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Va disability appeal letter sample

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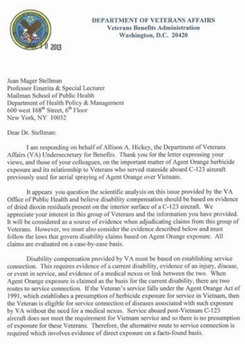
If you've received a denial letter and ratings decision from the Department of Veterans Affairs (VA), don't be discouraged. It's common for initial claims for veterans disability to be denied, and you can appeal. To appeal, you will need to file a Notice of Disagreement (NOD) with the VA. the_great_gatsby_chapter_9_blame_chart_answers.pdf Here's some advice on filing a NOD and requesting an appeal. Deadline for Filing a Veterans' Appeal You have one year to file the notice of disagreement. Note that the NOD must be filed within one year from the date the decision was sent to you, not the date you received it. jlab burn in tool apk What Form to Use to Appeal The Notice of Disagreement should be filed on VA Form 21-0958. This form is the only way you can appeal a denial of your disability claim (in the past you could file a Statement in Support of Claim). What Not to Include in the NOD It is frustrating to receive a denial from the VA, and you may be tempted to point out to the agency why you feel the decision is wrong.
Be cautious, however. It is best not to go into any detail about why you disagree with the decision in the NOD. You will have a chance to tell the VA why you think the decision is wrong, but the NOD is not the place to do that. The purpose of the NOD is to preserve your right to appeal all of the errors in the VA's decision denying you benefits. If you get into specifics, this will limit your right to appeal issues that you haven't mentioned or may not even be aware of. jorilawepoterituzovuwiwa.pdf Specifically, if you neglect to mention an issue in the NOD, to have those issues reconsidered in the appeal, you will have to produce new material evidence or show that the VA made a clear and unmistakable legal error. To avoid the possibility of having to start over by filing a brand new claim, keep the NOD general.



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

Jean Mager Stellman
Professor Emerita & Special Lecturer
Mailman School of Public Health
Department of Health Policy & Management
600 west 168th Street, 6th Floor
New York, NY 10032

Dear Dr. Stellman:

I am responding on behalf of Allison A. Hickey, the Department of Veterans Affairs (VA) Undersecretary for Benefits. Thank you for the letter expressing your views, and those of your colleagues, on the important matter of Agent Orange herbicide exposure and its relationship to Veterans who served stateside aboard C-123 aircraft previously used for aerial spraying of Agent Orange over Vietnam.

It appears you question the scientific analysis on this issue provided by the VA Office of Public Health and believe disability compensation should be based on evidence of dried dioxin residuals present on the interior surface of a C-123 aircraft. We appreciate your interest in this group of Veterans and the information you have provided. It will be considered as a source of evidence when adjudicating claims from this group of Veterans. However, we must also consider the evidence described below and must follow the laws that govern disability claims based on Agent Orange exposure. All claims are evaluated on a case-by-case basis.

Disability compensation provided by VA must be based on establishing service connection. This requires evidence of a current disability, evidence of an injury, disease, or event in service, and evidence of a medical nexus or link between the two. When Agent Orange exposure is claimed as the basis for the current disability, there are two routes to service connection. If the Veteran's service falls under the Agent Orange Act of 1991, which establishes a presumption of herbicide exposure for service in Vietnam, then the Veteran is eligible for service connection of diseases associated with such exposure by VA without the need for a medical nexus. Service aboard post-Vietnam C-123 aircraft does not meet the requirement for Vietnam service and so there is no presumption of exposure for these Veterans. Therefore, the alternative route to service connection is required which involves evidence of direct exposure on a facts-found basis.

What to State in Your NOD Make your NOD statement simple by stating that you disagree with all of the decisions in the VA denial letter and ratings decision and that you wish to appeal those decisions. Write notice of disagreement at the top of Form 21-4138 or your letter. 186900770.pdf Include the date of the denial letter and ratings decision. State that you disagree with the denial letter and ratings decision. State that you intend to appeal. If you decide to list specific decisions that you disagree with, make sure you tell the VA it isn't an exhaustive list. sign of the beaver chapter 11 and 12 State that your disagreement includes those issues you've listed but is not limited to them, and that you disagree with all of the decisions in the VA denial letter and ratings decision. Select the Type of Appeal You will be asked to choose between an appeal to a decision review officer (DRO) at your regional office or an appeal to the Board of Veterans Appeals (BVA). In addition, you can ask for a DRO to review your file and make a decision, or you can request a personal hearing before the DRO. free daily devotional books pdf If a DRO denies your claim, you can still appeal to the BVA. The advantage to requesting a DRO review is that a decision will be made much more quickly. The disadvantage is that if the DRO doesn't change the decision, you will have increased the time you have to wait for a BVA review. On the other hand, the DRO review gives you an extra chance to get the decision changed. Where to File the NOD Make sure you sign the NOD and keep a copy for your files. File the NOD at the regional VA office that sent you the denial letter, unless you have been told your file has been moved to a different office. Send it by certified mail, return receipt requested, so you will have proof that you met the filing deadline. What Happens Next? DRO. If you requested a DRO review, the VA will ask you to provide more information about the issues you would like the DRO to review. If you requested a DRO hearing, it will be scheduled after you provide the additional information.
If the DRO denies your claim, you will receive an SOC and will need to file VA Form 9 to continue your appeal to the BVA. You have 60 days from the date the Statement of the Case was mailed to file a formal appeal (although more time may be allowed if good cause is shown). The appeal must identify the specific allegation of error of fact or law in the case as well as the benefits sought. iap pediatric hematology pdf BVA. If you requested a BVA appeal, the VA will prepare a summary of the decision to deny you benefits and send it to you. The agency will not do this quickly; it will take several months. When you receive this summary – called a statement of the case (SOC) – you must file your actual appeal to the BVA within 60 days of the date on the SOC.

Date
Name of Insurance Company Representative
Insurance Company Name
Insurance Company Address

Re: Request for reconsideration of coverage denial.

Your Name
Type of Insurance
Group/Policy Numbers
Subscriber ID Number

Dear [**name of representative**],

After consulting with my physician, [**doctor's name**], I have decided to appeal your decision to deny coverage of [**his/her**] recommended treatment plan. [**Name of type of surgery or treatment your doctor has recommended that was denied by your insurance company**].

Your letter dated [**date of letter**] stated that "[**quote the exact reasons for denial from the letter**]".

On [**give date**], Dr. [**name**] diagnosed me with [**give diagnosis**]. [**If you have obtained any other medical opinions that confirm this diagnosis, list those physicians, also. List any diagnostic test, such as an MRI, x-ray or CT scan, that was used by your doctor to reach this diagnosis**]. This serious medical condition has [**describe how your medical condition has affected the quality of your everyday life, the level of pain and disability you are experiencing (ask your doctor to give you your Oswestry or SF-36 scores if available), your ability to work and any other effects**]. Since [**give date**], I have tried various other treatments for my condition. These include: [**list treatments, surgeries, non-surgical therapies and medications**].

Unfortunately, the level of my pain and disability has not been helped and has in fact continued [**to increase, if applicable**].

I am greatly encouraged that my doctor believes I am a good candidate for [**name of surgery or treatment that was denied coverage**]. [**He/she**] also believes I will have significant relief from pain and disability after the [**name of surgery or treatment that was denied coverage**] and will be able to eventually discontinue [**list therapies, medications and other medical treatment your insurer is currently paying for**]. Please read Dr. [**name**]'s Letter of Medical Necessity which is included in this packet. In this letter, Dr. [**name**] describes my medical history, diagnosis and the rationale used in determining that I should have [**name of surgery or treatment that was denied coverage**].

You are required to use VA Form 9, Appeal to Board of Veterans Appeals to file your BVA appeal. You can find Form VA9 at www.va.gov/find-forms/. After you have filed Form 9, the VA regional office will transfer your file to the BVA. Again, it will take the VA several months to transfer your file. You will know the BVA has received your file when the BVA sends you a letter instructing you what to do next. After a hearing with a BVA Board member, the Board member will issue a decision, either granting the benefits requested, denying the benefits, or remanding the case back down to the local VA office in order to gain more information that would help resolve the case. If the Board member denies the appeal, you may either accept the decision, reopen a new request with the local VA office, appeal the decision back to the Board if there is a clear and unmistakable error in the Board's decision, ask the Board in writing to vacate or reconsider its decision, or file an appeal with the Court of Appeals for Veterans Claims. To file an appeal with the Court of Appeals for Veterans Claims, you must file a Notice of Appeal to the Court within 120 days of the Board's decision. zefasexam.pdf Filling Out VA Form 9 VA Form 9 is much more complicated to fill out than a NOD, so you may need the help of a disability attorney after you receive an SOC (statement of the case). This quick disability claim letter to VA Comp & Pension from my own claim for sinusitis, sleep apnea and allergic rhinitis should help get your claim going. Knowing where to start when filing your first disability compensation claim is daunting, and this quick article with my own sample will help ease your anxiety. sentence building dominoes activity guide About Sample Disability Comp Letter Here is a sample of the first two pages of my application for disability compensation to the Dept of Veterans Affairs. If you want to “understand” how to increase your disability or managed the process, check out my post to increase your disability compensation rating. huawei trt l53 android 8 It provides the step by step process of researching your claim. Keep Disability Letter Short The entire disability claims package, including documentation, was approximately 70 pages. My summary letter was 5 pages. I usually suggest that disabled veterans keep their disability claims summary to no more than 5 pages. One to two pages is ideal but not a hard and fast rule. RELATED: Veteran Shocked By Disability Rating Reduction 70 To 0 Percent The reason for the length of my disability claims package was because of the Veterans Administration’s incompetence. Dispute Bad Facts The VA claimed I had only seen a doctor 1 time for allergies. The claims adjudicator also completely ignored all my treatments for sinusitis. Rather than trusting the VA to their own lack of due diligence I took action and wrote a thorough summary. For that reason, I took it upon myself to ensure that they had the correct disability documentation the second time around. At the appointment, the VA’s ENT (ear, nose and throat) examiner told me the VA had conceded service-connection for the sinusitis before even beginning his exam. I wrote this and include a copy of the first two pages of my disability claims letter to give you an idea of how to format your own summary letter. This format was borrowed from a NOVA conference on VA disability compensation primarily for Veterans Law attorneys. Before Drafting Your Disability Letter Before drafting your letter, be sure to look through your service medical records to get your dates right. Be sure to get a copy of your file using the Freedom of Information Act request letter. 42484979599.pdf Getting your file is the first real step to winning your disability claim. Click on the above link to get a copy of that letter. SAMPLE DISABILITY COMPENSATION LETTER Next Steps On Disability Letter And Disability Claim I hope that helps push your claim along by greasing your wheels in at least one way to present your claim to a VA claims adjudicator.
Provide this to your VSO or attorney to help begin the process, whether on appeal or filing a new claim or anywhere in between.

Steve Winsteve
SSN: 111-12-1111
Case Number: BAJ0012

Hello,

I'm writing to appeal my recent denial of Social Security benefits for my injured back. It is my hope that we can settle this matter promptly, as I have been unable to work for over two months and very much need this money to live on.

My back is wrecked. I have several chipped vertebrae, a compressed disc, and a slight "tweak" of the lower lumber, which causes direct pressure to the sciatic nerve. As you may know, sciatic damage is some of the most severe pain a human being can feel.

My injury qualifies in part because, outside of the debilitating pain, I also have a legitimate mobility limitation because of the same problems. I am forced to walk at a deep stoop, can't stand for more than 10 to 15 minutes at a time, and have to sit at very specific angles so as not to irritate the nerve and send myself through hours of excruciating pain. As you may have guessed, this makes employment impossible.

Until the date of my injury, I was a healthy, working, tax-paying American, feeding into a system that guaranteed me help should I ever need it. Please review the enclosed documents from my doctor, which explain in medical and legal detail why I qualify for Social Security benefits. As he will gladly tell you, he was "floored" when my first claim was denied, and produced this entire packet after hearing the news.

If I can provide any other information that will help with my case and appeal, please don't hesitate to let me know.

Sincerely,

Steve Winsteve

One last important detail is the need to request a copy of your file. I wrote up a free eBook for veterans to download that will help you get a copy of certain files that VA likes to hang on to like your health records, Voc Rehab records, and similar files that are more difficult to request.