

What are disability benefits?

- Disability Compensation is a tax free monetary benefit paid to Veterans with disabilities that are the result of a disease or injury incurred or aggravated during active military service.

Am I eligible for disability benefits?

- You may be eligible for Disability Compensation if you have a current disability or injury that is related to your service AND if you received an honorable discharge or general discharge under honorable conditions.
- A discharge of other than honorable requires a separate determination.
- Individuals who received either a bad conduct discharge or dishonorable discharge, will not be eligible for disability benefits.
- For other benefit information, contact the VAMC (below)

When can I file for disability benefits?

- You can file for disability both before and after completion of your service.

How do I apply for disability benefits?

- You can apply by filling out VA Form 21-526 (Veterans Application for Compensation or Pension) and attaching copies of all your supporting documentation with it either:
 - By internet: <https://iris.va.gov> Click on EBenefits
 - In person: you can locate the address of the closest regional office at www.va.gov/directory
 - By telephone: 1-800-827-1000

What documents should I submit?

- Discharge or separation papers (DD214 or equivalent).
- Service Treatment Records
- Medical evidence (doctor & hospital reports).
- Dependency records, if applicable (marriage certificate or child's birth certificate).

Note: If you have any doubt as to whether or not you should submit documents, ALWAYS SUBMIT THEM!

What do I have to show in order to receive disability benefits?

- In order to receive a disability rating, you must show that your disability is connected to your service.
- You must show that you currently suffer from a disability, which began during or after your service, and that some event during your service caused the disability.

Note: This is the most important part of the whole process.

- One way is to request your medical records from any medical facility you sought treatment from during your service by filling out DD Form 877.
- If your disability went undocumented while you were in the service, you can:
 - Fill out VA Form 10-5345, if you sought medical treatment after your service at a VA hospital.
 - Submit a Buddy Statement Affidavit, if there were witnesses to you either reporting or complaining about the disability you are claiming.

Keep in mind: Department of Defense (DOD) and Veterans Affairs (VA) are two separate entities. Therefore, be sure that you are requesting your records from the correct agency

How long does it take to receive a decision?

- It takes approximately ten (10) months.

How do I appeal if I am denied?

- First, upon receiving a denial, you must fill out and return the "Notice of Disagreement." This preserves your right to appeal and ensures that any future approval will be backdated to the date of your original filing. Keep a copy for your records.
- Next, fill out VA Form 21-0958. This is the form to appeal your decision.

Note: If you have not previously provided any supporting documents with your application, then you may submit them now as part of your appeal.

How long does the appeal process take?

- After filing your appeal, you have two options:
 - Traditional, formal in-person hearing; or
 - Informal, non-appearance appeal in which your appeal is decided solely on the papers.
- While the time for each appeal varies, an informal appeal generally takes 3 months where a formal appeal can take several years.

Remember: Always keep copies of any documents that you submit.

Note: Remember to double check that you are filling out the most recent version of VA Form 21-526.

RESOURCES

You can obtain any of the VA forms online at: <http://www.va.gov/vaforms/>

County Veterans Service Agencies:

Suffolk County:

100 Veterans Memorial Highway
3rd Floor Hauppauge, NY 11788
631.853.VETS (8387)

or

300 Center Drive
Riverhead, NY 11901
631.852.1410

Nassau County:

2201 Hempstead Turnpike
East Meadow, NY 11554
516.572.6565

Other legal assistance contacts:

Touro Law Center Veterans' Clinic
225 Eastview Drive
Central Islip, NY 11722
631.761.7080

vetsclinic@tourolaw.edu

Hofstra University School of Law
Veterans Legal Assistance Project
121 Hofstra University
Hempstead, NY 11549
516.463.7302

Angels for Warriors
164 Main Street
Huntington, N.Y. 11743
631 651-5471

NY State Division of Veterans Affairs
Veterans Benefits Advisor:
Michael Brosnan
SUNY Stony Brook
216 Stony Brook Union
Stony Brook, NY 11794
631.632.1658

US DVA New York Regional Benefit Office
245 W. Houston Street
New York, NY 10014
800.827.1000

Suffolk County Vet Center:
100 West Main Street
Babylon, NY 11702
631.661.3930

Nassau County Vet Center:
970 South Broadway
Hicksville, NY 11801
516.348.0088

Nassau Suffolk Law Services

Committee, Inc. ("NSLS") is a non-profit, community based poverty law program that provides legal assistance in civil (non-criminal) matters to low income, disabled, and disadvantaged persons throughout Nassau and Suffolk Counties.

The Veterans Rights Project at NSLS may be able to assist low-income, disabled veterans in a variety of civil matters.

631 232-2400 (Islandia)
631 369-1112 (Riverhead)
516 292-8100 (Hempstead)

Prepared by Nassau Suffolk Law Services Committee, Inc.

Tips for Veterans

Applying for Veterans Disability Benefits and Appealing Denials



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