



# Gather VA Disability Evidence After A Claim Was Denied

If your claim was denied, it often means additional evidence is required to succeed on appeal. Here's how to strengthen your case:

**Update Medical Records:** Obtain new test results, second opinions, or specialist evaluations to provide a clearer picture of your condition. If you receive treatment outside VA, make sure to collect those records or let VA know where you receive treatment – VA does not have automatic access to private medical records and must request those records.

**Build a Stronger Service Connection:** Gather reports of in-service incidents, buddy statements, or other evidence linking your condition to military service. These personal accounts can help fill gaps in official records.

## Examples of Evidence You Can Use

**Service Treatment Records (STRs):** Medical records from your time in service documenting injuries or illnesses.

**Private Medical Records:** Documents from civilian doctors or specialists demonstrating ongoing treatment or diagnosis of your condition (e.g., X-Rays, MRI, surgery reports).

**VA Medical Records:** Records from VA clinics or hospitals showing treatment history, prescriptions, or diagnoses.

**Buddy Statements:** Written statements from friends, family, or fellow service members describing how your condition developed or affects your life.

**Personal Statement:** Written statement from you describing how your symptoms have continued since service, the impact of the symptoms on your daily life, or "filling in the gaps" on information missing from the record.

**Employment Records:** Evidence of how your condition impacts your ability to work (e.g., leave records, performance reviews).

**Medical Nexus Letter:** A letter from a physician explicitly linking your condition to your military service (e.g. a specific

in-service event or injury that caused a physical disability). This is essential for making sure your VA claim won't be denied as "not service connected".

## What To Do When You Have a Mental Health Condition

Claims involving VA disabilities like PTSD, depression or anxiety require comprehensive documentation, which can include:

- *Therapist or psychiatrist records documenting diagnoses and treatment plans.*
- *Medical records from VA or private providers showing evaluations, medications, or therapy participation.*
- *Personal statements describing how the condition affects daily life (e.g., struggles with work, relationships, or basic tasks).*
- *Buddy statements from family or fellow service members who observed the challenges caused by your condition.*
- *Incident reports or documentation of traumatic events during service.*
- *Expert evaluations linking your mental health condition to your service.*

## Choose One of These Appeal Paths

Start by filing a Decision Review Request (DRR) to challenge the VA decision. Submitting it within one year of the denial keeps your claim's effective date intact. The DRR begins the appeal process, opening the door to several appeal paths:

- *Higher-Level Review: A senior VA official reviews your case for errors. This option works best if you believe evidence already submitted was overlooked.*
- *Supplemental Claim: Allows you to submit new and relevant evidence for reconsideration.*

- *Board of Veterans' Appeals: A chance to present your case to a judge, submit additional evidence, or request a hearing. While this process can take time, it often produces meaningful results when supported by strong evidence.*
- *When facing a denied claim, make an informed choice. We may be able to assist you – get a free case evaluation here.*

## Appeal vs Reconsideration of a Denied Claim

In the legal realm, "reconsideration" is a term commonly used, but in the context of Veteran benefits, it officially exists only at the Board of Veterans Appeals (BVA) level. It involves filing an official "motion" and is limited to matters concerning potential "clear and unmistakable error."

However, some Veterans and even advocates have mistakenly requested "reconsideration" at the Regional Office (RO) level, where no specific laws or regulations govern this process. The lack of clarity leads to inconsistent and untimely responses from individual ROs, often confusing "reconsideration" requests with intent to reopen denied claims. This means veterans may inadvertently lose their appellate rights and entitlement to an earlier effective date.

"Reconsideration" at the RO level rarely results in favorable outcomes, as the same VA employee is likely to review the claim again. It also doesn't grant additional time beyond the 365-day limit to submit an official Notice of Disagreement, so with limited time you should carefully consider the risks and benefits.

## Get the Help You Need to Win Your Claim

Your VA denial isn't the end — it's the beginning of a new opportunity to secure the benefits you've earned. With the right strategy, evidence, and support, success is within reach. *With over 30 years of experience and more than \$300 million in benefits recovered for our clients, Hill & Ponton has handled 30,000 claims, earning a reputation as trusted advocates for veterans seeking the compensation they deserve. Call us on 1-888-477-2363 for expert assistance.*



TO LEARN MORE, PLEASE VISIT:

[hillandponton.com/what-to-do-when-va-denies-your-claim/](http://hillandponton.com/what-to-do-when-va-denies-your-claim/)

## VA Disability Claims That Cannot Be Proven: Are They Really Unprovable?

What makes a VA disability claim "unprovable"? Sometimes a claim cannot be granted because the condition does not qualify as a disability, or because it's built on symptoms or findings that do not meet the VA's definition of a compensable condition. But some claims only seem unprovable. These claims may be denied at first because key evidence is missing, unclear, or presented in a way the VA does not accept. In these cases, the underlying problem is not the condition itself, but how the claim is framed. Most

claims that appear "unprovable" fall into one of three categories:

- *Claims the VA is legally barred from awarding under current regulations*
- *Claims for conditions the VA does not consider disabilities, such as lab results or risk factors*
- *Claims that lack the specific type of evidence the VA requires, even though the condition is real*

Knowing which category your situation fits into helps you decide what to do next. Some claims must be reframed under a different diagnosis, others require stronger medical support, and some need a new approach such as secondary service connection. The path forward becomes much clearer once you understand why the VA sees the claim as one it "cannot" approve.

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