Claims Agent / Attorney Accreditation

- VA Form VA21a
- After an affirmative determination of character and fitness for practice before the VA, claims agent applicants must achieve a score of 75 percent or more on a written examination administered VA as a prerequisite to accreditation. Claims agent applicants will be given written instructions for arranging to take the examination if initial eligibility is established.
- Attorney applicants must be in good standing with a State bar and are not required to take an examination administered by VA as a prerequisite to accreditation. Denials of initial eligibility for accreditation as a claims agent or attorney are final and are not subject to appeal, but applicants may reapply.

Disability Compensation

Disability compensation is a monthly tax-free benefit paid to Veterans who are at least 10% disabled because of injuries or diseases that were incurred in or aggravated during active duty, active duty for training, or inactive duty training. A disability can apply to physical conditions, such as a chronic knee condition, as well as a mental health conditions, such as posttraumatic stress disorder (PTSD).

Benefit

The benefit amount is graduated according to the degree of the Veteran's disability on a scale from 10 percent to 100 percent (in increments of 10 percent). Compensation may also be paid for disabilities that are considered related or secondary to disabilities occurring in service and for disabilities presumed to be related to circumstances of military service, even though they may arise after service. Generally, the degrees of disability specified are also designed to compensate for considerable loss of working time from exacerbations or illnesses.

Eligibility

- Service in the Uniformed Services on active duty, OR
- Active duty for training, OR
- Inactive duty training, AND
- Discharged under other than dishonorable conditions, AND
- At least 10% disabled by an injury or disease that was incurred in or aggravated during active duty or active duty for training, or inactive duty training

Note: If applicant was on inactive duty for training, the disability must have resulted from injury, heart attack, or stroke.

Evidence Required

- Medical evidence of a current physical or mental disability, AND
- Evidence of a relationship between the disability and an injury, disease, or event in military service.
 - Medical records or medical opinions are required to establish this relationship.
- Note: Under certain circumstances, VA may conclude that certain current disabilities were caused by service, even if there is no specific evidence proving this in a particular claim.

Presumed Disability

The cause of a disability is presumed for the following Veterans who have certain diseases.

- Former prisoners of war
- Veterans who have certain chronic or tropical diseases that become evident within a specific period of time after discharge from service
- Veterans who were exposed to ionizing radiation, mustard gas, or Lewisite while in service
- Veterans who were exposed to certain herbicides, such as by serving in Vietnam
- Veterans who served in Southwest Asia during the Gulf War

Examples

Example 1

During a weekend drill, an Army Reservist injures her knee while participating in a physical training class. She is eligible for compensation for residuals of the knee injury.

Example 2

An individual enlisted in the U.S. Navy on June 10, 1988, and served for a period of 3 years. He was honorably discharged on June 9, 1991. During his active duty, he fell from a bunk and injured his back. Based on his active service, he is entitled to service-connected benefits for the residuals of his back injury.

How Veterans Apply

- Apply online using eBenefits (https://www.ebenefits.va.gov), OR
- Work with an accredited representative or agent, OR
- Go to a VA regional office and have a VA employee assist you. You can find your regional office on the Facility Locator page

Evidence

Applicants must submit all relevant evidence in their possession and/or provide information sufficient to enable VA to obtain all relevant evidence not in the veteran's possession. This includes the following as part of the application:

- Discharge or separation papers (DD214 or equivalent)
- Service Treatment Records (Medical Records) if they are in the veteran's possession
- Medical evidence (doctor & hospital reports)

Required Forms To File Claim

The following forms are required to apply for VA disability compensation benefits:

- Pre-discharge Claim VA Form 21-526c, Pre-Discharge Compensation Claim
- Original, Reopened, Fully Developed or Supplemental Claim - VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits

Veterans can download and mail the completed form to the nearest VA regional office, complete and submit online using eBenefits, or call VA at 1-800-827-1000 to have a claim form mailed.

Claims Process

There are eight distinct steps that most claims for disability compensation follow. These phases may vary in time depending on the complexity of the claim, the amount of evidence that must be gathered to support the claims, and the type of evidence. Applicant's are strongly encouraged to submit as much evidence as possible with their claim to help minimize processing time. The eight steps of claims processing are as follows:

Steps for initial Claim

- Step 1. Claim Received
- Step 2. Under Review
- Step 3. Gathering of Evidence
- Step 4. Review of Evidence
- Step 5. Preparation for Decision
- If more evidence is required, the claim will be sent back in the process for more information or evidence.
- Step 6. Pending Decision Approval
- The recommended decision is reviewed, and a final award approval is made. If it is determined that more evidence or information is required, the claim will be sent back in the process for more information or evidence.
- Step7. Preparation for Notification
- Step 8. Complete



Notice of Disagreement (NOD)

- Send NOD to local VA office
- NOD must be sent to the local VA office within one year of the date the local VA office mailed its original decision denying claim.
- Applicant may also request the file be reviewed by Decision Review Officer (DRO)

VA Form 9

- VA form 9 is the last step in the appeal process
- The applicant must fill out the VA form 9 (Substantive Appeal) and send it back to the local office.
- Must be delivered within 60 days of the date that the SOC or within one year of the date the original decision was mailed.

Decision by Board of Veterans' Appeals

- If the claim is denied by the Board, the following steps may be taken:
 - 1. The Veteran may reopen the case at the local VA
 - The Veteran may file a motion asking the Board to reconsider the claim or review the case again because of a "clear and unmistakable error" (CUE) in the board decision
 - 3. File an appeal with the U.S. Court of Appeals for Veterans Claims: or
 - 4. Do nothing