

Stateside Legal™

Self-Help Sample Letter Packet

Letter Requesting an Increase in an Existing Benefit (To your Department of Veterans Affairs Regional Office)

This self-help resource was created by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as sample communication with the Department of Veterans Affairs.

READ ALL INSTRUCTIONS IN THIS PACKET VERY CAREFULLY.

PACKET CONTENTS:

Letter Requesting an Increase in an Existing Benefit	2
Helpful Instructions	3

MORE INFORMATION

For information about the Department of Veterans Affairs or many more topics concerning individuals with military connections, please visit www.statesidelegal.org or contact your local legal services office.

Much of the content included in this packet has been provided by Jim Strickland, a nationally known advocate for veterans and a member of the Stateside Legal Advisory Board.

DISCLAIMER: The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

DATE

DEPARTMENT OF VETERANS AFFAIRS
REGIONAL OFFICE
ADDRESS
CITY, STATE, ZIP

Reference: LAST NAME, FIRST NAME / CLAIMS FILE (C-FILE) NUMBER / SSN

Dear Sir or Madam:

I am currently rated for (NAME CONDITION RATED) at (CURRENT PERCENTAGE) %.

I believe that my condition has steadily become worse since this rating was awarded. I have compared my current condition to that listed in the Schedule for Rating Disabilities and I see that it would be more appropriate that I would now be rated at (NEW PERCENTAGE) %.

I am applying for that rating increase.

Thank you for your kind consideration of my request.

Respectfully,

VETERAN'S NAME
ADDRESS
CITY, STATE, ZIP
TELEPHONE
EMAIL

LAW YOU SHOULD KNOW

A rating is made to reflect the level of disability at the moment of the decision. The rating does not reflect past or future symptoms. Asking for an increase for an existing benefit rating carries hazards. You must be aware of the risk that VA will examine your file to look for a way to lower your rating. To lower your benefit rating the VA must show that there has been a measurable improvement to your condition.

Before Requesting an Increased Rating - Determine if you meet the standards for the increase before you ask for the increased rating. You can do this by studying The Schedule for Rating Disabilities (see <http://www.benefits.va.gov/warms/bookc.asp>). Compare what you find in the Schedule to the symptoms of your own condition and decide if your rating should be increased. After you have decided that your rating should be increased then you must look at the evidence that you'll rely on to determine if you have enough to reasonably prove your case.

What if the VA decides to lower my rating? If the VA should decide to reduce your rating then there is no way to predict just what % it may be assigned today. It will depend on how that rater sees the evidence presented. The rater should try to accurately match your real life condition to The Schedule.

If there is a move to lower your rating you'll receive a "notice of proposed adverse action" that will explain to you just what VA proposes to do. You will be advised of your rights to appeal and the instructions will tell you how and when you must submit an appeal. Generally, if you challenge the notice to lower your rating, you can salvage the rating you have. VA must provide good reasons to lower an existing rating and many go unchallenged because the VA gives up without any protest.

TIPS AND SUGGESTIONS:

- Mimic (or copy) the format of letters that you have received from VA.
- Only use the United States Postal Services (USPS) to communicate with the VA (no telephone calls, no faxes, no email, no FedEx or UPS. Send all letters by certified letter, (RRR).
- All of your VA communications should be brief and to the point. VA employees that read them see many letters and brevity is important. Only include the facts.
- Do not discuss your financial circumstances as that is not a factor in determining an increased rating. VA will decide the request using only the applicable evidence in accordance with the law.
- Communications should always be courteous and respectful. This is not the time or place to vent.

ABOUT THIS SAMPLE LETTER

- This letter is for veteran's that already have a rating and want to request that it be increased.
- Read over this letter and make sure the information you have given is correct and complete. The letter may need to be modified for your particular situation.
- Make sure that your identification information is correct. If your rating was received several years ago you may have a Claims File (C-File) Number different than your Social Security Number. Include both and any other VA reference number associated with your claim.
- Send this letter and all other letter to the VA, by registered mail with a return receipt request.

More Information

For information on Veterans Benefits and many more topics about individuals with military connections, visit www.statesidelegal.org.

Thank you for your military service.

Resource Date: September 2014