



# **Lesson 4**

# **VA Claim Scenarios**

*The American Legion DSO School*

*March 2022*

# Lesson 4 Learning Objectives

Learn how to identify the type of VA disability claim(s) that a Veteran is filing and the appropriate VA form(s) to submit.

- Learn the questions to ask to determine the type of claim.
- Learn the different claim scenarios.
- Identify and select the appropriate VA form(s) to submit.
- Introduce the four emojis used in this course.

# First Meeting

When a Veteran contacts you seeking VA claim assistance:

- Under VA's former legacy process, the Veteran's only option was to submit an **Intent to File** (VA Form 21-0966) followed within one year by an **Application for Disability Compensation and Related Compensation Benefits** (VA Form 21-526EZ).
- Since 2019, under VA's new AMA, there are **several paths:**
  - What VA forms a Veteran needs to submit depends on what claim(s) the Veteran filed in the past, if any.

# Questions to Ask

In order to determine the **BEST** VA form to submit, you need to ask the Veteran these **three questions**:

- 1) Has the Veteran ever filed a claim for **this benefit** before?
- 2) Was the Veteran's prior claim **denied**? If yes, then when?
- 3) Was the Veteran's prior claim **granted**? If yes, then when?

If applicable, confirm the Veteran's answers using VBMS.

# Four Claim Scenarios

Depending on the Veteran's answers to the three questions, the Veteran falls into one of four categories:

- 1) Neville:** Never filed a claim for this benefit before
- 2) Debbie:** Filed for this benefit in the past but was denied
- 3) Wally:** Previously service-connected for this benefit.  
Agrees with his rating in the past, but his condition is now worse.
- 4) Diane:** Received a rating within the past year, but disagrees with the rating VA assigned

# Four Claim Scenarios

**Neville**

Never filed



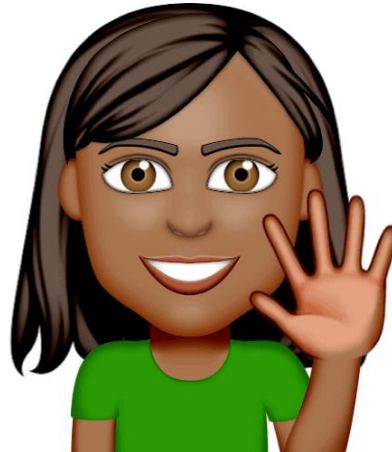
**Wally**

Worsening



**Debbie**

Denied before



**Diane**

Disagrees



# Neville-Never Filed



- **Neville** has never filed a VA claim for **this benefit** before.
  - Even if **Neville** applied for (or receives) other benefits, he has never claimed **this benefit** before.
  - Example, **Neville** may have received benefits for service-connected **hearing loss** for 10 years. Now he is interested in filing a claim for his **back condition** for the **first time**.
- **Neville** should file an **Intent to File** ([VA Form 21-0966](#)) and/or **Application for Disability Compensation** ([VA Form 21-526EZ](#))
  - In this example, AMA remains similar to the legacy process.
  - Intent to File must be followed up with an Application for Benefits within one year to establish the claim

# Debbie – Denied Before



- **Debbie** has applied for this **same benefit** in the past and was **denied**.
  - For example, **Debbie** may have claimed service connection for a back disability the same year she separated from the Navy but was denied. Now ten years later she wants to file a claim for her back again.
- **Debbie** should submit an **Intent to File** ([VA Form 21-0966](#)) and/or **Supplemental Claim** ([VA Form 20-0995](#)) with **new and relevant evidence**.
  - If the Supplemental Claim is submitted **within one year or less of a prior denial**, then submitting the Supplemental Claim will preserve the effective date of the original claim



# Debbie – New and Relevant



- “New and Relevant” means evidence not previously part of the record before the agency that tends to prove or disprove a matter at issue
  - “New and Relevant” is a lower standard of evidence when compared with the previous legacy requirement for “new and material” evidence.
- **Debbie** can also identify new and relevant medical records on her 20-0995 for VA to obtain.

**Advocacy Tip:** Focus on submitting or identifying new evidence to win the claim or trigger VA’s Duty to Assist.

## Quiz

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

(This question does not count towards your grade)

Veteran Archie comes to your office for help filing a VA disability claim for service connection for hearing loss. He says he last filed a claim for VA benefits in 1990. Which form should Veteran Archie use to complete his claim?

- Intent to File 21-0966
- Supplemental Claim 20-0955
- It is not clear
- Application for Benefits 21-526EZ

# Answer

- **It is not clear**

You do not have enough information **yet**. Knowing that Archie filed a claim for benefits in the past is not enough, as you need to know whether he ever filed a **specific** claim for **hearing loss** in the past.

## Quiz

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(This question does not count towards your grade)

Veteran Betty comes to your office for help filing a VA disability claim for service connection for diabetes. She says she previously filed a claim for hypertension, hearing loss, and diabetes but all three claims were denied in 2018.

Which form(s) should Betty use? (You may select more than one answer.)

- Application for Benefits 21-526EZ
- Supplemental Claim 20-0995
- It is not clear
- Intent to File 21-0966

# Answer

- **Intent to File 21-0966** or
- **Supplemental Claim VA Form 20-0995**

Because Betty was previously denied for the same benefit that she is now seeking, she should file a **Supplemental Claim VA Form 20-0995** with **new and relevant evidence**. It does not matter that her claim was denied more than one year ago.

This is a **Debbie** scenario



## Quiz

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(This question does not count towards your grade)

Veteran Jughead comes into your office seeking help in filing a VA disability claim. He says he only filed one VA claim before, for a back disability, which was granted five years ago. Recently his pain has started to radiate into his right arm.

Which form(s) should Jughead use in filing a claim for his right arm pain? (You may select more than one answer.)

- Supplemental Claim 20-0995
- Intent to File 21-0966
- Application for Benefits 21-526EZ
- It is not clear

# Answer

- **Intent to File 21-0966** or
- **Application for Benefits 21-526EZ**

Jughead has not filed a claim for his right arm pain before. Even though it is secondary to a service-connected disability, this is a **new claim** for a **new disability or benefit**.

This is a **Neville** scenario.



# Wally – Worsening Condition



- **Wally** is service-connected by VA for a disability. He is receiving compensation payments, and now he is seeking a higher VA rating because his service-connected disability is **worse**.
- Wally should submit an **Intent to File** ([VA Form 21-0966](#)) or **Application for Disability Compensation** ([VA Form 21-526EZ](#))
  - Just like we discussed with **Neville**
- 38 C.F.R. § 3.1(p)(1)(ii) defines “initial claim” to include, “a claim for increase in a disability evaluation rating or rate of a benefit paid based on a change or worsening in condition or circumstance since the last decision issued by VA for the benefit.”



# Diane - Disagrees



- **Diane** received a decision from VA assigning a rating **within the past year**, and she disagrees with the rating VA assigned.
  - For example, **Diane** was granted service-connection for her back in January, but she only received a 10 percent initial rating.
- **Diane** should file a **Supplemental Claim** ([VA Form 20-0995](#)) with **new and relevant evidence**.
  - Like **Debbie**
  - Must be filed **within one year** of VA's decision assigning the current rating.
  - **Cannot** use Intent to File ([VA Form 21-0966](#))

## Quiz

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(This question does not count towards your grade)

Veteran Veronica comes into your office for help in getting a higher rating for her service-connected headaches. Which form should she use?

- Application for Benefits 21-526EZ
- Supplemental Claim 20-0995
- Intent to File 21-0966
- It is not clear

# Answer

- **It is not clear**

Before you can decide which form to use, you need to know **when** Veronica received notice of the VA decision that granted service connection for her headaches and whether her condition has worsened since then.

Whether that was more or less than one year ago will determine which form she can use.

## Quiz

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(This question does not count towards your grade)

Veteran Reggie comes into your office for help getting a higher VA disability rating for his service-connected hearing loss. VA assigned him a zero percent rating when he got out of the Navy in 1985. He has not filed any VA claims since then, but he recently noticed that he can't hear his phone ring anymore.

Which form(s) should Josie use? (You may select more than one answer.)

- Application for Benefits 21-526EZ
- Intent to File 21-0966
- Supplemental Claim 20-0995
- It is not clear

# Answer

- **Intent to File 21-0966** or
- **Application for Benefits 21-526EZ**

Reggie received his last VA decision on his hearing loss over thirty years ago and his condition has gotten worse. This is a new claim for an increased rating.

This is a **Wally** scenario.



## Quiz

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(This question does not count towards your grade)

Veteran Josie comes into your office asking for help receiving a higher VA disability rating for her service-connected PTSD. She was assigned a 10 percent rating in April 2021. She seeks a higher rating because her PTSD has interfered with her work for several years.

Which form(s) should Josie use? (You may select more than one answer.)

- Application for Benefits 21-526EZ
- Supplemental Claim 20-0995
- It is not clear
- Intent to File 21-0966

# Answer

- **Supplemental Claim VA Form 20-0995**

Josie disagrees with the rating VA assigned her, and she received notice of VA's decision on her claim less than one year ago. However, you should act quickly, because she must file her request for increase before April 2022.

This is a **Diane** scenario



## Quiz

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

(This question does not count towards your grade)

Veteran Dilton comes into your office seeking a higher VA disability rating. He was granted service connection for a knee condition in October 2021, and VA assigned a zero percent rating. In January 2022 his knee gave out and caused him to fall. Ever since his fall, his symptoms of knee pain are worse. Dilton both disagrees with the initial zero percent rating he was assigned less than one year ago AND his condition is worse.

Which form should Dilton use?

- Intent to File 21-0966
- Supplemental Claim 20-0995
- Application for Benefits 21-526EZ
- It is not clear.



# Answer

- **Supplemental Claim VA Form 20-0995**

Dilton could either file a Supplemental Claim (20-0995) or an Application for Benefits (21-526EZ).

However, a **Supplemental Claim (20-0995) would keep the whole period open**, back to the claim he filed before his October 2021 rating decision.

- Like **Diane**

An **Application for Benefits (21-526EZ) would start a new claim** effective the date it was filed.

- Like **Wally**

Therefore, it is in Dilton's **best** interest to file a Supplemental Claim.

# Course Structure

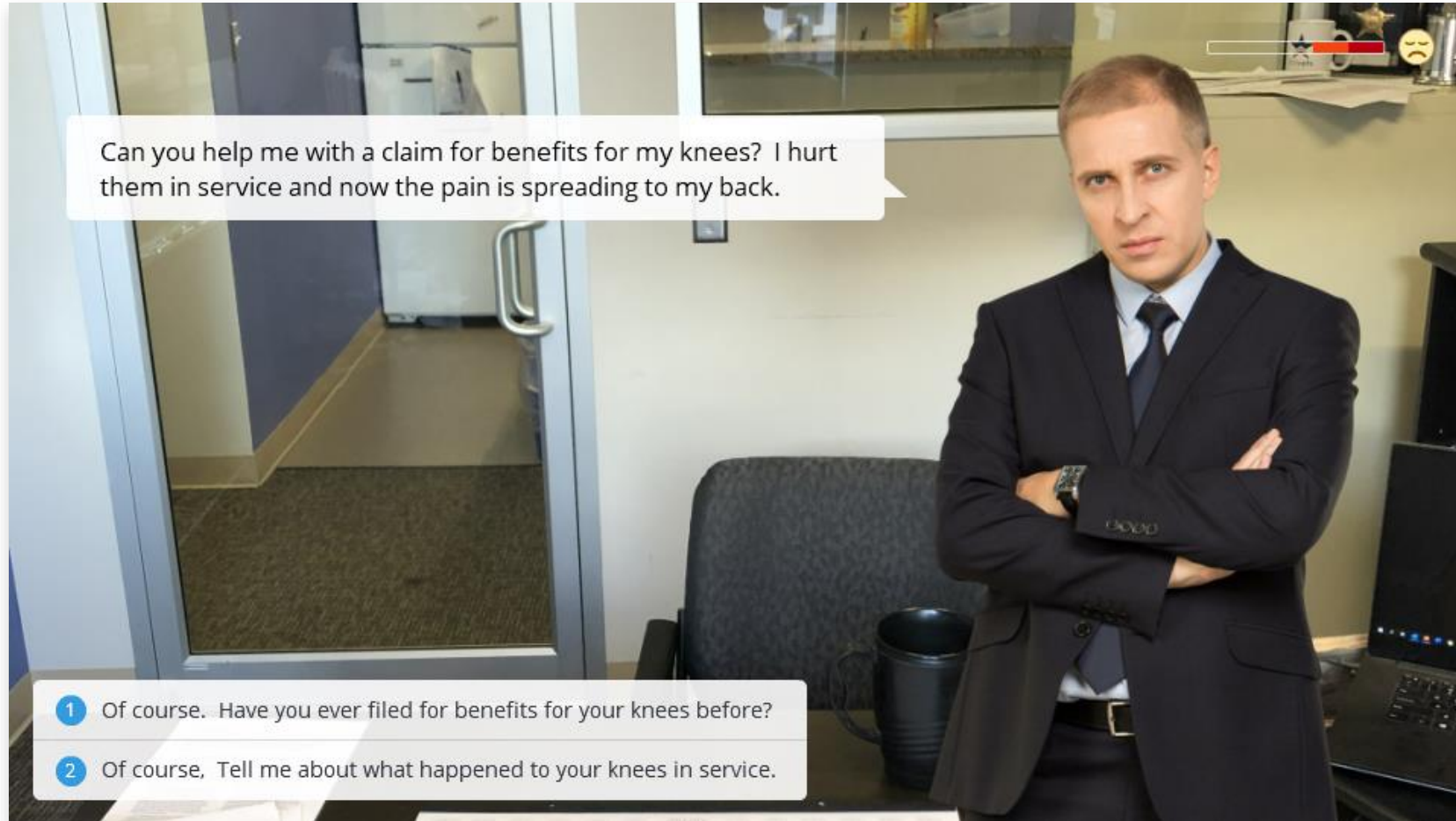
- We are going to continue to talk about these four Veterans' claim scenarios throughout this course:
  - **Neville** - Never filed
  - **Debbie** - Denied
  - **Wally** - Worsening
  - **Diane** - Disagrees
- The four claim scenarios guide you to the **best** VA form to submit for the fastest and the most VA benefits at the Regional Office.
- Note: the four claim scenarios do NOT relate to appeals options under AMA because you will need to know other facts for that determination. Appeals are covered in the August course.

# Exercise Overview

- In the next slide, you will interview a Veteran who comes into your office seeking help.
- Interview the Veteran to determine what kind of claim scenarios are presented.
- During the interview, think about what forms the Veteran will need to complete to win their claim.
- When you are finished with the interview, we will go over the answers together.
- Don't forget that after you reach the end you can restart the interview if you want to try different answers.

# Simulation

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# Quiz

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

What type of claim is the Veteran's left knee claim?

- Wally -- Worsening
- Diane -- Disagrees
- Debbie -- Denied before
- Neville -- Never filed

# Answer



**This is a **Wally** scenario.**

The Veteran's claim was originally granted more than a year ago and his condition has gotten worse. This is a new claim for an increased rating.

What form should you use?

- **Application for Benefits 21-526EZ** or
- **Intent to File 21-0966**

# Quiz

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

What type of claim is the Veteran's right knee claim?

- Neville -- Never filed
- Debbie -- Denied before
- Diane -- Disagrees
- Wally -- Worsening

# Answer



## This is a **Debbie** scenario

Because the Veteran was previously denied for the same benefit that she is now seeking, he should file a **Supplemental Claim VA Form 20-0995** with **new and relevant evidence**. It does not matter that his claim was denied more than one year ago.

What form should you use?

- **Supplemental Claim VA Form 20-0995** or
- **Intent to File 21-0966**



# Quiz

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

What type of claim is the Veteran's back claim?

- Diane -- Disagrees
- Debbie -- Denied before
- Neville -- Never filed
- Wally -- Worsening

# Answer



- **This is a **Neville** scenario.**

The Veteran has not filed a claim for his back before. Even though it is secondary to a service-connected disability, this is a **new claim** for a **new disability or benefit**.

What form should you use?

- **Intent to File 21-0966** or
- **Application for Benefits 21-526EZ**

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