

one year after the date of death; if the application is filed later, these benefits are payable from the date the claim is received in the VA.

There are instances where a dependent of a deceased veteran does not file a claim promptly, either because of negligence or ignorance of eligibility. This may result in the loss of substantial benefits. The Commission feels that some protection should be extended to the children of a deceased veteran who are under age 18, those who are permanently incapable of self-support and other incompetent beneficiaries. It recommends that legislation be proposed which would provide some retroactive benefits for these children prior to date of claim.

The retroactive allowance would offer a measure of relief to all incompetent beneficiaries who were unable to protect their own rights. This would include the child of a prior marriage whose existence may have been unknown to the VA until the claim was received, as well as a child whose guardian neglected to file claim. The retroactive payment would be of particular value to a child who became permanently incapable of self-support before age 18 and whose initial claim was filed, e.g., 10 or more years after the veteran's death.

The Commission therefore recommends that legislation be enacted to protect the interests of children and other beneficiaries of deceased veterans who are under a legal disability and unaware of their rights.

RECOMMENDATION NO. 79

The Commission recommends that a study be made of the possibility of establishing special allowances for death, injury, or disease incurred in combat.

Background to Recommendation:

The Schedule for Rating Disabilities establishes degrees of average economic impairment in civilian occupations flowing from specified residuals of diseases and injuries incurred during service in the Armed Forces. Monetary values are assigned by law for each of the evaluations contained in the Schedule.