

# INTRODUCTION

Everything You Wanted to Know  
About Compensation Claims  
Processing In One Day!

# Basic Compensation Claims Process

## OBJECTIVE

Review the compensation claims process from initiation to appeal.

- Overall picture
- Target critical areas
- Novice NSO – tie it together
- Veteran NSO – review – tools
- Think systematically

# Basic Compensation Claims Process

- Evidence
  - ◆ Creditable
  - ◆ Weight
  - ◆ Medical
  - ◆ Lay statements

# Basic Compensation Claims Process

## Claims

- Responsibility – Vet – NSO
- Revocation
- Define - Formal v. Informal
- Types of Claims – Reasonable v. Frivolous
- Evidence needed

# Basic Compensation Claims Process

## Claims – Continued

### ■ Forms

- ◆ 21-526b

- ◆ 21-4138

- ◆ Memo

### ■ Fully Developed Claim

# Basic Compensation Claims Process

## Notice of Disagreement (NOD)

- Define
- Elements
- Right of Client v. Right of NSO
- How to Write
- Traditional v. DRO Review

# Basic Compensation Claims Process

## Hearings

- To Hear or not to Hear
- Type
- Preparation
- Elements
- Controlling the hearing

# Basic Compensation Claims Process

## Appeals

- VA Form 9
- VA Form 646
- Board of Veterans' Appeals (BVA)
- Appeals Management Center (AMC)
- Court of Appeals of Veterans Claims (CAVC)

# Basic Compensation Claims Process

When the day is over, you can tell us if we accomplished our objective!

# EVIDENCE

Casey Matuszak

# EVIDENCE

## Objectives

- Define
- Analyze
- Weigh

# EVIDENCE

## What is Evidence

something that gives a sign or proof of the existence or truth of something, or that helps somebody to come to a particular conclusion

(Encarta® World English Dictionary[North American Edition] )

# EVIDENCE

What does VA do with evidence?

- Assess Credibility
- Determine Probative Value

# EVIDENCE

Credible Evidence is?

- Believable Evidence

Probative Value is?

- Evidence which is sufficiently useful to prove something

# EVIDENCE



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# EVIDENCE

Examples of weighing evidence:

- Lay statements

- ◆ Wife's statement v. employer's statement
- ◆ Mother's statement v. buddy statement

- Medical evidence

- ◆ Specialist v. General Practitioner
- ◆ Treating v. Examining MD

# EVIDENCE

## BASIC RULES:

1. Claim is only as good as the evidence presented.
2. Present the evidence up front.
3. Quality not quantity.

# EVIDENCE

