To be eligible to get VA disability, you must have:

1) *A discharge status of anything other than “dishonorable,”*

2) *A disease or injury (your “disability”) that was caused or aggravated by something that happened to you in the line of duty, and*

3) *That the disability is not the result of your own misconduct or abuse of alcohol or drugs.*

**First requirement:** *A discharge status of anything other than “dishonorable”*

The VA will decide whether you have a veteran discharge status of anything other than “dishonorable.” Submitting a copy of your DD-214 discharge paperwork might make the process move a little faster.

**Second requirement:** *A disease or injury that was caused or aggravated in the line of duty*

The second requirement includes three parts:

1) *A current, diagnosed disease or injury*

2) *The current, diagnosed disease or injury was caused or aggravated in the line of duty*

**Part 1:** *A current, diagnosed disease or injury*

The problem that you are applying for benefits for has to be one that is bothering you now.

* **Examples:** If you hurt your knee in the service, but do not currently suffer from any pain, loss of movement, or other symptoms of that injury, you are not entitled to benefits for that injury. You have to provide evidence that the disease or injury impacts you **during the claims process**.

To win your benefits claim, you have to have an actual medical diagnosis for the disease or injury that is currently bothering you. **The diagnosis** **has to be made by a medical professional.** If you do not know whether your condition has a proper medical diagnosis, ask your physician.

* **Examples:** A “sore throat” is not a medical diagnosis. A medical diagnosis for “sore throat” might be something like “Strep Throat” or “Mononucleosis.” “Back pain” is also not a medical diagnoses. A medical diagnosis for “back pain” might be something like “Sacroiliac Joint Dysfunction” or “L1-L2 herniation in intervertebral disc.”

Your **minimum** duty as a veteran to prove this element is to submit statements – from you or your family and friends – that note the continuing symptoms that you experience. After the VA receives these statements, the VA has a duty to schedule a free VA medical examination. A report from a doctor or other qualified professional is necessary for the disability claim determination, which requires “competent medical evidence.”

**Part 2**: *Evidence that the disease or injury occurred in the line or duty or was aggravated in the line of duty*

In the line of duty means the period beginning with the date of entry into service and ending on the date of discharge from military service.

You have to provide evidence to show that something happened to you in the service that caused or aggravated the disability that is currently bothering you. You have to include both evidence that the disease or injury was caused or aggravated in the line of duty AND that the disease or injury has been persistent or recurrent.

There are four ways of proving that an illness or injury was caused or aggravated by service-connection.

1. There is a direct causative link between the current disability and something that occurred during the period of military service (called direct service-connection).
2. The current disability existed before service. The condition became worse during service (called aggravation).
3. The current disability is the result of an underlying medical condition. The underlying medical condition is connected to the period of military service (called secondary service connection).
4. The current disability did not manifest itself during service. The current disability is presumed to have started, or be connected with something that happened during service by virtue of statute or VA regulation (called presumptive service-connection).

Evidence of the cause of the disease or injury should include both medical and “lay” evidence.

1. Medical Evidence:
   1. Evidence of the cause of the disease or injury should be included in the medical report that is prepared by your doctor or the VA doctor.
   2. If 50% of the evidence says that the disease or injury was caused in service then the veteran will win his claim.
   3. The statement, “It is at least as likely as not that the injury/disease was caused by military service” used by your doctor will help to show that the disease or injury was service connected.
2. Lay Evidence:
   1. Lay evidence means the reports, opinions, memories, or other documentation from non-medical people, including the veteran.
   2. Should always include a letter or statement written by the veteran.
   3. The statement should be as detailed as possible.
   4. It would be helpful to organize the statement chronologically, or in time-order.

**Third Requirement**: *That the disability is not the result of your own misconduct or abuse of alcohol or drugs.*

Submitting a VA Disability benefits claim can be difficult. Getting help from an advocate, such as a Veteran Service Officer at your County Veteran Service Commission, or an advocate at the office of Disabled American Veterans, can help you to be successful. This information is not meant to replace a good advocate, but to help you, and your doctor, and your advocate and to increase your chances of getting a favorable decision.

If you have any questions, please feel free to contact me at 216-861-5835. If your claim is denied, please call the Legal Aid Society of Cleveland at 216-687-1900 and tell the intake specialist that you have a VA Disability benefits appeal. We may be able to help you. Best of luck on your claim.