### Section A. Deciding Claims for Disability Compensation

#### Overview

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

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| Topic | Topic Name |
| 1 | Issues to Consider when Deciding Claims for Disability Compensation |

#### 1. Issues to Consider When Deciding Claims for Disability Compensation

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| Introduction | This topic contains information on issues to consider when deciding claims for disability compensation, including * disabilities for which service connection must be considered
* soliciting a claim for chronic, unclaimed disabilities
* initial review of supplemental service treatment records (STRs)
* action taken on supplemental STRs
* notification of rating decisions based on supplemental STRs
* references concerning the selection of effective dates.
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| Change Date | March 24, 2015 |

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| a. Disabilities for Which Service Connection Must Be Considered | When deciding an original claim for compensation, or when supplemental service treatment records (STRs) are received following promulgation of an original rating decision the rating activity must* determine service connection for all claimed disabilities, based on a sympathetic reading of the claim, and
* consider soliciting a claim for other chronic, unclaimed disabilities noted in the STRs.

***Notes***: * The courts have held that generally the mere existence of medical records does not establish a claim as there must be some intent by the claimant to apply for a benefit. Claims for an increased rating were an exception to that rule under the historical provisions of [38 CFR 3.157(b)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_157.doc). The Standard Claims and Appeals Form regulation eliminated paragraph 3.157 and requires claims be submitted on prescribed forms effective March 24, 2015.
* A claim mentioning an exposure but not specifying a disability from the exposure is not substantially complete. In such claims follow the specific procedures provided in references below.
* Do not solicit a claim based merely on abnormal lab results discovered in the STRs.
* Abnormal laboratory findings, such as elevated blood sugar, hyperlipidemia, elevated triglycerides or elevated cholesterol, even if diagnosed, are not themselves disabilities for VA purposes.
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| a. Disabilities for Which Service Connection Must Be Considered (continued) | * Clarification may be necessary when there is a claim for a benefit premised upon lab findings.
* ***Example***: A claim for “service connection” or “compensation” for “blood sugar” or “high blood sugar” may have been intended as a claim for diabetes and development could substantiate that elevated blood sugar readings in service represented the onset of diabetes first diagnosed after service or diabetes may have been subsequently diagnosed in a presumptive period.

***References***: For more information on * clarifying claims that are not substantially complete, see
* [38 CFR 3.159(a)(3)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_159.doc), and
* M21-1, Part I, 1.B.3
* claims that do not specify a disability but allege exposure to
* radiation, see M21-1, Part IV, Subpart ii, 1.B.5.d
* environmental hazards, see M21-1, Part IV, Subpart ii, 1.E.18.c
* mustard gas or Lewisite, see M21-1, Part IV, Subpart ii, 1.F.20.d
* herbicide agents, see M21-1, Part IV, Subpart ii, 1.H.28.g, and
* asbestos, see M21-1, Part IV, Subpart ii, 1.H.29.c.
* soliciting a claim for unclaimed disabilities, see M21-1, Part IV, Subpart ii, 2.A.1.b
* handling additional STRs, see M21-1, Part IV, Subpart ii, 2.A.1.c
* the types of issues that a compensation claim may involve, see M21-1, Part III, Subpart iv, 6.B.2
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| b. Soliciting a Claim for Chronic, Unclaimed Disabilities  | When soliciting a claim for service connection for a chronic, unclaimed disability* send a letter to the Veteran and his/her representative, if applicable, instructing them to submit a *VA Form 21-526EZ*, *Application For Disability Compensation And Related Compensation Benefits,* if they would like to file a claim for the identified condition(s), and
* provide the Veteran and his/her representative, if applicable, information regarding how to obtain the appropriate form for claim submission.

Include the following language in the letter:We have reviewed your records and they suggest you may be entitled to an additional benefit. If you want to file a claim for[insert chronic disability] please submit a completed VA Form 21-526EZ, *Application For Disability Compensation And Related Compensation Benefits,* to the appropriate address listed on the attached *Where to Send Your Written Correspondence* chart.  You can download the form at <http://www.va.gov/vaforms> or you can call us at 1-800-827-1000. We recommend you return the form as soon as you can, in order to ensure the earliest possible payment date, if an award is authorized.***Notes***:* Do not establish end product (EP) control or initiate development or duty-to-notify/assist procedures until the Veteran responds affirmatively to the letter.
* When the Veteran responds affirmatively, the date of claim of the EP is the date the regional office (RO) received the claim.
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| c. Initial Review of Supplemental STRs | Upon receipt of the supplemental STRs, an Intake Processing Center (IPC) Veterans Service Representative (VSR) conducts an initial review of the documents with the claims folder to determine whether the records are duplicates.The table below shows the action taken by the IPC VSR after the initial review of the STRs. |

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| If the STRs are … | Then the IPC VSR … |
| Duplicates | * sends the duplicate STRs to the Veteran with a cover letter
* annotates *Duplicate STRs reviewed, NAN (no action needed)* on the outside of the existing STR jacket created by VA
* initials and dates the annotation, and
* clears (PCLR) an EP 699.

***Note***: Do *not* annotate the original STR jacket sent from the Department of Defense. |
| not duplicates | * establishes a future EP 699 with a 60-day suspense diary, and
* forwards the claims folder to the IPC Rating Veterans Service Representative (RVSR) for rating action.

***Note***: If the RO does not have a IPC RVSR, the RO should follow locally established procedures for IPC cases. |

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| d. Action Taken on Supplemental STRs  | The table below shows the action the action taken when an RO receives supplemental STRs from the Records Management Center (RMC).***Note***: When it is necessary to PCLR an EP 699 that is still pending as a future diary, the VSR will* change (PCHG) the EP 699 diary to EP 930
* PCAN the EP 930, and
* PCLR a new EP 699 using that day as the date of claim.
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| If the RVSR determines the STRs contain … | Then the … | And the … |
| new and material evidence warranting a grant of a previously denied claim, the RVSR returns the claims folder to the IPC VSR***Note***: Previously denied claims may include claims for service-connected (SC) burial benefits and Dependency and Indemnity Compensation (DIC), if the STRs pertain to a deceased Veteran. | IPC VSR * cancels (PCANs) EP 699
* establishes EP 020 with the ‘Reconsideration’ claim label, and
* returns the claims folder to the RVSR.

***Note***: The date of claim for the EP 020 is the date the RVSR determines a rating is necessary. | RVSR prepares a rating decision granting the previously denied claim.***Note***: If necessary, the RVSR will request a VA examination to determine the Veteran’s current level of disability.***References***: For information on the* appropriate effective date to use, see [38 CFR 3.156(c)(3)](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_156.DOC), and
* language to include in the notification letter, see M21-1, Part IV, Subpart ii, 2.A.1.e.
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| evidence that clearly warrants an increase in a service-connected condition, the RVSR returns the claims folder to the IPC VSR | IPC VSR * cancels EP 699
* establishes EP 020 with the ‘Reconsideration’ claim label, and
* returns the claims folder to the RVSR.

***Note***: The date of claim for the EP 020 is the date the RVSR determines a rating is necessary. | RVSR prepares a rating decision increasing the evaluation based on the evidence in the file.***References***: For information on the* appropriate effective date to use, see [38 CFR 3.156(c)(3)](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_156.DOC), and
* language to include in the notification letter, see M21-1, Part IV, Subpart ii, 2.A.1.e.
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| evidence of a chronic condition incurred during active duty, with no claim previously filed for the condition***Note***: Examples of chronic conditions are diabetes mellitus and cancer. | RVSR returns the c-folder to the IPC VSR | VSR * PCLRs EP 699, and
* solicits a claim from the Veteran.

***Reference***: For more information on soliciting claims, see M21-1, Part IV, Subpart ii, 2.A.1.b. |
| evidence related to an SC disability that does not warrant an increased evaluation | RVSR* annotates *Additional STRs reviewed, NAN,* and
* returns the claims folder to the IPC VSR
 | VSR * PCLRs EP 699
* files unassociated STRs in a separate STR jacket, and
* returns the claims folder to files.
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| duplicate evidence | RVSR * annotates *Additional STRs reviewed, NAN,* and
* returns the claims folder to the IPC VSR
 | VSR* PCLRs EP 699, and
* sends the Veteran the duplicate STRs with a cover letter.
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| new evidence, but none that* indicates an increase in an SC disability
* relates to a previously denied claim, or
* shows a chronic, unclaimed condition incurred during active duty
 | RVSR * annotates *Additional STRs reviewed, NAN,* and
* returns the claims folder to the IPC VSR
 | VSR * PCLRs EP 699
* files the unassociated STRs in a separate STR jacket, and
* returns the claims folder to the files.
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| e. Notification of Rating Decisions Based on Supplemental STRs | All rating decisions granting service connection, an increased disability evaluation, or death benefits based on unassociated supplemental STRs will contain the following language:*VA has received additional service treatment records that were previously unavailable. The following decision is based on the additional medical evidence.* |

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| f. References Concerning the Selection of Effective Dates | For information on the selection of appropriate effective dates when deciding claims for disability compensation, see* [38 U.S.C. 5110](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00005110----000-.html)
* [38 CFR 3.156(c)(3)](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_156.DOC)
* [38 CFR 3.157](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_157.DOC)
* [38 CFR 3.400](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_400.DOC), and
* [38 CFR 3.401](http://www.warms.vba.va.gov/regs/38CFR/BOOKB/PART3/S3_401.DOC).
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