

Veterans Benefits Administration



The Claims Process

Bradley Flohr

Assistant Director for Policy, Compensation and Pension Service

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VA Compensation Claims Process

The VA determines existence of chronic disabilities incurred or aggravated by military service. VA compensates the veteran for the residuals of such disabilities.

Three requirements for a grant of service connection

1. An in-service event (incurred or aggravated),
2. A current condition, and
3. A medical nexus establishing a link

Components of Claims Process

- Claims
- Duty to Assist
- Decisions & Notices
- Reconsideration

Duty to Assist Overview

- Veterans Claims Assistance Act of 2000 (VCAA)
- VA has a statutory duty to notify and a duty to assist a claimant develop evidence

Service Connection

- Direct
- Aggravation
- Secondary
- Presumption

Key Principles of Compensation

- Disability need not be caused by military duties
- Independent of any military disability rating
- Tax-free
- Presumption of soundness
- Benefit of the doubt

Presumptive Service Connection

- Veterans must generally prove disability resulted from injury or disease in service
- Presumptions of service connection relieve veterans of burden of proving service incurrence or aggravation
- First presumptions created by statute in 1921 for PTB and NP disease diagnosed to a degree of at least 10% within two years of service separation

Types of Presumptions

Chronic Disease (38 CFR 3.309(a)) – 40

Tropical Disease – 17

Agent Orange – 11 disease categories

POWs – 18

Radiation – 21

Gulf War – undiagnosed illnesses plus

Mustard Gas and Lewisite - 14

Presumptions are rebuttable