

Stateside Legal™

Self-Help Sample Letter Packet

Notice of Disagreement of VA Claim Denial Letter (To 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.

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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.

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VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

DATE

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

Reference: LAST NAME, FIRST NAME / SSN

Dear Sir or Madam:

I applied for a disability benefit rating on (DATE OF CLAIM).

I am in receipt of your letter dated, (DATE OF DEIAL LETTER), notifying me of your decision to deny my request.

This letter is my Notice of Disagreement with that decision.

I wish to appeal that decision using the DRO process.

Thank you for your kind consideration of my request.

Respectfully,

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

LAW YOU SHOULD KNOW

If you disagree with the rating decision you can write a statement to your local VA office saying that you disagree and you want to appeal the decision to the Board of Veterans' Appeals. This statement is called a Notice of Disagreement (NOD). See below for some major steps in appealing your VA claim denial.

Step 1: You file your original claim

Step 2: Claim decided (and you are not satisfied with the decision)

Step 3: Notice of Disagreement (NOD Letter)

Step 4: Statement of the Case

Step 5: Substantive Appeal (VA Form 9)

Step 6: You ask for a hearing

Step 7: Hearing with a Board Member

Step 8: Decision by Board of Veterans' Appeals

Step 9: Appeal to U.S. Court of Appeals for Veterans Claims

- **Where do I send my Notice of Disagreement Letter (NOD)?** You send your NOD to your local VA office. You can view contact information for your local VA office by state at: <http://www2.va.gov>
- **When do I send my NOD?** You must send your NOD within one (1) year of the date your local VA office mailed you its original decision denying your claim.
- **What happens next?**
 - After you send your NOD you may request that your file be reviewed by a Decision Review Office (DRO) from your local VA office. DROs offer a second review of your entire file and also hold a personal hearing on your claim.
 - After the local VA office gets your NOD it will create a "Statement of the Case" (SOC). The SOC is a detailed explanation of the evidence, laws, and regulations used by the local VA office in deciding your claim. The SOC should be mailed to you along with a VA Form 9, Substantive Appeal Form by local VA office. The VA Form 9 is also available online at: www.vba.va.gov
- **The Appeal (VA Form 9):** To finish the appeal process you must fill out the VA Form 9 (Substantive Appeal) and send it back to your local VA office. Your local VA office must receive your completed VA Form 9 within 60 days of the date that they mailed you your SOC or within one year of the date that they mailed you the original decision denying your claim, whichever is later.
- **What happens if the Board of Veterans' Appeals denies my claim?** You still have options. One of the most powerful options is to appeal the Board's decision to the U.S. Court of Appeals for Veterans Claims. You can also file a motion asking the Board to reconsider your claim or review your case again because there was a clear and unmistakable error (CUE) in the Board decision. You can also start over and go back to your local VA office and try to reopen your claim.

There are attorneys that can represent you at no charge if you decide to file an appeal with the U.S. Court of Appeals for Veterans Claims. A list of licensed attorneys in your area should be available at your local VA office and online at: <http://www.uscourts.cavc.gov/practitioners/>

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.
- 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 have already had their claim denied.
- 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.
- Send this letter and all other letter to the VA, by registered mail with a return receipt request.
- **Make sure you send this letter within the time limit stated in your letter of denial!**

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.

Some Original Content Provided by the U.S. Department of Veterans Affairs

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