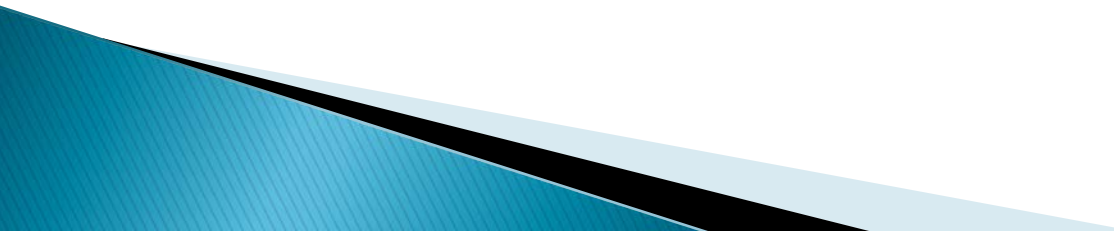


# Revisiting your VA Claim

Cindy Smith  
Veterans of Foreign Wars  
Serviceofficer.vfw5337@gmail.com

# Agenda

- ▶ Post Decision Actions
  - ▶ Reasons for denial
  - ▶ Service connection defined and explained
  - ▶ Burden of evidence
  - ▶ Recent changes in filing a claim
- 

# Post Decision Actions

- ▶ Appeals process
  - Notice of disagreement (NOD) must be filed within **one year** from date of decision
  - No evidence required at the time of filing the NOD
- ▶ Request for reconsideration
  - Provide new and material evidence within **one year** from date decision
- ▶ Reopen claim
  - Greater than **one year** from decision
  - Disability gets worse
  - Secondary disability develops
  - New disability develops

# Reasons For Denial

- ▶ Service connection of the disability not proven
- ▶ Disability is not demonstrated at the time of claim or VA C&P exam

----- Bottom line -----

**Lack of evidence**



# Disability

- ▶ Any injury/illness/condition that developed in service or because of service
  - Exceptions—periodontal disease, personality disorder, poor eyesight, & high cholesterol
- ▶ Each disability is rated individually according to criteria of the regulation
  - 0% – recognized (service connected)
  - 10 % to 100%
- ▶ Compensation is paid according to the combined rating of all disabilities.
- ▶ Percentages are NOT added together

# Disability-Combined Rating



100%

Individual  
Disabilities

Combined  
Rating

50%

50%

50% of 100% = 50%

100% - 50% = 50%

20%

60%

20% of 50% = 10%

50% - 10% = 40%

10%

64%

10% of 40% = 4%

40% - 4% = 36%

10%

68%

10% of 36% = 4%

36% - 4% = 32%

10%

71%

10% of 32% = 3%

32% - 3% = 29%

---

**70%**

70 to 74.9 = 70

>75 = 80

# Disability–Types of 100%

## ▶ **Temporary**

- Expectation of improvement in the disability
  - Cancers, surgery, & hospitalization
  - Determined at the time of decision

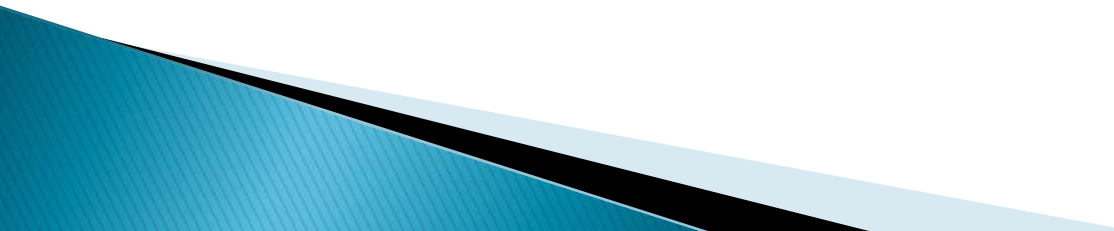
## ▶ **Permanent & Total**

- Single disability or combined rating equaling to 100%
- Does not consider employment

## ▶ **Individual Unemployability (IU)**

- Based off the ability to work due to service connected disabilities
- Must have a single 60% or a combine 70% with a 40%

# Service Connection

- ▶ Direct
    - Injury or illness occurred while in active service
  - ▶ Secondary
    - A condition that develops from a primary disability
  - ▶ Aggravation
    - A condition that worsens during active service
  - ▶ Presumptive
    - Conditions that have been established to be presumptive due to certain environmental exposures or developed within certain timelines
- 





# Presumptive Conditions

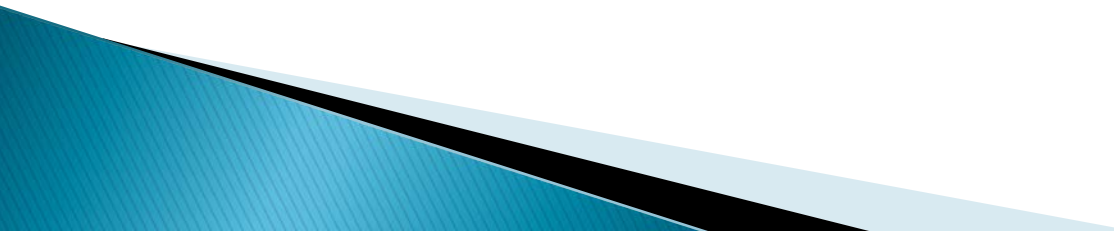
- ▶ Within the first year following discharge
- ▶ Amyotrophic lateral sclerosis (ALS)
- ▶ Multiple sclerosis
- ▶ Agent Orange (Vietnam & Korea)
- ▶ Persian Gulf Veterans
- ▶ Former Prisoners of War
- ▶ Atomic Veteran



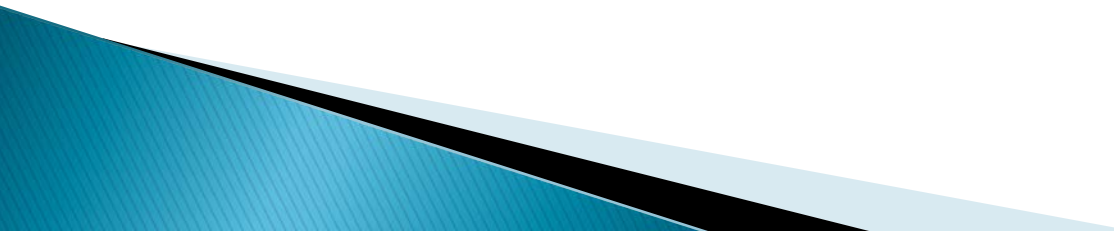
# Burden of Evidence

- ▶ Time line dictates the burden of evidence for direct injuries
  - Less than a year from discharge
  - Greater than a year from discharge
- ▶ Evidence of the disability is required
  - Treatment within the VA medical system must be reported in the claims process
  - Private medical record have to be provided or a consent given for the VA to obtain the records
  - Disability Benefit Questionnaires (DBQ) are available for most disabilities

# Recent Changes in Claims Process

- ▶ Claims are required to be on prescribed forms
  - ▶ Claim submissions have been centralized
    - eBenefits
    - Two designed intake offices
  - ▶ Intent to File has replaced informal claims
  - ▶ Some compensation & pensions exams have been contracted out
- 

# Intent to File

- ▶ Reserves date of claim while Veteran gathers documents for claim
  - ▶ Formal claim must be filed within one year of filing an Intent to File
  - ▶ Date of claim applies to the first formal claim filed
  - ▶ Prescribed form is VA Form 21-0966 or file through eBenefits
- 

# Formal Claim

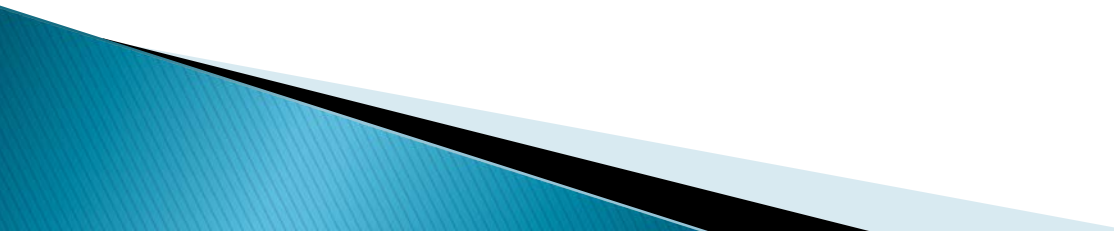
- ▶ Fully Developed Claim (FDC)
  - All supporting documents and information submitted with claim
  - Disability Benefit Questionnaire (DBQ) in lieu of C&P Exams
- ▶ Traditional Claim
  - Doctor resistant to filing out DBQ
  - Consent to release records required
  - Treatment outside of the VA Medical
- ▶ Prescribed form is VA Form 21-526ez or file through eBenefits

# PTSD Claims

- ▶ Must have a diagnosis of PTSD
  - VA Medical Center
  - Vet Center
  - Private Doctor
- ▶ A stressor is required\*
  - Combat
  - Non-combat
- ▶ Prescribed forms
  - VA Form 21-526ez
  - VA Form 21-0781\*

\*exception applies when diagnosed in service

# Recent Changes to eBenefits

- ▶ One stop website for VA benefits
  - ▶ Identity verification easier for account
  - ▶ Disabilities are listed on site
  - ▶ VA letters available for download
  - ▶ Claim submission and status tracking has improved
- 

# Military Retired Pay CRDP/CRSC

	CRDP	CRSC
Qualified Injury	Service Connected	Combat Related
Classification	Military Retired pay	Special compensation
Claim Process	Automatic	Must apply through branch of service
Eligibility	<ul style="list-style-type: none"> <li>-Retired with 20 years active or reserve duty</li> <li>-Receiving retired pay</li> <li>-Have combined rating of 50% or greater VA disability</li> <li>-Waived retired pay to receive VA disability</li> </ul>	<ul style="list-style-type: none"> <li>-Entitled to or receiving retired pay</li> <li>-Have a 10% or greater VA disability</li> <li>-Waived retired pay to receive VA disability</li> </ul>
Retroactive Entitlement	Earliest January 1, 2004	Earliest June 1, 2003
Federal Taxation	Taxable	Not Taxable
Issue of Payment	Increase in retired pay	Payment deposited in bank account
Subject to Division with Former Spouse	Yes	No
SBP Premiums Deducted	Yes	No
Subject to collection/garnishment	Yes	Yes

**You cannot receive both.**



# CRDP/CRSC Money Examples

## CRDP

	VA Disability Pay (No Dependents)	Military Retired Pay (\$1000)	Final Pay to Retiree
40% VA Disability	\$587.36	\$412.62 (\$1000 - \$587.36)	\$1000 (\$587.36 not taxed/\$412.62 taxed)
50% VA Disability	\$836.13	\$1000	\$1836.13 (\$836.13 not taxed/\$1000 taxed)

## CRSC

	VA Disability Pay (No Dependents)	Military Retired Pay (\$1000)	CRSC Deposit	Final pay to Retiree
40% VA Disability	\$587.36	\$412.62 (\$1000 - \$587.36)	\$587.36	\$1586.34 (\$1174.72 not taxed/412.62 taxed)
50% VA Disability	\$836.13	\$163.87 (\$1000 - \$836.13)	\$836.13	\$1836.13 (\$1672.26 not taxed/\$163.87taxed)

# Some Less Known Benefits

- ▶ **Specially Adapted Housing Program**
  - Grant designed to modify the Veteran's home to accommodate disability
  - [www.benefits.va.gov/homeloans/sah.asp](http://www.benefits.va.gov/homeloans/sah.asp)
- ▶ **Automobile and special adaptive equipment**
  - A grant to purchase an automobile (or other conveyance) to accommodate disability
  - May be used to adapt a vehicle
  - <http://www.benefits.va.gov/compensation/claims-special-auto-allowance.asp>

# Useful Links

- ▶ eBenefits

- ▶ <https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal>

- ▶ VA Forms

- ▶ [www.va.gov/vaforms](http://www.va.gov/vaforms)

- ▶ Fully Developed Claims

- ▶ <http://www.benefits.va.gov/fdc/>

- ▶ Disability Benefit Questionnaires

- ▶ [http://www.benefits.va.gov/compensation/dbq\\_ListByDBQFormName.asp](http://www.benefits.va.gov/compensation/dbq_ListByDBQFormName.asp)

Questions?

