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July 27, 2009

DEPARTMENT OF VETERANS AFFAIRS

TO CARE FOR HIM
WHO SHALL HAVE
BORNE THE BATTLE,
AND FOR HIS WIDOW
AND HIS ORPHAN...

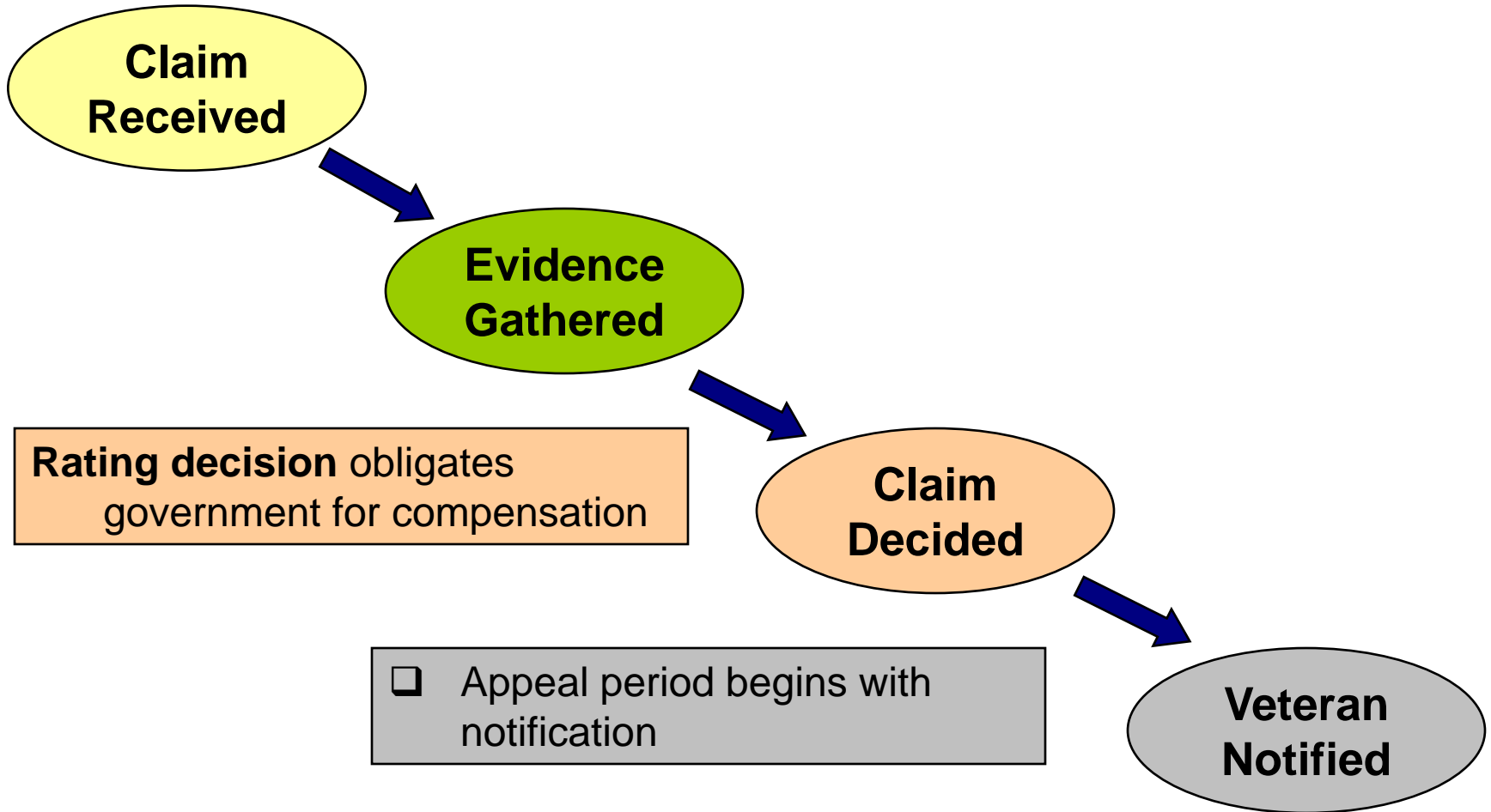
Abraham Lincoln



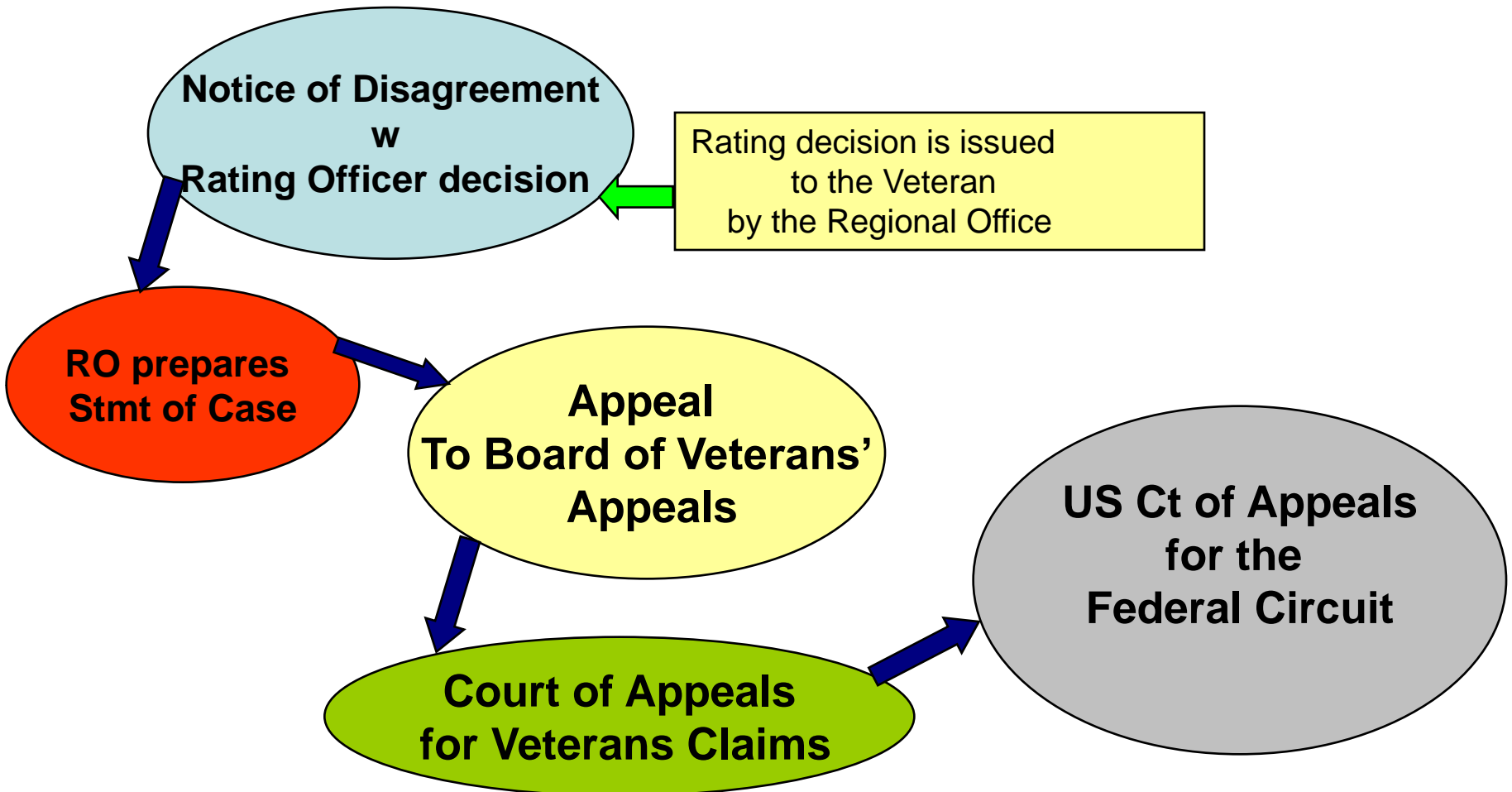
An Introduction to the Claims Process and The VA Disability Counsel Assistance Program:

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The Claims Process



The Claims Process



Disability Counsel Assistance Program

The mission of the Disability Counsel Assistance Program of the Department of Veterans Affairs is to provide specified assistance, advice, and support for the Disability Counsel function throughout the military services with regard to the military services' use of the VA Schedule for Rating Disabilities (VASRD) and to serve as a source of information and guidance relating to questions from and problems encountered by Disability Counsel in regard to: the VA Benefits Program; the implementation of the VASRD by VA; and the interpretation and application of the VASRD by the Board of Veterans' Appeals, the United States Court of Appeals for Veterans Claims, and the United States Court of Appeals for the Federal Circuit.

Disability Counsel Assistance Program

- Interdisciplinary Team serves as a source of information and guidance.
- Experienced team members provide input from the perspective of all levels of the claims adjudication process— from the VA Compensation and Pension Service, Board of Veterans' Appeals, and Office of General Counsel
- Quick response provided in writing.
- Informal, unofficial, and advisory.
- No PII should be shared with the DCAP.
- Will not determine a disability rating.

Who does the VA serve?

- **As of January 31, 2009 there are 991,347 veterans of the Current Overseas Contingency Operations (COCO).**

Branch of Service	Reserve/Guard	Active Duty	Total
Air Force	92,025	99,184	191,209
Army	310,856	221,169	532,025
Coast Guard	420	2,246	2,666
Marine Corps	33,671	96,652	130,323
Navy	28,924	135,382	164,306
Other/Unknown	2,236	2,866	5,102
Unable to Match to VA	713	704	1,417
Total	468,850	558,249	1,027,099

The ten most frequently service connected disabilities for COCO Veterans

Diagnostic Code	Diagnosis Description	Count
6260	Tinnitus	101,789
5237	Lumbosacral or Cervical strain	71,369
9411	Post Traumatic Stress Disorder	51,304
5242	Degenerative Arthritis of the Spine	46,505
6100	Defective Hearing	43,737
5260	Limitation of Flexion of Knee	43,107
5024	Tenosynvitis	40,110
7101	Hypertensive Vascular Disease (Essential hypertension)	38,273
5271	Limitation Motion of Ankle	36,886
8100	Migraine Headaches	35,251

The ten most frequently referred unfitting condition in the DES Program enrollees

Diagnosis Description	Count
Mental Condition, Other	160
Post traumatic stress disorder	119
Orthopedic – knees	96
Orthopedic – back	69
Traumatic brain injury	61
Amputations	51
Obstructive sleep apnea	41
Orthopedic – shoulder	40
Headaches / Migraines	34
Orthopedic – feet	28

As of 11-10-08

Entitlement

- 38 U.S.C. Sec 101
 - (13) The term ‘Compensation’ means a monthly payment made by the Secretary to a veteran because of a service-connected disability, ...
 - (16) The term ‘service connected’ means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service

Entitlement

- 38 U.S.C. sec 1110 Basic Entitlement
 - For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, the United States will pay to any veteran thus disabled ... compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

Basic Principles of Rating

- **38 CFR 4.1 Essentials of evaluative rating.**
 - “This rating schedule is primarily a guide in the evaluation of disability resulting from all types of diseases and injuries encountered as a result of or incident to military service. The percentage ratings represent as far as can practicably be determined the ***average impairment*** in earning capacity resulting from such diseases and injuries and their residual conditions in civil occupations. Generally, the degrees of disability specified are considered adequate to compensate for considerable loss of working time from exacerbations or illnesses proportionate to the severity of the several grades of disability.....”

Basic Principles of Rating

- 38 CFR 4.10 Functional Impairment
 - The basis of disability evaluations is the ability of the body as a whole, or of the psyche, or of a system or organ of the body to function under the ordinary conditions of daily life including employment. evaluations are based upon lack of usefulness, of these parts or systems, especially in self-support.