Claims Process

Part 2
Topics Covered

- Comp and Pen Exam
- Adjudication
- Rating Decision
- Reconsideration or NOD
Comp and Pen Exam

- Why?
- What is it?
- Purpose?
Comp and Pen Exam

- Ordered by the VA to:
  - Determine Service Connection
  - Gauge the severity of the contention
- Not for Treatment
- Disability Benefits Questionnaire (DBQ)
  - Standardized set of questions to gauge severity
Comp and Pen Exam

- Usually scheduled within 30 days of claim submission
- Can go Contract or stay with the VA

Note:
- Not every contention will warrant a C&P Exam
- Our goal is to get the veteran into the C&P Exam
Adjudication

“In a perfect world”

- Completed DBQ and other evidence is sent to a Rating Veteran Service Rep. (RVSR)

- Criteria on the DBQ is compared to the Rating Schedule for the contention

- RVSR creates the Rating Decision
Adjudication

- The Rating Decision is posted into VBMS for the VSO Review Period.
  - The period in 1 day and 7 hours.

- VSO reviews the proposed Rating Decision
  - Can talk to the RVSR in this period if something is wrong

- Rating is promulgated
Rating Decision

- What is it?
- What are the different parts of the RD?
Rating Decision

- Two Parts
  - Code Sheet – Shows the medical code and the medical term for the S/C contention
    - Not usually given to the veteran
  - Narrative – Explains determination and what evidence was used.
    - This is sent to the veteran
Example

Code Sheet Parts

- Name and Representation
- Active Duty Period(s)
- Future Exam Date
- Service Connected Conditions
- IDC Code
- Combined Evaluation
- Non-Service Connected Conditions
- Deferred Issues
Example

Narrative

- Veteran Name, SSN, and Representation
- Rating Decision Date – Important for Form 9
- The VA’s decision
- Evidence used
- Reasons for Decision
  - Current scheduler criteria
  - Increased scheduler criteria
Reconsideration or NOD?

- What’s the difference?
- Why choose one over the other?
Reconsideration

- An informal process that asks the RVSR or VA to Reconsider the decision

- Generally done if there is a glaring mistake or it is within the power of the RVSR to correct

- Does not allow for a personal hearing or DRO

- Must be filed on a 21-526EZ
Notice of Disagreement (NOD)

- First step in the appellate process
- May lead to a Personal Hearing with a DRO
- The DRO has more authority to interpret evidence than the RVSR
- Process can take up to 18 months
Notice of Disagreement (NOD)

- Must be filed on a 21–0958

- Additional evidence can be submitted at the time of the hearing to be considered

- If a “Full Grant” is not awarded, a Statement of the Case (SOC) will be issued

- Next step is BVA – Another story for another time
Some Considerations

- Both may be done within one year of the decision date

- The reconsideration is not binding, whereas a NOD is
  - If your reconsideration has not been adjudicated or worked and you are close to one year from the decision date, send in a NOD to keep the claim alive
Some Considerations

Not every unfavorable rating decision needs to be appealed

But,

The VA does make mistakes. That’s why we have these processes