### Section A. Initial Considerations Regarding the Development Process

#### Overview

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| In this Section | This section contains the topic “General Information on VA’s Duty to Assist Claimants.” |

#### 1. General Information on the Department of Veterans Affairs’ (VA’s) Duty to Assist Claimants

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| Introduction | This topic contains general information about VA’s duty to assist claimants, including* VA’s duty to assist claimants
* who is responsible for obtaining evidence to substantiate a claim, and
* circumstances under which VA has no duty to assist a claimant.
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| Change Date | June 14, 2015 |

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| a. VA’s Duty to Assist Claimants | According to  [38 CFR 3.103(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=a0b45eda00f4a02e5d365b25e8ab2f6e&mc=true&node=se38.1.3_1103&rgn=div8) and [3.159](http://www.ecfr.gov/cgi-bin/text-idx?SID=a0b45eda00f4a02e5d365b25e8ab2f6e&mc=true&node=se38.1.3_1159&rgn=div8) the Department of Veterans Affairs (VA) has an obligation to * notify claimants, according to instructions in M21-1MR, Part I, 1.B, of the information or evidence that is necessary to substantiate their claim
* assist claimants that file a substantially complete claim in obtaining evidence to substantiate the claim before VA makes a decision on it, and
* grant every benefit supported by law, which is consistent with the facts of the case, while protecting the interests of the government.

***References***: For more information about VA’s duty to notify and assist claimants, see * M21-1, Part I, 1.A
* M21-1, Part I, 1.B, and
* M21-1, Part I.1.C
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| b. Who is Responsible for Obtaining Evidence to Substantiate a Claim | Claimants are ultimately responsible for providing VA with evidence to substantiate their claim. Nevertheless, VA has an obligation to * make every effort to request all the evidence it needs to decide a claim based on the records available when the claim is filed
* undertake development to obtain additional evidence as it is identified by the claimant and/or his/her representative, and
* make reasonable efforts to obtain
* records held by a Federal records custodian, and
* privately held records the claimant identifies, as long as the claimant provides the proper authorization for release of the records to VA.

***References***: For more information about* requesting records from a Federal records custodian, see
* M21-1, Part I, I.C, and,
* M21-1, Part III, Subpart iii, 2.I, and
* requesting privately held records, see M21-1 Part III, Subpart iii,1.C.5.
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| c. Circumstances Under Which VA Has No Duty to Assist a Claimant | VA has no duty to assist a claimant when there is no reasonable possibility that rendering assistance would substantiate his/her claim.***Examples***: * A claimant is ineligible for benefits because he/she
* lacks qualifying service, or
* fails to meet other legal, eligibility requirements.
* A claimant submits a claim that clearly lacks merit.

***Reference***: For more information about circumstances under which VA has no duty to assist a claimant, see M21-1, Part I, 1.A.3.b. |