



VA SERVICE-CONNECTED DISABILITY COMPENSATION

SELF-HELP GUIDE CHECKLIST

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WHAT IS SERVICE CONNECTION?

"Service Connection" is short for VA Service-Connected Disability Compensation. It is a monthly, tax-free benefit paid to veterans who have a physical or mental health condition today that the VA finds is related to their time in the military.

Your disability rating – which decides the amount of monthly compensation you will get from the VA – depends on how severe your current symptoms are.

BASIC ELIGIBILITY

Your discharge status from the military plays a role in whether you can receive service-connected compensation from the VA. If you have an "Honorable," "General Under Honorable," or an "Uncharacterized due to Entry Level Separation" discharge status, your discharge will not cause any issues or barrier to your ability to receive service-connected compensation

For all other applicants – those with "Other than Honorable," "Bad Conduct," "Dishonorable," and other "Uncharacterized" discharges – you will first need to be found eligible through the VA's Character of Discharge Determination process before the VA will process your service connection claim.

Many veterans with less than honorable discharges are able to receive disability compensation from the VA, so this should not be a reason not to apply. For more information about this process, see Swords' Character of Discharge Determination Self-Help Guide.

TYPES OF SERVICE CONNECTION

Direct Service Connection

Most service-connected conditions are directly related to what happened in service. This means that your current condition came about during military service – that the condition began, the event or injury happened, or your symptoms began during service.

EXAMPLE

- You hurt your knee in service playing basketball and you still suffer from that same knee pain today.
- You experienced a near-death experience during a deployment that causes you to have PTSD symptoms today.
- You worked on a flight deck, and you have hearing loss today as a result of the loud noise exposure during service.

Secondary Service Connection

Secondary service connection is for conditions that arose **after** your military service but were caused by an already service-connected condition.

EXAMPLE

- You injured your left leg in service, resulting in constant pain and limited movement. Over time, you make up for this by putting more weight on your right leg. Eventually, your right leg is also strained and painful because of its overuse.
- Your service-connected diabetes las led to vision issues and high blood pressure today.

TYPES OF SERVICE CONNECTION

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Presumptive Service Connection

The VA automatically presumes certain conditions are service-connected if you served in a specific location during a set time period. In these cases, you only need to show that you have a current diagnosis and that you served in the qualifying place and time. You don't have to prove that your condition was directly caused by your service.

The VA also presumes some conditions are related to service if they develop within a certain time after you leave the military.

EXAMPLE

- You're a post-9/11 veteran who served in Iraq, and today you have chronic sinusitis. The VA will presume that this condition is connected to burn pit exposure.
- You're a Vietnam veteran who has Parkinson's today. The VA will presume this
 condition is connected to Agent Orange exposure in Vietnam.
- You began to suffer from psychoses within 1 year of your discharge. The VA will
 presume that chronic condition began in service.

Aggravation Service Connection

Usually, conditions that clearly pre-date service, such as those noted on your enlistment medical exam, will not be eligible for service connection. However, there is an exception to this for conditions that worsened beyond their "natural progression" by something that happened during your military service.

EXAMPLE

You had a minor right leg injury from playing football in high school. When you were in the military, you got into a bad motorcycle accident that injured your right leg pretty badly. You may still be eligible for service connection for that condition if you can show that your right leg injury worsened beyond its normal course because of the in-service motorcycle accident.

SIX STEPS TO SERVICE-CONNECTION

STEP 1: SUBMIT AN INTENT TO FILE FORM

The first step you should take is submit an <u>Intent to File</u> form. You have <u>one year</u> from the date you submit this form to submit your service connection claim application. If you turn in the application within one year, and your claim is successful, you will receive backpay back to your Intent to File date.

• How to File?

- You can submit it online through the Department of Veteran Affairs website.
- You can mail the form to the VA, using the address listed at the bottom of the PDF form. We recommend you get "tracking" on the mail so you have proof that it was received.
- You can also call and notify the VA of your intent to file through their VA Benefits Hotline at 800-827-1000. The line is open Monday-Friday from 8am to 9pm ET.
 - January 29th: You filed an Intent to File form
 - September 16th: You filed your service connection claim with all the supporting evidence that you've gathered.
 - November 23rd: The VA approves your claim

In this example, you will receive back pay for the full months that passed since you submitted the Intent to File (10 months - February to November).

If you hadn't submitted the Intent to File form, you would only receive backpay from the full months after you filed the claim (2 months - October & November).

STEP 2: GATHER EVIDENCE

Once you've submitted your Intent to File form, you should begin gathering evidence to support each of the three elements of service connection.

Request and Review Relevant Records

- If you don't already have your military records you can request them online, or you can submit an SF-180 in the mail.
- It is also helpful to request any relevant VA or civilian medical records that may support your claim. You can <u>request your VA medical records online</u> or you can submit <u>Form 10-5435a</u> in the mail. Contact your civilian medical provider to determine their records request procedures.
- Once you receive these records, you can read through them and pull out the pages that are helpful to include with your claim filing like those documenting your inservice symptoms, or your current diagnosis of the claimed condition.
- VA Will Request Records For You. Although it is helpful to request and review your records before your file, the VA is also required to obtain certain records for you in connection with your claim.
 - As part of your claim the VA will obtain your Official Military Personnel File (OMPF) and your Service Treatment Records (STRs)
 - If you receive treatment or have a diagnosis from a VA provider, include your dates and locations of treatment on your claim application and the VA will automatically request those medical records.
 - If your treatment or diagnosis was from a civilian provider, you will need to send the relevant records to the VA along with your claim application. However, you can send in a <u>signed release of information</u> using <u>VA Form 21–4142</u> with your claim application allowing the VA to request those records on your behalf.

STEP 2: GATHER EVIDENCE

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Letter of Support from Your Doctor

You can ask your doctor to write you a letter saying that they think your disability is connected to your service. This is called a "nexus" letter. Some doctors are open to helping veterans with letters like this, so it is worthwhile to ask. This letter should include the following:

- The doctor's credentials and information about how long they've been treating you.
- Your diagnosis and information about the severity of your current symptoms.
- And, most importantly, that in their professional medical opinion your current
 condition stems from your time in the military. They should offer as much detail
 about how they came to that conclusion as they can. Ideally, they should be able to
 say they have reviewed your military file in forming that conclusion. The key words
 the VA will want to hear from your doctor is that its "as least as likely as not" that the
 condition they're treating you for began or was aggravated in service.

Gather Letters of Support from Family and Friends

- Next, ask people who can support your claim to write letters on your behalf. This could include service buddies, friends, or family members.
- To prove service connection, you need evidence of three things:
 - A current medical condition
 - An in-service injury or event
 - A connection between the two
- Think about people from your past and present who can speak to one or more of these points. They can write about:
 - What you told them about your condition or the event that caused it during your service.
 - What they've observed about your physical or mental health, both in service and now.
 - How your symptoms have continued since your injury, showing a link to your service.
 - $\circ\,$ They can submit their statements using VA Form 21–10210 or in a signed letter.

STEP 3: WRITE YOUR PERSONAL STATEMENT

After you have obtained and reviewed your records and any supporting statements you should write a detailed statement about your claim that touches on each of the three elements of service connection.

This statement should include information about your:

In-Service Event/Injury:

- Describe the event or injury that happened during your service.
- Include any symptoms you had at the time and any treatment you received.
- Explain how it felt and how you managed your symptoms while in the military.

Current Condition:

- Explain how your symptoms have developed since your service.
- Include any treatment you've received after leaving the military.
- Describe how your symptoms affect your daily life, work, and relationships.
- If you haven't received a diagnosis or treatment yet, that's okay—you should still submit your claim. The VA is required to schedule you for an exam if you describe:
 - Your current symptoms,
 - The in-service event or injury, and how your symptoms are connected to that event/injury.

Nexus:

- Explain how your condition has been ongoing since the in-service event/injury.
- State that you didn't have these symptoms before the event/injury.
- Clarify that no other event or injury after service caused your current symptoms.

Use <u>VA Form 21–4138</u> to write out your statement and submit with your application.

If your claim is for a mental health condition related to a traumatic event in service, the VA has a special form – <u>VA Form 21–0781</u>. For more information about how to write this kind of support statement, see Swords' other self-help guide on <u>Writing Your Trauma</u> <u>Stressor Statement</u>.

STEP 4: FILE YOUR CLAIM APPLICATION

What and Where to File

- Once you have gathered the available supportive evidence, you are ready to submit your claim using <u>VA Form 21–526EZ</u>. Be sure to use the most up-to-date version of the VA form, and include all the information and evidence you want to send with your application.
- Note: If you are filing for service-connection for a condition that you've previously applied for and been denied, you will use a different application form <u>VA Form 21-0995 for Supplemental Claims.</u>
- You can submit your application online through the Department of Veteran Affairs
 website. Or you can also submit the application through mail, fax, or in-person at
 your local <u>VA Regional Office</u>.

Be sure to keep a copy of everything you submit via mail, and we recommend you send any correspondence to the VA via certified mail with tracking so you have proof that it was received.

 Filing instructions, including the VA's up-to-date address, email, and fax number, are located on the VA claim form. If you need help filing your claim, we recommend contacting your local Veteran Service Office.

For help finding a Veteran Service Organization, visit the <u>VA's</u> website to look through their list of VA-approved service organizations.

STEP 5: RESPOND TO VA LETTERS & ATTEND C&P EXAM(S)

VA Development Letters

- After submitting your claim, most VA updates will come by mail, but they may also call or email you. To avoid missing important updates, make sure your contact information is up to date and regularly check your mail, email, and voicemail.
- To update your information or check your claim status, call 1-800-827-1000. It's also a good idea to create a vets.gov account to track your claim online.
- The VA often sends "development letters" requesting more information. If you get one, respond as soon as possible—usually within 30 days of the letter's date. You can submit additional information the same way you filed your claim.

Sometimes these letters will ask for information you've already submitted. That's not uncommon. If that's the case, you don't have to resubmit what you've already sent.

Compensation & Pension (C&P) Exam

- In most cases, the final step in the process before you receive a decision will be attending a VA medical exam. This is called a "Compensation and Pension" exam, or C&P exam.
- You will be contacted about scheduling this exam via phone, email, or mail, likely by a contractor company such as VES, LSGS, OptumServe, or QTC (not the VA directly).
- Make sure to attend your scheduled exam or reschedule as soon as possible if you
 can't make it. Missing the exam can give the VA a reason to deny your claim. They
 will only reschedule if you provide a valid reason, so it's important to stay on top of
 any C&P exams.

STEP 6: THE VA HAS MADE A DECISION. WHAT NOW?

Next Steps in Getting your Service-Connection Benefits

Approved

If your claim has been approved, you will begin receiving payments shortly. Going forward, be sure to keep the VA updated with any changes in your contact or banking information. If you have a bank account, you should sign up direct deposit so the money can be consistently deposited each month even if you move or can't access your mail.

Unsatisfactory
Decision –
Denial, Low
Rating, Wrong
Effective Date

If you're unhappy with the VA's decision—whether your claim was denied, your rating was too low, or your backpay date was incorrect—you have one year from the date on the VA's notification letter to appeal.

If your claim was denied, the letter will explain why. These explanations can be confusing, but the VA likely found missing evidence for one of the three elements of service connection.

If you disagree with the decision, you should:

- Address what the VA says is missing. Either explain why you disagree or provide more evidence to support your claim.
- Submit your appeal within the one-year deadline to keep your case open.

APPEALING YOUR CASE

There are multiple appeal options available to you, and which option is best for you will depend on why your claim was denied and other factors. You'll want to review the appeal information included with the VA's notification letter.

We also recommend you seek the assistance of a Veteran Service Organization or an attorney for further guidance in preparing evidence for and submitting your appeal.

Remember - you have **one year** from the date on your VA Decision Letter to appeal the decision.

NOTES

Disclaimer

This memorandum provides general information only. It does not constitute legal advice, nor does it substitute for the advice of an expert representative or attorney who knows the particulars of your case. Any use you make of the information in this memorandum is at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this memorandum is current as of January 2025.

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