

## **Claims and Appeals Forms Regulation Update**

### **Why is VA moving to require standardized forms?**

VA is standardizing its disability application and appeal initiation processes. This update will increase VA efficiency by enabling faster, easier, more accurate identification of claims and appeals. For example, standard forms will make the process more efficient by allowing the Veteran to more clearly notify VA of what he or she is seeking, so that action can be initiated by claims processors more quickly. Additionally, VA's requirement that Veterans and survivors use standardized forms conforms to common practices in the public and private sectors. For example, forms are required when applying for Social Security and Medicare benefits, filing income taxes, or getting a driver's license.

When coupled with VA's optional fully developed claim (FDC) program and new Veterans Benefits Management System (VBMS) claim processing environment, standard forms will allow VA to expedite the identification and processing of claims.

### **Is there something wrong with the current method of filing a claim or appeal?**

Yes. The current process leads to delays. VA needs a certain minimum amount of information to be able to begin to process a claim, and the current method does not require most claimants to use easily-identifiable, standardized forms, which VA designed to obtain the information it needs to process a claim. This lack of standardization leads to missed and misidentified claims, administrative delays, and, ultimately, claimant dissatisfaction with the process. This regulation, which requires use of standard forms in most cases, will help VA more quickly and accurately identify claims and gather information necessary to process them.

### **Are Veterans still able to file informal claims?**

VA has preserved the effective date rules concerning informal claims through creation of a new "intent to file a claim" process. Under this process, Veterans and their survivors can notify VA that they intend to file a compensation, pension, or dependency and indemnity compensation (DIC) claim, then take up to a year to gather necessary evidence and file the claim. Consistent with the previous informal claim process, VA will be able to assign benefits retroactively to the date that the individual filed the intent to file form. While certain hospital and treatment records will no longer automatically constitute claims under this new rule, the potential effective date of benefits available to the Veteran is unchanged. In fact, under the intent-to-file-a-claim process, the Veteran has a full year from the date of medical records establishing an increase in disability to submit an intent to file a claim, and then has up to a year from that date to file a complete claim.

The new "intent to file a claim" form, VA Form 21-0966, requires minimal information: the individual's name, biographical information sufficient to identify the claimant (such as a Social Security number) and the benefit program in which he or she intends to file a claim (such as disability compensation). Once VA receives this standard intent to file form, the individual has one full year to file a claim for benefits on a standard claim form. Moreover, individuals who use eBenefits and recognized VSOs who use SEP may complete the electronic equivalent of "an intent to file a claim" form online by simply initiating and then saving an un-submitted claim.

Whether filing in paper, or electronically, the one-year period provides individuals the opportunity to gather and submit all the evidence necessary to substantiate a claim. Benefits may be granted effective the date the individual began the application in eBenefits or submitted the *intent to file* form.

### **What forms are Veterans or their survivors required to use?**

Because filing an intent to file a claim protects an effective date of benefits for up to one year, individuals seeking compensation or pension benefits will have a full year to gather and submit evidence necessary to support a claim by filing VA Form 21-0966, *Intent to File a Claim for Compensation and/or Pension, Survivors Pension, or Other Benefits*. The new rule does not require that evidence necessary to support a claim be filed in order for the claim to be recognized as complete and for VA to take action. However, given that the submission of an intent to file a claim will protect the effective date of benefits for up to one year, Veterans will have an opportunity to gather and submit all evidence along with the complete claim, enabling a faster decision.

- Veterans claiming disability compensation, whether for the first time or in a subsequent claim, must do so through eBenefits, or by using paper Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits*.
- Veterans claiming needs-based pension must use paper Form 21-527EZ, *Application for Pension*.
- Survivors claiming dependency and indemnity compensation (DIC), survivors pension, or accrued benefits must use paper form 21-534EZ, *Application for DIC, Death Pension, and/or Accrued Benefits*.
- The EZ forms were previously available on an optional basis. Under the new regulations, VA will mandate their use. Veterans and survivors do not have to file fully developed claims (FDCs) when using these mandatory forms, but VA strongly encourages FDC participation because VA can expedite delivery of benefits through the FDC program.
- Any claimant receiving a VA Form 21-0958, *Notice of Disagreement*, with their decision on a claim, who wishes to appeal that decision, must do so by completing and submitting that form. Claimants who did not receive the notice of disagreement form are not required to use it, but may elect to do so. VA encourages use of that form as it allows VA to more quickly identify appeals.

VA will continue to rely on the assistance of our VSO partners to help Veterans file their claims.

### **Can call center agents take an intent to file over the phone?**

Yes. National Call Center agents will be able to complete “an intent to file a claim” form on behalf of the Veteran over the phone. Similar to when a Veteran submits a paper intent to file, VA will follow up with the claimant and furnish the appropriate form to submit a complete claim.

### **Will these standardized forms impose additional requirements on Veterans seeking benefits?**

While there is a new requirement to use a particular form, Veterans were providing the information requested in these forms already, in order to file for benefits. VA is required to have certain information in order to process claims, and this rule does not change what information is required. Adopting a standardized application process with standardized forms provides a clear way for claimants to initiate and file claims or appeals with VA. Most federal agencies and private sector organizations already require the use of standard forms for citizens to file for available benefits. For instance, both the Social Security Administration and Internal Revenue Service require the use of standardized forms to file for benefits or complete a tax return.

### **What legal authority gives VA the ability to make these changes?**

Congress has granted VA broad authority to “prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by [VA] and are consistent with those laws,” including specific authority to prescribe “the forms of application by claimants under such laws.”

**When will this be effective?**

VA published the new regulations in the Federal Register on September 25, 2014 and it is effective 180 days after the publication date. VA chose to delay implementation to give claimants, their representatives, and VA claims processors ample time to familiarize themselves with the new process.

**What happens to the claims or appeals filed under the old regulations? Do Veterans need to re-file?**

No. Veterans who already filed claims or appeals prior to the effective date of the new regulations will not have to re-file. VA will continue to process those claims and appeals. VA will only implement the new standard forms for those filed after the effective date of the new regulations, which is 180 days after the date of publication in the Federal Register.

**What training will Veterans’ representatives, such as Veterans Service Organizations, receive on the new standardized forms?**

VA values the partnerships it has in the Veterans community, such as those with Veterans Service Organizations, the state departments of Veterans affairs, and with county Veterans service officers. It has published the new regulations with a delayed effective date of 180 days so that we at VA can work closely with our partners to ensure they understand the new regulations and have all of the information they need to provide the best possible representation to Veterans and survivors – whether through training or briefings by subject matter experts.

**How will this improve the claims process for Veterans?**

Standardized forms will make it easier for Veterans and their survivors to clearly state what benefits they are seeking from VA without having to provide lengthy written correspondence. This will make the entire claims process more efficient since it allows Veterans the opportunity to apply for benefits by “filling in the blanks” on short and easy-to-understand forms whether on paper or online. If filing online, the application essentially asks the claimant a series of questions requiring responses, which complete the form.

The standard forms clearly identify the information needed in order for VA to begin processing a claim, and will also help VA gather the information it needs to search for military, VA, or other government records that might support the claims.

**What impact will this regulation update have on the backlog?**

Under current processes, too many Veterans wait too long to get the benefits they have earned and deserve, and this is a necessary step toward fixing that problem. Standing alone, the updated claim submission process will significantly shorten the amount of time it takes VA to identify a claim, and identify and locate military, VA, and other government records that might support the claim.

Additionally, by utilizing the year following submission of an electronic or paper-based intent to file form to gather non-government evidence, it can significantly limit delays in claim resolution.

This process update is necessary to improve the quality and timeliness of VA’s claim processing and ensure that claimants receive more timely and accurate decisions on their claims and appeals.

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