### Section A. Developing Compensation Claims

#### Overview

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

|  |  |  |
| --- | --- | --- |
| Topic | Topic Name | See Page |
| [1](#Topic1) | General Information on Developing Compensation Claims | 1-A-2 |
| [2](#Topic2) | Other Issues to Consider When Developing Compensation Claims | 1-A-4 |
| [3](#Topic3) | Developing Claims Filed Under 38 U.S.C. 1151 | 1-A-7 |

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

|  |  |
| --- | --- |
| Introduction | This topic contains general information on developing compensation claims, including   * [when to develop for the status of the Veteran’s dependents](#_a.__When) * [reviewing the claims folder](#_b.__Reviewing) * [when to submit evidence justifying a partial grant to the rating activity](#_c.__When) * [submitting requests for service records](#_d.__Submitting), and * [handling other requests for information](#_e.__Handling). |

|  |  |
| --- | --- |
| Change Date | September 5, 2008 |

|  |  |
| --- | --- |
| a. When to Develop for the Status of the Veteran’s Dependents | Since the number or status of the Veteran’s dependents is *not* a factor in determining entitlement to compensation, do not develop for this information until a rating is received showing a combined evaluation of 30 percent or more.  ***Exception***: Undertake simultaneous development when it is apparent that the Veteran’s service-connected (SC) disability will warrant at least a 30 percent evaluation, such as in the case of a Veteran who has lost both legs in service.  ***References***: For more information on developing for relationship and dependent status, see   * [M21-1MR, Part III, Subpart iii, 5](imi-internal:M21-1MRIII.iii.5) * [M21-1MR, Part III, Subpart iii, 6](imi-internal:M21-1MRIII.iii.6), and * [M21-1MR, Part III, Subpart iii, 7](imi-internal:M21-1MRIII.iii.7). |

|  |  |
| --- | --- |
| 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. |

Continued on next page

, Continued

|  |  |
| --- | --- |
| c. When to Submit Evidence Justifying a Partial Grant to the Rating Activity | 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 information on   * prestabilization ratings under [38 CFR 4.28](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKC/PART4/S4_28.DOC), see [M21-1MR, Part IV, Subpart ii, 2.J.59](imi-internal:M21-1MRIV.ii.2.J.59), and * hospitalization ratings under [38 CFR 4.29](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKC/PART4/S4_29.DOC), see [M21-1MR, Part IV, Subpart ii, 2.J.60](imi-internal:M21-1MRIV.ii.2.J.60). |

|  |  |
| --- | --- |
| d. Submitting Requests for Service Records | For more information on developing for service records, see [M21-1MR, Part III, Subpart iii, 2](imi-internal:M21-1MRIII.iii.2). |

|  |  |
| --- | --- |
| e. Handling Other Requests for Information | For information on requesting records from   * the Social Security Administration, see [M21-1MR, Part III, Subpart iii, 3.A](imi-internal:M21-1MRIII.iii.3.A), and * other Federal and State agencies, see [M21-1MR, Part III, Subpart iii, 4](imi-internal:M21-1MRIII.iii.4). |

#### 2. Other Issues to Consider When Developing Compensation Claims

|  |  |
| --- | --- |
| Introduction | This topic contains information on other issues to consider when developing compensation claims, including   * [establishing entitlement based on an original *VA Form 21-526, Veteran’s Application for Compensation and/or Pension*](#_a.__Establishing) * [action to take when a Veteran’s SC disabilities are evaluated at 30 percent or more disabling](#_b.__Action) * [handling claims for dental treatment](#_c.__Handling) * [developing for continuity of symptoms](#_d.__Developing) * [the definition of ***acute*** ***disability***](#_e.__Definition:), and * [handling claims for acute disabilities](#_f.__Handling). |

|  |  |
| --- | --- |
| Change Date | September 22, 2014 |

|  |  |
| --- | --- |
| a. Establishing Entitlement Based on an Original VA Form 21-526 | If an original *VA Form 21-526, Veteran’s Application for Compensation and/or Pension,* is processed as a claim for one type of benefit, compensation or pension, and a claim for the other type of benefit is received within one year of the original *VA Form 21-526,* the effective date of entitlement is the earliest date allowable under the original claim or the date entitlement arose, whichever is later.  ***Reference***: For more information on processing original disability claims, see   * [38 CFR 3.151](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKB/PART3/S3_151.DOC), and * [M21-1MR, Part III, Subpart ii, 2.B.6](imi-internal:M21-1MRIII.ii.2.B.6). |

|  |  |
| --- | --- |
| b. Action to Take When a Veteran’s SC Disabilities Are Rated 30 Percent or More Disabling | When a Veteran’s SC disabilities are rated 30 percent or more disabling   * include information concerning possible additional benefits for dependents in the award letter, and * do *not* establish or maintain an end product (EP) 130 control until the claim for dependents is received.   ***References***: For information on   * EP codes, see [M21-4, Appendix C](http://warms.vba.va.gov/admin21/m21_4/appc.doc), and * Aid and Attendance qualification for spouses of Veterans, see [M21-1MR, Part V, Subpart iii, 2.A.1.e](imi-internal:M21-1MRV.iii.2.A.1.e). |

Continued on next page

, Continued

|  |  |
| --- | --- |
| c. Handling Claims for Dental Treatment | ***References***: For more information on claims for dental treatment, see   * [M21-1MR, Part III, Subpart v, 7](imi-internal:M21-1MRIII.v.7), and * [M21-1MR, Part IX.ii.2.2.](imi-internal:M21-1MRIII.v.7) |

|  |  |
| --- | --- |
| d. Developing for Continuity of Symptoms | Request evidence of continuity of symptoms for each disability claimed when developing claims for direct service connection.  ***Note***: VA is only required to consider “continuity of symptomatology” as a distinct theory of service connection in cases involving a chronic disease identified in [38 CFR 3.309(a)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/s3_309.doc). However evidence of continuity may always be relevant to a nexus between a current disability and service.  ***Reference***: For more information on continuity of symptoms, see   * [*Walker v. Shinseki*](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm#bmw), 7098 F.3d 1311 (Fed.Cir. 2013). * [38 CFR 3.303(b)](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKB/PART3/S3_303.DOC), and * [M21-1MR, Part IV, Subpart ii, 2.B](pt04_sp02_ch02_secB.xml#IV.ii.2.B). |

|  |  |
| --- | --- |
| e. 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. |

Continued on next page

, Continued

|  |  |
| --- | --- |
| f. Handling Claims for Acute Disabilities | If a claim is substantially complete as described in [M21-1MR, Part I, 1.B.3.a](imi-internal:M21-1MRI.1.B.3.a), take the following steps:   * develop for evidence of continuity of symptoms and any other 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***: If the claim is denied, preparation of a formal rating decision and code sheet is required. |

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

|  |  |
| --- | --- |
| Introduction | This topic contains information on developing claims filed under 38 U.S.C. 1151, including   * [requesting information from the medical facility](#_a.__Requesting) * [possible sources of information about the incident](#_b.__Possible), and * [quality assurance investigative reports](#_c.__Quality). |

|  |  |
| --- | --- |
| Change Date | September 22, 2014 |

|  |  |
| --- | --- |
| 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 text from the Modern Award Process – Development (MAP-D) letter *1151 development to VAMC* into the general comments area. |

Continued on next page

, Continued

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| c. Quality Assurance Investigative Reports | Do *not* request quality assurance investigative reports.  Quality assurance investigative reports are confidential under [38 U.S.C. 5705](http://law.cornell.edu/uscode/html/uscode38/usc_sec_38_00005705----000-.html) and *cannot* be used as evidence in the adjudication of a claim.  If quality assurance investigative reports are received from a VA medical facility, return the reports immediately. Do *not* file copies of these reports in the Veteran’s claims folder. |