

VA and C&P Exams

#1. Now that we have discussed how to file claims, and introduce your lay evidence into your claims, its time to discuss the next step in the claims process, which are C&P exams!!! Each year we assist thousands of veterans in preparing for their C&P exams which is really the meat and potatoes of your disability claims.

#2. Ever hear the saying "I am going to see a man about a horse???" That is the first thing that comes to mind when I think of a Compensation & Pension (C&P) exam. I say this because although they are never any fun for the veteran, they are your best opportunity to state your case in person to a VA employee that has the power to make the decision within your claims. Now before anyone points out that they do not decide your claims personally, their decisions have a direct impact on how the rating decision team decides yes or no, and if yes, at what percentage!!!

#3. When I prepare veterans for C&P exams, I always tell them the same thing. I do not want you to lie but I do not want you to tell the truth either. What I want is the god's honest truth. You know the truth that hurts to talk about. That painful truth, you try to tuck away so that nobody sees. That truth keeps you up at night, and that truth that you often hide from the outside world because you're worried of how other will perceive you if they knew exactly what's going on inside of you!!!

#4. I have always found that there is a lot of gamesmanship when it comes to C&P exams on the VA's part. Which is why when I prepare veterans for C&P exams, I look to coach each veteran up on how to take away the VA's home-field advantage. I call it their home-field advantage because the VA gets to call the time, the place, and the doctor's they want you to see. That alone provides them with a serious advantage because you don't get to pick exactly when and where that you're going to be at your absolute worst, both physically and mentally. Which is where coaching comes into play. These next postings will be about how to overcome their home-field advantages!!!

#5. Example: Let's say that a veteran has a bad foot. Well as someone that has had this issue for close to 20 years now myself, I know that certain conditions make it far worse than others. The worst of which is that while at 9:00 AM my feet are not in very much pain, but by say 5-6PM they are shot each day, and I can barely stand and am in pain with swelling. Therefore when the VA schedules you

for a C&P exam at 9:00 AM, it can really help to factor in that in 8-9 hours ahead of time, which if you woke up at say midnight the night before, then had your normal day, then by 9:00 AM your feet will be exactly where they normally would have been at come 5-6PM!!!

#6. Next up we have the dreaded hearing tests for Tinnitus and bilateral hearing loss. These are done with hearing exams. In these tests the examiner takes you into a nice, quiet room (which is not indicative of the outside worlds noises), and then the person administering the exam will tell you to push the button/raise your hand anytime that you think you hear a noise. Now allow me to point out the word "THINK". I simply ask that you do it when you hear the noise when you're sure, not when you think you hear it. See, veterans are competitive by nature so we want to win. By winning this though you're actually losing, because you're giving a false reading because you often tend to push the button if you hear anything or not, because you're trying to win!!!

#7. The second version of the VA's hearing test uses words such as hammburrgaaa and basseballlll. I intentionally misspelled these words because this is what they sound like when you have hearing problems during the test. Now, obviously these are words that you learned in 2-3 grade and they are extremely easy, which is why they are the ones they use during the hearing exam. Now, the examiner will tell you to say whatever word that you hear once the test starts, and being competitive your critical thinking skills will help you to formulate what words are being said, based largely in part on the number of syllables in the word, which letter you hear first to start the word, and common sense which helps to string it together. Meaning that if they used the words "High Fructose" or "Riboflavin" the majority of veterans would get those words wrong. Moral of the story is that if you're not sure, do not venture a guess because even when you guess when I say peeenuttbutta? You guessed right if you think it goes good with gellleee!!!

#8. One thing that I often like to point out to veterans that are preparing for C&P exams is that the Compensation & Pension examiner is not your friend! I say this because oftentimes the C&P examiners like to make simple, friendly conversation with you that can later be taken out of context to harm your claims. While I never endorse being hostile or angry towards the examiners, I do feel that you should pay close attention to what you say to them, because it can and oftentimes will be used against you!!!

#9. Yesterday I pointed out that the VA's C&P examiners are not your friend. To further expand upon this point, oftentimes little things such as asking how your doing? Did you catch the football game last evening? Or did you have a good ride here this morning? Are all examples of questions that can easily be misconstrued once you answer them. I say this because then the doctor could notate that the patient is doing well, they enjoy sporting events, or that the patient is in a good mood and is pleasant!!!

#10. Especially when it comes to newer veterans, I like to point out that when you were deployed to Iraq or Afghanistan that when you were on base you felt one way versus when you went outside the wire you immediately put your guard up and were ready for anything! When you arrive at the C&P exam center the exam starts from the moment that you drive into the parking lot. Take here in Orlando they have the C&P exam center outside of the main building in a freestanding building that is away from the mail hospital. They have parking right in front of this building as well so that anyone parking in this section of the parking lot will be headed into the C&P center specifically!!!

#11. Here in Orlando the VA's C&P exam center is several trailers configured together to make a giant building. When you go inside there is a check in area and behind the secretary there is a door on the left and one on the right. Once the examiner comes to get you they take you through the door and down the hall which is approximately 25 yards long. Now I would like to point out that the hallway is approximately 25 yards long but then once you turn down the next hallway it's another 25 yards, then another turn and another 25 yards long which creates a giant horseshoe. I mention this because during my very first C&P exam, the examiner had me walk to the end of the first hallway, then he told me that it's just around the next turn. By the time I got about halfway down the next hallway, I could barely take another step, and was completely out of breath and leaning up against the wall, and he looks back at me and informs me that it's just around the next turn so that we are almost there! I informed the examiner that he needed to get me a wheelchair to which he protested and asked me to just continue. I informed him that we could have the exam in the hallway instead, and I sat down on the floor. He immediately went and got a wheelchair for me instead, but afterwards it occurred to me the reason why he took me the long way. It was so that he could document that I could walk 75 yards. I would also point out that once he finally wheeled me into the exam room his was the very first exam room next to the other door, which made me realize he was

taking me the longest way possible, instead of just walking through the other door to which his was the very first exam room!!!

#12. When it comes to C&P exams, the devil is often within the details. A great example of this would be how you dress for the examinations. There are 2 basic schools of thought when it comes to how you dress. #1. Is to wear dress up for the occasion (which is not advisable), versus wearing clothes that you pulled out of a dumpster (which I do not buy into either). What I tell people is that you're not going to prom that day, but I want you to dress normal, but down a little. There is no reason to iron your clothes because we are not there to impress anyone. Basic clothes nothing flashy, neutral colors, and no jewelry. Shower the night before, but if you forget to put on deodorant that morning, no big deal, right? If you normally shave every 3 days, don't shave on their account, but if your normally clean shaven, do not grow a ZZ Top beard on account of this exam either. Do not wear cologne or perfume, but also do not go in smelling like booze or cigarettes either. Smells are important, because they help to set the tone. I like to beat C&P's on their merit, but I am also not trying to let them form opinions based on first opinions as well.

#13. Many times during C&P exams, there are tricks the examiners use to get a measured response from the veteran. For example: I have had examiners drop a pen on the floor trying to measure if I would flinch to bend over if the veteran has a bad back. I have seen examiners go so far as to document it that "The veteran leaned forward, and had I not been here they would have as likely as not just picked it up off the floor." Another example would be when during Psych appointments where they cut you off several times when your answering just to try and get a response out of you, to see if you have anger issues associated with your PTSD or not.

#14. One of the major keys to being successful in C&P exams is to not let them sidetrack you! Look when you're seeking a service connection from the VA that means you're seeking compensation for your injuries that are connected to your military service. Oftentimes they will try and talk about your childhood or things that have nothing to do with why your there. Which is why it helps to retrain their line of questioning back to what caused your injuries and how it relates back to your military service. For example: If the examiner asks you about your childhood? Look my childhood was fine, but that's not my problem. My problem is that the military had me kill "X" number of people, and I got blown up 5 times! When they ask you about any old football injuries? Nope, I never played

football, but I did hurt my back once when I fell 20 feet from a helicopter and landed on my back, then had to get seen in medical on June 23,2005!

#15. Yesterday we were discussing how to keep your C&P exam from getting derailed by the examiner asking questions that have no bearing on why your there in the first place. I brought this topic up for discussion because years ago it happened during one of my exams. During a C&P psych appointment the examiner asked me a very open ended question which had no bearing on why I was there. She then began asking dozens of questions strictly on that single topic and used up the entire appointment talking about this. After answering dozens of questions (completely honestly, I might add) she then documented everything in a way to make me out as a liar. Then the VA attempted to lower my ratings based on her recommendations which I was able to stop, because I had ER and medical reports which proved that this incident happened exactly as I had said. Furthermore, this incident had zero bearing on why I was there in the first place that day!!!

#16. Please click on the link below which will give you a list of what are called "DBQ Forms," which stands for Disability Questionnaire Forms. These are forms that the doctors fill out to evaluate your injuries and the severity in which they impact you. If you pull up the PTSD "DBQ" you will want to pay close attention to page #6, question #6. which asks if the veteran is capable of handling their financial affairs, as this is the question that often leads to the VA wanting a fiduciary.

http://www.benefits.va.gov/COMPENSATION/dbq_ListByDBQFormName.asp

#17. Disability Benefits Questionnaire's (DBQ's) can be very useful when it comes to preparing for C&P exams because they provide you with somewhat of a blueprint of the types of questions that your likely to be asked during the C&P examination for that injury. Now personally, I keep a journal with notes in it that I often refer back to, seeing as my medical records are pretty extensive after having 2X multiyear hospitalizations for my illnesses. Therefore having a quick reference guide that I can refer back to which has been extremely helpful over the years to remind me of specific dates, doctors names, surgeries, hospitalizations, etc. This way when I am preparing for my exams, I can go back over the important highlights ahead of time, to remind myself of everything that is relevant to that particular examination's injuries.

#18. When preparing for your C&P exams I have always kept a journal, but for those of you that do not keep journals, I suggest going back through all of your military and VA treatment records prior to your C&P appointments. I say this because it really helps you to keep from showing up with a knife to a gun fight (metaphorically speaking). Nothing states your case better than knowing the exact incident, treatment, surgery, and any other types of dates that are relevant to your claims. I say this because years ago I had a C&P examiner that insinuated that I was lying, until 10 seconds later when I pulled out the exact medical records that 100% proved that what I was saying was the absolute truth! I knew exactly where to look seeing as the day before I had looked at those treatment records, and knew exactly where they were inside of my rolling briefcase, which completely caught her off guard when I pulled the exact record that I needed within 10 seconds!

#19. Now that we have discussed how to prepare for C&P exams and how to avoid gamesmanship during these exams, let's spend a little time discussing what I like to call "The moment of Truth." During your exams there is always that moment just before your exam is finished where there is an awkward silence. It typically comes when the examiner looks at their computer and begins to type or they are getting ready to fill out some paperwork. I like to use that moment to ask a simple question, which is: "How long do I have to wait to file my VA Form 10-5345 to request copies of your examination notes?" I like to ask this because it lets them know point blank that you will be reading exactly what they write down. It also implies that you're going to be watching carefully, so that any mistakes which are made will be challenged!
http://www.va.gov/vaforms/search_action.asp?FormNo=10-5345&tkey=&Action=Search

#20. First off, I would like to say that I am a fan of having a loved one in the C&P examination room with you as a second set of eyes and ears to help you remember everything in detail. That being said, when you leave your exams you should write everything down in a journal so that you can remember everything in as much detail as possible, for future reading. I say this because I personally have had several occasions (not necessarily in C&P exams but in general) where I specifically had said one thing, while another was documented. For example: What was my pain level on a scale of 1-10. 1 Being no pain at all and 10 being excruciating pain. While that day I specifically said it was an (8), the nurse documented it as (2). Which is why when I requested the records and went back and challenged it the same day, after pulling out my journal with

every question, with answers, staff members name, and exact times that I was seen, with a brief description of what the each staff member looked like, and which witness I had present. They quickly changed it in their records.

#21. Sometimes when I discuss keeping track of paperwork and watching over what they are entering into your claims files, it may come across as if I am OCD or that I am a conspiracy theorist. I am neither actually. What I am is someone that has been through it my-self and I have seen firsthand what a single piece of bad or incorrect paperwork can do to your claims! We became advocates years ago largely because nobody would help me when I needed it. My case was extremely complex, with thousands of pages of medical documentation based on 4 years-worth of hospitalizations. In the face of thousands of medical documents, statements from literally dozens of medical professionals that worked in every specialty field you can imagine, and while I was in a hospital bed in an ICU ward, they still continually denied my claims based on a single medical evaluation that was WRITTEN BY A NEUROSURGEON THAT HAD NEVER EVEN SEEN ME ONCE!!! So when I say to watch what is being entered into your records, I assure you that my concerns are valid.