

## ***VA Claims***

#1. Now that we have established the reasoning as to WHY we will be filing our VA claims in person, now I would like to discuss some of the different things that you will want to do before you even walk into your service officers office which will make your claims go through far more efficiently! The very first thing that you will want to do is collect copies of your military records which are often referred to as your C-File. We can get these free of charge by filling out this form below. Now if you served strictly in the Guard/Reserves and never did any call ups your records may end up being at the Adjutant Generals Office for the state that you served in, so you would want to contact them directly.

#2. Now that we have established how to request copies of your military records, I would like to point out an extremely common problem that older veterans (especially those that served in Vietnam & Korea) often encounter. See on July 12,1973 there was a major 3 alarm fire at the National Personnel Records Center (NPRC) in St. Louis! Between 16-18 million records were destroyed in the fire but manytimes the NPRC will automatically inform the fire when there records were obviously not destroyed. I say this because I have seen numerous cases where the veterans service ended AFTER July 12,1973 yet they inform them that they were destroyed! Furthermore the records that were destroyed were only as follows:

For Army- those that were discharged between November 12,1912 through January 1,1960. 80% of these records were destroyed.

For Air Force- those that were discharged between September 25,1947 through January 1,1964 with names that started alphabetically after the name Hubbard, James E. 75% of these records were destroyed.

#3. Once you have sent off your SF-180 to have both your military medical and personnel records sent to you, now it's time to collect any medical treatment records that you have generated by going to the VA for treatment. Now here is the thing, if you have lived in multiple places over the years, and been seen at multiple VA Medical Centers, you will want to send out a VA Form 10-5345 to each of the VA Medical facilities you have been seen at because oftentimes those records end up staying there. I say this because without making sure that you have ALL of your VA medical records, this can cause massive delays and the VA cannot make the correct decision without all of your medical evidence!!!

#4. A story that I often like to share with veterans that have been seen at multiple VA medical facilities is that: A few years ago I worked with a spouse whose husband was both a Vietnam veteran and an over the road truck driver. Now over the years he had been seen at numerous VA facilities yet everytime that he would try and file up a claim for his disabilities they would immediately deny them because they had very little treatment records for him. Now once his spouse stepped in I immediately had her send a VA Form 10-5345 to each VA medical facility he had been seen at which was close to 20 facilities across the U.S. Within a month or so, she received numerous packages that had records from numerous VA facilities which now showed extensive treatment for each of his injuries/illnesses over the course of the last 40 years!!!

#5. Now that we have discussed the importance of collecting both your military and VA medical records BEFORE you file your VA disability compensation claims, now its time to talk collecting your private hospital/doctors records. See what you can do in a very short amount of time will often take the VA several months to do if they even can get them! Which brings us to the VA's "Duty to Assist" laws.

#6. Under USC Title 38 in CFR 21.33 in Section #2. it states that: The VA will NOT pay any fees a custodian of records may charge to provide the records VA requests! Now in layman's terms this means that the VA cannot pay for medical records that both private doctor's offices and outside hospitals typically charge for. Hence under this rule, the VA effectively ties their hands behind their back, which when they tell you that: Don't worry about it, we will collect them for you, they cannot!!!

#7. I like to look at the "VA's Duty to Assist Law" as a great idea with bad intentions. I say this because it can be extremely helpful at times to veterans that have only been seen by VA facilities and in service, but the second that you are seen at an outside facility, it becomes impossible for the VA to get those records which will assuredly add several months or longer onto the amount of time that it takes to settle your claims! Oftentimes it takes the veteran several months to figure this fact out, which is why I always tell everyone to collect your records before you even file. Remember: A little bit of time and energy on your part can save a whole lot of waiting!!!

#8. Now that you have filed for all of your paperwork from the military, VA, private doctors offices and hospitals its time to get ready for battle!!! As where in war while serving in the military they use guns, tanks, airplanes and ships, in a paperwork war you will use pens, paperclips, highlighter pens and 3M stick it's. I often suggest visiting a local Staples to get the supplies that you will need. A proper inventory list is as follows: Paper, printer ink, 3M stick its, multiple color highlighter markers, 2X 3 ring binders with color tabs, a Medical Dictionary, 2X briefcases/backpacks preferably rolling and 2X flash drives. The next postings will explain what we are going to do to get and stay organized!!!

#9. A large part of the approach that I try and teach veterans is what I like to call the "PUT ME IN COACH" mentality. I say this because all to often the veteran just walks into their service officer/county benefits coordinators office and they say that "I am here to file a claim". Then they dump it into the laps of their service officer and then they question why its taking so long a few years later. I like to think that by helping to manage the variables, it can truly help to settle your claims both faster and with less errors. Which is where setting up your paperwork correctly can really come into play!!!

#10. When setting up your paperwork especially if you have multiple medical issues it really helps to make a key code first using different colored highlighter markers to point out each injury/illness. Example: High Blood Pressure in pink, back injury in yellow, and PTSD in orange. Then when you go through your records it really helps to point out the important things pertaining to each injury in that particular color which can make a thousand pages of medical files into a much easier process for the VA rater seeing as they may only need to find 10-15 pages of documentation with only a few lines on each page. Now an example of this would be pointing out your blood pressure readings within your records in pink and then typing up a spreadsheet which shows how your blood pressure has steady increased from 90/75 to 120/85 to 150/100 to ultimately 195/120 over the course of time.

#11. Once you have highlighted your records to point out your injuries and the severity of them I have found it to be extremely helpful to then use 3M stick its to place over the points that your trying to make. A simple note that states "Please look underneath to see my blood pressure reading is elevated" or "Notice the increased blood pressure reading". Then fold the tabs around the edge of the piece sheet of paper so that they can see the edges of it for quick reference. This will make it so that they can quickly realize which pages to thumb through.

While the rater has the option to read each page of your file, they will quickly see that your pointing out your case.

#12. When it comes to arranging your medical records I really like to have someone who is organized at the helm. I say this because organization is one of the major keys to getting it right the first time. Obviously you will want to arrange it by C-File then VA records, and then private medical records, then have it color coded by injury. I would also suggest having a medical dictionary handy if your not in the medical field. One of the things that I also like to do is use the veterans strengths, such as if their spouse works in office administration, or if their brother or sister works within the medical field. These are things that can be major assets when helping to organize or understand your evidence. Furthermore if there are clerical errors within your claims we will want to work at fixing these things as well. Such as if you were given an improper discharge characterization and you didn't realize it when you got out, we may need to file for a DRB better known as a Discharge Review Board.

#13. There are 2 main reasons as to why I like it when veterans here at "Veterans Benefits Support" get involved with their claims filings. #1. Nobody knows your injuries better than you!!! #2. It reduces the burden on your VSO/County Benefits Coordinator. Now at first glance I am sure that many of you are thinking "NOT MY PROBLEM!!!" Look at it this way though, if the most time you will have with them when you file is 30 minutes to an hour, it really is in your best interest to have everything in order when you walk in the door. Look, if you want to spend 59 of those minutes explaining everything to them thats your right, but if you have everything nice, neat, and in order you can then explain your case in roughly 5 minutes with all of your evidence at their finger tips, which leaves 55 minutes for them to perfect your paperwork!!!

#14. Once your paperwork is arranged properly using the color coded system, with a typed written page explaining your arguments it should tell a pretty convincing story of how your injuries started in service, or at least how you were exposed to the cause of your current illnesses in service. While sometimes especially with presumptive illnesses you merely have to show that you were stationed in say Vietnam or Iraq which is where you were exposed to chemicals or environments which are now causing your current presumptive illnesses, especially when it comes to specific injuries, you will want to point out incident reports, treatment records, and witness statements as well if you have them!!!

#15. Now that we have discussed the filing aspects of VA disability claims, now it's time to have a discussion about lay evidence in your claims. Years ago a friend of mine once made a statement to me that I always remembered which was:

"Alan if 2 people are standing in front of a car and one says its blue and the other says its green, well, maybe it's blue or maybe its green. As where if 10 people are standing in front of a car and they all say that it's blue, buddy the car is blue!!!"

Which is where lay evidence helps come into play, because there are several forms of lay evidence that can help your claims to help them to better understand from first hand accounts as to what is going on with your injuries. These next postings will be about things that can help.

#16. The first thing that I like for the veteran to do is to sit down and write out what happened to them if possible. I do this because many times they end up telling their story over and over again which in many cases can continually re-trigger the emotions. Therefore by having a copy of it, they can oftentimes just have the doctors refer back to the lay statement. Additionally this can be your opportunity to speak directly to the VA rater, as it can be submitted into your claims. I like them to be 3-5 pages tops, and very direct while using plenty of descriptive wording to help tell your story.

#17. Next up you have witness statements which are often referred to as buddy letters from others that you served alongside which have direct knowledge of your injuries and how they happened. Now think about this in civilian terms of if a car wreck happens. When a bystander witnesses the wreck happening the police often have them write up a witness statement so that they can recount how things happened. A good witness statement has direct knowledge whether it be that they saw you using Agent Orange or they witnessed you fall down a flight of stairs. Other things that can be helpful were if they took you to medical that day, were the MP that took the report that night, or at minimum if they remember everything surrounding your injuries and that they remember you were on crutches for 6 months. One major thing to remember though is that they have to have direct knowledge and they will need to notarize the statement so that the VA will know that they wrote it!!!

#18. Probably the 2 worst buddy letters/witness statements I have ever heard of were from a veterans mail man in explaining his difficulties in going to get his mail, and from a bag boy that could attest to the fact that he needed help with taking and loading his groceries into the veterans car. See if your going to go through the motions of having one written and notarized, it really makes sense to use people that were either there when you were injured, that were there when you were exposed to chemicals (that you can prove they were actually there), or that have direct knowledge of your injuries such as a family member that see's your struggles on a daily basis that can contribute factual information...

#19. I remember the very first day that we set up a Facebook account, the very first thing that I did was, I looked up the USS Independence CV-62 and then several veterans that I served alongside. I quickly realized the power that was there not only to reconnect with old friends, but more importantly to track down witnesses to your injuries!!!