

Wounded Warrior Documentation

If a veteran has been granted “service connection” by the U.S. Department of Veterans Affairs (VA) for any physical or psychiatric conditions as a result of their military service in October 2001 or later, the VA would have sent them a “Rating Decision” and a cover letter. The Rating Decision informs them of exactly what conditions (the diagnoses) are now service connected, what percentage disability rating has been assigned for each such condition (anywhere from 0% to 100% in multiples of 10%), and what their “combined” disability rating is. (The separate percentages for multiple conditions are not simply added together.) In the “Introduction” paragraph at the beginning of every VA Rating Decision, the VA will specify the dates of the veteran’s period of active military service. The Rating Decision which first established service connection will also contain a list and a summary of the evidence that the VA relied on to grant that benefit.

A veteran may have received more than one Rating Decision from the VA for a variety of reasons, including for the VA to inform them about whether they are granting a higher disability percentage rating for a condition which has already been service connected. (The veteran would have to have applied for, or appealed for, a higher percentage.) That type of decision will almost never reiterate why service connection was established in the first place. Instead, it will focus on how disabling the condition or conditions at issue are now, and say nothing about when or how the condition began. However, if the veteran’s only military service was October 2001 or later, that means the condition had to have been somehow caused by, or permanently worsened by, that period of military service.

The veteran should have kept the VA’s Rating Decision and its cover letter, but they probably don’t have copies of all of the records that the VA relied on to grant service connection. Such records would likely include their military medical/psychiatric examination and treatment records from their period of active military service, and probably some medical and/or psychiatric exam and treatment records dated after their discharge from service. If their service separation exam was performed by a VA doctor, there may not be any post-service medical records in their VA claims folder, but this is not the usual case. Regardless, the VA does not throw anything out. All of those records are still in the veteran’s VA claims folder; including all of the Rating Decisions and cover letters they were ever mailed. The veteran will be able to obtain copies (at least once) of probably all of those documents from the VA, although the process will take no less than a few weeks. The only documents that the VA may not send them copies of would be psychiatric reports if it seems like the information they contain may be harmful to them or may get an informant in trouble, which is very rare.

To obtain copies of all of the records they may need to prove to SSA that they have one or more service-connected conditions based on military service in October 2001 or later, the veteran can simply mail a signed letter to the VA Regional Office where their claim is being handled (usually the Regional Office closest to where they live) and ask them to make and mail them photocopies of whatever records they want out of their claims folder – even the entire contents of the claims folder. The letter should be addressed to the “Privacy Officer” of the Regional Office. If the veteran is wrong about which office has his or her claims folder, the VA will check their computer system and forward the request to the correct office, and they will probably write a

brief letter to the veteran to explain that they are doing that, to avoid getting in trouble for the delay. (The VA actually has a time limit they have to meet for replying to such requests.) This request can also be made on a VA Form 21-4138 which is an all-purpose form for VA claim-related statements. The veteran will have to give his or her VA claim number, which is often their SSN with “CSS” before it. If their first claim was filed many years ago, it may be a shorter number that just starts with “C”. If the veteran is not sure what his or her VA claim number is, they can just provide their SSN and tell the VA that they are not sure what their claim number is. Asking for copies of records contained in a veteran's claims folder is known as a “PA/FOIA request.” PA = Privacy Act, and FOIA=Freedom of Information Act.

The following is a sample of how the request should be written:

PA/FOIA request

Please locate my VA claims folder and make and mail to me photocopies of all of the service medical examination and treatment records it contains, and all of the post-service medical (and/or psychiatric if appropriate) examination and treatment records, and each VA Rating Decision I was sent which granted me service connection benefits.