**How to Improve Your Chances of Winning Your VA Disability Claim**

Presented by

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**How to Improve Your Chances of Winning Your VA Disability Claim**

1. General

1. Use a resource to help file or re-open your claim.
2. This speech will focus on things you can do to improve your chances of winning your application.
3. Today we will cover:
4. What you must prove to win a disability claim.
5. How to prove the link between a current disability and an in-service connection.
6. Evidence that you may consider providing to the VA.
7. VA Duties that benefit you and your application.
8. The Compensation and Pension Examination.
9. Disability Claims
10. A Veteran must prove:
11. A medical diagnosis of a current disability.
12. Evidence of an in-service occurrence or worsening of an injury or disease.
13. A link between the in-service incident or the worsening of the disease and the current condition.
14. Once this is proven, the severity of the disability is determined and an impairment rating is assigned.
15. Proving a Link
16. You must show that, “it is as likely as not” that a current disability was caused by an in-service occurrence.
17. A 50/50 proposition.
18. How to make this link.
19. Show something is directly noted in your service records.
20. Show that you were in good health on your induction examination.
21. The VA has established several presumptions that can be used to establish a link between an in-service occurrence and a current disability:
22. Anything that a Veteran says happened during active combat is presumed to be true.
23. Agent orange exposure is presumed if one had boots on the ground in Vietnam between 1962 – 1975.
24. If a Persian Gulf Veteran has an undiagnosed illness, the illness is presumed to be service connected.
25. Malaria, dysentery, etc. are presumed to be service connected if a Veteran served in the tropics.
26. Proving Your Claim – Evidence
27. The Claims File
28. Request your file from the Regional Office nearest you.
29. You are entitled to one free copy.
30. It typically takes 90 days to receive the file.
31. Acquire your DD 214.
32. Request a copy of your Social Security Disability file.
33. Request a copy of your Texas Worker’s Compensation file.
34. Request your medical records from all VA Clinics or Hospitals.
35. Request records from any and all private physicians that you have seen following your discharge.
36. Attempt to acquire your service medical records.
37. VA Duties that Benefit You
38. Duty to Assist
39. If your Application is incomplete, the VA is required to notify you what information is needed.
40. The VA has an affirmative duty to obtain evidence necessary to substantiate a claim for benefits.
41. The VA must make reasonable efforts to acquire missing records.
42. The VA must search until it is confirmed that the records do not exist.
43. Duty to Conduct Medical Examinations
44. Once a Veteran shows there is insufficient evidence to make a decision, the duty to provide a medical examination is triggered.
45. Duty to Provide Notice
46. Regarding how the rating process works.
47. Regarding the procedure for obtaining a review of a decision.
48. The Compensation and Pension (C & P) Exam
49. The Veteran must submit to the examination.
50. The Veteran has a duty to be honest regarding symptoms.
51. Thoroughly and honestly report the following:
52. Employment and retirement history
53. Substance abuse or self-medication
54. Lack of treatment or gaps in treatment
55. Symptom continuity
56. Resources
57. Abanet.org/vetaffairs
58. Nvlsp.org
59. Mentalhealth.va.gov - mental health services for Veterans
60. Nationalresourcedirectory.gov - directory for ill and injured Veterans
61. Oefoif.gov - resources for Veterans from Iraq and Afghanistan
62. Ptsd.va.gov/public/index.asp - PTSD and trauma assistance.
63. Texas-veterans.com - Comprehensive web-site for Veterans benefits.
64. Militarylawsection.com - Resources for Texas attorneys representing Veterans.
65. Lawyersservingwarriors.com/images/survivalguide.pdf - Resource for analyzing statutes and rules
66. Servicemembers.gov - links to federal laws affecting service members and Veterans.
67. Www1.va.gov/opa/publications/benefits\_book.asp - Summary of benefits available for Veterans.

1. Texasbar.org/legal/library/veterans - Information on the rights of Veterans in various situations.
2. Texvet.com - Federal, state and local organizations that focus on providing Veterans a wealth of information.
3. Window.state.tx.us/taxinfo/proptax - Provides information on exemptions available to Texas property owners
4. JCBA.org – Web-page for the Jefferson County Bar Association