9,036.89
SPECIAL A&A	r2	h2	\$ 10,365.53
HOUSEBOUND	s	(h)(3)(i)	\$ 4,054.12
TRAUMATIC BRAIN INJURY (TBI)	t	j	\$ 10,365.53

¹For a single Veteran with no dependents.

Source: www.benefits.va.gov/compensation/resources_comp02.asp#BM01

Anatomical Loss/Loss of Use: SMC (k)

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- SMC(k) is for Veterans who have suffered the anatomical loss *or* loss of use of limbs or body parts.
- Loss or loss of use of creative organs (penis, testicles, ovaries): typically granted for erectile dysfunction.
- For women, loss of 25% of breast tissue, of one breast or both in combination.
- Others: loss of one foot, one hand, both buttocks, blindness in one eye, deafness in both ears, complete organic aphonia.
- Paid in addition to normal monthly rate.
- Schedular Eligibility Requirement: **None**

138 U.S.C. § 1114(k)

Aid & Attendance: SMC (I)¹

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- SMC(I) is for Veterans who need regular aid and attendance.
- The need only has to be regular, not constant.
- The need must be caused solely by service-connected disabilities.
- Schedular Eligibility Requirement: **None**

¹38 U.S.C. § 1114(I)

Eligibility for Aid & Attendance

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Factors in determining eligibility for A&A¹:

- An inability to dress or undress oneself
- An inability to keep oneself ordinarily clean and presentable
- A need to frequently adjust prosthetics or appliances which cannot be accomplished without aid. This does not include things you would not have been able to do alone, such as laces in back.
- An inability to feed oneself due to a loss of coordination or extreme weakness
- An inability to “attend to the wants of nature.” This includes urination or defecation and cleanup.
- **An inability to protect oneself from the hazards and dangers of daily life and environment. The inability can be physical or mental.**

Permanently Bedridden: SMC (I)

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- SMC (I) is also assigned for being permanently bedridden.
- SMC(I) is reduced to SMC(s) when a Veteran is hospitalized.¹



Photo : DoD

138 C.F.R. § 3.350(b)(4)

Special Aid & Attendance: SMC (r)

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- SMC(r) is for Veterans with a combination of severe disabilities.
- Must require **daily** help.
- Two types of SMC(r):
 - r1 – Special A&A
 - Help can come from family or friend.
 - r2 – Higher Level of A&A
 - Help must come from licensed medical professional.
 - Professional care must be needed to avoid hospitalization or institutionalization.

Eligibility for SMC (r)

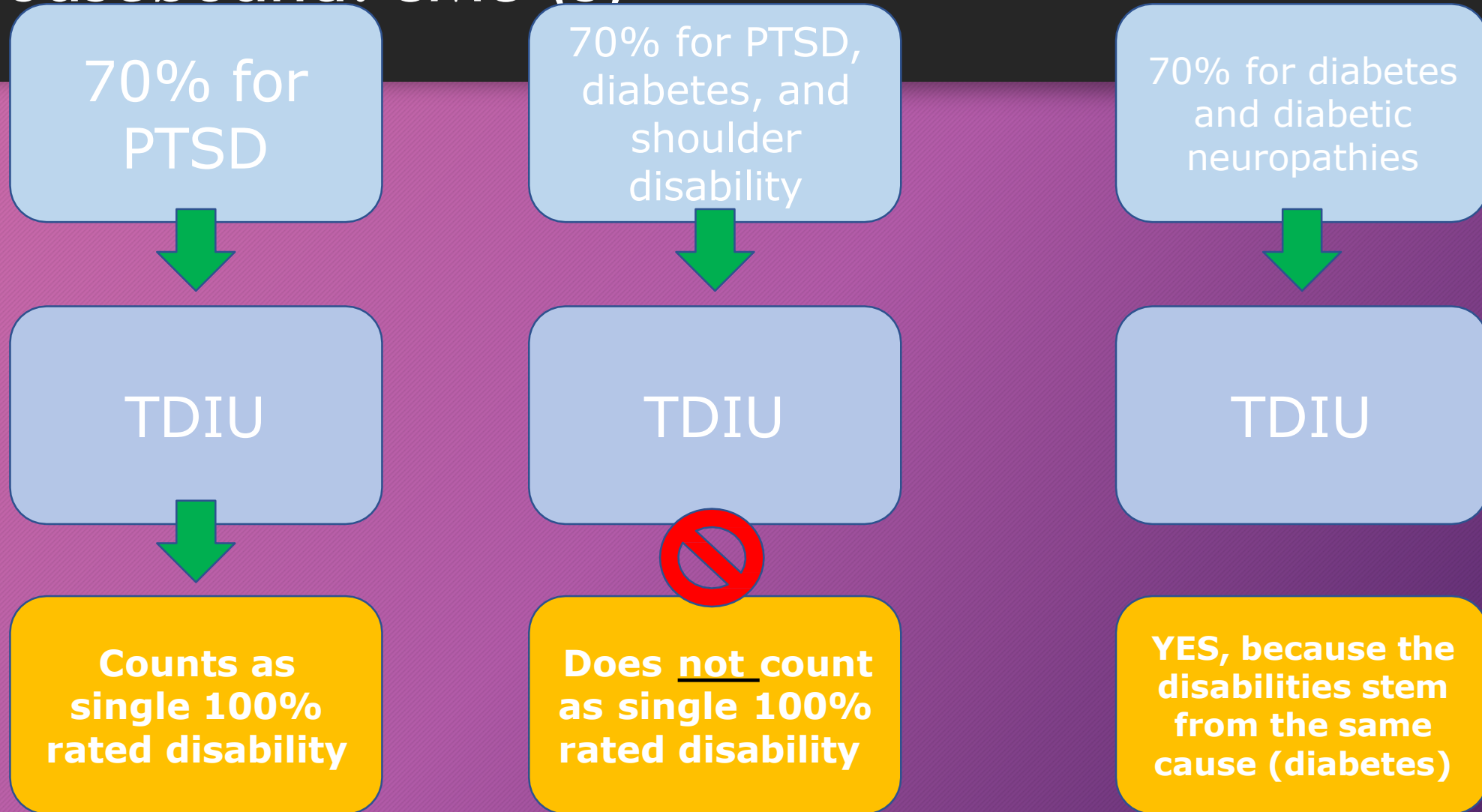
- To receive SMC(r), Veteran must meet conditions for disability **and** for level of care.
 - For r1 - Special Aid & Assistance:
 - Must be entitled to SMC(o) or SMC(n)1/2+SMC(k)
 - Must require daily help
 - For r2 - Higher Level of Care:
 - Must be entitled to SMC(o), SMC(n)1/2+SMC(k), or SMC(r)
 - Must require daily professional help

Housebound: SMC (s)

- SMC(s) is for housebound Veterans.
- Two types:
 - Statutory Housebound
 - Housebound in Fact
- **Both types require a single disability rated at 100%.**
 - A TDIU rating based on a *single* disability may satisfy the statutory requirements of a 100% total rating.
 - A Veteran with a *combined* 100% rating may ask for a determination of whether a single disability merits a TDIU rating.¹

¹*Bradley v. Peake*, 22 Vet. App. 280 (2008); TDIU: Total Disability Based on Individual Unemployability

Housebound: SMC (s)



Statutory Housebound: SMC (s)

Statutory Housebound SMC(s):

- Requires a **single disability** rated at **100%**
AND
- Requires a second **disability** rated at 60% or more
OR
- A combination of **additional disability** ratings that total to **60%** or more.
- The Veteran does *not* have to be medically housebound.

¹*Bradley v. Peake*, 22 Vet. App. 280 (2008).

Housebound in Fact: SMC (s)

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Housebound in Fact SMC(s):

- Requires a **single disability** rated at **100%**
AND
- Requires that the Veteran's access to the outside world be highly limited because of service-connected disabilities, *either mental or physical*.
 - Veteran is **permanently confined** to the place of residence or immediate premises.
 - If institutionalized, Veteran is confined to ward or clinic areas.

Exercises

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- Read the six Veterans' cases and determine the most applicable rating for special monthly compensation (SMC).
- (Read all cases before matching them to the most appropriate SMC. Use the process of elimination.)

