



DEPARTMENT OF VETERANS AFFAIRS

OCT 06 2016

In Reply Refer To: 335/21P

XC 26 753 413

SOMMERS, Glenn Matthew

[REDACTED]
[REDACTED] DAPT 309
[REDACTED] NO NV 65312

Dear Mrs. Sommers:

We made a decision on your Notice of Disagreement received on July 15, 2016.

THIS AWARD IS A FULL GRANT ON APPEAL WITHOUT APPELLATE REVIEW. YOUR APPEAL IS CONSIDERED SATISFIED IN FULL.

NOTE: The mailing address for the VA Pension Management Center (PMC) has recently changed. Please send any future correspondence to the St. Paul PMC centralized mailbox located at:

Department Of Veterans Affairs
Claims Intake Center
Attention: St. Paul Pension Center
PO Box 5365
Janesville, WI 53547-5365

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
[REDACTED]	April 1, 2015	Original Award



XC 26 753 413

Sommers, Glenn Matthew

You may be eligible for Armed Forces Commissary and Exchange privileges if you are the recognized surviving spouse of an honorably discharged veteran who was evaluated as 100 percent disabled due to service-connected disability at the time of death; or, the surviving dependent of a person who died on active duty; or, the dependent of a military retiree.

You should contact your State office of Veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a Veteran (or surviving dependent of a Veteran). State offices of Veteran's affairs are available at <http://www.va.gov/statedva.htm>.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you should write and tell us why. You have *one year from the date of this letter to appeal the decision*. The enclosed VA Form 4107, "Your Rights to Appeal Our Decision," explains your right to appeal.

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-877-294-6380. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at https://iris.va.gov .
Write	Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter.

In all cases, be sure to refer to your VA file number 26 753 413.



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration**

Glenn Sommers

**VA File Number
26 753 413**

**Decision Review Officer Decision
09/22/2016**

INTRODUCTION

The records reflect that GLENN M. SOMMERS was a veteran of the Peacetime and Vietnam Era. The veteran served in the Air Force from December 21, 1956 to March 31, 1971. We received a Notice of Disagreement from you on July 15, 2016 about one or more of our earlier decisions. 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 rating decision dated February 8, 2005
- VA decision notice dated February 14, 2005
- Buddy statement from [REDACTED] received March 5, 2015
- Photograph showing the Veteran and [REDACTED] Thailand received March 5, 2015
- Veteran's death certificate dated February 24, 1992

- Service treatment records and personnel records from December 21, 1956 to March 31, 1971
- VA Form 21-534, DIC, Death Pension and Accrued Benefits by a Surviving Spouse or Child, received March 5, 2015
- VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative, received March 5, 2015
- VA rating decision dated July 21, 2015
- VA decision notice dated July 22, 2015
- Notice of disagreement with DRO election received July 15, 2016
- VA Form 21-4138, Statement in Support of Claim, received July 15, 2016

REASONS FOR DECISION

1. Service connection for the cause of death.

The decision dated July 21, 2015, denied service connection for the cause of death. You were notified of this decision on July 22, 2016 and you submitted a notice of disagreement on July 15, 2016. You requested a Decision Review Officer review of your claim on July 15, 2016. This decision is a result of that review.

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.

Under the authority granted by the Agent Orange Act of 1991, VA has determined that presumption of service connection based on exposure to herbicides used in Vietnam 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: Chloracne or other acneform disease consistent with chloracne; type 2 diabetes (also known as Type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; chronic lymphocytic leukemia; multiple myeloma; Non-Hodgkin's lymphoma; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma); Parkinson's disease; hairy cell and other B-cell leukemias; and ischemic heart disease. PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure.

New and material evidence was submitted on March 5, 2015. Therefore, service connection for the cause of death is reopened.

Glenn Sommers

26 753 413

3 of 4

The evidence of record shows that the Veteran did not serve in the Republic of Vietnam. The personnel records show that the Veteran was stationed at the Korat AFB with the 553 RCS Squadron and worked with EC-121R aircrafts. A buddy statement was submitted stating that he and the Veteran would go to the perimeter to smoke in order to be a good distance away from the planes and fuel. In addition, he stated that the Veteran's living quarters were within the 500 foot "drift zone" of the perimeter. Research shows that the 553 RCS Squadron's ramp was near the perimeter. Therefore, the preponderance of the evidence submitted on March 5, 2015, shows that the Veteran was close enough to the Korat AFB perimeters for exposure to be conceded.

The Veteran passed away on August 9, 1991. The death certificate recorded the Veteran's cause of death as congestive heart failure due to anemia and pancytopenia due to metastatic prostate cancer. As exposure to herbicides is conceded and prostate cancer is a condition recognized under the authority granted by the Agent Orange Act of 1991, entitlement to service connection for the cause of the Veteran's death can be granted on a direct basis.

Service connection for the cause of death is granted March 5, 2014, which is the date one year prior to the date of application.

THIS IS CONSIDERED A FULL GRANT ON APPEAL AND YOUR APPEAL IS THEREFORE CONSIDERED SATISFIED IN FULL.

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

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson 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.

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows the veteran died as a result of a service-connected disability.

Glenn Sommers
26 753 413
4 of 4

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 web site, www.va.gov.