

Highlights of Benefits Recently Won with American Legion Representation

(The American Legion Department of Indiana Veterans Service Office employs a staff of seven full time employees responsible for ensuring veterans received their earned benefits. The following are a few examples of benefits won that veterans might not have otherwise received if not for our department service office staff.)

- **Department Service Officers Often Work “Behind the Scenes” Winning Veterans Benefits:** Veterans with American Legion representation do not always know when The American Legion wins additional benefits for them. While reviewing a VA decision, Department Service Officer Steve Hicks found where VA failed to consider that the veteran had filed an “Intent to File” notice 11 months before VA received the veteran’s formal compensation claim. Steve knew VA regulations require assignment of an effective date of benefits from the date VA receives the “Intent to File” notice if benefits are granted as a result of the veteran filing a formal compensation claim within one year of filing the “Intent to File.” Steve immediately contacted the VA rating official who agreed to assign the earlier effective date. This resulted in the veteran receiving an additional retroactive benefit of \$5,893 that he would have likely not known he was entitled to. All this was done before VA issued the formal decision, so the veteran had no idea of what had happened. Our department service officers’ good working relationship with VA regional office employees helps win additional benefits, sometimes even before VA issues formal decisions. (V: 20229)
- **Service Officer Assists Veteran with Filing Large Claim:** Department Service Officer Bryce Hullett doesn’t back off when he finds veterans with large complicated claims. Bryce assisted one veteran with filing a claim having 37 issues (claimed medical conditions) and containing over 700 pages of service medical treatment records. The complexity of the claim required the use of many e-mails and phone calls with the veteran and several VA employees across approximately 3 to 4 states, and the correcting of errors with the submission and resubmission of medical records. As a result, VA granted the veteran a monthly compensation benefit of \$3,810, and a retroactive benefit in the amount of \$41,785. The veteran’s dependents are now also entitled to assistance with their medical expenses after VA established permanency to the veteran’s 100% compensation rating. Without the assistance of a qualified service officer, VA may have taken years to grant this veteran’s benefits and the veteran may not have gotten everything he was entitled to. (V: 56122)
- **Service Officer’s Extra Efforts Wins Benefits:** Department Service Officer Bryce Hullett interviewed a veteran at the Service Office on December 6, 2016. The veteran appeared

“fidgety and anxious” and basically emotionally upset. Bryce and the veteran discussed the pending claim for service connection of a mental health condition to include a post-traumatic stress disorder (PTSD). Bryce also provided the veteran contact information for the VA “Crisis Hotline.” Bryce then contacted the VA Service Center Manager’s office and sought immediate action due to the seriousness of the veteran’s mental state that Bryce expected was near suicidal. VA made a decision 15 days later granting a 70% compensation rating for the veteran’s PTSD. On December 22nd, Bryce learned that the veteran had lost his job and immediately helped the veteran file a claim for a 100% Individual Unemployability (IU) rating along with appropriate medical evidence. VA first denied the IU claim, but, through Bryce’s personal efforts and professional relationship with VA regional office employees, VA reversed its decision and granted the 100% IU rating on February 1, 2017. Without the assistance of a qualified and compassionate service officer, this veteran could have become one of the 21 (average) veterans a day committing suicide. Instead, this veteran is now receiving a monthly VA compensation benefit of approximately \$3,000, and receives mental health care through VA’s healthcare system. (V:65492)

- **Representative Saves Veteran One Year of Benefits:** A veteran used the American Legion to help file his compensation claim in February 2016. In late January 2017, we learned that VA had never processed the veteran’s claim. The veteran’s VA electronic records file (VBMS) failed to record receipt of his claim. Department Service Officer Tony Cross immediately researched our office records and found a VA date stamp receipt for VA receiving the claim in February 2016. Tony presented that information to the VA Service Center Manager resulting in VA accepting and processing the claim the same as if it were received “and recorded” by VA one year earlier. (V:61075)
- **An Extraordinary Claim Receives Extraordinary Representation:** VA had denied a veteran’s claim for service connection of a post-traumatic stress disorder (PTSD) before the veteran sought assistance from American Legion Department Service Officer Bryce Hullett. Bryce knew VA would not reopen a previously denied claim without new and material evidence. During an extensive interview, Bryce discussed the new and material evidence requirement with the veteran, and helped put together a new claim meeting that requirement. In addition, Bryce helped the veteran apply for service connection of migraine headaches and a skin condition. Bryce immediately took the claim to the VA Regional Office “Personal Trauma/Military Sexual Trauma Coordinator,” and requested immediate action due to the sensitivity of the claim. VA then scheduled a compensation examination where Bryce also provided assistance and advice to the veteran. VA granted the claim on March 16, 2017 less than two months after it was filed. VA had already assigned a 40% compensation rating for another condition, but the grant of service connection of the PTSD, migraine headaches, and a skin condition increased the veteran’s

combined disability rating to 90%. This increased the claimant's monthly benefits by \$1,373. Since VA had received the veteran's "intent to file" notice on March 18, 2016 and within one year of the date of receipt of the formal claim, VA granted benefits retroactive from date of the "intent to file" notice resulting in a retroactive benefits of \$15,090. In addition, the higher compensation rating allows the veteran to receive VA health care and prescription drug services without charge. The services of a dedicated, knowledgeable, and caring American Legion service officer made this possible. (V:65787)

- **Thoroughly Written Notices of Disagreement Can Win Benefits:** Veterans should not file a notice of disagreement with a VA decision without help from a well-qualified service officer. Notices of Disagreement (NOD) should explain in as much detail as possible why the veteran believes VA made an error in the decision denying benefit, but also do so as succinctly as possible. The NOD should also focus on how VA law regulations when compared with the evidence of record or other available evidence would allow VA to grant the appeal. Department Service Officer John Hickey new this when assisting a veteran with preparing his Notice of Disagreement. He explained to VA how the veteran's last compensation examination was inadequate for rating the severity of the veteran's post-traumatic stress disorder. This resulted in VA obtaining other medical evidence, and increasing the veteran's compensation rating in April 2017 from 10% to 30% retroactively from February 22, 2016. The veteran's monthly benefit increased by \$275 and he received a retroactive benefit of \$3,575. (V: 55972)