

3 Common Reasons Your Military In-Service Compensation Claim Might Be Denied (And What To Do About It)

If you've filed a claim for service-connected compensation and your claim has been denied, you're probably wondering what you did wrong, or could have done differently.

All too many times I speak with veterans who believe that their claim for service-connected compensation is a "slam-dunk." They have, or are still being treated at the VA Medical Center, have been diagnosed with an illness/disability, and believe their condition is related to their military service. What more could the VA want or need? Surely their claim will be granted, right? Wrong.

Aside from the large percentage of claims that are erroneously denied due to human error (which actually happens at an alarmingly high rate), there are a few all-too-common reasons why the VA routinely denies claims. Knowing them ahead of time in no way ensures your claim will be granted, but will significantly help you navigate your VA claim.

- 1. The VA denies claims for service-connected compensation because there are no military/service records that indicate an in-service event or injury to corroborate your claim.**

Whether the records are missing, or the incident/event was never properly put on record, without documentation, the VA will most likely deny claims for service-connected compensation.

You can obtain your records from the National Archives, or if they are unavailable, obtain "buddy statements" which may help corroborate your claim. The fact remains though, that with few exceptions, you must show proof of an event in-service, and not simply by your statement that an injury/incident occurred. This remains true even if you have a doctor who says that what you're suffering from is related to an event/incident in-service. Without proof of that event, your claim is likely to be denied.

2. The VA denies claims for service-connected compensation because there are no records showing a continuity of symptoms.

If you claim that you were injured in-service, and your military records even show that you were injured in-service, the VA will still require documentation to prove that the symptoms you are currently suffering are related to what happened when you were in-service. Filing a claim for a back injury, for example, because you injured your back in-service and still have pain, will not guarantee your claim will be granted if there are no records to show that the injury continued after discharge.

Even if you did suffer an injury in-service, your Separation Health Assessment may not indicate that you were still suffering symptoms at the time of discharge. The VA will often find that your current condition is related to something other than your in-service injury (age, a subsequent injury/accident, simply genetic, etc.). The critically important thing here, is to establish a continuity of symptoms, whether by medical records, or statements from family or friends.

3. The VA denies claims for service-connected compensation because there are no medical records to establish that you do, in fact, suffer from the condition/disability

claimed.

Your records must show a diagnosis for the condition you allege to be service-connected. If you do not have a diagnosis, the VA will not even go through the trouble of having you undergo a Compensation & Pension Exam (an exam with a VA physician to establish whether your condition is, or is not, service-related).

In most cases, results from the Compensation & Pension Exam will determine the outcome of your claim. It is extremely important that you submit records to prove that you do, in fact, have a diagnosis for the condition you're claiming to be service-related.

More importantly, even if you do have a doctor diagnosing you with a disability/illness and stating that said disability is related to your military service, if the doctor does not provide a rationale for his opinion, the VA will most likely reject his or her opinion. His or her opinion must be based on more than simply your statement. An opinion cannot be speculative; it must have a basis in fact. It is essential that your doctor explains why it is he or she believes your condition is related to your time in the military.

If you have had your claim denied, it is not the end of the road. The important thing is that you don't give up. As I said earlier, a large percentage of claims are erroneously denied. And even if you have experienced something like the three scenarios discussed here, it's important to speak with an attorney and appeal your denial if your condition is in fact due to an event/injury in service. Whatever the issues were with your claim, it is not too late to correct the problem.