



You may have recently received a letter from the US Department of Veterans Affairs that opens with the following statement:

***“The U.S. Court of Appeals for Veterans Claims recently made a decision in the case of Dingess/Hartman v. Nicholson (2006).”***

Because of a judge’s decision in a recent court case, the VA is now required to give veterans some additional information about how they rate disability claims. The VA had to send a letter to every veteran that has a claim pending in order to meet the new requirements of this court decision. A VCAA NOTICE RESPONSE form was also provided with the letter.

This new VA letter explains the five things needed to substantiate a claim for disability:

1. Veteran status
2. Existence of a disability
3. A connection between the veteran’s service and the disability
4. Degree of disability
5. Effective date of the disability

Past letters only explained the first three elements; now the VA has to explain all five. The letter does not mean you failed to present enough evidence to substantiate your claim. It was sent to all veterans with pending claims. Your KDVA representative is well versed on the evidence necessary to substantiate a claim for disability and knows how to present that evidence in the best possible manner to substantiate your claim. If you have questions about your claim, we encourage you to contact your local KDVA Representative or call the federal VA at 1-800-827-1000.

**Here are answers to the most frequently asked questions we have received about this letter:**

***Which box do I check on the VCAA Notice Response form?***

Veterans who have nothing further to submit in support of their claim should check the box next to: "I have no other information or evidence to give VA to substantiate my claim. Please decide my claim as soon as possible."

Veterans who are in the process of gathering evidence should check the box next to: "I have more information or evidence to give to VA to substantiate my claim. VA will wait at least 60 days before deciding my claim to give me a chance to submit this information or evidence."

***What happens if I don't return the form?***

Failure to return the form will not affect the outcome of the claim, but the VA will wait 60 days before proceeding. Veterans who have nothing further to provide can avoid this 60-day waiting period by telling the VA to proceed.

***What if I send the form in saying I don't have any information to provide but later find new evidence?***

Regardless of which box you check, you have one year from the date of the notice to submit new evidence.

***Which block do I check if I am sending in the form with my new evidence?***

Contact your local KDVA representative and take the form and the evidence to that representative to submit on your behalf or mail the form and the evidence to: Kentucky Department of Veterans Affairs, 321 West Main Street, Suite 390, Louisville, KY 40202. Ensure all written communications with KDVA include your claim number and a telephone number that you can be contacted at during the day. We will contact you to decide which block should be checked and we will submit the evidence on your behalf.

***How will Dingess/Hartman v. Nicholson affect my claim?***

This decision only changes the information that the VA is required to provide to veterans. Veterans will now be provided information about the evidence needed to evaluate disabilities such as the nature and symptoms of the condition, the severity and duration of the symptoms, and the impact of the condition and symptoms on employment. In addition, the VA will provide information about how the effective date of a disability rating is determined.

***What do I do if I still don't understand?***

If you need further assistance please contact your local KDVA Representative or our Louisville Field Operations Branch at (800) 928-4012.