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IS YOUR VETERANS SERVICE OFFICER DOING HIS JOB?

- 1) Make sure that your Service medical records are ordered and reviewed. How can a service officer know what to tell the veteran to file for if he hasn't reviewed the service medical records? Usually a vet can't remember what his diagnosis really was and they often forget important things like the hepatitis they had.
- 2) Make sure your Service personnel records are ordered for claims such as PTSD, exposure to ionizing radiation and claims where misconduct or line of duty investigations were involved. You cannot count on the Regional Office to give you a fair shake in those cases if you don't provide dates, times, places, etc.
- 3) Make sure all Civilian medical records are ordered and submitted with the claim. You have to prove continuity of the disability from the time the disability was incurred until the present time. That requirement really isn't fair in the case of chronic conditions such as migraine headaches but that is what they want. You also have to have "current" medical evidence. They love to send them back disapproved for lack of current medical evidence.
- 4) Personal affidavits are not used nearly enough. If the affidavits are sworn and notarized then the RO (Regional Office) is required to give them consideration. They also carry a great deal of weight with the BVA. (Board of Veteran Appeals)
- 5) Make sure all Notices Of Disagreement are properly prepared. Far too many NOD's consist of about three sentences with the last sentence asking for a statement of the case. I believe that the NOD should be as strong as the appeal. It makes them really take a good second look at the claim. The NOD should also request review by a Decision Review Officer and a hearing officer hearing if the vet can make it to the RO. The US Printing Office sells a disc titled Board of Veterans Appeals, 1994-1996, for \$15.00. These decisions can be searched by subject such as "hepatitis" and you can see recent decisions of the BVA and why they denied or remanded certain claims. You can create a tight NOD with that disk. An update to that CD from the Government Printing Office is available: 051-000-00215-6 = BVA 96-97 decisions Call GPO at 1-202-512-1800. I recommend getting both CDs.
- 6) In far too many cases the appeal is pathetic. The VSO should research similar cases that were remanded and base the appeal on those cases. The RO's are catching hell about their remand rate and they appear to be taking a hard look at appeals that are well founded and properly prepared. The whole idea is to keep a claim from going to the BVA where it will languish for years.
- 7) Well grounded claims that are denied are usually poorly prepared in the beginning. It is a lot easier on the vet and his family if the claim is well prepared in the first place. It is your right as the veteran to review all documents before they are sent to the RO. If you disagree with what is written they let your VSO know this and tell him to change it. Make sure EVERY ailment or injury you are requesting compensation for is listed. Request copies of everything sent to the RO.
- 8) Request a copy of your C-file from the RO. This is information on you and you have every right to a copy of it. Just write a letter to the RO and put PRIVACY ACT REQUEST across the top and bottom of the letter in large cap letters. They have ten days to respond under the act. If they don't, you can drag them into federal court for failure to comply.