

## Are service connected Disabilities Interfering With Your Enjoyment of Daily Life?

### We may be able to help!

Our team of experienced and dedicated Veterans' Advocates includes accredited attorneys who represent Veterans seeking compensation. We handle VA Appeals for disability benefit claims related to combat wounds, PTSD, TBI, chemical exposure, and other service-related medical problems.

We can protect your rights from the Regional Office denial to the Court of Appeals for Veterans Claims.



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### Representing Veterans Nationwide

1279 Route 300 Newburgh, NY 12551 with office  
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## VETERANS DISABILITY BENEFITS

## HAVE YOU BEEN DENIED VETERANS BENEFITS?

### A GUIDE TO UNDERSTANDING YOUR RIGHTS AND THE VA APPEAL PROCESS



1-800-LAW-AMPM



## What are Veterans Disability Benefits?

The United States Department of Veterans Affairs offers a monthly tax-free payment for Veterans with disabilities as a result of their military service. They also offer a pension for disabled wartime Veterans, but only if they have limited income and are disabled or over 65 years of age.

## Who is Eligible for Veterans Disability Benefits?

Eligibility for most VA benefits is based on discharge from active military service under other than dishonorable conditions. Active service means full-time service as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or as a commissioned officer of the Public Health Service, the Environmental Services Administration, or the National Oceanic and Atmospheric Administration.

If you are applying for a VA benefit for the first time you must submit a copy of your service discharge form (DD-214, or for WWII veterans, a WD form), which documents your service dates, type of discharge, military service number, and branch.

## Who Qualifies for Disability Compensation

You may be eligible for compensation if you were wounded, injured, became ill while on active duty, or have been diagnosed with a disease, PTSD, or TBI related to your service in the Armed Forces.

Pre-existing injuries or illnesses which were aggravated by military service may also be covered. Some conditions or illnesses may also be automatically connected to your service on a presumptive basis.

## How Do I Apply for Veterans Benefits?

Applications for benefits can be filed directly online, by mail through the VA's Claims Intake Center, or in person at your local VA Regional Office. For more information on how to apply online or by mail, visit: <https://www.va.gov/disability/how-to-file-claim/>. For a listing of Regional Offices and Veterans Centers in all 50 states, visit: [www.va.gov](http://www.va.gov).

Assistance in filing the initial application for benefits from the VA may be obtained through any State Veterans Service Officer or a Veteran Service Organizations. Locations and phone numbers may



From left: VSG attorneys Nancy Morgan, Andrew Finkelstein and Kara Campbell.

be found online at: <https://www.va.gov/vso/>. The VA also operates a toll-free number for general questions, 1-800-827-1000.

## What Do I Do if My Claim for Benefits is Denied?

In the event that you are denied benefits or are dissatisfied with a Veterans Administration (VA) decision, we encourage you to call Finkelstein & Partners at 1-800-LAW-AMPM (1-800-529-2676). One of our experienced Veteran's Advocates will be happy to review the decision, provide advice, and guide you through the process of appealing the decision at no cost to you.

Like other federal benefits programs, VA decisions with respect to disability benefits eligibility are appealable. The initial decision is made at the Regional Office (RO) and can be appealed at the RO level, or to the Board of Veterans Appeals (BVA), to be heard by A Veterans Law Judge (VLJ).

On August 23, 2017, the Veterans Appeals Improvement and Modernization Act of 2017 (AMA) was enacted and went into effect on February 19, 2019. The AMA system creates three options for review, generally called Decision Review Requests. There are now two review options available to appeal a Rating Decision at the RO level: requesting "Higher-Level Review" or filing a "Supplemental Claim." To appeal to a VLJ, a Veteran can file a "Notice of Disagreement" directly with the BVA. Depending on the appeal lane selected, VA's duty to assist, and a Veteran's ability to submit evidence, changes.

If the Veteran receives an unfavorable BVA decision s/he

can elect to pursue an appeal at the Court of Appeals for Veterans Claims (CAVC). In some circumstances, unfavorable CAVC decisions may qualify for Federal Circuit Court review. The AMA also allows a Veteran to appeal an unfavorable BVA decision by filing a Supplemental Claim.

Due to the complexities of navigating through the VA system, it is highly recommended that you contact our Veteran's Advocates to assist you through the process.

## What are the Attorney Fees for VA Benefit Claims?

A Veteran has an absolute right to retain an attorney to represent him or her before the Department of Veterans' Affairs. A Veteran can be represented by counsel once s/he receives a denial for VA benefits. Finkelstein & Partners does not require any up front payment for representation and we only receive a fee if we are successful with your appeal. Our standard contingency fee for VA Disability representation at the Regional Office level (RO) or Board of Veterans Appeals (BVA) is 20% of the back benefits only. Our fees are paid from the benefits that the Veteran should have received, but did not. At the Court of Appeals for Veterans Claims (CAVC) the VA pays all the legal fees. There is no legal fee from future monthly benefits awarded. **Simply put, our office earns no money and does not get paid unless the Veteran actually receives recovery.**

## How Long is the Appeal Process?

The process can be long and involve many appeals. The amount of time varies based on the status of the Veterans Administration claim process and the agreement or disagreement with various decisions.



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**Finkelstein & Partners**<sup>LLP</sup>  
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