

THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

EDDIE T. CAMPBELL,
Appellant,

LOUISE CAMPBELL,
Movant,

v.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Appellee.

VET. APP. NO. 17-0934

UNOPPOSED MOTION TO SUBSTITUTE

Louise Campbell, surviving spouse of Eddie T. Campbell, respectfully moves this court for leave to be substituted as Appellant in this appeal. In support of her motion Louise Campbell states as follows:

1. Louise Campbell, through counsel and pursuant to Rule, contacted counsel for the Secretary and was so informed that Appellee has no objection to this motion.
2. Eddie T. Campbell has a pending appeal before this Court and died on August 28, 2019. A copy of the death certificate has been previously submitted.
3. Louise Campbell, as the surviving spouse of Eddie T. Campbell is a living person who would be eligible to receive accrued benefits due to Eddie T. Campbell under 38 U.S.C. § 5121A(a).

4. Attached is a rating decision from the AOJ confirming Louise Campbell has been awarded the veteran's last month's compensation payment as the surviving spouse. Counsel for the Secretary has communicated to me that the RO has already determined Mrs. Campbell has been substituted as a qualified survivor.

WHEREFORE, Louise Campbell respectfully requests the Court to be substituted as the Appellant in this proceeding since if successful she will be able to be substituted in the remand proceedings in accordance with 38 U.S.C. § 5121A(a).

Respectfully submitted,

/s/ Kenneth H. Dojaquez
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DEPARTMENT OF VETERANS AFFAIRS

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October 3, 2019

LOUISE A CAMPBELL
[REDACTED]

In Reply Refer To: 330/22R3/GG

CSS [REDACTED]

CAMPBELL, Eddie Thurman

Dear Mrs. Campbell:

We are writing to you about your entitlement to Survivors benefits.

What We Decided

Service connection for cause of death is denied.

How We Made Our Decision

We have enclosed a copy of our Rating Decision for your review. It provides a detailed explanation about our decision. You can find the evidence we considered in the section titled "*Evidence*." The reasons for our decision can be found in the portion of the rating titled "*Reasons for Decision*" or "*Reasons and Bases*".

We considered the following evidence when making our decision:

- Information Received From Social Security Exchange
- VA Form-0845 Authorization to Disclose Personal Information to a Third Party
- VA 21-686c Declaration of Status of Dependents
- VA Form 21-0966 Intent to File
- Divorce Decree
- VA Form 21-22, Appointment of Veteran Service Organization
- Marriage Certificate/License
- Certificate of Release from Active Duty (e.g. DD 214, NOAA 56-16, PHS 1867)
- All Other Evidence of Record

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Favorable Findings

Favorable Finding(s) applicable to the decision on your claim for benefits are listed below:

- The Veteran had the minimum active duty requirements in order to qualify for pension.
- The Veteran's character of service meets the requirements to qualify for pension.

For the elements not met that are required to grant benefits, please see the denial reason below:

- The Veteran did not serve during a wartime period.

A summary of laws and regulations applicable to your claim is attached for your reference.

Veteran's Rate for Month of Death

We have determined that you are entitled to receive the veteran's rate for the month of death of \$3,227.58. By issuing you this month of death payment in your name, any check or direct deposit payments previously paid in the name of the deceased veteran for the month of death should be returned to us. If these payments are not returned, a debt to reclaim them will be established against the veteran's estate by the Debt Management Center. If you, or the bank, have already returned the VA benefit payment, please disregard this notice.

If you still have any uncashed U.S. Treasury checks made payable to the Veteran, they should be returned to Department of Treasury at the following address:

U.S. Department of Treasury
Fiscal Service
P.O. Box 51316
Philadelphia, PA 19115-6316

Please be aware, only uncashed US Treasury Checks should be returned to the address above. Any personal checks or money orders sent to this address will result in lost or missing checks, or a delay in applying funds to the Veteran's account.

If the Veteran received payments by Direct Deposit to a checking or savings account after the date of death, you may request the Veteran's financial institution return the funds to VA using an R15 return code. If you wish to return funds directly to VA using a personal check or money order, send them to VA's Debt Management Center at the following address:

U.S. Department of Veterans Affairs
Debt Management Center
P.O. Box 11930
St. Paul, MN 55111

Please include the Veteran's name and VA Claim Number found at the top of this letter with the personal check or money order for identification purposes. If payments issued after the date of death are not returned, you will receive notification from VA's Debt Management Center of the amount you owe VA.

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Campbell, Eddie Thurman

Accrued Benefits

Accrued benefits (benefits due and not paid to the veteran at the time of death) cannot be paid as there are no accrued amounts available.

Survivors Pension

Survivors Pension may be payable to widows of veterans with at least 90 days of active military service, part of which must be during a wartime period. The evidence shows that the veteran served on active duty from August 1, 1979 through July 29, 1980. Since this is not during a wartime period, you are not entitled to Survivors Pension.

Period of War	Beginning and Ending Dates
Mexican Border Period	May 9, 1916 through April 5, 1917 for veterans who served in Mexico, on its borders, or adjacent waters
World War I	April 6, 1917 through November 11, 1918; for veterans who served in Russia, April 6, 1917 through April 1, 1920
World War II	December 7, 1941 through December 31, 1946
Korean Conflict	June 27, 1950 through January 31, 1955
Vietnam	August 5, 1964 through May 7, 1975; for veterans who served "in country" before August 5, 1964, the dates are February 28, 1961 through May 7, 1975
Gulf War	August 2, 1990 through a date to be set by law or Presidential Proclamation

What You Should Do If You Disagree With Our Decision

If you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date. The review options and their proper applications are as follows, for a(n):

- **Supplemental Claim**, complete VA Form 20-0995, *Decision Review Request: Supplemental Claim*
- **Higher-Level Review**, complete VA Form 20-0996, *Decision Review Request: Higher-Level Review*
- **Appeal to the Board**, complete VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)*

Please see the enclosed VA Form 20-0998, *Your Rights to Seek Further Review of Our Decision*. It explains your options for an additional review. You may obtain any of the required applications by downloading them from www.va.gov/vaforms/ or by contacting us. You can also learn more about the disagreement process at www.va.gov/decision-reviews. If you would

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Campbell, Eddie Thurman

like to obtain or access evidence used in making this decision, please contact us as noted below. Some evidence may be obtained by signing in at www.va.gov.

Where to Send Your Written Correspondence

VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please send all correspondence to the appropriate location listed on the attached *Where to Send Your Written Correspondence*.

Do You Have Questions Or Need Assistance?

If you have any questions, call us toll-free by dialing 1-877-294-6380. Our TDD number for the hearing impaired is 711. Our TDD number for international callers is 1-800-829-4833. *If you call, please have this letter with you.*

We sent a copy of this letter to the American Legion. You appointed that organization to represent you. We will continue to send copies of all correspondence to that organization.

Sincerely yours,

Regional Office
Director

Enclosure(s): Rating Decision
VA Form 20-0998
VA Form 21P-10199
Where to Send Your Written Correspondence

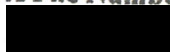
cc: AL



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

Eddie Campbell

VA File Number



Represented By:
AMERICAN LEGION
Rating Decision
09/19/2019

INTRODUCTION

The records reflect that EDDIE T. CAMPBELL was a veteran of the Peacetime. The veteran served in the Army from August 1, 1979 to July 29, 1980. The veteran died on August 28, 2019 and an original death claim was received on September 9, 2019. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for cause of death is denied.

EVIDENCE

- VA Form 21P-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits, received September 9, 2019
- Copy of the veterans death certificate received, September 9, 2019
- Review of VA treatment records from VAMC Charleston, Columbia and Portland for treatment, from December 17, 2003 through August 5, 2019



Eddie Campbell

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- Review of VA electronic claims file, dated September 19, 2019

REASONS FOR DECISION

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 schizoaffective disorder, hemorrhoids and left epididymitis and orchitis. The death certificate recorded the Veteran's cause of death as multiple myeloma. As of the date of this rating, we have not received evidence indicating that the Veteran's cause of death was related to military service. Entitlement to service connection for the cause of the Veteran's death is denied since the evidence fails to show that it was related to military service. (38 CFR 3.312).

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.

