

Steps To Take In Filing a VA Claim:

Many claims for VA benefits are denied because the claimant does not submit a full and complete claim backed by all required information and evidence to support the veteran's claim. The VA requires detailed documentation proving your disease or disability is somehow service connected; general statements about your service that are not supported by evidence will almost always result in a denied claim. Having a medical professional provide a "Medical Nexus" to active duty service is probably the most important part of the claims package. Using a "DBQ Form" is very useful in obtaining that statement from an outside doctor.

Most forms can be downloaded on the VA website at <http://va.gov/vaforms/> . Follow all instructions. Mail the form/s and all supporting evidence to the nearest regional VA office (address/s can be found on their website). Be sure to write your social security number on each page – that's how the VA tracks your claim. Once submitted, the VA will send you other forms to file with them. The VA will supply you with a form for your personal statement. A letter of instruction will also be enclosed with the additional forms. Be sure you closely follow all instructions for your particular claim.

If it is at all possible, have every bit of documentation and every form required by the VA included in your submission. This constitutes a "Fully Developed Claim" and can be processed much faster. It essentially provides the VA with every bit of evidence they will require to rate your claim and it completely avoids the long process of 'claim development.'

It is advisable to use the services of a Veteran Service Officer, who can review your paperwork to ensure it is complete. But your claim is YOUR Responsibility, so plan on doing all the homework and evidence gathering that will be required to file a complete claim. The use of a Veteran Service Officer (VSO) in the actual submission of the claim can provide you with a means of tracking the status of the claim and for 'getting it unstuck' if it appears to be lost or delayed within the VA System. But find a VSO who you know will support you; and don't WAIT on the VSO. First complete the required forms and collect the required documentation, then take it to a VSO and ask them to directly submit the claim to the VA. If they agree, and you feel they will be supportive, ONLY THEN sign the Form 21-22 that gives them the Power of Attorney to represent your claim. If you don't find this support, even after 'shopping around', then move forward with it yourself.

Include your Social Security Number: VA identifies you by your SSN; put your SSN at the top of each page. It is also advised that all mailings to the VA be sent registered mail with return receipt. This insures they did in fact receive the forms.

For most VA claims, the veteran must prove a direct connection between their disease and their military service. However, many Vietnam Veterans and Nuclear Veterans have been granted Presumptive status for those diseases recognized by the VA as being related to Agent Orange or Ionizing Radiation. These Veterans don't have to prove a connection between these diseases and their service to be eligible for disability compensation. Their survivors also may be eligible for survivors' benefits if the Veteran dies as the result of one of the presumptive diseases. The list of diseases that can be tied back to Agent Orange exposure can be found at: <http://www.publichealth.va.gov/exposures/agentorange/conditions/> .

The amount of evidence that the Veterans Administration (VA) requires for proving a claim can be mind-numbing. This likewise may also apply to the widow of a veteran when applying for Dependence Indemnity Compensation (DIC). Children of a veteran who are disabled due to presumptive exposure by way of conception might also apply for compensation.

Evidence: The VA will require evidence of service: DD-214, Lists of service medals; especially the Vietnam Service Medal (VSM). The VA has a form for your personal statement, VA 21-4138. They will want to know if your exposure to Agent Orange was related directly to your active duty service.

The key factor for Navy and Fleet Marines is proof of boots-on-ground. That means you actually stood on a dock or pier or on the soil of Vietnam. In many instances, if you did, there will be no documentation of that event. In those cases, you can make a Sworn Statement using Form 21-4138, that you had boots-on-ground. And provide details of how you got ashore, what you did while ashore, and how you returned to the ship. At this point in time, being in the Territorial Waters of Vietnam, or just being in a harbor (EXCEPT for the inner harbor at Qui Nhon) is not enough to warrant the required "presumption of exposure to herbicides." Being in the Territorial Waters of Vietnam or in a harbor MAY become pertinent if current legislation (HR-543) is passed by Congress. But until that time, the boots-on-ground rule is absolutely important.

Medical Evidence: Doctors' reports for your medical condition. Only medical conditions listed by the VA are accepted that are related to Agent Orange exposure. The VA will normally request medical reports from your doctors. You sign a release form for them to do this. However, it is your responsibility to ensure that your doctors comply. Go to any non-VA treatment center and obtain a copy of your treatment records. Then take the pertinent parts of that medical record and submit them directly to the VA. Don't leave it up to the doctor's office to submit the records; they often send incomplete or irrelevant information. Take responsibility for your own claim and obtain this information yourself. Then make it part of your complete claim package you submit to the VA.

Military Evidence: DR-211 is a must. Transfer orders to Ship, Unit or Command. Award of the Vietnam Service Medal, Personnel files that show your service onboard ship or on land or Air Wing.

If you do not have these Military records, they can be obtained for all branches of the service from:

National Personnel Records Center
1 Archives Drive
St. Louis, Mo. 63138-1002
Ph# 1-866-272-6272

You can use the on-line form to request your records at <http://www.archives.gov/veterans/military-service-records/> . Specify that you want ALL your military records. Emphasize that you want all travel orders, Duty Stations and other evidence of Vietnam (or other foreign-based) service. Also state that you need these records for a VA Disability Claim.

Other Military Evidence: Deck Logs, Navy, Fleet Marine, Coast Guard: Onboard ship, deck logs are important. They record the operations of the day, to include ship's location at sea; Headings, and Longitude and Latitude. These sailing details can be mapped out. Some deck logs can be found on line at <http://www.bluewaternavy.org/shiplocater.htm> .

Land based and air wing commands also have log records. It is best to contact the Archives first:

Archives 2 Reference Section, Textual Archives Service Division
National Archives

8601 Adelphi Road
College Park, Md. 20740-6001
Ph# (301) 837-3510 Fax#(301) 837-1752
E-mail: archives2reference@nara.gov

Additional Evidence: We all had buddies we served with. A buddy who served with you can provide evidence for your claim with a sworn statement, known as a Buddy Letter. This does not have to be notarized if it contains the phrase from the 21-4138, which says: "I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief." Your buddy can testify about how you may have come in contact with Agent Orange or Ionizing Radiation. Your Buddy Letter must be brief but specific in detail about approx. dates, locations, commands attached to and how possible contact was made. Your buddy can comment on anything that is observable to the ordinary observer. However, unless he can provide credentials, he cannot make statements regarding a diagnosis of an illness. Your wife can write a Buddy Statement that observes any change to your behavior if she knew you prior to your active duty service and after your active duty service.

Hope you find this summary helpful,

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