



VETERANS CLAIMS EDUCATION · FREE GUIDE

VA Decision Reviews and Appeals

Read your decision letter · Pick the right option · Protect your back pay · Fix clear errors in old decisions

About Veterans Claims Education: we are a free education resource. We are not VA, a VSO, an attorney or an accredited claims agent. We don't file claims or appeals, and we don't decide what applies to you. Only VA decides. For help with your case, contact a free VA-accredited VSO.

The key idea: **you have 1 year from the date on your letter**

Ask for a review within 1 year of the date printed on your decision letter, and keep the issue moving with no gap. Then VA can pay you back to your original claim date. Miss it, and a new Supplemental Claim usually only pays from the day VA receives it.

Already past a year? You may still have options: Clear and Unmistakable Error (CUE), or service records found later. See Sections 11–14.

OPTION 1

Supplemental Claim

You have new and relevant evidence. VA Form 20-0995.

OPTION 2

Higher-Level Review

VA made a mistake with the evidence it had. No new evidence. VA Form 20-0996.

OPTION 3

Board Appeal

A Veterans Law Judge reviews it. The slowest option. VA Form 10182.

WHAT'S INSIDE

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1 · HOW TO READ YOUR DECISION LETTER, PAGE BY PAGE 38 CFR § 3.103(f)

Read the whole decision before you pick an option. It tells you exactly what VA found and what's missing. Most decision packages have three parts:

1. Notification letter

The first pages. A “What we decided” table (issue, decision, rating, effective date), your payment, and what to do if you disagree.

2. Rating decision

The evidence VA looked at, the reasons for each decision, favorable findings, what's needed for a higher rating, and the rules used.

3. Review rights

Usually VA Form 20-0998: your options and deadlines.

The 8 things every decision must tell you

The law requires every decision notice to include these. If one is missing or vague, point it out.

Required item	What to check
1. The issues decided	Every condition you claimed is listed. One missing may be deferred or overlooked.
2. The evidence considered	Your records are on the list. Missing records may be an error.
3. The laws and rules used	The CFR sections VA applied. Wrong code or rule? That's a Higher-Level Review issue.
4. Favorable findings	What VA agreed with. Binding on later decisions (§ 3.104(c)).
5. For denials, what wasn't met	The exact missing piece: diagnosis, in-service event, or link (nexus).
6. What's needed to grant or go higher	Your roadmap for evidence.
7. How to get the evidence used	Including your claims file (VA Form 20-10206).
8. Your review options	Supplemental Claim, HLR or Board, and the deadline.

Red-flag words

If your letter says	It usually means
“Proposed” reduction	Not final. You have 60 days to send evidence. Ask for a hearing within 30 days and your payments stay the same until VA decides after the hearing (Section 10).
“Deferred”	VA hasn't decided that issue yet.
“Not a disability for VA purposes”	Often a finding, like high cholesterol. Claim the condition it causes.
“Less likely than not” / “no nexus”	The link to service is missing. A doctor's opinion can be new and relevant evidence.
“Failed to report for examination”	You missed a VA exam. Contact VA right away with your reason and ask to reschedule.
“Confirmed and continued”	VA looked again and didn't change the earlier decision.

Lost your letter? Sign in at va.gov/claim-or-appeal-status and look for your claim letters.

2 · A LABELED EXAMPLE LETTER FICTIONAL

Made-up veteran and dates. Real letters vary in layout but have these parts. Each gold number is explained below.

Department of Veterans Affairs

SAMPLE · NOT A REAL LETTER

John Q. Sample · File number: XXX-XX-1234 · Letter date: June 10, 20XX

PAGE 1 · NOTIFICATION LETTER

1 What we decided

Issue	Decision	Rating	Effective date
Tinnitus	Granted	10%	March 3, 20XX
Left knee strain	Granted	10%	March 3, 20XX
Obstructive sleep apnea	Denied	–	–

2 Payment

Combined rating: 20%. Monthly amount: \$[amount]. Payments start April 1, 20XX.

PAGES 2–4 · RATING DECISION

3 Evidence

VA Form 21-526EZ, received March 3, 20XX · Service treatment records · VA exam, April 22, 20XX · Lay statement from spouse

4 Reasons for decision: sleep apnea

Denied because the evidence does not show a link between your sleep apnea and military service.

5 Favorable findings

You have a current diagnosis of obstructive sleep apnea. Your service treatment records show snoring and daytime fatigue in service.

6 Next higher level: left knee

A 20% evaluation is warranted if flexion of the leg is limited to 30 degrees.

7 References

38 CFR 3.303, 4.71a (Diagnostic Code 5260), 4.87 (Diagnostic Code 6260)

8 Enclosure: VA Form 20-0998

You have one year from the date of this letter to request a Supplemental Claim, Higher-Level Review or Board Appeal.

1 What we decided: make sure every condition you claimed is listed. One missing? Call VA or ask your VSO.

2 Payment: ratings combine with VA math ($10 + 10 = 19$, rounded to 20%). Pay starts the first of the month after the effective date. The effective date should usually match when VA got your claim, or your Intent to File. Later than that? An HLR can fix it.

3 Evidence: look for what's missing. Records you sent that aren't listed may not have been considered.

4 Reasons: here the only problem is the link. You don't need to prove the diagnosis again.

5 Favorable findings: binding. VA can't later say you don't have sleep apnea unless it shows clear and unmistakable error. Save this page.

6 Next higher level: your roadmap. To reach 20%, records must show the knee bends 30 degrees or less, including flare-ups. Only report what's true.

7 References: the rules VA used. Look them up. Wrong code or rule? HLR issue.

8 Review rights: the deadline is June 10 of the next year, counted from the letter date, not the day you opened it.

Putting it together: for the sleep apnea, two of the three pieces (diagnosis and in-service symptoms) are already proven and binding. Get a doctor's opinion on the link and file a Supplemental Claim within 1 year to keep the March 3 date.

3 · WHICH OPTION FITS YOU

Start with one question: does VA already have everything, or is something missing?

Something is missing

A doctor's opinion, records VA didn't have, a buddy statement → Supplemental Claim

Nothing missing, VA got it wrong

Wrong rule, overlooked records, bad math, wrong effective date → Higher-Level Review

Want a judge or a hearing

Already tried the others, or a complex legal question → Board Appeal

	Supplemental Claim	Higher-Level Review	Board Appeal
Form	VA Form 20-0995	VA Form 20-0996	VA Form 10182
Deadline	None, but within 1 year keeps your date	1 year from letter date	1 year from letter date
New evidence	Required	Not allowed	Depends on docket
Who decides	A VA reviewer, who must help get records you identify	A more experienced reviewer, fresh look	A Veterans Law Judge
Talk to someone	No	Optional informal conference	Hearing docket
VA's goal	About 125 days	About 125 days	365–730 days by docket

You pick one option per issue at a time. Different issues from the same letter can go different ways. After each decision you get another year to choose a next step, so you can use more than one option over time.

EXAMPLE · THREE ISSUES, THREE LANES

One letter: knee rated 10% (but the exam supports 20%), sleep apnea denied for no link, and PTSD denied twice.

Knee → HLR (the evidence is there; VA misapplied it). Sleep apnea → Supplemental Claim with a new doctor's opinion. PTSD → Board Appeal, Hearing docket, to explain the stressor to a judge.

4 · WHY THE DATE ON YOUR LETTER MATTERS

For most decisions, you have one year from the date printed on the letter to request a Higher-Level Review or Board Appeal, and to file a Supplemental Claim that keeps your original effective date. Mail delays don't pause the clock.

1. Write the letter date on your folder and mark the one-year deadline on your calendar.
2. Read the rights sheet that came with your letter.
3. Find out why VA decided the way it did (Section 1). That tells you which option fits.

EXAMPLE

Kevin's letter is dated March 4, but it arrives March 20.

His deadline is March 4 of next year, counted from the letter date. He sets a reminder for January 4, ten months out.

Shorter windows: some decisions have shorter deadlines, like contested claims (60 days for a Board Appeal) and some insurance and survivor decisions. Check your rights sheet.

5 · OPTION 1: SUPPLEMENTAL CLAIM VA FORM 20-0995 · 38 CFR § 3.2501

Use this when you have evidence VA didn't consider before.

"New and relevant" means

New: VA didn't have it before.

Relevant: it tends to prove or disprove the issue VA decided against you, like the missing link.

Examples

A doctor's nexus opinion · private treatment records · a buddy statement · new test results · records VA never got · a new law that now covers you

- ☐ Gather your new evidence before you file, or list where VA can get it
- ☐ Fill out VA Form 20-0995 and name each issue specifically
- ☐ Submit online for disability claims, or by mail, fax or in person
- ☐ Keep copies and proof of the date you submitted

EXAMPLE

Tanya's migraines were denied: "no evidence of a link to service." Her neurologist writes that her migraines are at least as likely as not caused by the head injury in her service records, and explains why.

That opinion is new (VA never had it) and relevant (it addresses the missing link). She files VA Form 20-0995 within a year, keeping her original date.

Back pay rule: file within one year of the decision and your effective date can trace back to your original claim. File later, and it's usually the date VA receives the Supplemental Claim ([38 CFR § 3.2500\(h\)](#)).

6 · OPTION 2: HIGHER-LEVEL REVIEW VA FORM 20-0996 · 38 CFR § 3.2601

A more experienced reviewer who wasn't part of the first decision takes a fresh look at the same record. They can change the decision based on a difference of opinion, without having to find an error.

You cannot submit new evidence. The reviewer looks only at the record as of the date of your decision letter. If you send records in, the reviewer can't consider them.

You can use it if

- You're within 1 year of an initial or Supplemental Claim decision
- You have no new evidence
- It isn't a contested claim

Not available after an HLR decision or a Board decision on the same issue.

Good reasons to ask

- Wrong diagnostic code or criteria applied
- Records in your file were overlooked
- Wrong effective date, like an ignored Intent to File
- A favorable finding was ignored
- Bad math, or an inadequate exam

VA's goal: about 125 days on average. If the reviewer finds VA didn't meet its duty to help you before deciding, like an exam based on a wrong fact or records never requested, the claim is sent back to fix it and you get a new decision.

EXAMPLE · WRONG EFFECTIVE DATE

Omar filed an Intent to File on Jan. 10 and his full claim on Oct. 2. He was granted, effective Oct. 2.

Nothing new is needed: the Intent to File is already in his file. He requests an HLR and points to it. The date should be Jan. 10, nearly 9 more months of back pay.

Back pay: requesting an HLR within one year keeps your claim continuously pursued, which protects your effective date back to your original claim. A grant doesn't automatically mean back pay to your filing date, though. See Section 9.

7 · THE HLR INFORMAL CONFERENCE

A phone call with the reviewer assigned to your HLR. It's optional, and the only time you can speak with the person deciding. It may add some time.

Check the box. Ask for the call in the informal conference section of VA Form 20-0996, or at the informal conference step online. Give your phone number and the times you're available. If you don't check it, there's no call.

It is

- A short call to point out errors of fact or law in the record
- Your chance to say which document, page and date proves it
- One call per HLR

It isn't

- A hearing or a time to tell your whole story
- A way to add new evidence or new facts
- A place to argue about fairness

Prepare a one-page error sheet

Error sheet · Back condition (example)

What VA said	"Service treatment records are negative for a back injury."
Where the record shows otherwise	Service treatment records, page 47, sick call dated May 3: lumbar strain after a fall from a vehicle. Follow-ups on pages 49 and 52.
The rule VA should have applied	38 CFR § 3.303. The VA exam's negative opinion relied on "no in-service injury," a wrong fact, so the exam is inadequate.

EXAMPLE

Jason's back claim

Jason's back claim was denied: "no in-service injury." His service treatment records, already in his file, showed three sick-call visits for back pain after a fall. The examiner said his back wasn't related to service because there was no injury on record. Jason filed an HLR, checked the conference box, and said:

"The decision says there's no in-service back injury. My service treatment records, page 47, dated May 3, show a lumbar strain after a fall, with follow-ups on pages 49 and 52. The examiner's opinion relied on there being no injury, so it's based on a wrong fact."

Possible results: the reviewer grants if the record supports it, or sends it back for a new exam and a new decision. Either way, Jason's original effective date is protected.

Tips: answer unknown numbers while your HLR is pending; if VA can't reach you, it may decide without the call. Keep it short: what VA said, where the record shows otherwise, which rule applies.

8 · OPTION 3: BOARD APPEAL VA FORM 10182

A Veterans Law Judge at the Board of Veterans' Appeals reviews your case. You choose one of three dockets:

Docket	New evidence	Hearing	Board's goal	Best for
Direct Review	No	No	365 days	The record is complete; you disagree with how the rules were applied. Fastest.
Evidence Submission	Yes, with the form or within 90 days	No	550 days	You have or can get records or an opinion.
Hearing	Yes, at the hearing or within 90 days after	Yes, video or in person	730 days	Your testimony is essential. Longest wait.

Choose carefully. You can switch dockets only by filing a new VA Form 10182 within 1 year of the decision you're appealing or 60 days after the Board receives your form, whichever is later, and only if you haven't already submitted evidence or testimony ([38 CFR § 20.202\(c\)](#)).

EXAMPLE · PICKING A DOCKET

Lisa's doctor is still writing her nexus letter when she files her Board Appeal.

She should choose Evidence Submission, not Direct Review, so she can send the letter within 90 days. If she picked Direct Review by mistake and hasn't sent evidence yet, she may still switch within the time limit.

After a Board decision: you can appeal to the U.S. Court of Appeals for Veterans Claims within 120 days ([38 U.S.C. § 7266](#)), or file a Supplemental Claim with new evidence within 1 year. You can't request an HLR of a Board decision. Free court help may be available from the Veterans Consortium Pro Bono Program ([vetsprobono.org](#)).

9 · EFFECTIVE DATES AND BACK PAY, WITH EXAMPLES

Rule 1

The effective date is generally the later of the date VA received your claim or the date entitlement arose (when the condition met the rating level).

Rule 2

Filing each next step within one year keeps an unbroken chain back to your original claim. Miss a deadline and the date usually resets.

EXAMPLE 1 · SUPPLEMENTAL CLAIM, ON TIME

Original claim March 3, 2024 → denied Nov. 12, 2024 → Supplemental Claim filed June 5, 2025 (inside the year) → granted Feb. 20, 2026.

Effective date: March 3, 2024. About 23 months of back pay.

EXAMPLE 2 · SAME CASE, FILED LATE

Supplemental Claim filed Jan. 8, 2026, more than a year after the Nov. 12, 2024 denial → granted July 2026.

Effective date: Jan. 8, 2026. About 22 months of back pay lost to the calendar.

EXAMPLE 3 · HLR GRANTED, ENTITLEMENT AROSE LATER

Original claim March 3, 2024. The HLR is granted Oct. 15, 2025, but the records show the condition first met the rating level on Aug. 9, 2024.

Effective date: Aug. 9, 2024. Not the claim date, and not the HLR date.

EXAMPLE 4 · BOARD APPEAL, CHAIN UNBROKEN

Original claim March 3, 2024 → denied Nov. 12, 2024 → HLR requested April 2, 2025 → HLR denied Oct. 15, 2025 → Board Appeal filed March 30, 2026 → the judge grants in 2027.

Effective date: March 3, 2024. About three years of back pay, because the chain never broke.

Payment timing: VA doesn't pay for the month of the effective date. The first payable month is the next one, paid at the start of the following month. Examples are for illustration; effective-date rules have exceptions. Confirm your dates on your letter.

10 · PROPOSED REDUCTIONS AND FAVORABLE FINDINGS

If VA proposes to reduce your rating

- VA must send a proposal first and give you 60 days to send evidence ([38 CFR § 3.105\(e\)](#)).
- Ask for a predetermination hearing within 30 days of the notice, and your payments stay at the current level until VA decides after the hearing ([§ 3.105\(i\)](#)).
- Send current treatment records and a statement about how the condition affects you.

Favorable findings are binding

- Anything VA found in your favor, like "you have a current diagnosis," is binding on later decisions.
- VA can only undo it with evidence showing clear and unmistakable error ([38 CFR § 3.104\(c\)](#)).
- Next time, you only need to prove the missing piece.

EXAMPLE · PROPOSED REDUCTION

Dee has been rated 50% for PTSD for 6 years. After a short exam, VA proposes lowering it to 30%.

She asks for a hearing within 30 days, so her pay stays the same, and sends her therapist's notes within 60 days. Because she's been at 50% for over 5 years, VA must show lasting improvement on a thorough exam ([38 CFR § 3.344](#)).

11 · CLEAR AND UNMISTAKABLE ERROR (CUE) [38 CFR § 3.105\(a\)](#) · [38 U.S.C. § 5109A](#)

CUE lets you challenge a final decision, even one from decades ago, if VA made an obvious error that changed the outcome. If you win, the decision is corrected as if it had been made right the first time, which can mean years of back pay.

"A clear and unmistakable error is a very specific and rare kind of error ... that ... compels the conclusion, to which reasonable minds could not differ, that the result would have been manifestly different but for the error." ([38 CFR § 3.105\(a\)](#))

All three must be true

1. The error was real. The correct facts, as known then, weren't before VA, or VA applied the law in effect then incorrectly.
2. It's undebatable and changed the result. Reasonable people couldn't disagree, and the outcome would have been clearly different.
3. It's based on the record and law at the time. Not evidence found later or laws passed later.

Why it's powerful

- No deadline. Raise it any time (38 U.S.C. § 5109A(d)).
- Back to the original date. The corrected decision has the same effect as if made on the original date (§ 5109A(b)).
- VA can also correct CUE on its own.

What is NOT CUE

- Disagreeing with how VA weighed the evidence
 - VA failing to get records or a good exam (duty to assist)
 - A later change in diagnosis
 - A new law or interpretation that came later
 - Evidence that wasn't in the record then
- 38 CFR § 20.1403(d)–(e) · Cook v. Principi (Fed. Cir. 2002)

Only for final decisions. Still within 1 year? Use a Supplemental Claim, HLR or Board Appeal. They're easier to win and protect the same date.

12 · CUE EXAMPLES MADE UP, USING THE REAL RULES

EXAMPLE 1 · MATH ERROR

The combined rating was added up wrong

A 2012 decision rated PTSD 50%, back 30% and knee 20%, and listed the combined rating as 60%.

50
PTSD

+15
30% of the 50 left

+7
20% of the 35 left

72 → 70%
rounded

Likely CUE: the combined ratings table (§ 4.25) gives 70%. Nothing to debate. Corrected back to 2012.

EXAMPLE 2 · IT WAS IN THE FILE ALL ALONG

Mark's knee records, found years later

In 2008, Mark's knee claim was denied: "service treatment records are negative for a knee condition." In 2024 he got his claims file and found his service treatment records, date-stamped received by VA in 2007, showing knee surgery in service, plus a 2008 VA exam diagnosing residuals of that surgery and saying they were at least as likely as not related to it.

Possible CUE: the correct facts were in the record and VA got them wrong. Diagnosis, in-service event and a positive opinion were all there, so the result would have been different. If granted, it goes back to the 2008 claim.

But if the exam had no opinion or a negative one, the outcome is debatable, so it's probably not CUE. Mark could still file a Supplemental Claim with a doctor's opinion, usually dated when VA gets it.

EXAMPLE 3 · WRONG LAW APPLIED

A presumption VA ignored

A veteran with Vietnam service in his personnel records was denied for type 2 diabetes in 2006: "not shown in service." Type 2 diabetes had been on the Agent Orange presumptive list since 2001.

Possible CUE: VA applied the law in effect at the time incorrectly.

Compare: a 2015 denial of hypertension for Agent Orange is not CUE. Hypertension was added by the PACT Act in 2022, after the decision. File a Supplemental Claim instead, which VA has said is the way to get a new decision under the PACT Act.

EXAMPLE 4 · IGNORED FAVORABLE FINDING

VA contradicted itself

A 2022 decision found: “Your service treatment records show a knee injury in service,” but denied for no link. After a Supplemental Claim with a doctor’s opinion, the 2023 decision said there was “no evidence of an in-service knee injury.”

Within 1 year? HLR, citing the binding finding (§ 3.104(c)). Final, years later? Ignoring a binding finding can support a CUE request.

EXAMPLE 5 · EFFECTIVE DATE

An early letter VA overlooked

In 2013 a veteran mailed VA a signed letter saying he wanted benefits for his back. VA didn’t act on it. He filed a formal claim in 2016 and was granted from 2016.

Possible CUE: before March 24, 2015, VA rules treated a written communication like that as an informal claim. If the letter is in the file and VA ignored it, the 2016 effective date may be wrong. CUE uses the rules in effect at the time.

Not CUE

Do this instead

“VA believed the examiner over my doctor.”

That’s weighing evidence. Within 1 year: HLR or Board. After: Supplemental Claim with a stronger opinion.

“VA never got my private records.”

Duty to assist. Send them with a Supplemental Claim.

“My diagnosis changed later.” / “A new law covers me now.”

File a Supplemental Claim or a new claim.

13 · RECORDS FOUND YEARS LATER: WAS IT IN YOUR FILE OR NOT?

This decides your path. Request your full claims file (C-file) with VA Form 20-10206, then check the date VA received each record.

DOOR 1

It WAS in your file

Received before the decision, but VA missed it or got it wrong.

Path: CUE request.

If you win: back to the original decision date.

Deadline: none.

[§ 3.105\(a\)](#)

DOOR 2

Service records that WEREN'T in your file

Official service department records that existed but weren't in your file when VA first decided: treatment records, personnel files, unit records, morning reports, ship logs, declassified records.

Path: VA must reconsider.

If you win: back to your original claim date, or when entitlement arose if later.

Deadline: none.

[§ 3.156\(c\)](#)

DOOR 3

Other new evidence

A new doctor’s opinion, private records, buddy statement, new tests.

Path: Supplemental Claim.

If you win: usually the date VA receives it, unless filed within 1 year of the decision.

[§ 3.2501](#)

Door 2 in detail

- If VA gets relevant official service department records that existed but weren’t in your file when it first decided, VA will reconsider the claim, at any time. The usual new-evidence rules don’t apply.
- Effective date: the date VA received your original claim, or the date entitlement arose, whichever is later.

- **Exceptions:** records that didn't exist yet when VA decided, or that VA couldn't get because you didn't give enough information to find them, like your unit and dates.
- VA's own records may already count. For decisions after July 21, 1992, VA medical records can count as part of the record even if they weren't physically in the file. That matters for CUE.

EXAMPLE

Maria's PTSD stressor

Maria's 2010 PTSD claim was denied: "stressor could not be verified." She had given VA her unit, base and the months of the attacks. In 2025, her unit's records from those months were added to her file, documenting mortar attacks on the base.

Door 2: official records that existed in 2010 but weren't in her file, and she gave enough information to find them. VA must reconsider. If granted, the date can go back to her 2010 claim, if her PTSD existed then.

If those records had been in her file in 2010 and VA overlooked them, that's Door 1, a possible CUE.

14 · HOW TO REQUEST CUE

1. Get your claims file with VA Form 20-10206. Ask for the complete file, including service treatment records and rating code sheets.
2. Find the exact error: which decision, which date, what VA said, and which record or rule proves it wrong.
3. Show why the result would be different, not just that VA made a mistake.
4. Put it in writing and sign it: your name, file number, decision date, each specific error, and why the outcome would have been different. No special form is required. Title it "Request for Revision Based on Clear and Unmistakable Error."
5. Send it to the right place: regional office decisions go to VA at the address on your decision letter, or through your VSO. Board decisions need a motion filed with the Board.

Regional office decisions

VA issues a decision on your request. If you disagree, you can use the normal review options. If the Board later decided the same issue, the request generally goes to the Board instead.

Board decisions: one shot

The motion must state each error clearly and specifically. A vague motion is dismissed without prejudice, so you can refile. Once the Board decides a CUE motion on that decision and issue, later motions are dismissed with prejudice. Raise every error the first time ([§ 20.1404](#), [§ 20.1409\(c\)](#)).

Do both at once: a CUE request and a Supplemental Claim are separate. File a Supplemental Claim with new evidence to lock in a date now, and a CUE request to go after the older date. If CUE fails, the Supplemental Claim still protects you.

Say it so VA sees it: "The rating decision dated [date] denied service connection for [condition] because service records were 'negative.' Service treatment records received by VA on [date], page [#], show [injury]. Had VA considered them, service connection would have been granted."

15 · DEADLINES THAT MATTER

Action	Deadline	Why it matters
Higher-Level Review	1 year from the letter date	Hard limit. The option expires after.
Board Appeal	1 year from the letter date (60 days for contested claims)	Hard limit for most benefits.

Supplemental Claim	No hard deadline; within 1 year is best	Within 1 year protects your original effective date and back pay.
Board evidence	90 days after the Board receives your form, or after your hearing	The window closes; nothing else reaches the judge.
Court appeal	120 days from the Board decision	Federal court deadline.
Proposed reduction	30 days to ask for a hearing; 60 days to send evidence	A hearing request within 30 days keeps payments the same until the decision.
CUE request	None	Only for final decisions.
Service records found later	None	VA must reconsider under § 3.156(c).

VA usually gives you 30 days to answer its requests for information. Processing goals and forms change, so confirm on VA.gov.

16 · PROTECTING YOUR DEADLINE, STEP BY STEP

Most veterans who lose back pay don't lose it on the merits. They lose it on the calendar.

1. Set two phone reminders: the one-year deadline, and a 10-month mark as your real target.
2. Decide your option before you file. Filing the wrong form doesn't pause the clock.
3. Keep one folder, paper or digital, with every letter, form and record.
4. Name every issue on the form. Issues you don't list don't get reviewed.
5. File online when you can. If mailing, use tracking and keep proof. Answer VA requests within 30 days.
6. Track your status at va.gov/claim-or-appeal-status, and get free accredited help early.

17 · MISTAKES THAT COST VETERANS MONEY

Mistake	What it costs
Sending new evidence with an HLR	The reviewer can't consider it. The option is used up.
Filing a Supplemental Claim after one year	You may lose the earlier effective date and back pay.
Choosing Direct Review while waiting on a doctor's opinion	The record is closed; the opinion can't reach the judge.
Being vague about the issue	VA reviews only what you name.
Missing a VA exam	VA decides on what it has; rescheduling adds delay.
Waiting to find a representative before filing	The year runs out during the search.
Filing the wrong form	The clock keeps running.
Requesting CUE when you're still within 1 year	A much harder standard. Use a decision review instead.
A vague CUE motion at the Board, or leaving errors out	Once the Board decides it, you can't bring another on that decision and issue.

18 · GETTING HELP: WHO IS FREE AND WHO CAN CHARGE

Only people accredited by VA may legally help you prepare, present or pursue a VA claim.

Who	What they do	Fees
VSO representative	Work for groups like DAV, VFW, The American Legion, and state or county veterans offices. Gather evidence, file and appeal.	Always free, at every stage.

Accredited claims agent	Individuals VA has accredited after passing VA's exam.	Nothing for an initial claim. May charge after VA's first decision.
Accredited attorney	Licensed lawyers accredited by VA. Can also handle court appeals.	Nothing for an initial claim. May charge after VA's first decision.

Fee rules in plain English

- No one may charge you to prepare and file your initial claim. That's federal law.
- An agent or attorney may charge only after VA's first decision, with a signed appointment (power of attorney) and a written, signed fee agreement. No written agreement? Walk away.
- Contingency fees of 20% of past-due benefits are common. A fee of 20% or less is presumed reasonable; over 33⅓% is presumed unreasonable; in between is judged case by case.
- Ask whether the fee is contingent (a share of back pay), flat or hourly.

EXAMPLE · HOW A FEE WORKS

An accredited attorney handles Ray's Board Appeal after his initial denial, under a signed 20% contingency agreement. He wins \$30,000 in back pay.

The fee is \$6,000 (20%), usually paid directly from the back pay. Nothing was owed for his initial claim, and nothing is owed on his future monthly payments.

- ☐ Start with a free VSO unless you have a specific reason not to
- ☐ Verify accreditation at va.gov/ogc/apps/accreditation/
- ☐ Confirm the representative is taking new cases
- ☐ Appoint them formally: VA Form 21-22 (VSO) or 21-22a (attorney or agent), on paper or online

19 · THE LAW BEHIND THE NO-FEE RULE

- **38 U.S.C. § 5904(c)(1)**: a fee may not be charged, allowed or paid for an agent's or attorney's services provided before the date you're given notice of VA's initial decision on the case.
- **38 CFR § 14.636(c)**: an accredited agent or attorney may charge only after the initial decision, with a power of attorney and a written fee agreement.
- **38 U.S.C. § 5901**: only VA-recognized people may act as your agent or attorney on a VA claim.

Two details people miss

1. Paperwork help counts. Gathering documents or filling out forms for your initial claim is a service, so no fee is allowed for it before VA's first decision.
2. The clock is per claim. If you file a brand-new claim, the no-fee rule applies again until VA decides that claim.

Congress removed the criminal penalties for charging unlawful fees in 2006. Today 38 U.S.C. § 5905 covers wrongfully withholding benefits. VA's main enforcement tool is canceling accreditation, which doesn't reach unaccredited "consultants." Congress has considered bills, such as the GUARD VA Benefits Act, to bring penalties back. Check [Congress.gov](https://www.congress.gov) for the current status.

20 · WHO TO CONTACT FOR WHAT

For	Contact	Hours (ET)
Decision letters, review options, forms	VA benefits hotline: 800-827-1000 (TTY: 711)	Mon–Fri, 8 a.m.–9 p.m.

General VA questions, or not sure who to call	MyVA411: 800-698-2411 (TTY: 711)	24/7
Finding or verifying a representative	va.gov/get-help-from-accredited-representative · va.gov/ogc/apps/accreditation	Online
Court appeal help	Veterans Consortium Pro Bono Program: vetsprobono.org	Online
Crisis or thoughts of self-harm	Veterans Crisis Line: dial 988, then press 1 · text 838255	24/7

21 · AVOIDING SCAMS

- Never pay an upfront fee to file an initial claim. No one may charge for it (38 U.S.C. § 5904(c)(1)).
- Check accreditation before you sign anything. Titles like “benefits consultant” or “claims specialist” mean nothing without VA accreditation.
- Walk away from guarantees. No one can promise a rating, a percentage or an amount.
- Never share your VA.gov login or password. VA won’t ask for it, and real representatives don’t need it.

EXAMPLE · A SCAM

A “claims consultant” tells Tom: “I guarantee you 100%. Just sign this contract to pay me five months of your increase, and give me your VA.gov login.” He isn’t on VA’s accreditation list.

Four red flags: a guarantee, a fee for an initial claim, a request for his login, and no accreditation. Tom calls a free VSO instead.

22 · FORMS AND OFFICIAL LINKS · CLICK OR TYPE

Compare the options	va.gov/resources/choosing-a-decision-review-option
All decision reviews	va.gov/decision-reviews
Supplemental Claim · Form 20-0995	va.gov/decision-reviews/supplemental-claim · va.gov/find-forms/about-form-20-0995
Higher-Level Review · Form 20-0996	va.gov/decision-reviews/higher-level-review · va.gov/find-forms/about-form-20-0996
Board Appeal · Form 10182	va.gov/decision-reviews/board-appeal · va.gov/find-forms/about-form-10182
Request your claims file · Form 20-10206	va.gov/find-forms/about-form-20-10206
Check claim or appeal status	va.gov/claim-or-appeal-status
Appoint a VSO · Form 21-22	va.gov/find-forms/about-form-21-22
Appoint an attorney or agent · Form 21-22a	va.gov/find-forms/about-form-21-22a
Court of Appeals for Veterans Claims	uscourts.cavc.gov
The rules (38 CFR)	§ 3.103 notice · § 3.104 binding findings · § 3.105 CUE & reductions · § 3.156 records found later · § 3.2500 options · § 3.2501 Supplemental · § 3.2601 HLR · § 20.202 Board dockets · § 20.1403 · § 20.1404 · § 20.1409 Board CUE
The law (38 U.S.C.)	§ 5109A CUE · § 7111 Board CUE · § 7266 court · § 5904 fees

23 · YOUR CHECKLIST

- ☐ Found and wrote down the date on my decision letter
- ☐ Marked the one-year deadline and a 10-month reminder on my calendar
- ☐ Read the whole decision: issues, evidence, reasons, favorable findings and what's needed next
- ☐ Saved the favorable findings page
- ☐ Read the rights sheet (VA Form 20-0998)
- ☐ Picked the right option for each issue: Supplemental Claim, HLR or Board
- ☐ Gathered new evidence before filing, if using a Supplemental Claim
- ☐ HLR: checked the informal conference box and made a one-page error sheet
- ☐ Board: chose my docket on purpose
- ☐ Listed every issue by name on the form
- ☐ Filed online, or mailed with tracking, and kept proof of the date
- ☐ Kept copies of every form and piece of evidence I sent
- ☐ Proposed reduction? Asked for a hearing within 30 days and sent evidence within 60 days
- ☐ Old final decision? Requested my claims file (VA Form 20-10206) and checked for CUE or service records found later
- ☐ Verified my representative in VA's accreditation search
- ☐ Read and understood any fee agreement before signing
- ☐ Set a reminder to check my status and follow up

MY KEY INFORMATION

Decision letter date _____

One-year deadline · 10-month
reminder _____

Option chosen for each issue _____

Date filed · confirmation
number _____

My representative · phone _____

Official sources

Everything in this guide comes from these official rules and VA pages. Click or type any link.

- VA pages: [Decision reviews](#) · [Choosing a decision review option](#) · [Supplemental Claim](#) · [Higher-Level Review](#) · [Board Appeal](#) · [Claim status](#) · [VA phone numbers](#)
- Forms: [20-0995](#) · [20-0996](#) · [10182](#) · [20-10206](#) · [21-22](#) · [21-22a](#)
- 38 CFR: [§ 3.103](#) decision notices · [§ 3.104](#) binding findings · [§ 3.105](#) CUE and reductions · [§ 3.156](#) records found later · [§ 3.31](#) payment start · [§ 3.2500](#) · [§ 3.2501](#) · [§ 3.2601](#) · [§ 4.25](#) combined ratings · [§ 14.636](#) fees · [§ 20.202](#) Board dockets · [§ 20.1403](#) · [§ 20.1404](#) · [§ 20.1409](#) Board CUE
- 38 U.S.C.: [§ 5109A](#) CUE · [§ 7111](#) Board CUE · [§ 7266](#) court appeal · [§ 5901](#) · [§ 5904](#) · [§ 5905](#) fees and representation
- Court cases: [Russell v. Principi, 3 Vet. App. 310 \(1992\)](#) · [Damrel v. Brown, 6 Vet. App. 242 \(1994\)](#) · [Bell v. Derwinski, 2 Vet. App. 611 \(1992\)](#) · [Cook v. Principi, 318 F.3d 1334 \(Fed. Cir. 2002\)](#)
- Other: [U.S. Court of Appeals for Veterans Claims](#) · [Veterans Consortium Pro Bono Program](#) · [VA accreditation search](#)

Stressed or struggling? You don't have to wait for a crisis. Dial 988, then press 1 · Text 838255 · Free, confidential, 24/7. You don't need to be enrolled in VA.

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