

What You Should Know About the Veterans Disability Appeal Process

Get True Help® From Allsup Veterans Disability Appeal ServiceSM

Should I Appeal My Claim?

When you initially apply for Veterans Administration (VA) disability benefits, your VA local regional office will make a decision regarding your denial or approval and benefit rating level. You should decide to appeal if:

- You're denied benefits for a disability that began during your time in service
- You disagree with the percentage rating level of disability you received from the VA
- You receive an incorrect effective award date

You can also file an appeal if the VA issued a rating decision (initial decision) that reduced the percentage rating of your present condition. This can occur if the VA decides your condition has improved.

The Benefits of Appealing Your Claim

It can be helpful to appeal a decision for the following reasons:

- **Retain Your Original Effective Date:** You have one year from the time you receive the VA's decision to file an appeal. After that time the decision is final. Appealing a decision maintains the date of the claim as the effective date for any future award granted on appeal. Filing a new claim in the future after a decision has become final does not maintain the original effective date.
- **Introduce New Evidence:** You can introduce any new or material evidence that was not previously submitted to support your claim during the appeal process.
- **Request A Personal Hearing:** You have the option of requesting an in-person review with a VA decision maker who will decide your case. There are two types of in-person hearings:
 - A hearing with a Decision Review Officer (DRO) at your local regional office, or
 - A hearing with a member of the Board of Veterans' Appeals (BVA).
- **Initial Decision is Not Binding:** The DRO and BVA are not bound by the previous decisions and are able to overturn or issue a new decision.

| Approximate Timeline of Appeals Filings | |
|--|--|
| Initial application review | About one year to receive a decision or percentage rating level |
| Filing an appeal (following denial of benefits or disagree with rating decision) | 12 to 24 months to receive another decision |
| Second appeal to BVA | Over two years (approx. 825 days) before receiving a benefits decision |

Receive A Free Disability Appeal Review

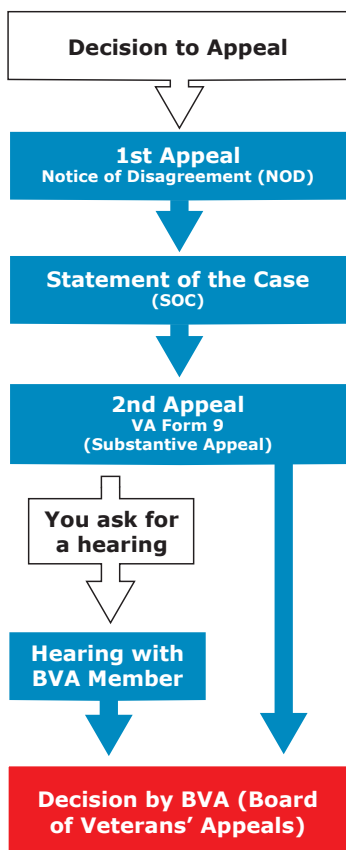
If you're denied benefits or don't receive a fully favorable rating decision, Allsup's VA-accredited Claims Agents can help you file an appeal. If you don't file an appeal within 12 months of receiving your initial decision, you will need to reapply. We encourage you to take advantage of our free disability appeal review to determine if you're eligible or have reason to appeal.



Visit us at veterans.allsup.com or call (888) 372-1190.



The VA Appeal Process



Requesting An Appeal

There are varying levels of appeal in the veterans disability system. The process is long and is burdened even more by a considerable backlog. Allsup's VA-Accredited Claims Agents can help you prepare the best possible appeal, save you valuable time and avoid mistakes that could delay your claim. The steps in the VA appeal process include:

- **Notice of Disagreement (NOD)**
Allsup's VA-accredited Claims Agents can help you appeal by filing a written statement with the VA local regional office to appeal the decision. This statement is called a Notice of Disagreement (NOD). Your NOD must be filed within 12 months of receiving your initial decision or you will need to reapply.
- **Statement of the Case (SOC)**
After your VA local regional office receives your Notice

of Disagreement (NOD), it will create a Statement of the Case (SOC). This is a detailed explanation of the evidence, laws and regulations used by the VA local regional office in deciding your claim. The SOC will be mailed from your VA local regional office to your Allsup VA-accredited Claims Agent along with a VA Form 9 (Substantive Appeal).

- **VA Form 9 (Substantive Appeal)**
A VA Form 9 is used in the last step of the appeal process. Your Allsup VA-accredited Claims Agent will complete the form and return it to your VA local regional office stating the benefits you want and identifying any mistakes found in the SOC. This form indicates your desire to appeal the claim with the BVA and also allows you to request a personal hearing with a BVA member, if necessary.

Your VA local regional office must receive your VA Form 9 within:

- 60 days of the date that your Statement of the Case (SOC) was mailed, OR
- One year of the date that the VA local regional office mailed you the original decision denying your claim, whichever is later.

BVA Appeal Decision

The BVA is the final decision-maker in the appeal process. It is located in Washington, D.C., and is comprised of veteran law judges and staff attorneys. A judge will be assigned to your case and will conduct the hearing, evaluate your claim(s) and issue a decision.

If the BVA does not approve or deny your claim, it will remand your claim back to the VA local regional office. A remand is not a final decision. This may happen if the BVA finds that it doesn't have enough information about your claim to make a decision. In that situation, the BVA will either try to get more information itself or send your claim back to the VA local regional office so it can try and get that information.

If the BVA does remand your claim back to the VA local regional office to correct any mistakes, it takes an average of 427 days for the VA local regional office to process a new decision.

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