

VETERANS' DISABILITY BENEFITS

By Michael V. Quatrini, Esq.



Quatrini Rafferty is pleased to announce a new, full-time practice area: Veterans' Disability Benefits. QR attorneys Brian Patrick Bronson and Michael V. Quatrini were recently certified by the U.S. Department of Veterans' Affairs (VA) to represent members of the armed services who suffer service-connected disabilities or diseases.

In short, Veterans' Disability benefits are available to members of the armed services who suffer physical or psychological injuries or diseases while on active duty. This includes injuries or diseases that were made worse by active duty military service. The amount of the monthly benefit depends on the degree of disability, and additional benefits are payable in certain instances.

APPLYING FOR BENEFITS

The process for obtaining benefits is similar to applying for Social Security Disability. Our office assists veterans in submitting an application. This application must outline the injuries and detail the connection between the injuries and the particular service-related event.

A specific description of that precipitating event is critical, along with medical evidence supporting the connection between the event and the injuries. Official military documentation of the event is very beneficial to the claim, as is testimony from fellow servicemates. Discharge or separation papers (DD214 or equivalent) are also needed. It should be noted that disability benefits are not available for those who received a dishonorable discharge.

Some conditions, depending on the dates and locations of active duty, are eligible for "presumptive" status, meaning that the VA process presumes that active duty service caused these conditions. It is then up to the VA to disprove the connection. These include, but are not limited to, Lou Gehrig's Disease (ALS), Hodgkin's disease, prostate cancer, diabetes mellitus (Type 2), chronic lymphocytic leukemia, chronic fatigue syndrome, and fibromyalgia. Prisoners of war can receive presumptive status for certain medical conditions, such as psychosis, anxiety, post-traumatic osteoarthritis, heart disease, or stroke.

Once the application is complete it is submitted to a local VA office for review. The local office makes a decision as to whether the claim is (1) service connected, and if so, (2) the percentage of disability assigned to the injury.

THE APPEAL

If the local VA office either denies the claim or assigns a low or zero percentage of disability to the condition(s), the claim can be appealed to a Veterans' Law Judge at the Board of Veterans' Appeals. An appeal must be filed within one year of the initial decision.

Unfortunately, the average wait time for a hearing on an appeal is 971 days.

Prior to the hearing, an attorney from our office will meet with the veteran to review the initial decision and collect updated medical evidence.

THE HEARING - VETERANS' LAW JUDGE AT THE BOARD OF VETERANS' APPEALS

At the hearing, the veteran will testify concerning the details of the disability and the precipitating event.

After the hearing, the Board can either affirm the denial of the claim or reverse the decision and grant benefits. If the denial is affirmed, a further appeal can be taken to U.S. Court of Appeals for Veterans' Claims.

If you believe you have a claim for veterans' disability benefits or want to have an attorney for your appeal, please call Brian or Michael toll-free at 1-888-288-9748.