



Lesson 23

Process: Claim Submission Exercise

The American Legion DSO School

March 2022

Lesson 23 Learning Objectives

Apply materials learned from the prior lessons by completing an exercise interviewing a Veteran.

- Identify relevant questions used by a DSO.
- Identify important information from a Veteran.
- Identify potential VA claims issues.
- Identify correct VA forms.

Exercise – Identify Veteran's Issues

- Use the worksheet to identify the Veteran's issues.
- Identify the correct VA forms to submit for each issue.
- Know the reason for using each VA form.
- Identify additional VA forms that may be needed.
- List any additional questions a DSO would ask the Veteran.

Exercise

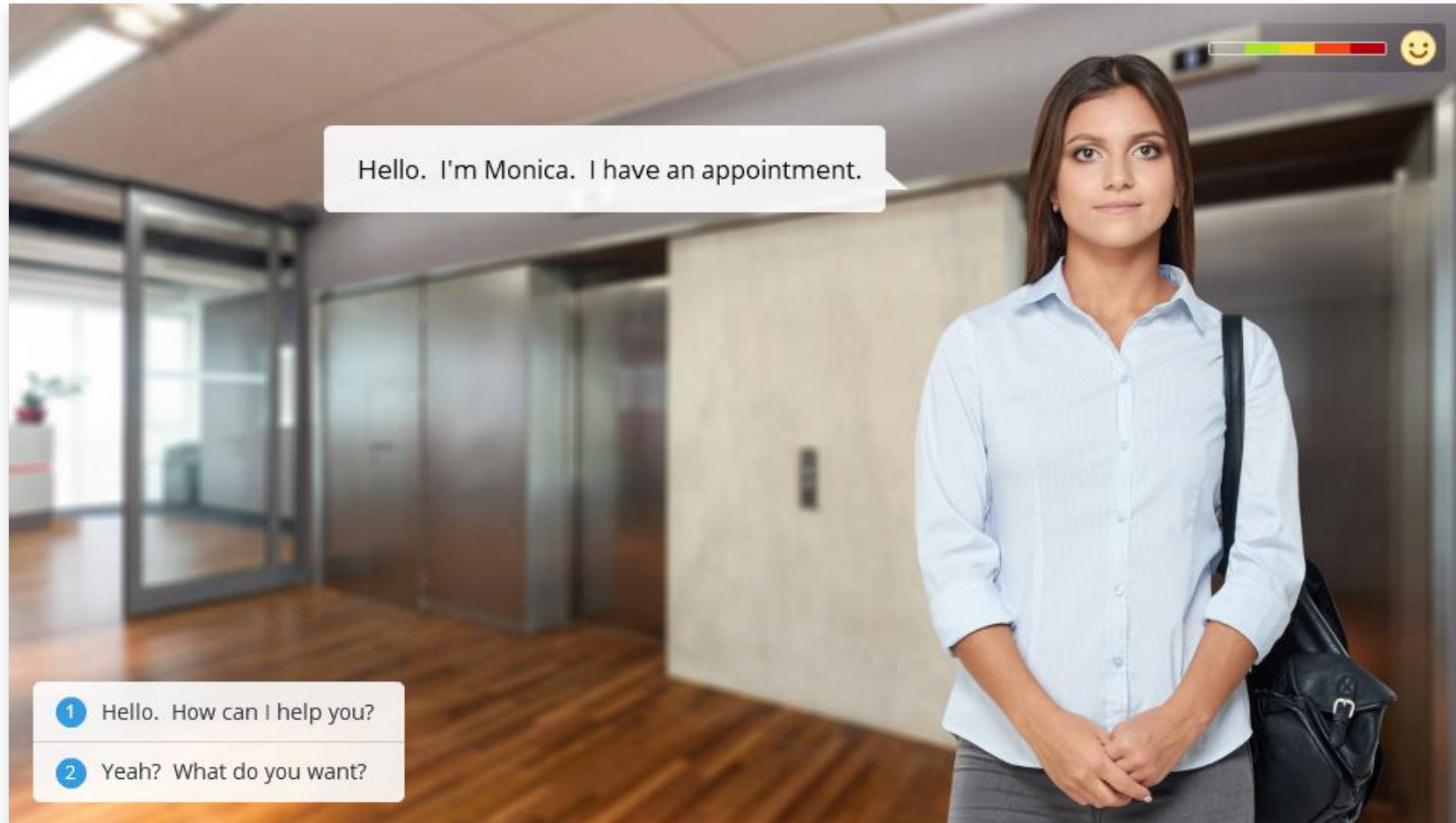
Exercise worksheet:

- First Column: List Veteran's conditions, claims, or goals.
- Second Column: List appropriate VA form.
- Third Column: Describe reason for using VA form.

Veteran's Condition, Issue or Goal	VA Form(s)	Describe Reason for VA Form(s)

Simulation

Click the **Simulation** button to edit this object



✔ Quiz

Click the **Quiz** button to edit this object

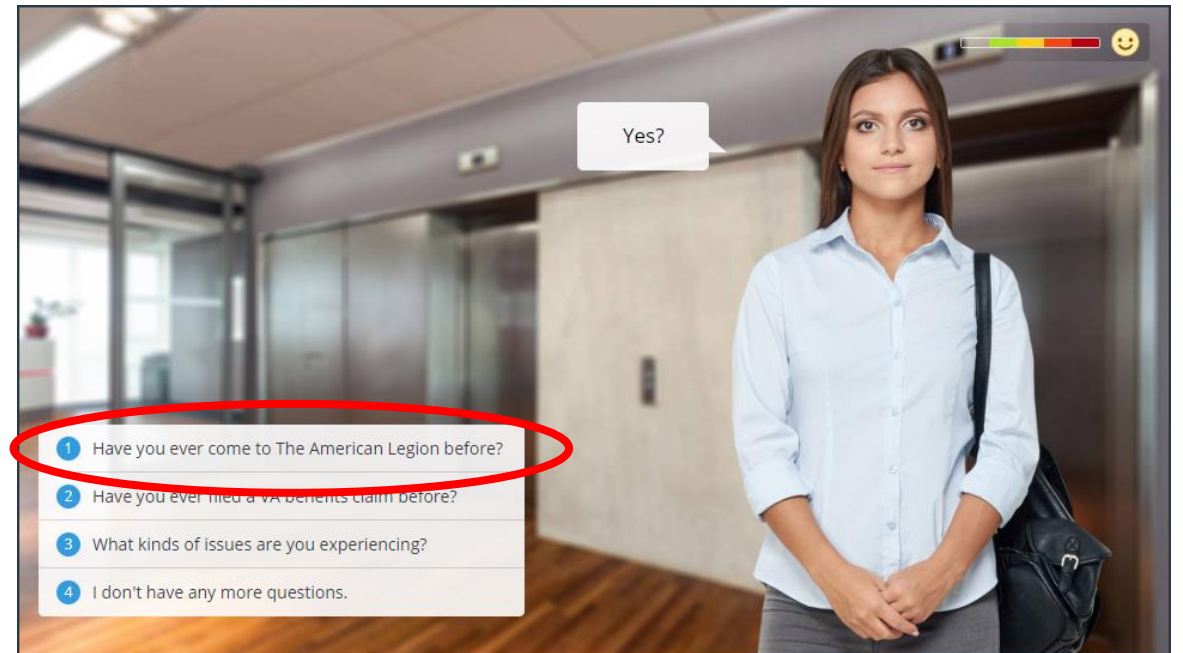
What is a good first question to ask Monica?

- Have you ever come to The American Legion before?
- Have you ever filed a VA benefits claim before?
- What kinds of issues are you experiencing?



Discussion 1

- **“Have you ever come to The American Legion before?”**
- With “power of attorney” you can look up information about the Veteran in VBMS.
- Use VA Form 21-22 to obtain POA from a Veteran.
- VA Form 21-22 has changed since 2010, so it’s a good idea to obtain a new signed form from Monica.



Quiz

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What is the best follow-up question here?

- And that's the only claim you've ever filed?
- Did you appeal any part of that claim?
- I see. I have another question.



Discussion 2





- **“And that’s the only VA claim you ever filed?”**
- Try to determine all claims and conditions that Monica has made to VA in the past.
- This information will let you know what form to use if she wants to refile that claim or condition.



Quiz

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What situation best describes Monica's knee condition?

-  Neville Never Filed
-  Wally Worsening
-  Diane Disagrees
-  Debbie Denied Before



Discussion 3

- **Wally Worsening.**
- Monica is already service connected for a right knee problem.
- She says that her condition has worsened.



Quiz

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What VA form or forms should Monica file with regards to the right knee claim?

- 21-526EZ (Application for Disability Compensation)
- 20-0995 (Supplemental Claim)
- 21-4138 (Statement in Support of Claim)
- 21-8940 (Application for Increased Compensation Based on TDIU)
- 20-572 (Request for Change of Address)
- 21-4142 (Authorization to Release Information)

Discussion 4

- **VA Forms 21-526EZ, 21-4138, and 21-4142.**
- More than a year has passed since the 2010 rating decision became final, so use VA Form 21-526EZ.
- Use 21-4138 for Monica's statements that the right knee condition has become worse.
 - "She is having more trouble with her right knee, including additional loss of range of motion."
- Use 21-4142 because Monica has stated that she receives all medical care through private providers.

Quiz

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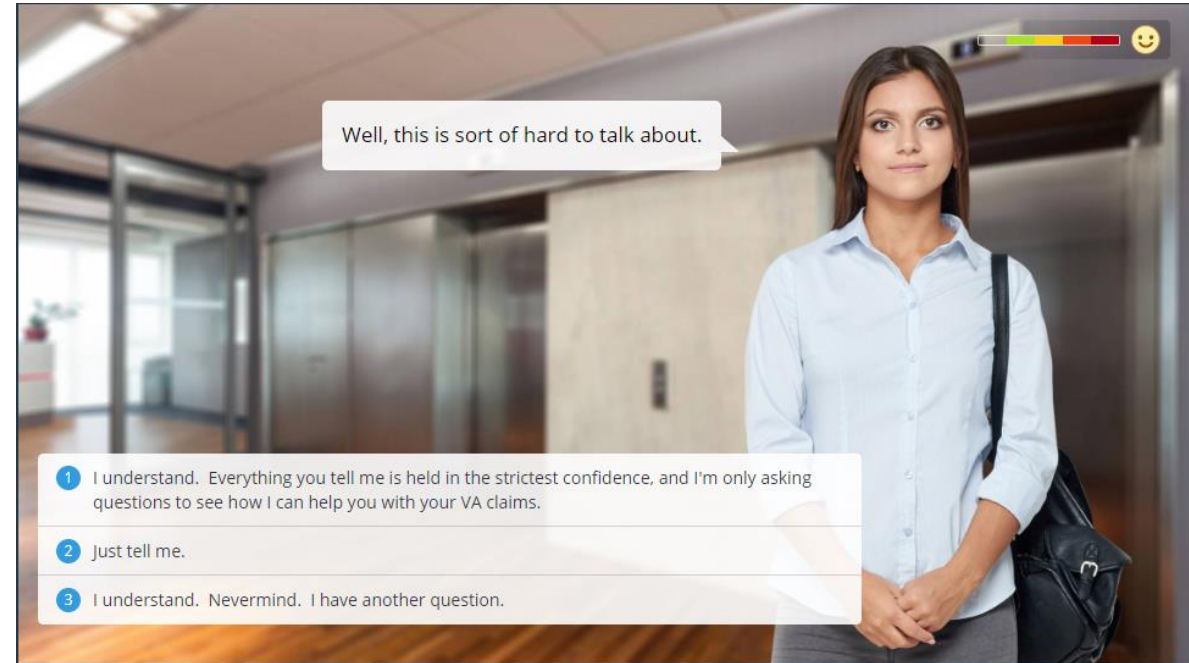
What do you think is the best response here?

- I understand. Everything you tell me is held in the strictest confidence, and I'm only asking questions to see how I can help you with your VA claims."
- "Just tell me."
- "I understand. Nevermind. I have another question."



Discussion 5

- **“I understand. Everything you tell me is held in the strict confidence, and I’m only asking questions to see how I can help you with your VA claims.”**
- Show empathy to Veterans who might be uncomfortable answering questions.
- Explain why you’re asking a question.
- Table some topics for later discussion, if necessary.



Many people are sensitive about discussing mental health issues and trauma.

Quiz

Click the **Quiz** button to edit this object

Which of Monica's conditions below fall under Debbie Denied Before?

- Right knee
- PTSD
- Tinnitus
- Fibromyalgia
- Asthma



Discussion 6

- **PTSD and Tinnitus.**
- Both of these claims were previously denied, and the rating decision became final more than 1 year ago.
- The right knee claim was *granted* more than 1 year ago.
- The fibromyalgia claim was *denied* less than a year ago.
- Monica has never filed a service connection claim for asthma.

Quiz

Click the **Quiz** button to edit this object

What VA form or forms should you submit in relation to potential PTSD and tinnitus claims?

- 21-526EZ (Application for Disability Compensation)
- 20-0995 (Supplemental Claim)
- 21-4138 (Statement in Support of Claim)
- 21-8940 (Application for Increased Compensation Based on Unemployability)
- 21-4142 (Authorization to Disclose Information)
- 21-686c (Application Request to Add and/or Remove Dependents)

Discussion 7

- **VA Forms 20-0995, 21-4138, 21-4142.**
- If service connection has been denied before, then you must always use a 20-0995 (Supplemental Claim).
- Use 21-4138 for Monica's statements:
 - In-service stress incidents.
 - Present symptoms.
 - Also consider VA Form 21-0781 (Statement in Support of Claim for Service Connection for PTSD).
- Use 21-4142 for private treatment records.

Department of Veterans Affairs
DECISION REVIEW REQUEST: SUPPLEMENTAL CLAIM
VA DATE STAMP (DO NOT WRITE IN THIS SPACE)

INSTRUCTIONS: PLEASE READ THE PRIVACY ACT NOTICE AND RESPONDENT BURDEN INFORMATION ON PAGE 2 BEFORE COMPLETING THIS FORM.

PART I - CLAIMANT'S IDENTIFYING INFORMATION

NOTE: You can either complete the form online or by hand. If completed by hand, print the information requested in ink, neatly, and legibly to expedite processing the form.

1. VETERAN'S NAME (First, Middle Initial, Last)
2. VETERAN'S SOCIAL SECURITY NUMBER
3. VA FILE NUMBER (if applicable)
4. VETERAN'S DATE OF BIRTH (MM/DD/YYYY)
5. VETERAN'S SERVICE NUMBER (if applicable)
6. INSURANCE POLICY NUMBER (if applicable)
7. CLAIMANT'S NAME (First, Middle Initial, Last) (if other than veteran)
8. CLAIMANT TYPE:
 VETERAN VETERAN'S SPOUSE VETERAN'S CHILD VETERAN'S PARENT OTHER (Specify)
9. CURRENT MAILING ADDRESS (Number, street or rural route, City or P.O. Box, State and ZIP Code and Country)
10. TELEPHONE NUMBER (Include Area Code)
11. E-MAIL ADDRESS (Optional)
12. BENEFIT TYPE: PLEASE CHECK ONLY ONE (if you would like to file for multiple benefit types, you must complete a separate request form for each benefit type.)
 COMPENSATION PENSION/SURVIVORS BENEFITS FIDUCIARY INSURANCE VETERANS HEALTH ADMINISTRATION
 VOCATIONAL REHABILITATION AND EMPLOYMENT LOAN GUARANTY EDUCATION NATIONAL CEMETERY ADMINISTRATION

Department of Veterans Affairs
STATEMENT IN SUPPORT OF CLAIM
VA DATE STAMP (DO NOT WRITE IN THIS SPACE)

INSTRUCTIONS: Read the Privacy Act and Respondent Burden on Page 2 before completing the form. Complete as much of Section I as possible. The information requested will help process your claim for benefits. If you need any additional room, use the second page.

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6. TELEPHONE NUMBER (Include Area Code)
7. E-MAIL ADDRESS (Optional)
8. MAILING ADDRESS (Number and street or rural route, P.O. Box, City, State, ZIP Code and Country)
SECTION II: REMARKS
(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)

Quiz

Click the **Quiz** button to edit this object

Do you think Monica should pursue a tinnitus claim?

- Yes
- Maybe
- No



Discussion 8

- **Probably no.**
- While she says that had ringing of the ears in service, Monica denies all current symptoms. There is a low likelihood that VA will grant the claim.
- Save Monica's time and VA effort by focusing on claims that have good chances of success.



Quiz

Click the **Quiz** button to edit this object

What VA form or forms should Monica submit with a fibromyalgia claim?

- 21-526EZ (Application for Disability Compensation)
- 20-0995 (Supplemental Claim)
- 20-0996 (Request for Higher Level Review)
- 21-4138 (Statement in Support of Claim)
- 21-4142 (Authorization to Disclose Information)
- 21-8940 (Application for Increased Compensation Based on Unemployability)



Discussion 9

- **VA Forms 20-0995, 21-4138, 21-4142.**
- If service connection has been denied before, then you must always use a 20-0995 (Supplemental Claim).
- Monica must submit new and relevant evidence.
 - 21-4138: any additional lay statements about symptom onset, and their frequency, severity, and duration.
 - 21-4142: private records about her treatment.

Department of Veterans Affairs
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(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)

Advocacy Tip: Fibromyalgia is a presumptive condition for deployed Gulf War veterans, so ask VA to grant service connection.

Quiz

Click the **Quiz** button to edit this object

What VA form or forms should Monica submit in relation to an asthma claim?

- 21-526EZ (Application for Disability Compensation)
- 20-0995 (Supplemental Claim)
- 21-4138 (Statement in Support of Claim)
- 21-4142 (Authorization to Disclose Information)
- 21-8940 (Application for Increased Compensation Based on Unemployability)



Discussion 10

- **VA Forms 21-526EZ, 21-4138, 21-4142.**
- Monica has never filed an asthma service connection claim before, so she must submit 21-526EZ.
- Use 21-4138 to include lay statements about symptom onset and their frequency, severity, and duration.
- Use 21-4142 to obtain relevant private treatment records.



Advocacy Tip: Chronic asthma is a *new* particulate matter presumptive condition for deployed Gulf War Veterans, so ask VA to grant service connection.

Other Considerations

- Monica states that she works as a nurse, so TDIU should not be claimed.
- An extended discussion might include:
 - Asking if Monica suffered any other injuries in service.
 - Detailed questions if she suffers from any other current disabilities.
 - Questions about her family status, for dependency pay purposes.

Possible Worksheet Answers

Veteran's Condition, Issue, or Goal	VA Form(s)	Describe Reason for VA Forms
TAL Representation	21-22	Confirm TAL representation
Right knee	21-526EZ 21-4138 21-4142	Increased rating more than 1 year Explain how the condition has worsened Obtain private medical records
Fibromyalgia	20-0995 21-4138 21-4142	Supplemental Claim, prior denial Explain symptoms, treatment history Obtain private medical records
PTSD	20-0995 21-4138 21-4142 21-0871 (optional)	Supplemental Claim, prior denial Explain symptoms, treatment history Obtain private medical records PTSD stressor incident details
Asthma	21-526EZ 21-4138 21-4142	New condition, never filed Explain symptoms, treatment history Obtain private medical records

Final Tips Before the Veteran Leaves

- ✓ Are all VA forms complete and signed before submitting them to VA?
- ✓ Did you give the Veteran a copy of all documents?
- ✓ Did you set reasonable expectations that the Veteran must attend all VA C&P exams and that VA claim processing takes several months?
- ✓ Did you remind the Veteran to call with questions or when VA mails the Veteran a rating decision?
- ✓ Remember, if the Veteran is not ready to submit a complete VA claim application right away, then consider submitting an Intent to File to VA.

- This presentation is complete.
- A PDF version of these slides will be provided to you at the conclusion of the course for future reference.