

Aug. 6, 1991, 105 Stat. 406, section 356 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, which provided for a minimum rating for veterans with arrested tuberculosis, was repealed by Pub. L. 90-493, § 4, Aug. 19, 1968, 82 Stat. 809, but repeal not applicable in case of veteran who on Aug. 19, 1968, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

EFFECTIVE DATE

Pub. L. 110-389, title II, § 211(b), Oct. 10, 2008, 122 Stat. 4151, provided that: "Section 1156(a)(1) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran who is discharged or released from active duty (as defined in section 101 of title 38, United States Code) on or after the date of the enactment of this Act [Oct. 10, 2008]."

§ 1157. Combination of certain ratings

The Secretary shall provide for the combination of ratings and pay compensation at the rates prescribed in subchapter II of this chapter to those veterans who served during a period of war and during any other time, who have suffered disability in line of duty in each period of service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, § 357; renumbered § 1157 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 357 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

§ 1158. Disappearance

Where a veteran receiving compensation under this chapter disappears, the Secretary may pay the compensation otherwise payable to the veteran to such veteran's spouse, children, and parents. Payments made to such spouse, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, § 358; Pub. L. 86-212, Sept. 1, 1959, 73 Stat. 436; Pub. L. 94-433, title IV, § 404(21), Sept. 30, 1976, 90 Stat. 1379; renumbered § 1158 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 358 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1976—Pub. L. 94-433 struck out "in his discretion," after "Administrator" and substituted "such veteran's spouse" for "his wife" and "such spouse" for "a wife".

1959—Pub. L. 86-212 substituted "a veteran" for "an incompetent veteran".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

§ 1159. Protection of service connection

Service connection for any disability or death granted under this title which has been in force

for ten or more years shall not be severed on or after January 1, 1962, except upon a showing that the original grant of service connection was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The mentioned period shall be computed from the date determined by the Secretary as the date on which the status commenced for rating purposes.

(Added Pub. L. 86-501, § 1, June 10, 1960, 74 Stat. 195, § 359; amended Pub. L. 87-825, § 6, Oct. 15, 1962, 76 Stat. 950; renumbered § 1159 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 359 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1962—Pub. L. 87-825 provided for computation of the period from the date the administrator determines as the date the status commenced for rating purposes.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87-825, set out as a note under section 110 of this title.

§ 1160. Special consideration for certain cases of loss of paired organs or extremities

(a) Where a veteran has suffered—

(1) impairment of vision in one eye as a result of service-connected disability and impairment of vision in the other eye as a result of non-service-connected disability not the result of the veteran's own willful misconduct and—

(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

(B) the peripheral field of vision for each eye is 20 degrees or less;

(2) the loss or loss of use of one kidney as a result of service-connected disability and involvement of the other kidney as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

(3) deafness compensable to a degree of 10 percent or more in one ear as a result of service-connected disability and deafness in the other ear as the result of non-service-connected disability not the result of the veteran's own willful misconduct;

(4) the loss or loss of use of one hand or one foot as a result of service-connected disability and the loss or loss of use of the other hand or foot as a result of non-service-connected disability not the result of the veteran's own willful misconduct; or

(5) permanent service-connected disability of one lung, rated 50 percent or more disabling, in combination with a non-service-connected disability of the other lung that is not the result of the veteran's own willful misconduct,

the Secretary shall assign and pay to the veteran the applicable rate of compensation under this chapter as if the combination of disabilities were the result of service-connected disability.

(b) If a veteran described in subsection (a) of this section receives any money or property of

value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such subsection, the increase in the rate of compensation otherwise payable under this section shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.

(Added Pub. L. 87-610, § 1, Aug. 28, 1962, 76 Stat. 406, § 360; amended Pub. L. 89-311, § 3(a), (b), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 94-433, title IV, § 404(22), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title VII, § 702(3), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 99-576, title I, § 109(a)(1), Oct. 28, 1986, 100 Stat. 3253; renumbered § 1160 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-330, title I, § 103, Dec. 6, 2002, 116 Stat. 2821; Pub. L. 110-157, title I, § 102, Dec. 26, 2007, 121 Stat. 1831.)

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-157 substituted “impairment of vision” for “blindness” in two places and “misconduct and—” for “misconduct;” and added subpars. (A) and (B).

2002—Subsec. (a)(3). Pub. L. 107-330 substituted “deafness compensable to a degree of 10 percent or more in one ear” for “total deafness in one ear” and “deafness in the other ear” for “total deafness in the other ear”.

1991—Pub. L. 102-83, § 5(a), renumbered section 360 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in concluding provisions.

1986—Pub. L. 99-576 amended section generally, substituting “loss of paired organs or extremities” for “blindness or bilateral kidney involvement or bilateral deafness” in section catchline. Prior to amendment, text of section read as follows: “Where any veteran (1) has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of such veteran’s own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of non-service-connected disability not the result of such veteran’s own willful misconduct, or (3) has suffered total deafness in one ear as a result of service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of such veteran’s own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if such veteran’s blindness in both eyes or such bilateral kidney involvement were the result of service-connected disability.”

1983—Pub. L. 98-160 substituted “(1) has suffered” for “has suffered (1)”.

1976—Pub. L. 94-433 substituted “such veteran’s” for “his” wherever appearing.

1965—Pub. L. 89-311 added cl. (3) referring to total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct, inserted reference to total deafness in both ears and, in section catchline, inserted reference to bilateral deafness.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-576, title I, § 109(c), Oct. 28, 1986, 100 Stat. 3253, provided that:

“(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and section 314 [now 1114] of this title] shall take effect on the date of the enactment of this Act [Oct. 28, 1986].

“(2) In the case of an award of compensation for a disability described in clause (1), (2), (3), or (5) of subsection (a) of section 360 [now 1160] of title 38, United States Code, as amended by subsection (a) of this section, subsection (b) of such section shall apply only to awards of compensation made on or after the date of the enactment of this Act [Oct. 28, 1986].”

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

§ 1161. Payment of disability compensation in disability severance cases

The deduction of disability severance pay from disability compensation, to the extent required by section 1212(d) of title 10, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of such former member’s disability as determined on the initial Department rating.

(Added Pub. L. 91-241, May 7, 1970, 84 Stat. 203, § 361; amended Pub. L. 94-433, title IV, § 404(23), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title VII, § 702(4), Nov. 21, 1983, 97 Stat. 1009; renumbered § 1161 and amended Pub. L. 102-83, §§ 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 110-181, div. A, title XVI, § 1646(c), as added Pub. L. 110-389, title I, § 103(a)(2), Oct. 10, 2008, 122 Stat. 4148.)

AMENDMENTS

2008—Pub. L. 110-181, § 1646(c), as added by Pub. L. 110-389, § 103(a)(2), substituted “to the extent required by section 1212(d) of title 10” for “as required by section 1212(c) of title 10”.

1991—Pub. L. 102-83, § 5(a), renumbered section 361 of this title as this section.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

1983—Pub. L. 98-160 struck out “United States Code,” after “title 10.”

1976—Pub. L. 94-433 substituted “such former member’s” for “his”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-389, title I, § 103(b), Oct. 10, 2008, 122 Stat. 4148, provided that: “The amendments made by subsection (a) [adding section 1646(c) to Pub. L. 110-181 and provisions set out as a note under section 1212 of Title 10, Armed Forces] shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act [title XVI of Pub. L. 110-181]), as if included in that Act, to which they relate.”

Amendment by section 1646(c) of Pub. L. 110-181 effective Jan. 28, 2008, and applicable with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date, see section 1646(d) of Pub. L. 110-181, set out as a note under section 1212 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.