



**SUFFOLK ACADEMY OF LAW**  
*The Educational Arm of the Suffolk County Bar Association*  
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## **HOW TO OBTAIN DISABILITY COMPENSATION BENEFITS FROM THE DEPARTMENT OF VETERANS AFFAIRS**

### **FACULTY**

**Chad H. Lennon, Esq.**  
Tully Rinckey, PLLC

**May 10, 2022**  
**Suffolk County Bar Association, New York**

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**Chad Lennon Esq. – Tully Rinckey, PLLC**

**Chad Lennon, Esq.** is an Associate Attorney at Tully Rinckey, PLLC. He works in the Military Law, National Security Law, and Federal Employment Law Practice Groups. Mr. Lennon is currently a Major in the Marine Corps reserves and co-chair of the Committee on Military and Veteran Affairs with the Suffolk County Bar Association and Officer with the Academy of Law.

# VA Disability Compensation General Information

Chad H. Lennon, Esq.  
Tully Rinckey, PLLC

# Agenda

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- ◉ Overview
- ◉ Recent Changes in Veterans Law
- ◉ Initial Claims
- ◉ Process of Claim
- ◉ Appeals
- ◉ Examples
- ◉ Reservists
- ◉ Questions

# Overview

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- ◉ Disability
  - Reviewing Today
- ◉ Education Benefits
  - Post 9/11, Voc Rehab
- ◉ Home Loan
- ◉ Allowances
  - Aid and Attendance, Housebound
- ◉ Death Benefits
  - Connected/Non-connected, Presidential Certificate, Cemeteries (Calverton)
- ◉ State Benefits
  - Property Tax, Retirement, etc.

# Recent Changes in Veterans Law

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- ◉ Family Caregiver Program
- ◉ VA Comments
  - Mental Health, Sleep apnea, Tinnitus
- ◉ Burn Pit Presumptive Conditions
  - Asthma, Rhinitis, Sinusitis
  - Proposed – larynx, trachea, etc. cancers

# Initial Claims

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- ◉ Attorney/VSO
  - VA Accredited
  - Knows what they are doing
  - VA 21-22a
  - Take the burden off yourself!
- ◉ Intent to File
- ◉ Disabilities are legislated
- ◉ Ratings/symptoms are legislated
- ◉ VA Duty to assist
  - Good luck



# Initial Claims

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## ● File Claim

- Medical Records
  - Service, VA, private provider
- Statements
  - Personal, witness, doctor's, providers
- Awards
  - Purple Heart, CAR/CAB, commendations

## ● Dependents

- Spouse, children, parents
- VA 21-686c

# Process Claim

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## ● C&P exams

- VES/LHI
- 3d Party
- When you are limited vs. as far as you can go
- DBQs

## ● Paperwork

- VA losses paperwork
- VA does not always review and contact you

# Process Claim

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- What to claim and how many claims.
  - Everything you rate
  - 4 claims vs. everything

# Process Claim

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- ◉ Who is reviewing my claim?
  - Claims Examiner.
  - Do not assume anything.

# Appeals

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## ● Modernization of Appeals

- Supplemental Claim
- Higher-Level Review
- Board of Veterans Appeal (BVA)
- Court of Appeals for Veterans Claims (CAVC)
- Federal Circuit
- Supreme Court

# Supplemental Claim

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- ◉ VA Form 20-0995
- ◉ Add more evidence
- ◉ Statements
- ◉ Medical Records
- ◉ Timeline
  - 3-6 months

# Higher-Level Review

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- ◉ VA Form 20-0996
- ◉ More experienced examiner
- ◉ No new evidence, generally
- ◉ No hearing
- ◉ Timeline
  - 6 months

# BVA

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- ◉ VA Form 10182
- ◉ Petition
  - Barney Style
- ◉ Evidence
- ◉ Hearing with BVA “Judge”
- ◉ Ruling after the fact
- ◉ Timeline
  - 6-9 months



# CAVC

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- ◉ Petition
- ◉ Hearing in front of panel of Judges
- ◉ Federal Court
- ◉ VA argues
- ◉ “Highest” VA Court
- ◉ Timeline
  - Years

# Federal Circuit

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- ◉ Same style as CAVC
- ◉ Rare
- ◉ Timeline
  - More years

# Supreme Court

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- ◉ Extremely Rare!
- ◉ Same style as previous
- ◉ Timeline
  - Year or not at all. No guarantee

# Examples

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- ◉ Direct vs. Presumptive conditions
- ◉ More common claims
  - PTSD, TBI, tinnitus, sleep apnea, back conditions, pain
- ◉ VA Decision Letters
  - Common sense does not apply
- ◉ You know your case.
- ◉ TDIU vs. Total and Permanent
- ◉ Scenario

# Reservists

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- ◉ VA Pay and Military Pay
  - Cannot collect both
- ◉ DES as a reservist
  - VA and DOD do talk to each other.
- ◉ DES comes into play?

# Questions

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## **SCBA Lawyers Helping Lawyers Committee**

**The SCBA Lawyers Helping Lawyers Committee** provides free and confidential assistance to those in the legal community who are concerned about their alcohol or drug use and/or mental health or wellbeing or that of a colleague or family member.

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***Feel Free to Join Us at Our Weekly Recovery Meeting***