

# COLIN KEMMERLY'S

## Frequently Asked Questions

### **1. How do I file an original application for Veterans Administrative (VA) service connected compensation disability benefits?**

Here are a few tips you will need to get started. You can start by mail or internet.

#### MAIL:

To get started by mail, a veteran can call the VA at 1-800-827-1000 to ask for an application, which is VA Form 21-526 Veterans Application for Compensation and Pension. It is important to remember that a phone call to the VA does not start the application process. For all original service-connected applications, a veteran must complete and submit a VA Form 21-526. The veteran's name and claim number (which is your Social Security Number) must be included on the application and all evidence submitted. You should also include, if you have them, a copy of your discharge papers (DD 214), any military medical records, and current medical records to support your application for the disability claimed. Once VA Form 21-526 is completed, a veteran should mail the application, along with any supporting papers, to his/her VA Regional Office. As always, I recommend sending the application by certified mail, return receipt requested through the United States Post Office so the veteran has evidence of the date that the application was received by the VA Regional Office. The current cost of the postage is approximately \$6.00. This will serve

#### INTERNET:

Do you prefer the internet option? If so, a veteran can also file an application on the internet using [www.ebenefits.va.gov](http://www.ebenefits.va.gov). The website has directions to assist the veteran in completing the process. The veteran will need to print the last page of the online form, sign and date it, and mail to the VA Regional Office. **Again, all mail submissions should be by certified mail return receipt requested through the United States Post Office.**

VA has stated its goal is to process all disability claims within 125 days. See the attached memo dated ----. Once the VA application is submitted, the veteran should receive a letter from their VA Regional Office acknowledging receipt of the application. If the veteran does not receive such a letter within 125 days, I recommend follow-up phone calls and certified letters to the VA Regional Office to verify the application is being processed. Keep records of all correspondences.

### **2. How do I file an application to re-open or increase my service connected compensation? I filed an original application for service connected disability compensation years ago and was denied or received a service connected compensation rating that has gotten worse.**

Unlike filing for an original service connected application, there is no specific VA Form required to file an application to re-open or increase a service connected compensation. The VA does have VA Form 21-4138 Statement in Support of Claim that can be used, but it is not required.

- The veteran must write out a statement regarding what service connected disability compensation issues he/she is asking the VA to reopen or what service connected compensation benefits they want a increase for.
- A phone call to VA is not sufficient, because the request must be in writing. The statement must include the veteran's name and claim file number.
- The veteran must submit the statement to the VA Regional Office.
- I recommend submitting certified mail return receipt requested through the United States Post Office so the veteran has evidence of when the application was received by the VA.

VA has stated its goal is to process all disability claims within 125 days. Once the application to re-open or increase a service connected disability is submitted, the veteran should receive a letter from their VA Regional Office acknowledging receipt of the application. If the veteran does not receive such a letter within 125 days, I recommend follow-up phone calls and certified letters to the VA Regional Office to verify the application is being processed.

### **3. Are there any other VA forms a veteran should submit with his/her application for disability compensation benefits?**

There are no required forms to accompany an application, but I recommend several, if appropriate to the application.

First, if the veteran has a spouse or dependent children, I recommend the veteran complete and submit VA Form 21-686c Declaration of Status Of Dependents. Evidence, such as marriage licenses and birth certificates, supporting VA Form 21-686c should also be submitted.

**If a veteran is filing an application for total individual unemployability because he/she is unable to work due to service connected disabilities, then VA Form 21-8940 should be completed and submitted. This is a serious matter and should be handled as such.**

Other forms that may be submitted include disability specific forms, such as VA 21-0980A-1 Ischemic Heart (IHD) Disability Benefits Questionnaire or VA Form 21-0960C-1 Parkinson's Disease Disability benefits Questionnaire. The veteran should have his/her treating physician complete the forms for submission to the VA. Always keep a copy of the document and do not write or mark on it in any way.

Two things to know about winning your case 1)gathering and submitting evidence and 2) completing necessary forms may reduce the time for a VA decision in a service connected disability compensation application. Yes, reduce the time it takes to process.

If you have questions about your claim, don't hesitate to call Gardberg & Clausen, Attorneys at Law for a free consultation. You can reach us at 251.343.1111 or [vacontact@gardberglaw.com](mailto:vacontact@gardberglaw.com).