

Formalizing the process – Standard Claim and Appeal Forms

New law mandates all claims, appeals begin on standard forms

The days of being able to informally start disability claims with the Department of Veterans Affairs by writing a simple statement on a sheet of paper are over. That will no longer secure an effective date for the evaluation of an award. New laws going into effect March 24 will require claimants to use specific forms for claims and appeals.

The new laws require that all claims to the VA be filed on standard forms, regardless of the type. The VA states that abolishing the longtime practice of informally initiating veterans' disability claims will be one way of improving the quality and timeliness of processing.

“These new processes will leave no doubt as to the effective dates of claims,” said National Service Director Jim Marszalek. “Of course, our 3,815 National, Department and Chapter Service Officers, including County Veteran Service Officers accredited by DAV, are ready to help everyone get through and understand these new requirements.”

The new law eliminates the practice of using reports of hospitalizations, examinations and other medical records to serve as the start of informal claims for increase or to reopen while retaining the retroactive effective dates.

The change also affects appeals. Under the new laws, the VA will accept an expression of dissatisfaction or disagreement with its decision as a Notice of Disagreement (NOD) only if it is submitted on a standardized form.

There are three major components to these changes.

First, the traditional informal claims process is being standardized with a new standard form, VA Form 21-0966, Intent to File a Claim for Compensation and/ or Pension, Survivors Pension, or Other Benefits. The form is designed to capture information necessary to identify and support compensation, pension and other benefit claims.

An individual or their representative can submit this form in order to establish a potential effective date for benefits and then take up to a year to gather the evidence necessary to support the claim.

The form may be submitted electronically, on paper or over the phone. The form is electronically available through eBenefits. The form can be submitted there or in hard copy by mailing it to a DAV National Service Office. The form can also be completed by a VA call center representative over the phone or by a DAV National Service Officer (NSO).

Submitting an Intent to File claim protects an effective date of benefits for up to one year, meaning individuals seeking compensation or pension benefits will have a full year to gather and submit evidence necessary to support their claim. The new rule does not require that evidence necessary to support a claim be submitted in order for the claim to be recognized as complete and for the VA to take action.

The new regulations allow the VA to award increased benefits retroactive to the date of medical treatment, as long as the form is filed within one year of the treatment and the required claim form is filed within a year after that.

Second, if veterans wants to file for compensation, they can do so online. If that is not possible or desirable, use of the EZ forms becomes mandatory under the new regulations. VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, is needed for paper submissions.

Pension claims must be filed on VA Form 21-527EZ, Application for Pension. Survivors' claims for dependency and indemnity compensation (DIC), survivors' pension and accrued benefits must be filed on VA Form 21-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits.

The EZ forms were previously available on an optional basis. Under the new regulations, the VA will mandate their use. Veterans and survivors do not have to file fully developed claims (FDCs) when using these mandatory forms, but the VA encourages FDC participation because it can expedite delivery of benefits through the FDC program.

Third, the changes mandate use of a standardized notice of disagreement form when a claimant wishes to initiate an appeal of a VA decision. Claimants will initiate the appeal of a decision with which they disagree by explaining their disagreement on VA Form 21-0958, Notice of Disagreement.

NSOs are being trained in these new laws and forms, and this will be a key topic in this year's Department and Chapter Service Officer Certification Training Program.

Learn More Online

Veterans, family members and survivors should always feel free to contact their local DAV National Service Office with any questions about claims, appeals and compensation. Contact information for those offices can be found online at DAV.org/veterans/find-your-local-office/.

Forms can be found at www.dav.org/veterans/standard-claim-appeal-forms/.