

The VA Disability Claims Process

Everything veterans need to know and some nuggets of information



Introduction

First and foremost I'd like to give appreciation to Mr. James "Jimmy" Anderson for coming to the American Legion Post 244 and dropping all this knowledge on us. This man has been through the ups and downs and in and outs with the VA. He has done it the hard way and the easy way and he has the example to prove it for those of you that haven't begun this battle. To my neighbor and Commander at the Legion, Eric Kuyper for bugging me until I joined the American Legion hall. Thanks! I've already got more than I've put in. And to my dad, John Earl Mallett. Another one constantly staying on my behind to go to the VA and get my check ups; get my VA claims started, and blah! Blah! Blah! I was listening. It may have taken a while but you were consistent enough to get me started with my claims. And I'm here to get you veterans, you Devil Dogs, you Squids, you Bubbleheads, you Bush Beaters,

you Beetles, you grunts into action! So let's get started on learning about the VA Disability Claims Process.

The VA Claims Process 101

Did you know that the VA is divided into three different divisions? The **VBA (Veterans Benefits Administration)**, the **VHA (Veterans Health Administration)**, and the burial one, but we do not need to know about that. Everyone knows when a service member passes we just go on to fight another battle in another plane of existence.

The **VBA (Veterans Benefits Administration)** is where we deal with our **disability claims** and **compensation**.

The **VHA (Veterans Health Administration)** is getting into the **VA medical network** AKA your local **VA Medical Clinic**.

As a veteran you need to get yourself into both of these. One benefits the other and both of them are benefits to you. The veteran.

*The crazy thing is that the left hand doesn't talk to the right hand when it comes to the **VBA** and the **VHA**. I'll save that long, confusing discussion for another day. Moving along!

→**The VA claims process is a LEGAL process that requires MEDICAL evidence.**

Your evidence needs to have **Symptoms**, a current **Diagnosis** and a **Nexus** connecting the condition to service.

Definition of Symptoms - A symptom is an effect noticed and experienced only by the person who has the condition. The key difference between signs and symptoms is who observes the effect. For example, a rash could be a sign, a symptom, or both: If the patient notices the rash, it is a symptom.

Definition of Diagnosis - the process of determining the nature of a disease or disorder and distinguishing it from other possible conditions.

Definition of Nexus - A nexus letter is an official document signed by a medical expert establishing a connection between an in-service stressor and a current condition.

To qualify for VA disability compensation

To qualify for VA disability compensation, the **VA** must determine that your medical condition was **caused** or **aggravated by your military service**.

Listed below are the five (5) ways to establish service connection:

- 1. Direct Service Connection**
- 2. Service Connection through Aggravation**
- 3. Presumptive Service Connection**
- 4. Secondary Service Connection**
- 5. Service Connection for Injuries caused by VA Health Care**

Standards of Proof:

"Is due to"----- (100%)

"More likely than not"----- (>50%)

"At least as likely as"----- (-/>50%) ← *This is what you want your dr to have in his notes!

"Not at least as likely as not"----- (<50%)

"Is not due to"----- (0%)

The examiner and people making the decision for your claim want to see this Phrase for some reason → **"At least as likely as"**!!!!!! I read it over and over to try and figure it out but I think it has to do with liability on their part. Because "Is due to" says 100% that your military service caused this and "Is not due to" says 0% your military service caused this. If

someone knows the answer please let us know. We are here for knowledge sharing.
Moving on!

Now that we got a little VA Claims knowledge under our belts we can start the process!!!

Step 1.

-You can call 1-800-827-1000 and request they submit an **"Intent to file"**. Do it ASAP. *This gives you one calendar year to submit your claim(s) for that effective date.*

*Note: As I was typing this document I stopped and called to submit an **"Intent to file"**. It took me about 8:35 in total. I called the 1-800 number; at the end of the automated line I pressed 0 for a real person. She/he will ask for verification information that you will know and then submit your **"Intent to file"** with them. They will give you additional information and ask if you need any more assistance and info.

If you're used to navigating the internet, you can go to https://www.benefits.va.gov/BENEFITS/docs/eClaim_Fact_Sheet.pdf or <https://www.va.gov/> for all the info to start your claim online.

IT HAS BEGUN!

Step 2.

-FOIA (Freedom of Information ACT) and Privacy ACT Request.

VBA-20-10206-ARE Form - This is to get your "C" file. Your "C" file is your entire military medical records. I got mine and threw it in my safe. Call the 1-800 number above to request this. I requested mine from <https://www.va.gov/>.

Step 3.

-Gather evidence from your Family Doctor (primary doctor), Urgent Care and Hospitals. Wherever you can remember you went over the last few years or decades.

Ok, the next few lines may discourage some of you but don't worry. This is mainly for us deep divers that like to know a little more detail. You'll have someone to help.

-DBQ (Disability Benefit Questionnaire) forms:

<https://vetdisabilityaid.com/dbq-forms/> ←—You want to check these out! If you're not good with computers it's ok. Help is around the corner.

-This is where you educate yourself. These are the rules the VA follows. It's easier to play the game if you know the rules.

- 38 CFR Part 4, Subpart B Schedule for Rating Disabilities
- <https://www.ecfr.gov/current/title-38/part-4>

-Get a Veterans Service Officer (VSO) - Remember when I said help is around the corner. This is just one of them. Actually you can move this up to STEP 2 if you like. Hell, you can make it STEP 1. This person can get you started from square one.

Ok, I just tried to search for a direct link to find a VSO (Veterans Service Officer) in your area. This is it. You can click on it but it's a waste of time.

<https://www.ebenefits.va.gov/ebenefits/vso-search> I tried multiple cities including Lake Charles and it came back with no results. This is the perfect example of dealing with the government and VA.

Go ahead and just **Google "VSO in your parish" or county**. Our Veterans Service Officer (VSO) in Allen Parish, Louisiana is Michael Jorden (no relation to The Michael "Air" Jordan). He is located in Oberlin, Louisiana on certain days. His number is 337-639-4370. Call and leave a message. Your name, your phone number, you need a VSO, you need to file a claim and finish with "Adrian sent me!" That's code for "Pronto!"

Step 4.

-Attend the Compensation & Pension (C & P) exam. Do not be a no call, no show for a C & P exam. If you have to cancel make sure you call them and let them know ahead of time. Not the day of the exam. I know things happen, but call!

*Note: When you go to this C & P exam bring your worst day. **Whatever your worst days are, bring those.** You're not lying but they are judging you on those bad days and we all know everyday may not be terrible. And when you walk in they will ask you how you are doing. Don't say "Great and cut a backflip". Just say "You're making it" or something to that effect. They are noting all this down. These are 3rd party, non-military physicians getting paid by the organization that you're trying to get your benefits from.

Step 5. —>The most important step!

-Leave it in God's hand and be patient

2 Chronicles 20:17

Ye shall not need to fight in this Battle: set yourselves, Stand ye still And see the salvation of the Lord...

-Now sit back and wait on your Decision Letter. You may be denied 5 times or be awarded your claim the first time around but it's going to be worth it. The level of the benefits go up with your ratings. I have examples of rating percentages throughout The Green Machine Facebook group page. Scroll through and check it them out for yourself sometimes.

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End of Class questions:

1. What are the 2 divisions of the VA that you are going to get yourself enrolled into?

The **VBA (Veterans Benefits Administration)** and The **VHA (Veterans Health Administration)**. Remember **Veterans _____ Administration!** Either **Benefits** or **Health!**

2. What 3 things do you need to have as evidence to make your claim service connected?

Symptoms, a current Diagnosis, and a Nexus (Nexus letter)

3. What is **"The phrase"** that the examiners and the people making judgment on your claim looking for?

"At least as likely as not" **"At least as likely as not"** **"At least as likely as not"**

4. What is the 1-800 number you have to call to submit an **"Intent to file"** a VA disability claim?

1-800-827-1000

5. What the heck is a **VBA-20-10206-ARE** Form? **"C"** file?

Form to request your military service records - Request your **"C"** file! You want that thing in your safe. They send it on a CD and it takes 6 months to a year to get it after you request it.

6. What does **VSO** stand for?

Veterans Service Officer - Remember! For the Allen Parish area, one of the best **VSOs** is Michael Jorden. Phone number 337-639-4370. Code phrase: **"Adrian sent me"** and say it like you got a pair. Oorah!

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7. *What is the important Exam you are not going to miss* or if you have to miss it due to an emergency or work you are calling ahead of time to inform them you are not going to make it.

C & P exam (Compensation & Pension) exam - You don't want to miss this!

8. Step 5 is the most important step. **What is Step 5?**

Leave it in God's hand and be patient

Notes from the editor:

My name is John Adrian Mallett. I've been dealing with this VA disability maze for only 2 years. I've run across veterans that had been battling for their benefits for 6 years, 8 years, and some more than that. After years some of these guys just gave up. I totally understand why they gave in. This system is designed to discourage you and make you give up. It's designed for one veteran to look at another veteran fighting for their benefits and say F that! I'm not going through that headache and stress. I'm not going to lie. Since I've started my disability process I had to get on high blood pressure medication and start taking anxiety and depression medication but that was before I started trying to figure out this process. I was my own full-time unpaid secretary getting all my medical records together; filling out these government forms which I had to google just to understand the jargon. I got so sick and so stressed I had to get a VA lawyer on the job. My wife and kids would see how aggravated I'd be and I'm sorry for that because I know I'd snap at them sometimes. I felt like I was battling this machine, this maze alone. Once I got into the American Legion Post 244 in Kinder I found out there were a lot of other veterans in the same position and some hadn't even begun. I started to think about the ones that aren't in this room? What about the ones stressing about this and on the verge of a heart attack? So I decided to share any knowledge I get my hands on. God put Mr. Jimmy Anderson, a veteran outreach advocate right in my path with his VA Claims Process Workshop. I appreciate everything you do Mr. Jimmy. I am trying to get on your level. As the workshop was coming to a close

one of the veterans stood up and emotionally said He hadn't slept for 10 years. For 10 years he'd wake up from nightmares screaming. He had one of his buddies that served with him stay on his case about getting his claims started and getting into the VA healthcare system and he kept blowing it off. After those 10 years he finally gave in and he said that was the best thing he ever did. He made us promise to be that friend to other veterans to get them in the VA healthcare system; help get them their benefits and continue to help others. My goal is to point veterans in the right direction and keep them motivated throughout the process. Any veterans that use this document to start their VA healthcare benefits or get awarded their VA disability claim I would like you to do one thing. Pay it forward and help out another veteran. It doesn't matter if it's just one. Pay it forward!

John Adrian Mallett, USMC

Below is additional information:

Additional information:

1.-Mr. James “Jimmy” Anderson, Veteran Outreach - Resurrection Life Church

Contact email: jland.5266@outlook.com **Phone: 337-532-2185**

2.-The American Legion Post 244, Kinder, La 70648

Eric Kuyper, Commander

Contact email: alpost244la@gmail.com

3-Veterans Service Officer (in LC/Sulphur area) **Phone: 337-602-1317**

DAV of Lake Charles, La

- 1st Thursday 8am - 2pm
- 3rd Thursday 8am - 12pm

DAV of Sulphur, La

- 2nd Thursday 8am - 12pm

4-Michael Jorden, VSO for Allen Parish, Oberlin, Louisiana

Phone: **337-639-4370**

5-The Green Machine - VA disability claim assistance & Suicide Prevention

<https://www.facebook.com/groups/297340915624620>