

## VETERAN DISABILITY BENEFITS

Offices throughout New York, New Jersey and Connecticut



*Have you been denied  
Veterans Benefits?*

A Guide to Your Rights and the Appeal Process



## What are Veterans Disability Benefits?

The United States Department of Veterans Affairs offers benefits for those 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. The U.S. Department of Veteran Affairs offers many other benefits for Veterans, service members and their families.

## 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.

## What is the Disability Compensation and who qualifies for it?

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 relating to your service in the Armed Forces.

Pre-existing injuries or illnesses which were aggravated by military service may also be covered.

Although most service connected disabilities appear during or soon after military service, some conditions may not have appeared at all or appeared but were not too “disabling” until many years after discharge.

## How to apply for Veterans Benefits?

Initial applications for benefits should be filed with the VA regional office in your area. 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 one of the Veteran Service Organizations. Veterans Service Officers assist Veterans, their dependents and widows in filing claims for federal benefits. Locations and phone numbers may be found under “State Government, Veterans Service Officer” in the Yellow Pages of your phone book. The VA also operates a toll-free number for general questions, 1-800-827-1000, or TDD 1-800-829-4833.



## Can I appeal if my application for Benefits is denied?

Yes. Like other federal benefits programs, decisions of the Veterans Administration concerning benefit eligibility can be appealed. The Veteran files a VA claim at a regional VA office. If the Veteran does not like the results, s/he can file a Notice of Disagreement (NOD).

After the VA receives the Notice of Disagreement, the VA may ask the Veteran if s/he would like a re-review of the case by the Regional Office or the Veteran can appeal to the Board of Veteran Appeals (BVA). If the Veteran is still unhappy with the decision s/he can file an appeal with the Court of Appeals for Veterans Claims (CAVC). Certain cases qualify for Federal Circuit Court review.

In the event that you are denied benefits, we encourage you to call **Fine, Olin & Anderman, LLP (FOA) at 1-800-522-9001** for one of our Of Counsel Veterans Advocates to assist, guide and/or direct you through the process **at no out of pocket cost to you.**

## 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 he or she receives the denial for VA benefits.

Our Of Counsel attorneys from FOA do 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 only the back benefits. At the Court of Appeals for Veterans Claims (CAVC) the VA pays all the legal fees.

Our fees are paid from the benefits that the Veteran should have received, but did not.

There is no legal fee for future monthly benefits awarded. Simply put, we earn no money and do not get paid unless recovery is actually received by the Veteran.

## How long is the appeal process?

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

## *You are more likely to be successful if you have legal representation*

**Experienced and dedicated legal representation for Veterans.** Our team of Veteran Advocates includes accredited attorneys to represent Veterans seeking compensation.

Are service-related disabilities interfering with your enjoyment of daily life?

We may be able to help! We handle disability benefit claims related to combat wounds, PTSD, TBI, chemical exposure and other service related medical problems. We can protect your rights from Regional Office denial to CAVC and US District Court.

