

The Dirty Dozen

This is a list of 13 things that you must do or more importantly, not do, while you attempt to win your compensation benefits. These aren't in any particular order, each is as important as the next. I know these are important. I see the mistakes every day and I know the results of making simple errors.

Following these simple rules won't win your claim for you but it will help ensure you don't lose it.

(1) Don't call the toll free number. Don't email the VA Regional Office. Don't use the electronic system to file your claim. Do not ever, under any circumstances communicate with the VARO except by certified mail, return receipt requested. If you break this rule, you are sure to get the wrong information. When you call or email you aren't contacting your VA Regional Office, you're in touch with a call center.

The call center has access to a computer system that is rumored to be powered by kerosene and data is stored on IBM punch cards. The employees are under orders that you are allowed 3 minutes and not any more. They will tell you anything you want to hear to get you off that telephone. If you insist, try calling 3 days in a row. Ask the same question each time. It's likely you'll hear 3 completely different answers, all wrong.

(2) Know who is representing you. Every day I get at least one email that tells me, "The VA representative called me to tell me I was going to receive 80% on my award." I always ask, "Who is this VA representative and what is his title and who does he work for?" The answer is always the same, "Oh. I just thought he was a VA representative. He works for the VFW. I'm not sure what his last name is but his first name is Jim...I think. I've seen him around for a long time."

You hand over the future of one of the most important legal moves you'll ever make where the stakes are counted in the hundreds of thousands of dollars and you aren't sure who the person works for?

Before you go out and buy a new washer-dryer combo, you'll scout the ads in the papers, do some research on the Internet, go to Sears, Best Buy, and Home Depot and you'll spend hours making a decision that will cost around \$1000.00.

On the other hand, you'll walk into any office that looks official, sign over a power of attorney (!), complete financial paperwork that exposes your weaknesses to the world and walk away not knowing what to expect or when to expect it.

If you'll spend as much time thinking about your claim and who that representative works for as you did that big-screen plasma TV you had to have, you'll be a lot happier down the

road.

(3) Be patient. Take 2 hours of quiet time early in the process and read from all the stuff that is available here and at other web sites. The VA site itself is a wealth of information and will answer a lot of your questions completely.

Your application for benefits will follow a process. If you've done your part that paper you submitted is going to slowly wind its way to the first step in the process, then the second step in the process, then the third step and so on right through over 100 steps that must be accomplished before it is adjudicated.

Whether you think all that is necessary or not doesn't matter. It's the process that counts and you need to accept that very early in the game.

Once you've submitted your paperwork and you're confident that you have given VA all the evidence that there is, you're done. There is nothing else to do but wait. Calling the VA (see #1) to ask where your folder is is a waste of your time. Don't write any more letters to VA. Don't call your VSO to ask if she has heard anything about your claim. She hasn't.

Read War & Peace. Build model airplanes. Watch all the Jerry Springer shows you can in the year that you're waiting and score them according to the types of family values they teach us. Get a salt water aquarium and watch expensive fish die. Buy more fish. Do anything at all but think about your claim.

Your claim will be adjudicated when it gets adjudicated and not a minute before. Live with that.

(4) Don't ever display any anger to a VA employee. Yeah, OK...we're all pissed off. Every last veteran I know can feel their blood boiling at the mention of how the VA treats those it's supposed to serve.

We were trained to be angry. From day one, before I even got off the bus at Ft. Benning, Georgia on that miserable hot and humid summer day, I had 3 guys in heavy boots and stiffly starched combat fatigues screaming their lungs out at me. I was called everything but a child of God.

I was promptly informed I no longer had a mom, she had been replaced by a guy with 3 Vietnam campaign ribbons who was going to teach me something called 'jungle warfare'.

I had to yell "KILL KILL KILL" for weeks on end, beat my friends to a pulp with a big stick, stab a lot of things with a mounted bayonet and I learned that ultra-violence was the answer to every problem I would encounter as a soldier. Extreme pain was a sign that weakness was leaving my body. My most basic and most important job was to kill people

and destroy their stuff. We were not emissaries of peace, we were warriors.

That was then and this is now.

If you show your angry side to a VA employee by yelling, expressing your displeasure at waiting, slamming a fist down on a desk, cursing, storming out of a room and slamming the door or making a direct or veiled threat...you have created trouble for yourself and all those who have to follow in your footsteps.

Most, not all but most VA employees at the clinics, hospitals and regional offices want to help you. They're usually every bit as frustrated as you are at the bureaucracy they work for. They have the same problems of paying bills, raising teenagers, flat tires and headaches that you have. Many of them are veterans. Many others weren't born yet when you injured your back. The bureaucracy wasn't intentionally made tougher for you by that 23 year old student intern sitting across from you.

A lot of these people are afraid of you. I was born with a scowl. At my happiest, my brow is furrowed and my eyes narrow down to slits and I sigh a lot. I've been told often that I intimidate people so I work hard to overcome that.

Before you interact with a VA employee...in person, on the phone or by letter...take a deep breath and let that anger go. The amount of courtesy, respect and smiles you give is directly correlated to what you'll receive.

Otherwise, you may find that your record is flagged to warn others about your erratic, threatening behavior and if you think you have problems with getting things done now, you ain't seen nothing yet.

Worst case...the VA police are serious. Most VA police officers are real cops, not 'security guards'. The handcuffs they use are pretty much guaranteed to show you what they think of your attitude.

Think before you open your mouth. You'll be glad you did. The rest of us will appreciate it too.

(5) A well written letter is your best friend. I hear it every day. A veteran sends me an email that begins, "The VA lowered my benefits because I didn't show up for an exam. I didn't know I had any exam scheduled. They say they sent me a letter but the idiots mailed it to my old address. I changed my address by telling my VSO and I also called the VA toll free number and I emailed them too. Now what do I do?"

Now you try to get the train back on the tracks.

When you moved and changed your mailing address, it appears you told everyone but the VA Regional Office that handles your folder. Neither the toll free number or the IRIS email system is at your regional office. Your VSO can't be relied on to run errands for you.

If you had written a letter, mailed it to the correct address and used certified mail with return receipt requested and kept the receipt along with your copy of that letter, it is very likely the address change would have happened just as it should have. If it didn't, you have good evidence that you did your part correctly and timely. Without that little green postcard, you got nothing.

This applies to every action you take with the VA.

Any time you want VA to accomplish anything for you, you must put it in writing and you must be precise in telling them exactly what it is you want. When you put your request in writing, you've just created a piece of evidence that can be held in the hands and reviewed by another person months or years down the road. It's real, it's solid and if it disappears from your folder, you have a back up copy and that little green post card to prove it was delivered.

A telephone call is a faint memory the moment the connection is broken. An email may roll up and off the screen, out of sight and out of mind. Emails are often purged whether by accident or intent.

Your letter and your copy of that letter are the most powerful tool you have. A single letter that is brief and tells the reader just exactly what you want is more potent than a hundred phone calls.

I've provided a number of templates for you to use in other articles. There is just no reason for you to communicate with VA by any other method.

(6) Don't call your Congressperson or a Senator. I get a lot of email telling me how the veteran got frustrated at delays so they decided that their Senator would storm the walls of the VA for them and tell those bad people to straighten up and fly right. Most of these emails end by telling me that months later they received a form letter telling them that the VA is still working on their claim and that ends that.

Your elected representatives in Washington make laws, they don't enforce them. Each of them maintains a number of very busy offices staffed by a dozen or more people. In that mix are "Military & Veterans Liaisons" or an individual with a similar title and responsibility.

When you write or call to complain about the VA and your claim, your call is routed to that person. He or she will ask you to complete documents that allow them to view your folder... privacy issues must be addressed as you have medical records in there.

Then they send a "Congressional Inquiry" to your VARO. The VARO maintains a team of people to respond to such inquiries within 45 days. Your folder is located, pulled out of line and examined for any particular glitches or errors. Then it may be sent to the Representative's liaison for a review.

If the folder and your application are merely going through the usual routine of numbingly slow progress, that's what you'll hear. If there is missing evidence and VA can't find records or something is lost, they'll assure the Representative that they're doing all they can and that message will be passed on to you.

Your Congressperson or Senator won't be aware that you've done any of this with their office. They each have hundreds of these requests every year. Almost every one of these inquiries I've seen are initiated by a veteran displaying impatience. Often enough, the impatience is rooted in ignorance. The vet doesn't understand the process and nobody told him that his claim may take as long as 18 months.

Some requests and complaints are filed with these offices because the veteran is in dire financial straits and is depending on a compensation benefit to save the day. The wolves are at the door, the car is being repossessed, the credit cards are maxed out and the vet needs the money right now. This is probably the worst reason to call as an inquiry may cause even more delays. Your folder could have been next in line to be distributed to the desk of a Ratings Veterans Service Representative (RSVR) and you caused it to be pulled out of its place in the line.

(7) Don't ask advice from everyone you meet. Once you begin the journey to that compensation benefits award, you should soon develop a plan and stick to it. An integral part of the plan is where you'll get guidance from.

Have you decided to use a Veterans Service Officer who you trust? Are you going to DIY? Are you in an appeal and you've signed some agreements with a lawyer? Whatever path you choose, stick to it.

There is no one perfect answer to any of the thousands of questions that may come up during the course of your claim. Different people will have different experiences and those experiences will shape the way they will advise you to handle your claim.

I'm often contacted by a veteran who will tell me (for example) that his VSO has advised him that he should not submit another claim for a new condition until an existing claim is finished. The vet will ask my opinion. Most of the time I'll agree with that advice as long as it isn't completely out in left field.

A day or two later that veteran will write back to tell me that he checked with his friend, the

one with a wealth of experience in VA claims, and he has a different idea about it all. He now wants my opinion on what his friend has to say. I'm a bit more cautious in my answer because I can see where this is going.

Sure enough, I'll usually get a set of emails from the veteran and he will have contacted his Congressman, looked at other web sites and sometimes even called the VA toll free number.

This happens in appeals too. The veteran speaks with a lawyer who agrees to take him as a client. Papers are signed and the lawyer begins the process by notifying VA of the new POA and requesting a copy of the folder. Six months pass and the veteran hasn't heard anything so he calls the lawyer to discover the VARO only delivered the copied folder 2 weeks ago.

The veteran once again starts looking for advice elsewhere and the result is always the same...this vet is lost, confused and unsure of what to do next.

Changing representation in the middle of the process may be one of the worst actions a veteran can take unless there is a very good cause. That the claim is taking too long or the lawyer isn't calling you every week to tell you nothing has happened isn't good cause.

You should only change your POA in a circumstance where you've discovered and can prove incompetence, your representative is on an extended leave or the representative dies. Even then, you will want to give a lot of thought to upsetting the flow of progress, as slow as it may be. It's perfectly reasonable to believe that it's better to allow the claim to proceed to a denial than to try to make a course correction during the process.

There's a good reason for that old saying, "Too many cooks spoil the broth".

When you make the decision to file a claim, give a lot of thought to how you're going to proceed and choose your representative carefully. If you've done your homework up front, when you hit those bumps and delays that come with working with VA, you'll remain confident that it's just the routine and you'll be happier for it.

(8) Prepare for the worst. Approach your claim as if it is already determined that you'll lose and have a lengthy appeal.

There are no reliable, precise statistics that allow us to predict which claims will be approved or the ones that are doomed to failure. We know that even when you submit a perfect claim with perfect evidence there's a good chance that you will be tied up for a year or more and then receive a denial letter.

When you get that denial, you'll be stunned as you read along. In the required explanation

from VA you'll see that it's almost as if not one single person actually read your evidence and/or they just ignored it all. The language they use might make you think that they're speaking of someones elses claim, not yours. You may read incomplete sentences, pages that don't seem to connect from one to the next or the date on your letter may be days, weeks and even months previous to the day you get the documents.

The truth is that it's entirely possible that your complete folder was never examined for all the evidence. It's possible that evidence you delivered wasn't ever matched to your file. It's not rare for papers from one file to be accidentally included in another file and your denial may be based on a single page of a report from another veterans medical record.

If you are already in need of the financial help that you deserve when you take that first step towards compensation, you must begin to develop your budget as if you aren't ever going to see any help from the VA.

I meet way too many vets who are suddenly unemployed or underemployed due to their service connected disability when they decide to file for a benefit. They hear from friends of the retroactive pay and that monthly deposit and the free medical care and they file and sit back and wait for it.

Six months later, I hear the panic in their voices after the car was repossessed, they're behind on the rent and their marriage is in trouble.

This is when the veteran writes to me and asks, "Jim, how can I speed this up? Things are really bad in my life right now. I need the money."

I always have the same answer; there isn't any way to speed things up. In some very rare circumstances, a veteran may ask for an expedited decision due to an unusual hardship. Most often this will only be approved if there is a sudden critical illness that would easily appear to be service connected. An example might be a catastrophic illness that results from a complication of diabetes in a Vietnam veteran.

It's very unlikely that you're going to find any sympathy for the knee injuries that you've asked for and been denied 3 years earlier. Even if your claim is valid and you're unable to find work, unless you have a situation that is life threatening, you probably won't see any help at all from VA.

No matter what your situation, after you've completed your filing of the paperwork for your claim, you must then address your long term finances. You should involve your family in the discussion so that everyone understands that you're facing a long road ahead.

If you start the process knowing how you'll pay bills each month until the point that you are awarded your deserved compensation, the time you wait will be less of a stress on you as

well as your family.

(9) Read the fine print. Each time the VA writes to you you'll find a page that applies to your claim and a number of pages of boilerplate instructions regarding your rights to appeal and other matters.

Too many of us get to the part that reads, "We propose to reduce your benefits...", or "Your claim for compensation is denied...", or any one of a number of messages that we didn't want to receive and we never read past that. The blood boils up in the brain, eyes cloud over and we get tunnel vision and we never see the instructions that can save us time and trouble.

The fine print included with a VA letter is as good as it gets. Often enough it will detail why a particular action is taking place and once you understand that, you can correct the problem in short order. In a denial letter you may see that they didn't consider an important piece of evidence that would have supported your claim and you have an instant reason to appeal.

The most important detail you'll find is that of timing. Your VA is obsessed with timing... yours, not their own. That fine print will tell you that if you wish to halt the apportionment of the money your ex is trying to withhold from your compensation, you must take certain actions within 30 days or 60 days.

If you 'timely' reply you can request a personal hearing that can halt proceedings for months while VA makes room in the schedule for you. This can give you valuable time to gather evidence or get advice on how to fight a proposed negative action by VA.

Reading those pages of legalese will provide the veteran with almost never-ending routes of appeals, hearings and opportunities to prevent decisions from going against us or to reverse decisions that aren't favorable. Using the law to enforce your rights is smart. Getting smart beats getting angry every time.

(10) Get involved. You served your country. You wore the uniform, took the oath and you agreed that if ordered to do so, you would lay your life on the line for the principles we believe in.

That isn't enough. You aren't done yet.

When you were active duty, you could vote and that was about it. Now you're a veteran and you have the knowledge and experience required to understand how our military forces need the support of the civilian leadership that control them.

If you haven't ever written to your elected representatives before, don't embarrass yourself

by thinking that they should jump up to help you when you have an issue with the VA.

You Congressional representatives want to hear from you on an ongoing basis. Your Senators each have an easy, simple section on their web site for you to write them a note to let them know how you feel. Once each month, it may take all of 5 minutes of your busy schedule to write to say that you support some piece of legislation for veterans.

If you do that on a regular basis, if you aren't a ranter and if you are contributing your thoughts to them even when you don't need their help, they'll pay more attention when veterans issues come before them.

Today, the younger veterans need your wisdom, your guidance and the benefit of your experience. When you returned to the world in 1969, there were few people who were willing to offer you a hand up.

If you haven't lifted a finger to help our newest veterans but you have time to bitch and whine and cry about your own benefits, you need to reassess the situation you're in.

Giving your time to assisting these warriors will give you something to do while VA muddles around with your claim. You won't get the sort of reward from the VA that you'll discover helping a young veteran rebuild a life.

(11) Learn how to use your computer. If you're reading this, the odds are you're reading it on a computer. It's often said that filing an application for disability compensation isn't a spectator sport. It's time for you to get in the game.

Hardly a day goes by that I don't get an email from a veteran who asks, "Jim, who do I call to get a form to file for disability compensation?" or, "Jim, what are the rates that VA will pay if I have my rating increased from 20% to 50%?" or I may even get a comment that says, "Jim, why won't the VA put up a web page that will tell us about benefits for our dependents?"

I confess that I have moments where I stare at those emails in amazement and wonder.

What I wonder is, "How can a person who manages to log on and use email not know about that phenomenon known as the Google search engine?"

The Internet is as amazing an invention as the wheel or sliced bread. To have Internet access is something most of us couldn't have imagined in our wildest dreams as we entered our military service. Today's soldier can't recall a world without the Internet.

If we take it in it's simplest terms, the Internet is nothing more than a library that houses information. We all access the same Internet. It doesn't matter if your portal is AOL or

Bellsouth or Comcast, those are just doors that open to allow you access. Once you step through the door your Internet Service Provider (ISP) has for you, you are surfing along the same "Information Superhighway" as everyone else.

Once you've arrived on the Internet, the "library" is full of billions and billions of pages of information. That information is piped up into the Internet from other computers, called servers, from colleges and governments and private citizens and even businesses that want to sell things to you. If you want to see what they have to offer, you have to be able to arrive at their Internet address and then view the information they provide.

To get to a specific place or find specific information on the Internet requires that you know the exact address of the place you're looking for. If you don't know where you're going, how on earth can you find your way among those billions of addresses?

Thankfully, that was made easier for you years ago by the development of the "Search Engine". The first Internet search engine came about 1993 and has quickly evolved into today's Google. <http://www.searchenginehistory.com/#early-engines>

While there are plenty of competitors around, many consider that the Google engine is the best available. How do you use it? Simple.

If the Google search bar isn't already a fixture on the landscape of the web page you're looking at, go to the address bar of your browser and type in <http://www.google.com> and you're ready to search.

The majority of questions I receive in my mail box are relatively simple and are about basic facts from the VA. Let's say you want information about benefits for your dependents if you should die. It's a pretty sure bet that the VA is a good resource for that but you don't have any clue about where the VA keeps that information. In the Google search bar, type in "veterans administration" (leave off the quotation marks). The search engine isn't case sensitive so you don't need to worry about capitalization.

Now hit the enter key.

Bingo, you're on a page that shows you the results of the search by the engine. It may tell you that it found hundreds of thousands of "hits" of pages that are relevant to your query. The engine, being as smart as it is, has listed them in the order it thinks you'll want to see them.

You'll see the main page of the DVA site (<http://www.va.gov>) and also the main page of the VBA site (<http://www.vba.va.gov>)

Congratulations! You've just learned how to use a search engine. You entered a "search

term" and then directed the engine to find a likely page of information for you.

Once at the DVA web site you'll see links to almost everything the DVA has available. A "link" is a word, phrase or symbol that you may click on that will take you to another place on the Internet or within the pages of the site you're on.

To find the facts about dependents benefits is easy once you're on the VA site. Look around, you'll see links to benefits, from there links to dependent's benefits and so on. I recommend the DVA web site as a first stop for almost everything you need to know about the VA. The site is massive and it can be complex but with a little time, you'll soon discover all you ever wanted to know about VA.

The search engine responds to "key words". In the earlier example we found the DVA web site. If you're seeking information about your time in Vietnam and you need details about the dates your unit was there, go the the Google search engine and type in your unit name and numbers. Did you serve with the 9th Marine Amphibious Force? Type in those words. Were you in Germany? Try "US Army Europe", again, without the quotation marks.

Play with your search terms. Use a combination of words to find information on the condition you're claiming, Agent Orange, benefits and almost anything else you can think of. If you see an interesting site, go ahead and explore it, it probably has links embedded that will lead to other sites of interest to you.

Now that you've mastered the Google search engine, learn how to use the search engine that is provided on VAWatchdog. (<http://www.yourvabenefits.org>) It works the same way but will restrict its search to the published articles of the site. You can use the VAWatchdog search engine to find articles that you may have missed on a particular topic or you may find comments from readers in my Mailbag columns.

The search engine is another of the powerful tools you have to use as you seek the disability compensation benefits you've earned. Take a tutorial and you'll be an expert in no time. You'll be glad you did.

(12) Retrieve and then organize your own documents and evidence. It happens every day. I open my email to read, "Jim; I have been treated by a number of civilian doctors ever since my honorable discharge. I gave the VA the names and I thought they were going to get those records for me. Well, they didn't and my application has been denied. Isn't the VA required to assist me and help me get my records? Can I sue them for this harm they caused me?"

The VA has a duty to assist you. The obligation to help you includes a reasonable effort to track down records and to notify you of your rights. The word you want to pay attention to is "reasonable".

If 10 years have passed since you were treated at the infamous Our Lady of Pain and Suffering Medical Center, located in beautiful Dog's Breath, Georgia and you want those records, you better work on getting them yourself. The first mistake I often see is that the veteran provided the name of the hospital and the city but no street address or direct telephone number. The VBA Veterans Service Representative who is trying to gather your records is under no particular obligation to go rummaging through a directory to look that up for you.

That VSR may fire off a letter in the direction of that hospital and include a copy of your release but there is never any guarantee they're going to respond. He may even try again. After that, it's your problem, not his.

Many hospitals today have medical records outsourced to a vendor in another city and state. If the VA writes to the hospital asking for your records they may get a message to contact the vendor. In turn, that vendor may require a stiff fee to research and copy records...yes, they can do that. The vendor may require a photocopy of your driver's license or other identification for security. Their rules may require all of that and then they must send the records back to the hospital where the hospital releases them to you...or the VA.

Upon encountering those kinds of barriers, the VSR at your VARO will note his attempts and move on...without your important records.

If you were treated by a handful of different physicians over the years, practices may have changed hands, doctors may have moved on. If you were treated by Dr. Quackenbush 9 years ago and his notes will prove your disability, you've got problems if he gave up medicine and is now a ukulele player in a south seas band. Your file may be in storage, it could be that the entire practice moved to another building or that the practice, including your chart, was sold to another group of doctors.

The VSR may send a letter and might even make a phone call on your behalf. If that isn't productive, he'll move on.

In the circumstances above, had you taken the initiative yourself, you may have been able to track down your record. Yes, it may have taken you 30 phone calls and days of frustration but if you are persistent and you find the right person, the one with the keys to the storage facility, you may get that single piece of paper that wins your case.

(13) You're not in the military anymore. You no longer have to accept answers you get as if it was handed down from authority and, or through the chain of command. Question everything. If the answer or decision is not favorable to you, disagree with it.

Our government's agencies do not always get things right, do not have your best interests in mind, and will not always tell you everything you need to know. If you think your claim has merit, and your belief is based on facts, law, and evidence directly on point to your claim, then appeal and persevere. Do not shrug your shoulders, give up, and think the VA must know better and, or must be right. They make wrong/bad decisions all the time; hence, the incredible backlog that exists in the VBA claims process today.

The disclaimer: This Knol is provided to you to describe general processes and procedures that occur during the application for disability compensation and pension and other benefits within the Department of Veterans Affairs System. Any author you find here is not providing you with legal advice. Any information provided by this Knol or any contributor to this Knol is not intended as and should not be construed as legal advice. You should always consult an attorney to help answer specific questions regarding how VA laws apply to you and/or your situation. The summaries provided here are incomplete, and the DVA laws and regulations are subject to change. We do not guarantee and we are not liable for the accuracy or completeness of any of the information provided, or any results or outcome as a result of the use of this information.

This article was written by Jim Strickland of VA Watch Dog, a US Army Veteran and Veterans Advocate and Katrina Eagle, a lawyer who specializes in Veteran-Related Legal Issues.