

**V L G**

**THE VETERANS LAW GROUP**

FILING A CLAIM FOR  
VETERANS DISABILITY BENEFITS

Webinar presented on 05.20.2017 by Amanda L. Mineer

**RESOURCE GUIDE**

## This Guide Contains:

### Information Regarding:

- Filing a Claim for Veteran's Disability Benefits

As a VSO, you understand that the communities you serve consist of men and women who have faithfully performed duties for our country and completed military service. Now the injury that they sustained during their time in the military is keeping them from living a full life. They need to submit a disability claim for their service-related injuries, but often don't know where to begin. Maybe they have gotten started but, so far, the process has been confusing and frustrating.

They need answers. And you are here to provide them, making this difficult process as painless as possible for our service members who have already given so much.

## **Filing a Claim:** A VSO's Role

Any veteran of the U.S. military who has a current injury or condition connected to their service may be eligible for disability compensation. However, the Veterans Disability Claims System is lengthy, time consuming, and includes a lot of paperwork. Many of these veterans need help navigating the process. As a VSO, your job is to advocate for these service members during the initial claims process and provide guidance throughout the entire lengthy procedure.

### **YOUR JOB AS A VSO IS TO:**

- Support veterans as they navigate the confusing Veterans Disability Claims System
- Help veterans understand which forms to fill out and how to complete them
- Advocate for these service members during the initial claims process and provide guidance throughout the process
- Provide guidance and support

## Filing a Claim: Resources

**MAKE YOURSELF FAMILIAR WITH THESE:**

You might want to bookmark these in your internet browser:

- Regulations governing VA Claims: 38 CFR  
<https://www.law.cornell.edu/cfr/text/38/chapter-1>
- M21-1 Adjudication Procedures  
<https://www.knowva.ebenefits.va.gov>
- Medical Dictionary: i.e. Dorland's  
<https://www.dorlands.com>
- Court of Appeals for Veterans Claims Decision Search:  
<http://search.uscourts.cavc.gov/>

## Filing a Claim: A VSO's Role

As a VSO, you assist veterans with understanding their eligibility, gathering appropriate information, and filing their claims. Throughout the process, you will also provide veterans with the support they need to successfully navigate the VA system.

You should be their primary source to answer questions, help resolve problems that may arise, and provide any additional assistance these veterans need.

### **SOME OF THE TASKS YOU MAY HELP WITH:**

- Understanding eligibility
- Gathering information (records, statements, etc.)
- Filing claims
- Answering questions
- Resolving problems
- Providing other assistance and support

## **Filing a Claim:** Making your Role Clear

It is important that your clients clearly understand that, as a VSO, you are NOT directly affiliated with the VA. Specify that you work with an organization separate from the VA; this is especially important if your office is located within a VA facility.

While veterans may be familiar with the organizations listed, you may want to briefly introduce your group if it is not well known. Explain that your organization is staffed with VSOs who are well aware of VA policies and who can help veterans identify benefits that they may qualify for and help them to apply for such benefits.

### **WELL-KNOWN ORGANIZATIONS WITH VSOs:**

- American Legion
- Amvets
- Disabled American Veterans
- Military Order of the Purple Heart
- Paralyzed Veterans of America
- Veterans of Foreign Wars
- Vietnam Veterans of America

## **Filing a Claim:** Making your Role Clear

In your role, you will be reviewing law, medical records and lay evidence (buddy statements, etc). Do build the VSO/Client relationship. You will often feel like a counselor/mother/sister/father or friend.

Do not provide therapy. Please take care of yourself in the process and refer veterans to therapists that can provide professional help. Always refer veterans to their doctor. Many will ask for medical advice and your opinion on what they should/shouldn't do.

### **WHAT YOU DO/DON'T DO:**

#### **DO:**

- Assist with claims, but you are NOT the VA
- Review law, medical records and lay evidence
- Build VSO/Client relationship
- 

#### **DON'T:**

- Therapy
- Give medical advice

## Filing a Claim: Getting Started

At your first appointment:

- Work with your client to identify potential veterans benefits that they and their family may be eligible for through the VA
- Ensure the veteran completes the proper paperwork (i.e., a Power of Attorney or POA) giving you permission to access your client's records and speak with the VA on their behalf.
- Assure them that this POA is for VA benefits purposes ONLY.
- Make sure that your client is instructed to read the forms carefully before signing them and explain what they are so that each veteran understands which organizations you are working with and what types of access they are granting you.
- You will then work to prepare the necessary forms for the veteran, in this webinar we will be diving deeper into filing an initial claim for benefits.
- Important to give clear simple explanations to veterans about the process and the timelines involved.

### FIRST TASKS:

- Power of Attorney (POA) 21-22 filled out
- Determine type of claim to file
  - Intent to file, fully developed claim, standard claim
- Additional forms completed
- Explanations given every step of the way



## Filing a Claim: Types of Claims

### THREE DIFFERENT TYPES OF CLAIMS FOR:

- Intent to File:
  - Puts VA on Notice that claim is going to be filed
  - Veteran has 1 year to file FDC or standard claim
  - When to use
- Fully Developed Claim
  - Submitting with application all necessary records/evidence for the claim (minus C&P)
- Standard Claim
  - Submit 526
  - VA has duty to assist

## Filing a Claim: Proving a Claim

While the VA is responsible for gathering information that is relevant to each claim, it is ultimately you and your client's responsibility to make sure that they have what they need. The type of information the VA is looking for will include those listed here.

### FOR DISABILITY COMPENSATION MUST SHOW:

1. Veteran has a current disability
2. Such disability was caused or aggravated by their service
3. Link (nexus) between current disability and injury in service  
(medical evidence)

VA needs evidence of ALL – VSOs job to make sure VA gets what they need

Don't depend on VA

## Filing a Claim: Gathering Information

While the VA may gain access to certain items, such as service treatment records from the Archive and VA Medical Center records, remember that each task that is forwarded to the VA can require extra time before a claim's fulfillment. Thus, if your client has such items as a DBQ from a private physician or service treatment records, ask them to bring copies to your meeting to speed up the process.

### HELP YOU DETERMINE WHAT TYPE OF CLAIM

- Service treatment records- VA duty to assist but may need to get yourself
- Medical records (Private or VAMC)
- Statements from individuals that they served with ("buddy" statements)
- A Disability Benefits Questionnaire (DBQ) completed by their physician, if outside of the VA system
  - When and Why

## Filing a Claim: Submitting a Claim

### WHEN/WHERE TO FILE:

- Veteran can apply online on [eBenefits.va.gov](https://eBenefits.va.gov), you can assist them
- Fill out forms – 526EZ form
  - Supportive documentation: i.e. stressor statements, TDIU
- [Review 526EZ w/ tips](#)
- Submit 526EZ to VA

Mail to:

DEPARTMENT OF VETERANS AFFAIRS  
CLAIMS INTAKE CENTER

PO BOX 4444

JANESVILLE, WI 53547-4444

Or Fax to:

TOLL FREE: 844-531-7818

## Filing a Claim: VA's Duty to Assist

### VA WILL DO DEVELOPMENT ON CASE:

- Obtain STRs, VAMC treatment records
- Personnel Records, if necessary
- Send letters for private treatment, if any
- Notification of requests made to private facilities
- If TDIU, contact last employer

Ultimately, they are required to assist, but Veterans are responsible for responding and providing necessary information

## Filing a Claim: Staying in Touch

After the application is submitted, your client will be able to call the VA to check the status of their veterans disability claim. Additionally, they can register online to check the status of their claim at the above address (remember, because the eBenefits site can be confusing, you may need to help your client with registering).

Explain to your clients that the eBenefits page and the 1-800-827-1000 are often confusing or missing information. They can always get an easier-to-understand and up-to-date status by contacting you directly.

### VETERANS CHECK THE STATUS OF THEIR CLAIMS BY:

- Contacting you, their VSO (best option)
- Registering online and checking the eBenefits webpage  
(<https://www.ebenefits.va.gov/ebenefits/homepage>)
- Calling 1-800-827-1000

## **Filing a Claim:** Staying in Touch

As you wait for the VA to review the evidence, it is important to remind your client to attend their usual medical appointments.

If they see physicians, psychologists, or other medical professionals through private insurance or outside of VA treatment, they should request a copy of their records after each visit and inform you of any updates or changes in their medical conditions.

### **REMINDERS TO YOUR CLIENT:**

- Continue to attend medical appointments
- Request a copy of all records after each visit
- Keep you apprised of any updates or changes in medical conditions
- Respond to VA's request for information promptly

## Filing a Claim: Providing Support

**THE MOST IMPORTANT THING IS TO NOT GET DISCOURAGED.**

The most important thing to remind your client, however, is to not get discouraged. The VA Disability Benefits Claim Process can be lengthy, overwhelming, and frustrating, which is why they have you as their VSO to guide them. With your support, finding answers to their disability claims questions doesn't have to be difficult.

### General Resources

- Our Online Questionnaire:  
<http://www.veteranslaw.com/consultation-request>
- Directory of Veterans Services Organizations:  
<https://www.va.gov/vso/>
- U.S. Department of Veteran Affairs:  
<http://www.benefits.va.gov/compensation/index.asp>



## **Filing a Claim:** Additional Resource

We at VLG are also happy to answer any and all of your disability benefits-related questions.

Case Specific Questions (for VSO):

Mark R. Lippman ([mlippman@veteranslaw.com](mailto:mlippman@veteranslaw.com))

Amanda L. Mineer ([amineer@veteranslaw.com](mailto:amineer@veteranslaw.com))

Case Referrals (for veterans):

<http://www.veteranslaw.com/consultation-request>

Toll Free: (888) 811 - 0523

General Resources:

<http://www.veteranslaw.com/>

FOR MORE WEBINARS AND RESOURCE GUIDES:  
[VSO/VSR RESOURCE CENTER](#)