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Suggestions for preparing to file a service-connected disability claim with the Veterans Administration

Recent VA regulation changes require completing VA form 21-526EZ or VA form 21-0966, intent to file a claim. The form 21-526EZ (Mar 2018 or newer) is used if you are ready to file and have all supporting documents. The form 21-0966 (Aug 2018 or newer) should be used if you need to notify the VA of your intent to file but are not yet ready to file your claim. You have 1 year to file your claim(s) after sending the form 21-0966 to the VA. Your compensation clock starts when they get the form entered into the VA system.

You can find VA forms at <http://www.va.gov/vaforms/> It is suggested you print the complete forms, the including instructions. You can read it over and then complete the form online, save it to your computer. When saved and you wish to add to it or change something, be sure to resave it. Always keep a file copy of everything you give/send to the VA. Never send them original documents, send copies. Include a copy of your DD-214 to speed up the process.

Normally veterans can request their military personnel and health files from the National Records Center in St. Louis, MO. But they are at a very reduced staff due to the virus. They are only handling records requests on an emergency basis. Under normal non-virus conditions veterans can go to <http://www.archives.gov/veterans/military-service-records/> and fill out your request online. Where you see the block that asks what files or info you want, type in "**All military personnel and health files including discharge certificate or DD-214**". When you are done, they will send you an email confirming your request along with a signature request.

If you can access a fax machine it would be faster to send your written signature. If you don't have access to a fax, then mail them the page that says fax or mail this page, the other page says "don't send this page".

If mailing, it is suggested using the Post Office signature requested green card so you know they received it. When they get the signature approval they will email you again to acknowledge receipt.

If you are just getting started, you will have to assign a VA representative using VA form 21-22. The Claims Benefit Advisors can complete that form while they are speaking to you during your phone

appointment outlined below. However, you will need to sign a blank white paper then take a picture of it with your phone and have it ready to text to the Claims Benefit Advisor when they ask for it. Have a scanned to PDF copy of your DD-214 ready to email to them when asked for it.

If you are just getting started and the Claims Benefit Advisors has you set up in the VA system, you can ask them to file VA form 21-0966, intent to file a disability claim. Once that is entered in the VA system, you will have one year to complete your disability claim form.

Texas Veterans Commission
Conroe VA Outpatient Clinic
690 S Loop 336 West
3rd floor
Conroe TX 77304

Ms. Tracy Jordan, (retired Navy Chief) Claims Benefit Advisor.

Texas Veterans Commission (TVC) has recently changed their process for handling of disability claims. In the past we could just email the TVC Claims Benefit Advisor with our claim info and they would input it into the VA system.

The TVC management has made the change that Claims Benefit Advisors can only input claim information with a phone conference with the veteran.

Veterans must call the TVC Houston office or the TVC Waco office at the VA Regional Offices.

For the Houston VA Regional geographic area, call to book a phone appointment, 713-383-2756 and request an appointment with your familiar Claims Benefit Advisor or first available.

For those in the TVC Waco geographic area call 254-299-9950.

Chances are you will have to leave a message for them to call you back to book the appointment. Leave your full name and last four of Social Security number so they can pull up your info before they call you. Or explain that you are just starting a clam and need to have TVC appointed as your VA representative for all matters VA.

When the appointment is booked, the Claims Benefit Advisor will call you. Have your DD-214 PDF copy and Jpg picture of your signature ready to send to them. If filing a new claim or increase, have your claim and supporting documents scanned to PDF and ready to email when they ask you to.

For those who have designated or want to designate the Veterans of Foreign Wars as their VA representative contact your VFW State Service Officer's office.

Houston Regional Office, Terry "Mike" Eshenbaugh, 713.383.2750 or email terry.eshenbaugh@tvc.texas.gov

Waco Regional Office, Ms. Katina Cryer, 254.299.9959 or email katina.creyer@va.gov

It is imperative to advise you that compensation claims must be related to service connection or secondary to a service-connected disability. Veterans must furnish proof to the VA for the service-connected claim(s) being submitted even if the VA declares a presumptive condition. It is also possible to file a claim for an increase in a disability rating on a previously granted award if your VA granted condition has worsened and is documented.

The VA has a term; “Fully Developed Claim” (FDC): A program designed to rapidly process VA service-connected compensation claims.

The VA blog web site shows:

“1) WHAT IS FDC? A program designed to rapidly process VA compensation claims.

2) WHAT KIND OF RECORDS DO YOU NEED? Military personnel and treatment records are vital to establishing your claim for compensation. Military personnel records can contain deployment orders, pay records, combat pay, medals and certificates not reflected on the DD-214. Obviously, your military treatment records may keep a log of any conditions or injuries you suffered in service. Other federal records, like those from Social Security Administration (SSA), are often necessary too – they may contain a lot of medical evidence and sometimes even evidence as to the cause of a disability. Non-federal records, like medical files from your private doctor, are also important to establishing your claim. These can tell us the degree of your condition, if it has become worse over time and general information needed for rating purposes. You need to tell your doctors you need your files to file a VA claim.

3) WHY SUBMIT AN FDC? You get a faster decision because it saves VA time. When you file a claim, the law requires VA to make an exhaustive search on your behalf to obtain service records and other relevant evidence held by federal agencies and requires VA to ask at least twice for relevant evidence held by private parties, unless we get them on the first request. This translates into months of waiting for evidence before VA can decide your claim. By submitting all your evidence with your FDC, identifying any relevant records held by federal agencies and verifying that you have no more evidence to submit, you shave a lot of the wait time off the process.

With an FDC, VA will still collect all federal records you identify. **What we won't do is spend time asking for non-federal records like private medical files. We also won't ask for National Guard and Reserve medical and personnel records**, which are usually in the custody of your unit or state. So, if you are or were in the National Guard or Reserve, make sure you go to your units and obtain those records. Right now, it takes more than 300 days on average to obtain National Guard and Reserve records, and if you don't submit them with your FDC, they will have to process your claim the traditional way.”

Above the VA states “What we won't do is spend time asking for non-federal records like private medical files”. In most cases of service-connected issues become more of a problem as we age. Most probably you might have been treated by a personal physician. It is your job to get those related private medical files and submit copies with your claim so support it.

I suggest taking your time, think of any possible related service-connected medical issue you have had. List them and try to assign dates to them. Make a list of your medical doctors under that category including doctors' name, address and phone number. List any medical exams you had related to that issue. If possible, list when and where the exam was given. The doctor who ordered the exam most probably has a copy of the results or diagnosis in your file. If you have not seen the doctor in the last 7

years, the law does not require they keep your files active. They might have them on some sort of media storage or they could have been destroyed.

Obtain all medical records related to your service-connected disability claim. If you are successful and get them, make your own copies of them. Keep trying to remember any issues, consult with your family in case they remember something you do not. Don't forget any incidents/accidents while on active duty.

Sec. 161.202. FEES. (a) **A health care provider or health care facility may not charge a fee** for a medical or mental health record requested by a patient or former patient, or by an attorney or other authorized representative of the patient or former patient, for use in supporting an application for disability benefits or other benefits or assistance the patient or former patient may be eligible to receive based on that patient's or former patient's disability, or an appeal relating to denial of those benefits or assistance under:

- (1) Chapter 31, Human Resources Code;
- (2) the state Medicaid program;
- (3) Title II, the federal Social Security Act, as amended (42 U.S.C. Section 401 et seq.);
- (4) Title XVI, the federal Social Security Act, as amended (42 U.S.C. Section 1382 et seq.);
- (5) Title XVIII, the federal Social Security Act, as amended (42 U.S.C. Section 1395 et seq.);
- (6) 38 U.S.C. Section 1101 et seq., as amended; or
- (7) 38 U.S.C. Section 1501 et seq., as amended.

You could ask the doctor or medical facility if they will give you a copy of your records. You can tell them since you will be filing a Veterans Administration disability claim, the VA is going to request them anyhow, maybe if they will furnish them it will speed up the process. Does not hurt to ask.

When you have determined you have everything possible to support your service connected disability claim then the next steps are:

Write up a military history of your service, who, what, when, where, why and how. If you were injured, be sure to spell out all details and names of people with you if possible. List your campaign ribbons/medals/citations, combat awards, Purple Heart etc. List the possible who, what, when, where, why and how you suffered a service-connected issue. The best possible way to support a claim is to have been diagnosed by a VA doctor for that service-connected issue you are claiming. That includes claims for PTSD; you can call the VA Clinic near you and ask to be given an appointment with the mental health group for PTSD evaluation.

Many are confused since they receive treatment from a VA facility, they think that the medical staff will file a claim for them. The medical staff might recommend someone file a service-connected claim but they are not permitted to do it for you. You must file the claim.

Most of older veterans were not issued copies of their individual military personnel records including medical records when discharged as they have been furnished to younger vets now.

Note: Special Operations vets might not see everything on their DD-214 since they might have been under classified orders. There is a way to obtain those records or at least certification that you served in a combat operation.

Once you submit a service-connected disability claim, the VA will have to have copies of your records, they will put in a request to get them. Once your claim has been settled, you can fill out a freedom of information request to get copies of your military personnel, health records excluding DD-214 if needed.

There are a few VA forms that you can fill out online and save to your computer to use with your claim(s). If you save it then make changes, be sure to save it again.

21-526EZ Initial claim form, ready to file

21-0966 Intent to file, open, not ready to furnish back up files

21-0718 PTSD statement

21-4138 Statement in support of claim(s)

21-534EZ DEPENDENCY AND INDEMNITY COMPENSATION, DEATH PENSION, AND/OR ACCRUED BENEFITS

21-686c Dependent/spousal benefit (include a copy of your marriage certificate, children's birth certificates).

If you have any questions, please ask, don't assume.

When you are ready to file your claim(s) we will review your information and then if nothing additional is needed, we will direct you to an accredited representative. They might suggest additional information to assist you in the process. The VFW Post Service Officer is not authorized to complete your claim(s) rather to assist and guide you in getting them ready to file.

If you know of a veteran who might have service-connected issues, and is willing to get assistance, please give them a copy of these suggestions and ask them to contact me.

Sincerely,

Bob Plummer

Veterans of Foreign Wars

District 17 Service Officer

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713.737.5208

VFW Vision: Ensure that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.