### Section A. Developing Compensation Claims

#### Overview

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| In This Section | This section contains the following topics: |

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| Topic | Topic Name |
| 1 | General Information on Developing Compensation Claims |
| 2 | Other Issues to Consider When Developing Compensation Claims |
| 3 | Developing Claims Filed Under 38 U.S.C. 1151 |

#### 1. General Information on Developing Compensation Claims

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| Introduction | This topic contains general information on developing compensation claims, including * reviewing the claim for substantial completion
* reviewing the claims folder
* determining when to develop for the status of the Veteran’s dependents
* reviewing the claims folder for service verification
* submitting requests for service records
* handling other requests for information, and
* determining when to submit evidence to the rating activity justifying a partial grant.
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| a. Reviewing the Claim for Substantial Completion | When a claim for benefits is received it should be reviewed to determine if it is a substantially complete claim.***Reference***: For information on substantially complete claims see M21-1, Part I, Chapter 1, B.1.[b](http://www.benefits.va.gov/WARMS/docs/admin21/m21_1/mr/part1/ch01/M21-1MRI_1_SecB.doc). |

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| b. Reviewing the Claims Folder | Review the claim to identify the alleged disabilities and any dental conditions, as well as the dates and places of examination or treatment. Review the service treatment or dental records in the claims folder to find records supporting the claimed disabilities. |

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| **c. Determining When to Develop for the Status of the Veteran’s Dependents** | To ensure a Veteran receives all the benefits to which he/she is entitled in a timely manner, undertake any development necessary to establish entitlement to additional compensation for dependents upon receipt of* an original or reopened claim for disability compensation, or
* a claim for increased disability compensation.

***Reference***: For more information on establishing dependency see M21-1, Part III, Subpart iii, 5.A.1.h. |

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| d. Reviewing the Claims Folder for Service Verification | Review the claims folder to identify and verify the claimant’s military service.***Reference***: For more information on service verification, see M21-1, Part III, Subpart ii, 6.6.1. |

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| e. Submitting Requests for Service Records | For more information on developing for service records, see M21-1, Part III, Subpart iii, 2. |

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| f. Handling Other Requests for Information | For information on requesting records from* the Social Security Administration, see M21-1, Part III, Subpart iii, 3.A, and
* other Federal and State agencies, see M21-1, Part III, Subpart iii, 4.
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| g. Determining When to Submit Evidence to the Rating Activity Justifying a Partial Grant  | After initiating development, send the claims folder to the rating activity if a partial grant of any claim may be awarded based on the evidence already of record. ***References***: For more information on* prestabilization ratings under [38 CFR 4.28](http://www.ecfr.gov/cgi-bin/text-idx?SID=d165020738c7be01f17eb10e446cf7a0&node=se38.1.4_128&rgn=div8), see M21-1, Part IV, Subpart ii, 2.J.1, and
* hospitalization ratings under [38 CFR 4.29](http://www.ecfr.gov/cgi-bin/text-idx?SID=d165020738c7be01f17eb10e446cf7a0&node=se38.1.4_129&rgn=div8), see M21-1, Part IV, Subpart ii, 2.J.2.
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#### 2.  Other Issues to Consider When Developing Compensation Claims

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| Introduction | This topic contains information on other issues to consider when developing compensation claims, including* handling claims for dental treatment
* definition of ***acute*** ***disability***, and
* handling claims for acute disabilities.
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| a. Handling Claims for Dental Treatment | ***Reference***: For more information on claims for dental treatment, see * M21-1, Part III, Subpart v, 7, and
* M21-1, Part IX, Subpart ii, 2.2.
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| b. Definition: Acute Disability | An ***acute disability*** is a disease or injury that* has definite symptoms
* is short in duration, and
* results in a recovery without apparent residuals.

***Examples***: Acute disabilities include* nasopharyngitis or catarrhal fever (common cold)
* pneumonia, or
* a bruise.
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| c. Handling Claims for Acute Disabilities | If a claim is substantially complete as described in M21-1, Part I, 1.B.1.b, take the following steps:* develop for any relevant medical records, including evidence showing the present existence of the disabilities claimed, and
* refer the claim to the rating activity for a decision
* as soon as the evidence is received, or
* if the claimant or custodian of the requested evidence fails to respond within the prescribed time period.

***Important***: Preparation of a formal rating decision and code sheet is required if denying the claim. |

#### 3. Developing Claims Filed Under 38 U.S.C. 1151

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| Introduction | This topic contains information on developing claims filed under [38 U.S.C. 1151](https://www.law.cornell.edu/uscode/text/38/1151), including* [requesting information from the medical facility](#_a.__Requesting)
* possible sources of information about the incident
* quality assurance investigative reports, and
* types of documents that qualify as quality assurance reports.
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| a. Requesting Information From the Medical Facility | When requesting information from the medical facility, provide as much information as possible about the claimed incident. The electronic VA Form 10-7131, *Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action* request functionality in the Compensation and Pension Record Interchange (CAPRI) supports text entry up to four pages and maintains tracking information regarding the status of requests. Use the *7131 Request* tab in the patient record. Copy and paste the following text into the general comments area and add the necessary details about the claimant to the text, as applicable.*We have received a claim from the person identified below for benefits under 38 USC 1151 based on alleged injury while at your facility.**Name:* *File Number:* *SS Number:* *Date of Birth:* *The claimant alleges sustaining an injury to his/her [CONDITION]. This injury occurred on [MM-DD-YYYY].**To assist us in making a determination, please furnish all of the following evidence, if available, for this patient for the period of medical care from [MM-DD-YYYY] to [MM-DD-YYYY].**• Medical records**• Surgical records**• Hospital clinical records**• Nurses' notes, and**• Any other documentation of patient injury.* |

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| b. Possible Sources of Information About the Incident | Request all evidence and documents pertinent to the incident upon which the claim is based. Possible sources of information about the incident may include* medical records
* surgical records
* hospital clinical records, or
* nurses’ notes.
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| c. Quality Assurance Investigative Reports | Request Quality Assurance Investigative Reports ***only*** if the claimant* identifies these records as evidence necessary to substantiate their claim
* identifies Quality Assurance Records consistent with [38 U.S.C. 5103A(b)(1)](https://www.law.cornell.edu/uscode/text/38/5103A), and
* furnishes sufficient information to locate the records consistent with [38 U.S.C. 5103A(c)(2)](https://www.law.cornell.edu/uscode/text/38/5103A).

***Notes***: * If the Veterans Health Administration (VHA) denies access to these records, then request an Office of General Counsel (OGC) review.
* An OGC review is not appropriate when VHA denies access to these records because they are no longer available.
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| **d. Types of Documents That Qualify as Quality Assurance Reports** | For more information on the documents that qualify as quality assurance reports, see [38 CFR 17.501](http://www.ecfr.gov/cgi-bin/text-idx?SID=9d2bffe31468bf6f984d1d1b208c874e&node=se38.1.17_1501&rgn=div8) and [VAOPGCPREC 1-2011](http://www.va.gov/OGC/docs/2011/PREC1_2011.pdf). |