



VA Disability Benefits Process

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Application.

There are a number of ways to apply for veteran disability benefits from the U.S. Dept. of Veterans Affairs. One is to directly submit an application for benefits to the VA and another is to submit an application through a representative. Both routes lead to success but there are some distinctions between the two routes in terms of time and money.

Completing and filing a claim directly with Veterans Affairs can be done through the e-file system. To accomplish this the veteran or the veteran's helper will need to open an e-file account and manually complete the disability benefits application and manually upload any and all supportive documents. In this method the veteran is on his/her own to ensure that the forms are completed properly and that the appropriate evidentiary documentation is submitted. This can be a long and confusing route to take and requires a significant amount of regulatory and process knowledge related to filing and qualifying for a VA disability rating and compensation award.

In more cases than not, direct manual and self-represented filing for VA disability benefits results in a denial of benefits for the veteran. Nearly 95% of pro se submitted claims will be denied on initial filing. It is usually wise to go another route where professionals and trained representatives can navigate the mess for the veteran.

One of the other routes is to hire a law office that specializes in applying for and acquiring award of VA disability benefits for veterans. VA disability rules and processes

are entirely different than those that apply to the Social Security Administration. It is vitally important that the veteran choose a law firm that is experienced in handling disability cases for veterans before the Veterans Administration. Lacking VA experience can also result in failure to achieve a rating and compensation from the VA for the veteran's disability.

Law firms are for profit and a contract for representation must usually be signed. However, statutes require that attorneys charge on contingency only. This means that they can not collect any amount for their services unless you receive a compensation award for your disability. This amounts to no more than 35% of back amounts paid to the veteran for the awarded disability - that can be quite a lot but is removed from the award amount and not from the veteran ahead of time.

Another route is to seek out the help of a Service Officer of a Veterans Organization. Organizations such as the American Legion, VFW, and DAV have service officers who are volunteers trained to help veterans with filing their claims for VA benefits. This is usually the most recommended route to follow. Having sponsorship by one of these organizations carry a lot of weight and often results in faster turn around with positive outcomes if the evidence submitted is strong and sufficient for the claim.

The State of Alabama has its own Department of Veterans Affairs with Service Officers paid full-time to assist veterans with filing their claims. The ADVA has offices in almost every county and can be found in the

county courthouse of each county. They are chartered for the sole purpose of assisting veterans with their benefits. If at all possible the veteran should approach one of these offices and start their claim there. They are fully committed and know the rules and system very well. Positive outcomes for veterans are very high when they go through the VA with American Legion sponsorship.

Evidence

When applying for VA Disability Benefits it is of great importance to understand what the VA looks for when determining disability for a veteran applicant. The basic criteria are that the veteran is currently disabled, disabled because of a diagnosable physical or mental health condition, and the condition and resultant disability are service connected. These three things must be met in order for the veteran to be determined service-connected disabled. The percentage of disability is determined based on the percent of disability evaluated by professional clinicians and practitioners.

The veteran must demonstrate that he/she is significantly hindrance in their daily functioning by their condition. Daily functioning includes ability to perform employment, maintain employment, form and maintain work relationships, family relationships, paying bills, getting around, etc. the more severe the disruption of normal functioning the more disabled the person. Documentation for this would be showing short terms of employment with long terms of unemployment. Discharge documents showing person was fired due to lack of performance, write-ups at work that show lack of focus, concentration or inability to follow instructions or perform the job due to condition.

The veteran must have a diagnosed condition that is causatory to his/her disability. This can be physical ailments such as spinal injury, joint injury or disease, traumatic brain injury, organ degeneration or illness, or mental health issues such as PTSD. This must be documented in the veteran's military, VA, or civilian medical or mental health records. Letters of diagnosis and disability are permissible documents of evidence from doctors.

The veteran absolutely must demonstrate that the diagnosed condition and current disability are connected to his/her service in the military. This can be demonstrated through the veteran's service records and military medical records. Formal Buddy Statements made on VA forms are also good sources for establishing military connectedness.

The evidentiary documentation must be submitted with the application in support of the veteran's claim. Without supportive evidence the claim will be denied.

How AIBHR Helps

The Alabama Institute performs diagnostic assessments that include diagnosis, disability and level of disability determination, and military service and medical records review for service connection for mental health related VA disability claims. Claims for VA Disability compensation for PTSD, Depression, Anxiety and Panic Disorder, and other issues of mental health are assessed. We then write and issue a formal DBQ Form that reports all of what is discovered and determined with the appropriate forms being listed for the veteran to submit with the app.

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VA Evaluation

After the Application and supportive evidence are received by the VA the veteran receives notification of receipt. Following that an appointment is scheduled with a VA contracted psychologist to perform an examination. This appointment lasts for about an hour and usually includes some very direct questions concerning the individual's symptoms of type and level of disability.

The VA contracted psychologist completes a VA DBQ Form and forwards that to the VA for determination of disability, rating, and award determination. The VA, once the physical and/or mental health reports are received, will then make a determination of disability, condition, and service connection.

Determination

Based on the evidence available to the VA evaluators a determination will be made. If it is determined, in accordance with VA regulations and guidelines, that the veteran is disabled and disabled by a diagnosed condition with that condition being linked directly to his/her military service then an evaluation of the degree of disability is made.

A letter is sent to the veteran that includes the determination made by the VA. It will accompany an explanation for the determination and the degree of disability rated for each claimed condition. If the VA is denying the claim it will also explain the reason for the denial.

To Appeal or Not to Appeal?

If the veteran receives a denial of benefits letter from the VA he/she has several options for a reevaluation of the evidence and the claim. One is to make an appeal and the other is to reopen the claim with new evidence.

The appellate process for denied claims is very time consuming. It can take years for an appeal of a claim to take place. On the other hand, a re-opened case is more immediate. So, what is the difference between them?

An appeal is a request that the VA re-review the claim at a higher level using the same claim and supportive evidence. This is to review the reviewers and see if an error has been made in the formation of the initial determination. New evidence is usually not introduced or considered and the focus is on whether or not the initial determination is in error and justified in being reversed with a determination being awarded in the case.

When a case is reopened there is new evidence to be provided for review that may serve to change the determination of the claim. The introduction of nexus letters, other doctoral diagnoses, etc are introduced which shed more light on the veteran's claim of service connected disability.

Alabama Institute Helps

The Alabama Institute for Behavioral Health and Research provides mental health evaluation services for both the initial claim and re-opening evidentiary documentation. We do this by performing thorough mental health assessments, rendering diagnoses, and providing appropriate documentation (Disability Benefits Questionnaire and Nexus letters).

We help veterans go through their military service records, military medical records, VA health records, and civilian health records to find evidence to support military connectedness. Call us today.

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