VA Disability 101

A VA-Accredited Lawyer Walks You Through the Basics of VA Disability

By Neil Woods

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Table of contents

Table of contents

Table of contents

Legal disclaimer:

This book does not constitute legal advice nor does it establish an attorney-client relationship between the author and the reader.

Chapter I:
Getting to Know the VA Disability System

Section 1.1

What Is VA Disability and Who Is Eligible?

VA disability is a tax-free monetary benefit paid out to qualifying veterans each month by the Department of Veterans Affairs (VA).

It's just one of a wide range of benefits the VA offers, designed with the intent of supporting our service members as they re-enter civilian life. VA disability is specifically intended to help veterans who leave service with a new or worsened health problem.

Other VA Benefits Include:

- VA health care
- Veterans Readiness & Employment (VR&E) program
- Burial allowance
- G.I. Bill
- Travel allowance for VA appointments
- Home loans
- Grants to adapt housing for disability needs

The list above is just a sample of the VA benefits available to veterans. While my firm focuses on helping veterans receive VA disability, I would encourage you to contact the VA, use its website, or contact a Veterans Service Officer near you to learn more about all the benefits you may be entitled to and how to sign up for them. There are many benefits that may be helpful to you as well as your family.

Questions about other VA benefits?

Talk to the VA

Explore va.gov

Contact a Veterans Service Officer near you

In 2026, payments for an unmarried veteran with no dependents ranged from $175.51 to $3,831.30 a month. These payments typically come in the form of a direct deposit on the **first day of the month**, as long as it does not fall on a weekend or holiday. Veterans with a spouse or qualifying dependent or who are eligible for Special Monthly Compensation (SMC) may receive even more.

However, being a veteran with an injury or illness is not enough to qualify you for VA disability. The VA has stricter standards for who may use the program.

To be eligible for VA disability, you must:

- Have served on active duty, active duty training, or inactive duty training, **AND**
- Have a current mental or physical health condition, **AND**
- Be able to prove your condition was caused or aggravated by your military service, **AND**
- Have an other-than-dishonorable discharge

Additionally, your conditions cannot be a result of misconduct on your part. An example of misconduct might include getting injured due to using illicit substances you smuggled onto the base.

As of 2024, nearly **6 million veterans** living around the country and the world qualify for VA disability and receive payments, with hundreds of thousands of new veterans added to the rolls each year.

Section 1.2

Service Connection Is Key

There are **four** main components to VA disability eligibility: type and length of service, character of discharge, qualifying illness or impairment, and nexus, or service connection.

The first two are mostly straightforward and self-explanatory, but if you have a special circumstance and still aren't sure if you qualify, the VA offers more information:

VA | Eligibility For VA Disability Benefits

However, I do want to focus on service connection, or nexus. It can be both the most complicated and crucial part of a claim, and it's where many claims fall apart. The VA may believe you have a disability, but does it acknowledge that disability is linked to your time in the military?

There are five methods of service connection: direct, secondary, presumptive, aggravated, and 1151 claims. Let's break each one down with a definition and example to give you a better understanding of how they work and which situations they apply to.

Section 1.2a

Types of service connection

Direct service connection:

Definition: The condition began during or after military service and was directly caused by service-related activities or environmental exposures.

Example: John Veteran was serving in Afghanistan when his truck ran over a hidden pressure plate, causing an IED to explode. John was thrown from his vehicle, hitting his head on the ground. Today, John continues to struggle with the effects of traumatic brain injury (TBI), which he believes was incurred when he hit the ground after the explosion. In this example, John's TBI would be **directly connected** to his service.

Seconday service connection

<u>Definition:</u> The condition was caused or aggravated by another service-connected condition, i.e., the primary disability.

<u>Example:</u> Jane Veteran witnessed a traumatic event during her service, and years later, she still suffers from PTSD. Now, she's begun having migraines multiple times a month that have been getting worse. Her doctor tells her there may be a connection between her PTSD and these new migraines. If the VA agrees Jane's PTSD is service connected and causing the migraines, the migraines can be service connected on a **secondary basis**.

Presumptive service connection

Definition: The VA assumes some disabilities are caused by military service, typically after years of research establishing that a unique circumstance faced by a group of veterans leads to a specific health problem. If one of these conditions is diagnosed in a veteran who qualifies due to the time and location of their service, the VA presumes their service caused the condition. Disability compensation can then be awarded without a doctor establishing a medical link between service and the condition (continued)

Example: Joe Veteran was deployed to Laos from 1966 through 1967, helping spray Agent Orange on the Ho Chi Minh trail. For years, Joe kept quiet about his time on this covert operation, and the military did not acknowledge it, even when he developed lung cancer like many of his Vietnam buddies. Finally, when the PACT Act recognized Laos operations under VA Agent Orange presumptives, he was able to receive service connection for his cancer on a **presumptive basis**.

Aggravated service connection

Definition: The condition preexisted service and was aggravated, or worsened, by military service or a service-connected disability.

Example: Anne Veteran had mild problems with foot pain before enlisting. Her doctor suggests she buy shoes with extra arch support, but because the problem is minor, they don't dive any deeper. When Anne enlists in the military and begins active duty training, the daily high-impact running takes more and more of a toll on her feet over the months. Anne's preexisting, mild plantar fasciitis was **aggravated** by military service.

1151 Claims, or VA Malpractice Claims

Definition: The disability arose as a result of negligent VA care or treatment. This is the rarest type of service connection, and is often difficult to prove.

Example: Dan Veteran gets surgery for a hernia at a VA health care facility, a procedure he expects to be routine. Unfortunately, after the surgery, there are clear signs of both infection and minor bowel perforation, landing him in his local emergency room. He believes these issues were caused by negligence on the part of the VA team who performed his surgery, and now he wants to file an 1151 claim.

VA | Full Eligibility Criteria For Presumptive Benefits

Unless you qualify for a presumptive service connection, you'll need to prove the tie between your health condition and your service. This is typically done by working with a doctor to develop a medical nexus showing the VA your condition and service are linked. I'll talk more about this and other types of evidence needed for your claim in Chapter 2.

Section 1.3

The VA Disability Rating System

Once you are eligible for VA disability compensation, getting service-connected is only half the battle. You can have a condition that was caused by service but not considered by the VA. However, most conditions will warrant a "compensable" VA disability rating of anywhere between 10% and 100%. But what is a VA disability rating, and how is it determined?

There are two answers to this question. First, you need to understand the difference between a VA rating for a single condition versus a combined VA rating.

0%

Note: Conditions that are service connected but not severe enough to warrant monthly compensation can get a **0%, or "noncompensable,"** VA disability rating.

0% VA ratings open the door for other VA benefits or secondary service connections, but **do not count** toward a monthly disability check.

More than 6,000 veterans had a combined rating of 0% in 2024.

Section 1.3a

Individual VA disability ratings

On average, veterans are service connected for more than **six conditions each**. For example, one veteran might receive benefits for:

If the VA acknowledges each of these health problems is connected to service in one way or another, the next step is determining their levels of severity.

This is done using the Code of Federal Regulations (C.F.R.), Title 38, Chapter I, Part 4, Subpart B. It's a mouthful, but it can be found here at eCFR.gov, and it's where criteria has been established for most health conditions that could qualify a veteran for VA disability. The rating criteria for each condition is attached to a four-digit number called a **diagnostic code**.

Let's focus on the previously mentioned veteran's plantar fasciitis as an example. If you find the section on the musculoskeletal system and go all the way down to the various ratings for foot problems, you'll find diagnostic code 5269, Plantar fasciitis. Here's what that looks like in the C.F.R.:

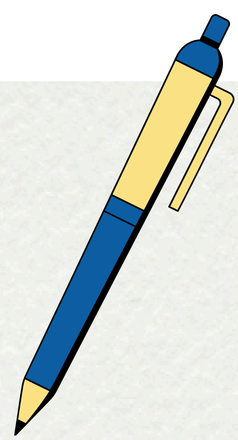
	Rating
5269 Plantar fasciitis:	
No relief from both non-surgical and surgical treatment, bilateral	30
No relief from both non-surgical and surgical treatment, unilateral	20
Otherwise, unilateral or bilateral	10
NOTE (1): With actual loss of use of the foot, rate 40 percent	
NOTE (2): If a veteran has been recommended for surgical intervention, but is not a surgical candidate, evaluate under the 20 percent or 30 percent criteria, whichever is applicable	

As you can see in the right-hand column, our veteran can receive a **10%, 20%, or 30% VA disability rating for plantar fasciitis**. Note 1 indicates that a veteran can also get a 40% VA disability rating if the condition causes loss of use of their foot.

If our veteran's service-connected plantar fasciitis affects only one foot and their symptoms aren't relieved with treatment, they should be awarded a 20% VA disability rating for plantar fasciitis.

This 20% VA rating is for a **single condition**. Remember, however, the veteran has **five** other service-connected conditions. Each condition will be evaluated separately according to its own unique diagnostic code. Perhaps when all is said and done, our veteran will have the following VA disability ratings for their health conditions:

Vet's Record



1. Tinnitus: **10%**
2. Depression: **70%**
3. Plantar fasciitis: **20%**
4. Migraines: **30%**
5. A musculoskeletal issue in right elbow: **40%**
6. A musculoskeletal issue in right knee: **10%**

Each of these individual ratings reflect how severe or disabling the VA believes each health condition to be, based on how much the disabilities decrease the veteran's overall health, functioning, and earning capacity.

Q: Wait! What if my condition doesn't have a diagnostic code?

A: Health conditions that do not have their own diagnostic code can still receive a VA disability rating. In such cases, the VA will assign what is known as an **analogous rating.** The rating criteria for another, similar condition is used, **based on your specific symptoms,** to assess your disability.

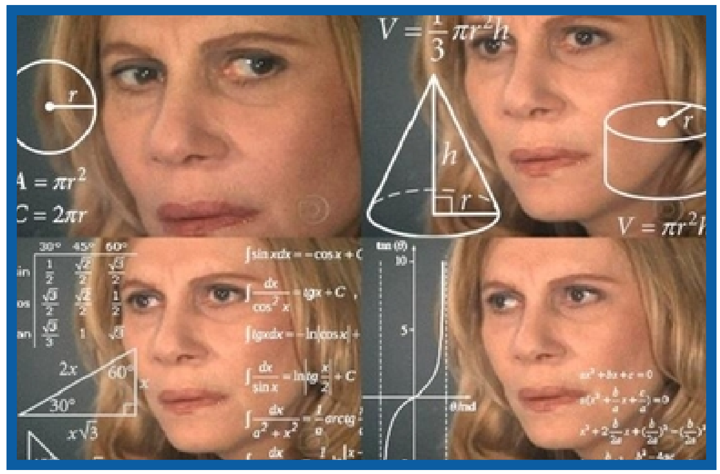
Section 1.3b

Combined VA disability ratings

A veteran's individual VA disability ratings are added together in order to get a single, combined VA disability rating. This is the rating that will determine their access to additional benefits, as well as the amount of monthly compensation they receive. Whether a veteran has two service-connected conditions or 20, what comes next is an intimidating formula we like to call “VA math.”

VA math takes the basic principles of addition and subtraction and makes them about as confusing as can be.

VA math says **10% + 70% + 20% + 30% + 40% + 10% equals 92%.** You would think it is 180%, but it’s not because of VA math. And to complicate things more, the VA rounds, up or down.



The veteran now has a combined VA rating of 90%.

The **core concept** behind VA math is this: The VA looks at a disability rating as the percentage of your working capacity you can no longer use due to your service-connected disabilities.

For example, if you joined the military completely healthy, with no preexisting conditions, injuries, or ailments, you would have been considered to have **100% working capacity, or 100% efficiency**.

Our veteran, who now has a 90% VA disability rating, is considered to be 90% disabled with 10% efficiency.

As your combined VA disability rating goes up and the remaining amount of your efficiency goes down, additional disability ratings have less and less impact.

Here's why: only your remaining efficiency is considered when adding a new disability.

So, say our veteran with the 90% combined rating and

10% remaining efficiency is later awarded a new 20% VA disability rating for tendonitis in their right wrist.

As I have established, the VA isn't going to just add 20% on top of our veteran's current 90% rating and give them 110% disability. **Instead, it will calculate what 20% of your remaining 10% efficiency is: 2%.**

While this would bump our veteran's overall rating just slightly, the VA's rounding system will leave them continuing to receive 90% VA disability.

If VA math seems confusing, that's because it is. I personally find it to be one of the most dense and complicated parts of the VA disability system, and while it may help to have a basic understanding of how it all works, you don't need to be a VA mathematician to get benefits.

Use our calculator to figure out a combined VA rating

Learn to do VA math by hand

The **most important takeaways about VA ratings** are:

1. You will have **both** individual VA disability ratings and a single combined VA rating.
2. Your combined VA disability rating determines **how much monthly compensation** you will receive.
3. VA ratings are based more on **diminished ability to work** than the discomfort or suffering of a veteran.

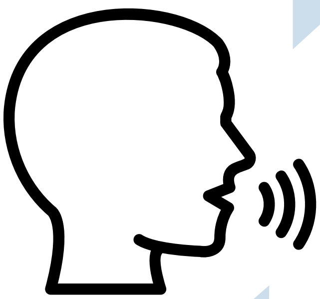
Section 1.4
Who Receives VA Disability?

Getting veterans comfortable with the idea that they deserve VA disability benefits often involves helping them see veterans just like them are already getting VA disability checks each month. That's what I'll attempt to do in the following section of this book.

Some of the most common objections I hear from veterans about applying for VA disability are:

1. **“Yes service left me sick, but I’m not disabled.”**

2. **“I never saw combat, so I probably won’t qualify.”**



3. **“I’m too young to need disability benefits. Maybe I’ll apply in 20 years.”**

4. **“I should leave those benefits for other veterans with greater needs than mine.”**

My responses to these objections are:

1. **It’s OK** to not identify with the term “disabled veteran.” The VA understands there is a wide range of ailments and levels of severity in the veterans the department serves, which is why the VA disability rating system exists.

2. I work with veterans whose disabilities come from not only combat, but vehicle crashes, training accidents, MST, environmental exposures, and more. You **do not need to be a combat veteran** to get VA disability.

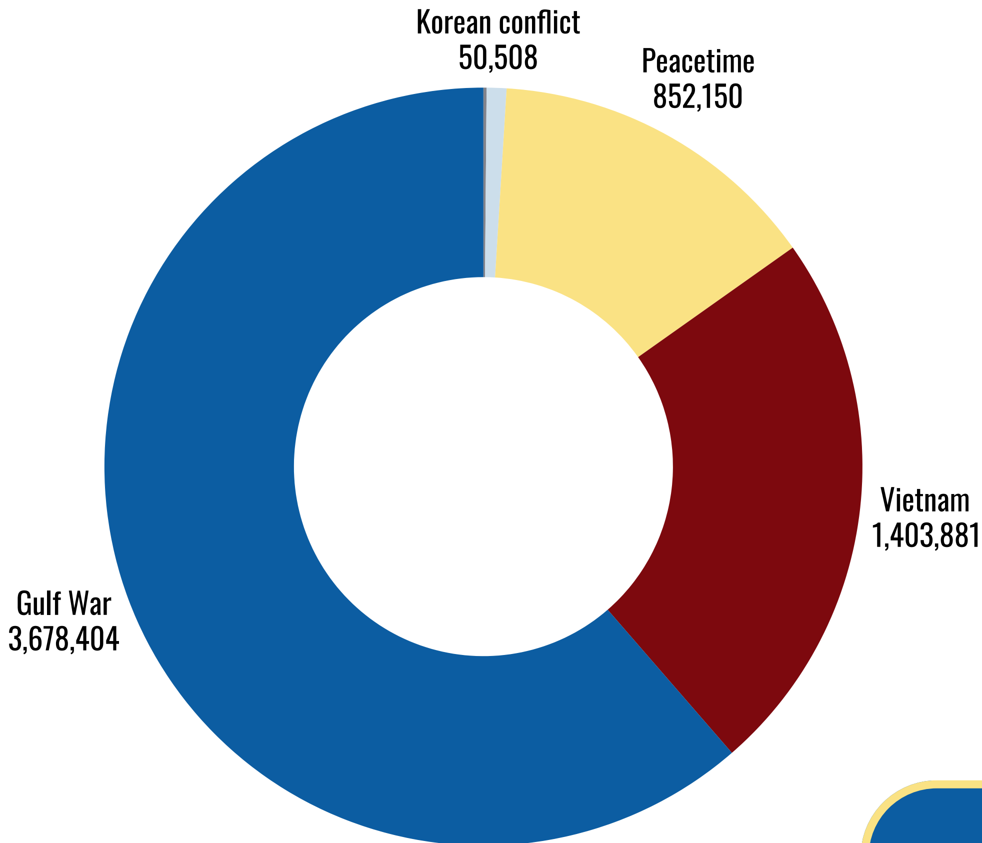
3. As of 2024, more than 600,000 veterans age **34 and under** receive VA disability payments. If a health condition is impacting you now, there's **no need to wait** until it gets worse to apply for this benefit.

4. Applying for VA disability does not take away from your fellow veterans. If you developed an illness or injury while serving our country that impacts your life, **you deserve VA disability compensation.**

I hope this can help you begin to see yourself in the veterans receiving VA disability compensation.

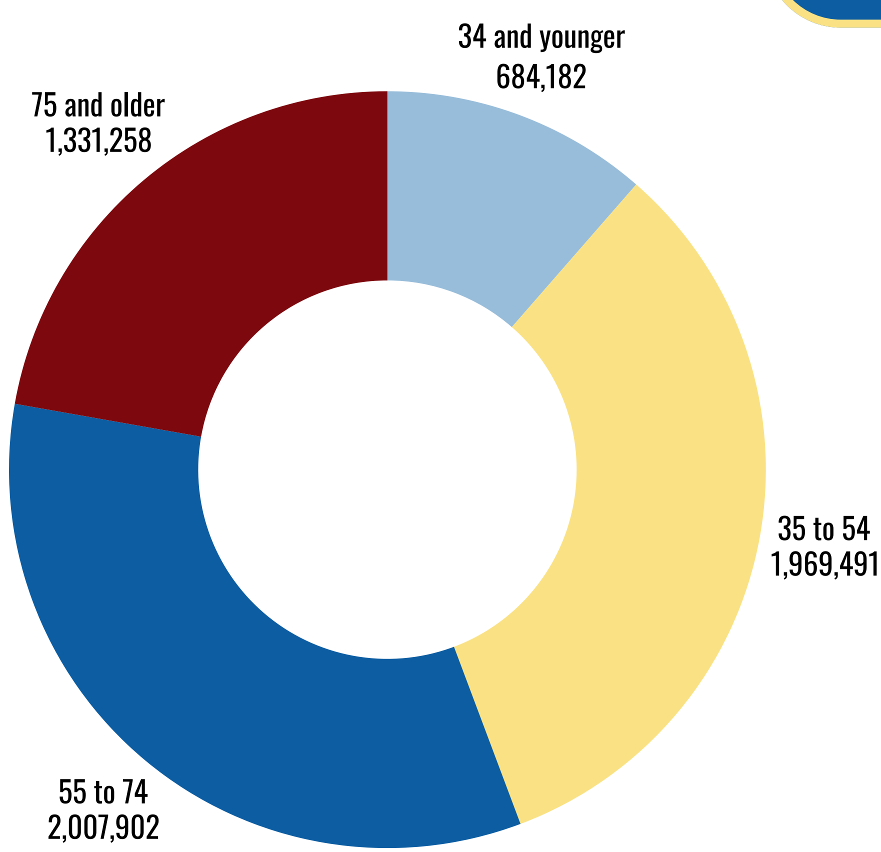
These veterans are all ages and genders. They come from all walks of life. Some of them have been freshly discharged from service, while others have quietly battled their health problems on their own for decades, unaware of the benefits they were owed.

VA Disability Recipients by Conflict



Source:
VA's 2024 Annual Report

VA Disability Recipients by Age



Section 1.5

What Are the Most Common VA Disability Claims?

My team gets asked often about the most common VA disabilities, so I wanted to round this first chapter out by quickly going over the 10 most common VA claims, according to the most recent VA Annual Benefits Report.

In order, they are:

1. Tinnitus
2. Knee limited range of motion
3. Sciatic nerve paralysis
4. Lumbosacral/cervical strain
5. Hearing loss
6. PTSD
7. Arm limited range of motion
8. Ankle limited range of motion
9. Scars, burns
10. Migraines

TOP 10

Note: This order is based on 2024 data. The top 10 list changes from year to year.

Conditions tend to shift in their order, but it's not often a new condition is added.

One constant is that tinnitus tops the list just about every year. More than half of all VA disability recipients have a tinnitus VA rating.

However, you may have heard reports that the VA will eliminate the tinnitus VA rating and only consider tinnitus as a symptom of hearing loss going forward. It is important to know about this proposal, but no changes have been made at this time. We may see a new most common VA disability claim for the first time if tinnitus is ever eliminated.

Chapter 2: Preparing Your VA Disability Claim

Section 2.1

Understanding VA Form 21-526EZ

Now that you know the basics of the VA disability system, we can begin to narrow our focus to the steps you can take to become a VA disability recipient.

The following sections will walk you through finding and filling out the correct form and gathering your evidence. I'll also explain two key VA concepts to be aware of when preparing your VA disability claim: intent to file and VA duty to assist.

Let's begin by discussing **VA Form 21-526EZ**, also known as the **Application for Disability Compensation and Related Compensation Benefits**.

Filling out this form is one of the very first steps toward receiving the VA disability benefits you deserve. It may very well be your first line of contact with the VA, unless you receive another benefit from the agency, like health care or a pension.

This form can be used a couple different ways but for our purposes in this section, I'm primarily going to focus on how it can be used by veterans who have never applied for VA disability benefits.

You can find the form on the VA's website to print and finish by hand, or you can complete the form online by signing in to My VA dashboard using your **ID.me** or **login.gov** credentials.

VA Form 21-526EZ

Form 21-526EZ is 15 pages long, but don't let the length scare you. Eight of those pages are just instructions covering the wide range of unique situations veterans may face and explanations of VA processes.

The form itself is relatively straightforward, but it should be filled out accurately and supported with the right evidence to be as effective as possible.

One important section I do want to point out is at the very beginning of the fillable form. You'll be asked to select which type of claim applies to you: **BDD, IDES, FDC, or standard**. I'll elaborate on what each of these claim types mean so you can select the right one for your situation.

Claim types:

1

BDD claims: Current full-time, active-duty service members may be able to receive VA disability benefits as soon as the day after their separation from service through the Benefits Delivery at Discharge (BDD) program. You must be within 180 days of discharge to file a BDD application.

2

IDES claims: If you are filing an IDES claim, you should already know and will complete this form with your assigned military services coordinator. This program is not something that can be opted into. It's a joint endeavor between the Department of Defense (DoD) and the VA that determines if a service member is fit to continue serving, and provides disability benefits to service members when appropriate.

3

FDC claims: FDC stands for fully developed claim. By selecting this type of claim, you are certifying that all necessary information is included, and the VA does not need to gather any additional evidence for your case. It's important to note that while the VA states submitting an FDC speeds up the application process, at the time I'm writing this, an FDC claim actually takes longer to process than a standard claim.

Standard claims: This is the most common selection. If you're a veteran who is new to VA disability and the other three choices don't apply to you, this is the option you'll want to select.

4

Other sections of the form should be more clear and specific to your own experience, including whether you're currently facing homelessness, what health conditions you're experiencing, and whether you have known **toxic exposures**.

I'll dive into determining what evidence you need and how to gather it later, but if you'd like a verbal walk-through of the entire form, I recommend watching my colleague's video on navigating the VA disability application, step by step:

Section 2.2

Evidence to Support Your Claim

Filling out your VA disability application is an important part of the process, but most veterans will also want their claim to be **supported by additional evidence**.

In the following sections, I'll discuss some of the types of evidence and how it's gathered.

Section 2.2a
The VA's duty to assist

The first thing to know about evidence is that some of it is expected to be collected by you, while other evidence can be gathered by the VA, assuming you are filing a standard claim. Remember, if you submit an FDC, you'll need to sign off that all evidence has been included by you, waiving what's known as the **VA's duty to assist**.

The VA's duty to assist means the VA is required to help you gather evidence and, in many cases, to schedule a medical examination in support of your claim.

VA's duty to assist begins when the VA receives a veteran's application for benefits. You'll need to tell the VA what type of records you need them to pull, the dates of those records, and where to request them from. Records can be from a private doctor or federal documents housed with the DoD, VA, or other federal agency.

Some of the records you can ask the VA to gather include:

- Your DD214
- VA health care records
- Medical records from sick bay during service
- Medical records from any of your private doctors
- Records from current or former employers

Duty to assist obtaining federal documents: The VA will make as many requests as needed to obtain the information. If the information is unavailable, you will be notified.

Duty to assist obtaining private records: The VA will typically attempt to get private records you ask them to pull at least twice. If the records haven't been found, or no response is received after a second attempt has been made, you should be notified.

TIP: You will likely need to give permission for the VA to obtain private medical or employment records by filling out VA Form 21-4142a.

Section 2.2b

Submitting your own evidence

In addition to medical and government records, there are other pieces of evidence you may want to include that would simply not be possible for the VA to gather for you.

These could include photos and letters from your time in the military, or journal entries you've kept about the effects of your condition over time.

You may also be interested in gathering what are known as **"lay statements,"** or in some cases **"buddy statements."** These statements can paint a fuller picture of how veterans were affected by their time in

Who can write a lay statement?

There's no limit to who might be qualified to speak on your condition, but examples include:

- Your current or former spouse
- A family member
- A former boss, especially one who made special accommodations for your disability
- A friend
- A buddy you served alongside

service or how their condition has worsened since leaving the military. Lay statements provide insight into ways a veteran's daily life has been altered and can back up findings from a medical professional.

You'll also need to be prepared to share some information about the person writing the statement, such as their birth date and contact info.

Each lay statement may be submitted on its own separate VA Form 21-10210. That form can be found here.

A good way to submit any evidence you gather is digitally. While there are ways to submit forms, photocopies, and photo scans in person or by mail, uploading them through your My VA leaves a clearer paper trail.

Just by having digital copies of evidence, you eliminate most of the risk of it getting lost or misplaced. You'll also be able to more clearly see what is in the VA's hands, and resubmit if something is missing.

Section 2.3

Intent to File and Your Effective Date

Gathering evidence and preparing your application thoroughly can take time, but did you know this may **leave money on the table?**

Here's how: Let's say in January 2027 you print out your VA application and plan to send it by mail. Maybe you've already been putting this off for a while and your disability has gotten worse over the past few years. You're no longer working full time as the condition becomes more difficult to manage.

You start writing your answers but realize you want to request your old boss and your best friend write lay statements for you, plus there are a couple records you'd like to get on your own. Life happens, and about six months later, you mail in everything you've been gathering. The VA receives your mail and your effective date becomes June 2027. In this scenario, you just lost six months of VA disability, which, in some cases, **could be more than $20,000.**

Why? Assuming you already had a diagnosis for the condition you're applying for and were entitled to the benefits in January 2027, your effective date is the date the VA receives your claim.

However, the VA understands filling out your VA disability application thoroughly and gathering evidence takes time. That's one reason the VA allows for something called an intent to file (ITF).

Effective date:
A VA effective date is the **date a veteran becomes covered by disability benefits** and payments begin accumulating. An effective date is either the date the VA receives the claim or the date entitlement arose, whichever comes **later**.

You can think of an ITF as an effective date placeholder, one that's good for exactly a year. Submitting an ITF gives the VA a heads-up that you're planning to submit a VA disability claim within the next year.

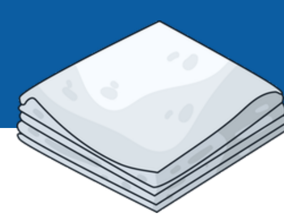
If you file an ITF and submit your claim within 365 days, your effective date should be the day the VA received your ITF. This can gain you months of VA disability back pay, putting thousands of dollars in your pocket. We'll dive into back pay, how it works, and how to calculate it in the next section.

However, if you do not submit your claim during the one year following your intent to file, your effective date will instead be the date you submit your application for benefits rather than the earlier date of your intent to file. If you miss your window, you can submit another ITF, but you'll lose the effective date of that first intent to file. It's important to keep in mind that **you can only have one active ITF at a time.**

Filing an ITF is easy. If you plan to file your VA disability application online, great news: simply starting your application constitutes an intent to file!

You now have one year to complete that application while maintaining this effective date. If you plan to complete an application by hand, the VA's site has an **ITF form you can print and send here.**

Note: The VA is actually supposed to accept any notification that you plan to file your claim within the next year as an ITF, even a handwritten note on a napkin, handed to someone at your local VARO, but this method can much more easily lead to losing an earlier effective date. The VA does a much better job keeping track of forms than used napkins.



Section 2.4

Effective Dates and Your Back Pay

Since I mentioned back pay in the previous section, I think it's worth diving a little deeper into what back pay is and how it works.

Back pay compensates you for the time you spend navigating your disability while entitled to benefits and waiting for a decision from the VA.

The longer the claim is pending, the more the VA owes you once it is approved. At the end of this process, the VA owes you the difference between the amount you were paid (if any) and the amount you should have received.

You may be curious how much money a back pay check typically is.

This amount may be a couple thousand dollars all the way up to hundreds of thousands, depending on the severity of your disability and how long you've been continuously pursuing your VA disability benefits.

The largest backpay check I've ever helped a veteran win was more than $1.1 million.

This Army veteran had been fighting the VA for his full benefits for more than *40 years*. However, while I've seen many other veterans get six figures in back pay, this million-dollar check is an outlier.

If you're curious, my team created a **back pay calculator** to help figure out how much money the VA could owe you in back pay.

VA Disability Back Pay Calculator

Section 2.5

Tips for Your VA Disability Application

With everything I've shared in this chapter in mind, here are seven quick tips for completing your VA disability application:

1. If you're comfortable submitting an intent to file, it can be a great tool. However, it's important you **keep track of your ITF date** and not miss your window for applying.

2. Whether you submit an ITF or not, **remember your effective date. Write it down.** The VA often gets effective dates wrong and this costs you money.

3. **Start documenting your symptoms** as soon as you can. These personal records can make a huge difference when trying to properly explain your condition to the VA.

4

Make sure you have copies of everything. This includes your evidence, application, and any correspondence with the VA that comes after. Put these copies in a safe and organized place where you can reference them if needed.

5

Take your time filling out your application. There's no rush, especially if you are filing online. Be thorough and complete. Making a silly clerical error could add months to your wait time.

6

If you're filing by hand, take a moment to **make sure every page has a way to identify you on it.** You never know when a single page might get misplaced.

7

Be aware it's currently illegal for anyone to charge you for help with a VA disability application. While appeals may come with a fee, be wary of anyone trying to get you to pay money for application assistance.

The details of what to include on your application are up to you, but I'd again emphasize being thorough. It's better for the VA to have more information than not enough.

Chapter 3: I’ve Applied... Now What?

Section 3.1

How Long Does an Initial Claim Take?

So you've applied for VA disability compensation.

Congratulations!

You've joined the tens of thousands of VA disability applicants who submit claims each year. Once your claim arrives at a VA Regional Office (VARO), it will be reviewed by an adjudicator, who is tasked with deciding whether each applicant qualifies, and if so, what level of disability is warranted.

VA Regional Office (VARO):
VAROs are branches of the Veterans Benefits Administration (VBA), located all over the U.S. Every state has at least one VARO, though some states have more. These locations oversee most VA benefits. This includes making determinations on VA disability applications, as well as some appeals. Veterans and their families can also contact or visit a VARO for help accessing benefits.

As I am writing this book, initial VA claim wait times have varied between an average of 88 and 146 days in the past year. This number changes every month, for better or for worse.

How long a VA disability claim takes depends a lot on the VARO's workload and staffing and how complicated your claim is, among other factors. For example, we saw big changes in claim wait times after the monumental PACT Act was passed in 2022, as it led to a huge influx of new disability claims in a short timespan.

Regardless of the exact wait times as you are reading this, you can generally expect to receive an initial decision in three to four months.

Who can expedite an initial claim ?

Some veterans qualify to send their initial claims to the top of the pile for an expedited decision from the VBA. You may be eligible if you are:

- Terminally ill
- 85 or older
- Homeless or facing extreme financial hardship
- Discharged due to serious illness or injury
- Diagnosed with ALS
- A former POW
- A Medal of Honor or Purple Heart recipient

The criteria above apply to VBA claims ONLY, including initial claims. Later, I will describe expediting appeals at the Board of Veterans Appeals (BVA).

That doesn't mean you won't hear from the VA in the meantime. You'll get an immediate notification the VA received your application if you submit your claim digitally, or a letter within about a week if you submitted using another method.

Next, I'm going to talk about some of the notifications and forms of contact you'll receive from the VA leading up to a decision.

Section 3.2
Checking Your Claim Status

The most frequent way you'll hear from the VA after submitting your disability application is through your My VA account, if this is an option for you. There, you will be able to check your claim's status.

Note: Checking your VA claim status **online is the fastest and most up-to-date method**. However, I understand this isn't always an option for every veteran. While the process takes more time, it is possible to check your claim status by calling **1-800-827-1000** or visiting your VARO.

Once signed in, you'll navigate to the My VA dashboard by clicking on the link at the top right-hand corner of the page. Then, scroll down to the section titled "Track Claims." Here you should be able to see your VA disability application as well as any other VA benefit claims you may have in progress.

To check the status of your application in more detail, click on **"View Status."** Statuses you may see include "claim received," "gathering evidence," and "preparation for notification."

These statuses give you an idea of how far along the VA is and when to start expecting a decision letter.

Section 3.3

The Importance of C&P Exams

Another correspondence you should be prepared to get from the VA once you've submitted your disability application is a request to attend a **C&P exam,** sometimes called a **claim exam.**

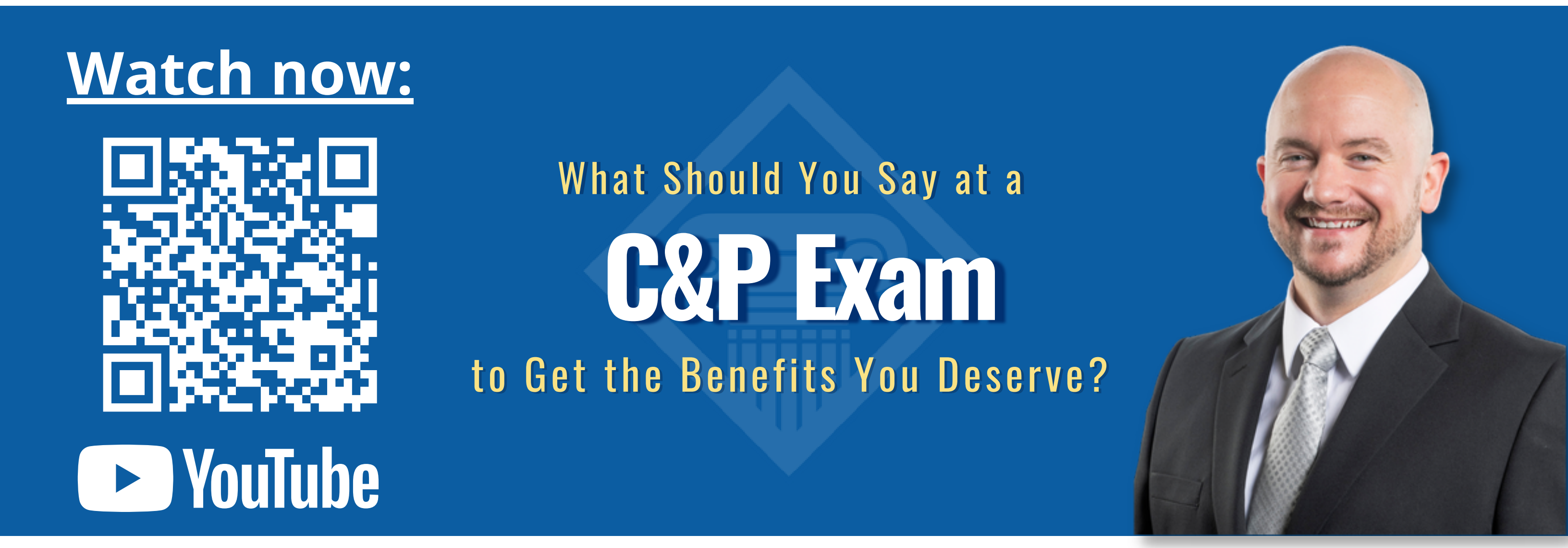
Compensation and pension (C&P) exam:
A C&P exam is a medical exam to assess your level of disability or whether a disability you suffer from is related to your time in service.

The VA will request you attend a C&P exam if there isn't enough information to make a decision on your disability application based on the evidence you've provided. It's very likely you'll be asked to attend at least one of these exams throughout this process.

C&P exams are very important. If you've been notified the VA has scheduled an exam for you, it's imperative that you show up. If you know you won't be able to attend, **reschedule as soon as possible**. I understand attending these exams may not always be convenient — the veterans I work with often live several hours from their VARO.

However, failing to show up to a scheduled exam can be **detrimental to your claim.** The VA requests C&P exams when it determines a claim doesn't have sufficient supporting evidence. If you miss your C&P exam, an adjudicator will only use the evidence you've previously submitted.

If you're nervous about your C&P exam or want a thorough understanding of what to expect, I highly recommend checking out **my online guide to C&P exams** or watching my colleague's video on the subject here:



I've also included a C&P exam checklist on the following page. Our team shares this checklist with every veteran we work with to help better set you up for a successful appointment.

C&P Exam Checklist

- [ ] Keep a journal to track your symptoms
- [ ] Make a list of symptoms you want to discuss
- [ ] Practice talking honestly about your condition
- [ ] Mark your calendar
- [ ] Gather any necessary paperwork and bring ID
- [ ] Find directions and reliable transportation
- [ ] Get a good night's sleep before the appointment
- [ ] Arrange to arrive early
- [ ] Make fun plans for after your exam

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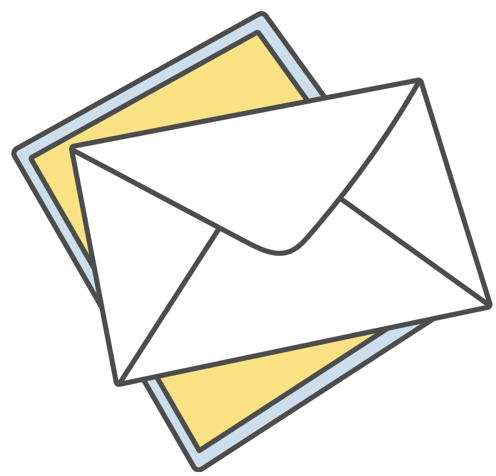
Section 3.4

Development Letters

Another way you will hear from the VA after submitting your disability application is in the form of a development letter.

A VA development letter is a correspondence mailed to you by the VA, typically to request more information about your benefits claim or provide a status update. Development letters are also sometimes called working on claim letters (WOCs) or VA claim notification letters.



Development letters can be routine updates, letting you know the VA has taken a certain action like requesting a document for your claim. Many of them, however, require action on your part, so it's important to keep an eye out for these letters and always read them carefully.

Examples of development letters include requests for clarification on a piece of your claim or for additional or missing information.

The letter itself should clearly state what's needed from you, but you can always contact your VARO or VA representative if you need help or clarification. You will typically have 30 days to complete the action the VA is asking of you. Failure to do so can be detrimental to your claim.

Section 3.5
Decision Letters

Finally, the correspondence you've all been waiting for: a decision or award letter. Getting a decision letter can be nerve-wracking. You've worked hard and waited months to hear back, and this letter can hold information that's an incredible relief, a big disappointment, or somewhere in between.

As the name suggests, this is the formal notification letting you know whether the VA has granted or denied your claim, and why. If you listed multiple health conditions in your application, it's possible to be approved for VA disability for some of these ailments but denied for others.

The first item in your envelope will be a summary letter telling you what the VARO has decided regarding your claim.

If you have been granted VA disability, this letter should include the amount of money the VA will send you each month based on the VA disability rating they've awarded you. You should receive your first check the following month.

The second item in the envelope will be your official rating decision. It will include an introduction and a numbered list of the issues decided.

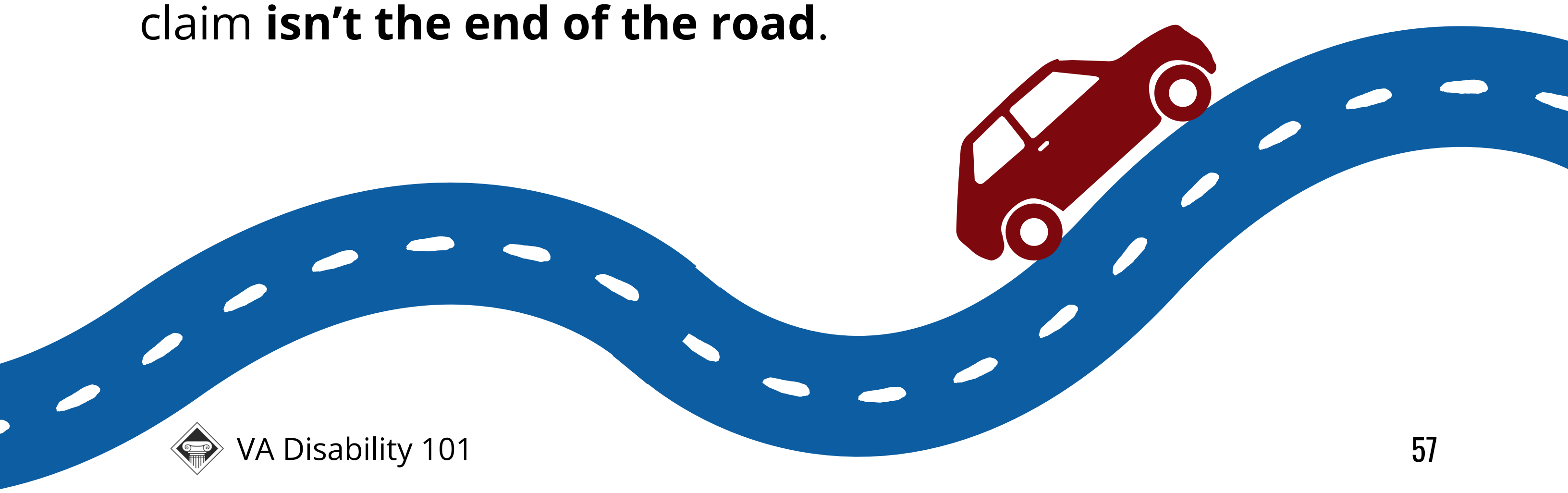
This is followed by a list of every piece of evidence the VA took into consideration for the claim paired with detailed explanations of all “Reasons for Decision” for each disability.

Section 3.6
What to Do After a Decision Is Made

What should you do after a VA decision is made?

If you are happy with the VA’s decision and will now receive the full benefits you have earned, congratulations and job well done! I hope you’ll find an enjoyable way to celebrate your win. It’s always great when a VA claim can be straightforward and successful on the very first try. Unfortunately, the VA doesn’t often make it that easy.

Luckily, if you’re not satisfied with the outcome, a decision on your initial claim **isn’t the end of the road**.



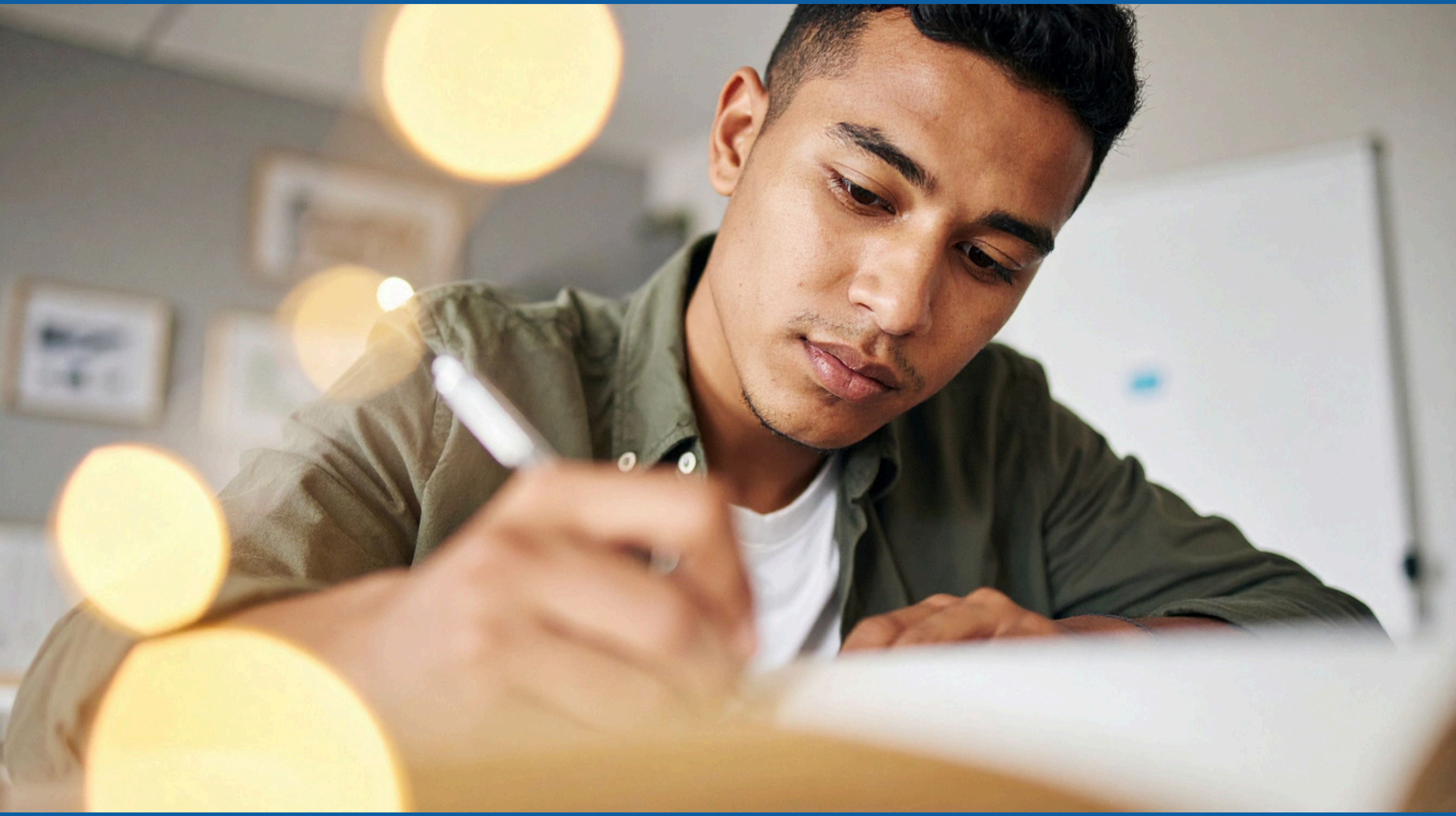
There are multiple reasons you may disagree with your decision letter:

- You were wrongly denied service connection for some or all of your health conditions.
- The VA agreed your conditions were connected to your service, but believes they are not severe enough to warrant any disability compensation.
- The VA provided a low rating for a significant, severe condition you believe should receive a higher rating.
- The VA believes you deserve some compensation, but isn't acknowledging your service-connected conditions are preventing you from working.
- You were granted service connection and VA ratings you agree with, but your effective date is wrong, preventing you from getting your full backpay.

The combinations vary, but if you disagree with all or parts of the VA's decisions, you have the right to appeal. Your options for appealing must be outlined in your decision from the VA. If you want to appeal and keep your same claim moving along, you have one year, starting from the date on the decision letter.

I'll explain the basics of appealing in the following chapter so you have a fundamental understanding if you need to appeal a decision.

Chapter 4: Appealing a VA Decision



Section 4.1

Choose Your Own Adventure: VA Appeal Methods

If you're filing a new appeal today, you will be in the VA's AMA system. So let's explain how the AMA system works.

The AMA system is similar to a "Choose Your Own Adventure" book, with multiple methods you can select for appealing.

When veterans appeal a VA disability claim, they may:

1. File a higher level review
2. File a supplemental claim
3. Appeal to the BVA

I'll explain each option in more detail below.

Appeal types:

1

Higher level reviews (HLRs): The most straightforward type of appeal. An HLR stays at the VARO, but your claim is sent to a senior adjudicator to review. This adjudicator receives the exact same evidence presented in the initial claim and issues their own decision.

2

Supplemental claims (Supp C): Supplemental claims also stay at the VARO and go through a similar process as initial claims. However, you'll need to provide additional evidence if you go this route. You will have to send in a VA Form 20-0995 with what the VA calls "new and relevant evidence."

3

Board of Veterans' Appeals (BVA) appeals: BVA appeals are the most complicated type. That's because the BVA has three "lanes" for appealing: direct reviews, evidence submissions, and hearing.

The BVA direct review and evidence submission lanes are somewhat similar to HLRs and supplemental claims.

Like an HLR, a **BVA direct review** is exactly what it sounds like—your claim is sent, as is, with no new evidence for someone further up the chain to review. Like supplemental claims, **BVA evidence submission** appeals allow you to include additional evidence that wasn't included in your original claim.

The final lane is a **BVA hearing**. This option appeals to many veterans for reasons that make a lot of sense: it's the only opportunity a veteran applying for VA disability has to speak their piece and make their case directly to the person deciding their appeal.

At a BVA hearing, you meet in person or virtually at a scheduled time and place to present before a Veterans Law Judge. It operates more like an interview or conversation than a trial, and new evidence is allowed, but not required.

Note: The VA used the Legacy system to handle any disability appeals received before February 19, 2019. Some veterans have appeals that are still in the Legacy system. The information above refers to the VA's current system, called the Appeals Modernization Act (AMA) system.

Section 4.1a

How long do appeals take?

This question is a complicated one. The VA is at times very forthcoming and clear with data, and at other times, finding information like wait times can be difficult or impossible.

Here are a few things we do know:

- An appeal decision is typically going to take longer than an initial decision on your application, no matter what appeal method you choose.
- Finding any consistent data on timelines for HLRs is very difficult.
- BVA wait times are not measured in weeks or months, but rather years. When we were last given clear data from the VA, BVA appeals were taking around two to three years to be decided.

According to the most recent data, the longest wait time is for a BVA hearing. In the past several years, it's taken nearly twice as long to get a hearing than to have the BVA review your appeal through another lane.

Just like with your application, you can expedite an appeal if you are eligible.

Who can expedite a BVA claim

Some veterans qualify to send their appeals to the top of the pile for an expedited decision from the BVA. You may be eligible if you are:

- Suffering from a serious illness
- 75 years or older (should happen automatically)
- In severe financial distress
- Deemed by the VA to have sufficient cause

Section 4.2

Which Appeal Method Is Right for Me?

Unlike the previous Legacy system, AMA allows the veteran to decide which appeal method is best for them.

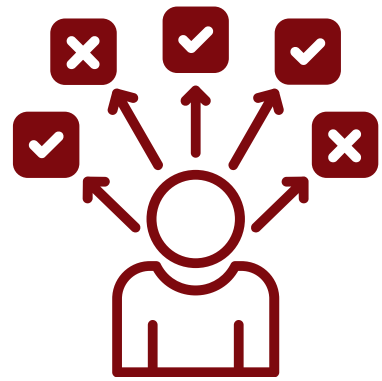
This has the potential to be helpful for veterans who are prepared and familiar with their options, but can be a bit overwhelming for those who aren't. My hope is these explanations will help make the choice a little less intimidating.

There is **no one-size-fits-all** choice when appealing a VA disability decision. My team very carefully considers this question for every veteran we work with.

If you think a simple decision error was made that can easily be corrected by someone at a higher level in the VARO, **an HLR might be a good fit**.

If you receive your decision letter, you can read the "Reasons for Decisions" portion where the VA outlines exactly what evidence was reviewed and why you were denied. After reading, you may realize what additional evidence would be helpful to support any weak points in your VA disability claim. This is just one example of an instance when a **supplemental claim could be a good option** for your appeal.

If it's important to you to have a chance to speak in-person with a Veterans Law Judge, you may lean toward **filing an appeal for a BVA hearing.**



The thing is, it's impossible to say one way or another without spending time looking at the veteran's claim and their unique situation. Factors such as evidence, wait times, the severity of the veteran's illnesses, and their age all need to be taken into consideration.

If you're not working with a VA-accredited professional who can make this determination for you, I recommend doing additional research to weigh your options.

Section 4.3
What to Do if an Appeal Is Denied

Just like an initial claim, your appeal may be approved or denied. If you face another denial or continue to receive a VA rating you don't believe accurately reflects the severity of your health condition, you may appeal again.

Your options will change slightly if you seek further review of the decision. For example, you cannot file a higher level review to appeal a decision on another higher level review.

Perhaps most notably, the option to appeal to the **CAVC, or the U.S. Court of Appeals for Veterans Claims**, is introduced at this stage, specifically if you are appealing a BVA decision.

The CAVC is a nine-judge federal court solely responsible for handling BVA decisions related to VA benefits including disability, pensions, and education.

Decisions made here sometimes affect not just a single claim, but whole processes and rules within the VA for deciding all other claims.

The most important takeaway here is that you still have the right to continue appealing a VA disability decision you disagree with. Once again, to keep your same claim moving along and maintain your earliest possible effective date, you'll need to appeal within a year.

Note: As many times as you appeal, you'll have one year from your decision date to keep your claim in what the VA calls "continuous pursuit." Otherwise, you may have to start over with a new claim and effective date.

Chapter 5: Getting Assistance With VA Disability

Section 5.1

Defining VSOs, Attorneys, and Other Claims Agents

Not all veterans want or need help with their appeal, but many feel stuck in the VA's cycle of denials and are ready to try something different. If you're interested in getting assistance, it's important to understand your options and how to proceed.

First off, there are three primary groups of people who are currently legally allowed to represent you on your VA appeal: VSOs, attorneys, and other accredited claims agents.

VSOs: VSO stands for Veteran Service Officer or Veterans Service Organization. I'll be using it to mean the former, a Veteran Service Officer. VSOs work at Veterans Service Organizations such as VFW, DAV, or American Legion, and can help with your VA disability claim.

VA-accredited attorneys: Lawyers in good standing who have gone through the formal VA disability training and accreditation process.

Accredited claims agents: Other, nonattorney individuals who have gone through the VA's accreditation process and are authorized to help with VA disability claims.

Section 5.2

The VA Accreditation Process and Why It Matters

You may have noticed the term "accredited" is used multiple times in the previous sections of this book. But why is VA accreditation such a big deal?

VA accreditation is important because an accredited individual:

Must follow the VA's standard of conduct. Breaches of this standard of conduct include charging unreasonable fees for services; charging fees for assistance with initial VA disability applications; or committing fraud, misrepresentation, or dishonesty.

Understands the VA. To become VA-accredited, individuals must often pass an exam and complete continuing education courses with new, up-to-date information about the VA processes, policies, and law changes.

Has passed a government background check. In addition to following the VA's standards of conduct, a background check can help weed out individuals with ill intent.

Not sure if someone is VA-accredited?
Check here

Meanwhile, certain individuals and groups operate outside of the VA's current legal framework and therefore, outside of its oversight.

Some of these groups are well-intentioned and have expressed interest in working with the VA to create a path for their accreditation, but not every unaccredited person or company has your best interest in mind.

Whether you choose to work with one of these groups is up to you, but I would **urge you to do extra research** on a business or lawyer who isn't VA-accredited before signing any paperwork. We know scams targeting veterans have been rampant in recent years, with an especially large increase since the PACT Act was signed into law in 2022.

Before you commit to working with an unaccredited representative, I'd recommend, looking at:

Reviews online. How is their communication? Have there been frequent complaints from veterans about having to do all the work themselves and still being charged? Do clients seem happy with their results?

Payment expectations. For example, do their fees seem reasonable? Does the company expect you to pay regardless of whether they win your claim or do any of the work for you? And so on.

Content offerings. Is the company asking you to pay for content and information that's readily available for free elsewhere? This can be a red flag.

Section 5.3

Choosing What's Right for You

Like so many choices on the path to VA disability benefits, there is no one-size-fits-all answer to both whether you should seek help with your VA appeal and who you should seek it from.

VSOs are often a great option for veterans who want free assistance and have simple, straightforward claims. For example, a veteran seeking VA disability for one or two clearcut issues like tinnitus may be able to get the help they need from a VSO.

VSOs mean well and truly want to help veterans. However, they are often overwhelmed with more claims than they can handle. Some counties may have a single VSO trying to assist with dozens or even hundreds of veterans' claims on their own. Additionally, they aren't trained in the law, and, unfortunately, VA disability is an area of law.

You may have great success with a VSO on an initial VA claim or appeal, but you may choose to look for help elsewhere if your case becomes more complex or your appeals are continually denied.

Accredited claims agents typically have the same pitfalls without the added benefit of being a free service. However, they may have a bit more control over keeping their caseload down to what can be more carefully managed.

A **VA-accredited attorney** may be a good option if your claim is more complicated and requires a more thorough understanding of VA law.

Attorneys often also have more resources and support working on claims, in addition to their experience, credentials, and expertise. For example, my team is made up of not just attorneys, but also legal analysts, case developers, case managers, and other support staff.

Attorneys do, however, charge for their work, which will be a consideration for some veterans. That being said, accredited attorneys are held to certain standards by the VA, and they cannot charge unreasonable fees.

Under **no** circumstances should a VA-accredited lawyer or claims agent:

- Charge you for help with a VA disability **application**
- Ask you to send any of your monthly benefit checks if your case is won
- Expect you to pay more than **33.3%**, or one third, of awarded VA back pay after winning your case

Ultimately, it can be useful to consider all of your options, read reviews if possible, and ask questions to figure out who is the best person to help you.

In Closing

I hope this book has been helpful in giving you a better understanding of what VA disability is, how the process works, and where you can go for help.

I often say I wish my line of work wasn't a necessity. Veterans should be able to access their due VA benefits without needing to hire a lawyer. I could practice in a different area of law knowing veterans around the country were receiving the VA disability they deserved after sacrificing so much for this nation.

Unfortunately, that's not the world we live in.

Instead, my team and I consistently meet humble veterans who aren't sure they "really deserve" VA benefits despite facing health challenges caused by their service that no one should experience.

We read claims files of veterans who have spent decades in a loop of endless denials despite clear evidence showing their health condition stems from military service.

We sift through VA laws that no nonattorney should be expected to understand, and yet the VA expects our veterans to navigate them on their own.

Meanwhile, I see social media posts and articles sowing discontent in the public, questioning whether our veterans are leeching off the American taxpayer.

That's why it's always been my goal to make the VA disability process clearer while proudly representing our veterans.

I know lawyers don't always have the best reputation, but I'm thankful to use my legal experience to fight for veterans. I chose this occupation to continue a family legacy and to help uphold the law in the pursuit of justice. Being able to do that for veterans whoa re navigating the VA's complex system is a privilege.

The end of this book contains additional resources that may be helpful to you. As you start your VA disability journey, I wish you much success and thank you for your service.

Appendix:
Additional Resources Veterans Should Know

VA Disability Blog - My team has written hundreds of posts covering all things VA. If you'd like more information on a process mentioned in this book or your specific health condition, it's likely we've covered it here.

Woods & Woods YouTube - Our collection of more than 150 helpful videos about all things VA disability.

VA Back Pay Calculator - Calculate an estimate of how much VA back pay (sometimes referred to as retroactive pay) you might receive once your claim is approved.

VA Rating Calculator - This tool does the "VA math" for you and calculates your estimated combined rating.

VA Compensation Rate Tables - All VA compensation rates for each year dating back to 1999. The rates for each year are organized in one single table.

2026 VA Disability Payment Schedule - A list of dates when monthly VA disability payments are made.

Toxic Exposures Map - We've created a database of contaminated U.S. military installations and health conditions associated with each type of contamination.

Office of General Counsel Accreditation Search - Find out if an attorney, VSO, or claims agent has been accredited by the VA.

Helpful VA links:

- Learn more about the VA
- Find a VA location near you
- Find a VA form
- All current VA disability compensation rates
- File a VA disability claim

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