

VA Disability Lawyers

The Department of Veterans Affairs (the VA) manages the system of benefits available to US active duty military veterans. When you apply for VA medical treatment or for monthly compensation for a service-connected disability, you will be dealing with VA representatives throughout the process.

Sometimes applying for VA benefits is a straightforward process that goes smoothly. But on too many occasions problems can develop, starting with preparing your claim and possibly continuing into how the VA reviews it. Claims denials and subsequent appeals are a key reason why VA law is a major area of legal practice anywhere in America that has a veteran population.

At Stone Rose Law, we have assembled a dedicated team of experienced and passionate veterans disability benefits attorneys to help clients just like you to receive the veterans disability benefits they have earned and deserve. All of our VA and military law attorneys are fully accredited by the VA to represent clients before the agency.

No matter where you are in your VA benefits claim journey—whether you are making your claim for initial benefits, or need to make a supplemental claim, or if you must appeal a VA claim denial, we can help. **Call us today at (480) 498-8998** to schedule a free consultation with one of our veterans disability attorneys.

Qualifying for Veterans Benefits

VA disability compensation compensates a service member for injuries that person incurred as a result of their military service. To qualify for veterans benefits, you must meet some basic eligibility requirements:

1. You must be a veteran who served on active duty. This can be full-time active duty service, active duty for training, or inactive duty duty training.
2. You must have received a discharge from the military under any but dishonorable terms.
3. You must be experiencing a current injury or illness that affects your body or your mind. This can be a condition that you must prove, or it can be a presumptive condition like exposure to Agent Orange or an illness that was connected with time spent as a prisoner of war.
4. Your illness or injury must have begun while you were a military servicemember, or it must have been a pre-existing injury or condition you had when you entered military service that became worse because of your service activity, or it must be related to your active duty service even though it did not manifest symptoms until after your discharge.

If you satisfy these basic eligibility requirements in your VA benefits claim, then the VA will evaluate your claim for validity and sufficient evidence to support a finding of a service-connected disability.

Below are some specific kinds of medical conditions that the VA will consider in addition to disabilities that arose directly because of a service-connected disabling event.

Latent Conditions

A latent condition is a medical condition that you have when you enter military service, but which has not yet become disabling. If your latent condition worsens after you leave the service, then the VA will consider whether something happened to you while serving to aggravate it.

If that is the case, then you may still qualify for disability benefits even though your service activity was not the original cause of your condition.

Secondary Source Conditions

Another way you can receive a service-connected disability is if it comes from a different disability that is service-connected.

For example, your doctor might diagnose you as having [post-traumatic stress disorder](#) (PTSD) after leaving the service based on a traumatic event you experienced while in service. If your PTSD treatment includes drugs that have a side effect of contributing to significant weight gain, this additional weight could ultimately lead to you being diagnosed later on with Type 2 Diabetes.

In this instance, although your diabetic condition arose after your discharge and is not itself a symptom of PTSD, you could still be able to trace a secondary service connection by showing that the PTSD treatment caused your diabetes.

Non-Service-Connected Disabling Events

Another factor the VA will evaluate is if your disability is related to your military service. If your injury, illness, or disabling condition comes from doing something that has nothing to do with a service connected condition, this can lead to a VA denial of your claim.

For example, if you are injured during the commission of a crime, or your injury is the result of an untreated substance abuse behavior, these are acts that the VA will conclude have no connection with your military service.

Proving a service connection to your disability is something that the VA considers on a case-by-case basis. Your service medical records will be part of the claims evidence the VA will consider, along with any records of post-service medical treatment you have received.

The VA rejects many veterans disability claims because they lack sufficient evidence to create a service connection. One of our VA disability attorneys at Stone Rose Law can help you to gather all the documents and other forms of support you need to clear this potential obstacle to your benefits claim approval.

Compensation and Pension Examinations

Part of your VA eligibility evaluation can take the form of a Compensation and Pension (C&P) Examination. This is an examination the VA schedules for you to meet with a VA claims examiner.

Not every benefits claim will receive a request for a C&P exam. The VA requests them when it needs more information about your disability and to help it to assign a disability rating to it.

VA Disability Ratings

Once the VA has enough evidence to support the validity of your benefits claim, the next step will be to set a rating for your disability. The VA assigns disability ratings from 0 percent to 100 percent (total disability) in 10 percent increments.

Although it may seem counterintuitive for the VA to assign a zero percent VA disability rating, there is a reason why it exists. Even though a zero percent disability does not qualify for monthly VA disability compensation, it can still make you eligible to receive other valuable VA benefits including medical benefits, mental health counseling, and even VA home loan eligibility.

How the VA calculates your disability rating is a complex subject. Many factors go into determining your rating, including whether, like most veterans who file VA benefit claims, you have multiple disabilities.

The VA calculates a combined disability rating using a formula that is informally known as, "VA math." Meaning, your combined disability rating is not simply a sum of your individual disability ratings. Our [VA Disability Calculator](#) can help you to estimate how much you may receive in monthly disability payments if you have multiple disabilities.

Common Errors in VA Disability Claims

VA denials of disability claims come from two fundamental sources: problems with the claim, like not having enough supporting evidence to establish the existence of the disability or its service connection, and mistakes the VA can make when it is considering your claim.

Some of the most common problems we see in VA benefit claims include:

- VA raters overlooking evidence supporting your claim.
- VA raters improperly applying VA regulations when assessing your claim.
- C&P examiners who do not provide you with an adequate examination.

- Claims that do not provide enough evidence for a grant of benefits.
- Veterans failing to attend C&P examinations.
- Claims that do not establish a proper service connection.

VA Disability Benefits You Can Receive

If the VA approves your disability benefits claim, then depending on the nature and extent of your disabilities—most military veterans who have service-connected disabilities have more than one—you could qualify for the following kinds of VA assistance.

Monthly disability compensation

These are payments the VA makes directly to you. How much you receive in monthly benefits will depend on your combined disability rating. The higher your disability rating, the more you are able to receive.

Spousal and dependent benefits

If you have a spouse, dependent children, or one or both parents who depend on you to take care of them, then you can receive additional compensation benefits for them in Special Monthly Compensation for aid and attendance services they perform.

Survivor benefits

In some situations, your dependents can continue to receive monthly payment VA benefits after you pass on. These benefits include coverage of burial costs and Dependency and Indemnity Compensation (DIC benefits) for your surviving family members.

Special circumstance benefits

There are many kinds of special VA veteran benefits you might be eligible for. For example:

- Depending on your individual needs, you may be able to receive additional VA benefits like compensation if you cannot find or keep substantially gainful employment, or compensation for costs if you need hospital or convalescent care.
- In other situations, the VA can provide allowances for transportation and clothing.

A veterans disability attorney can help you to learn which ones may apply to you.

Healthcare treatment benefits

The VA supports veterans with more than compensation amounts.

As we mentioned above, even if your disability rating is 0 percent, you can still receive other Veterans' health services the VA offers through the VA healthcare system.

VA Benefits Compensation Levels

As of 2023, the [pay rates](#) for VA monthly disability benefits are:

- 100 percent: \$3,621.95
- 90 percent: \$2,172.39
- 80 percent: \$1,933.15
- 70 percent: \$1,663.06
- 60 percent: \$1,319.65
- 50 percent: \$1,041.82
- 40 percent: \$731.86
- 30 percent: \$508.05
- 20 percent: \$327.99
- 10 percent: \$165.92

These monthly payments increase for disabled veterans with dependents.

For 2024, the VA has approved a 3.2 percent cost of living increase for the above disability payments. This is the same cost of living increase the Social Security Administration uses for Social Security disability benefits

The amount of VA disability benefits you can receive depends on your specific circumstances. You can use our [VA Disability Calculator](#) to get an estimate of what your disability benefit amounts can be.

One of our [Stone Rose VA lawyers](#) can help you prove the extent and degree of your disability to achieve the amount of disability compensation that you need.

How Can a VA Disability Benefits Lawyer Help Me?

Our team of dedicated VA disability benefits attorneys at Stone Rose Law have the knowledge and experience to help you with your disability benefits claims. Whether it is an initial application for benefits or appealing a claim denial, our attorneys are ready to help you obtain the disability benefits you earned.

Preparing Your Initial Benefits Claim

We begin with a systematic approach to your specific VA claim. After consultation with an accredited VA disability benefits attorney, and with your permission, our attorneys will obtain a copy of your VA claims file. Because our attorneys have access to the same systems the VA uses to maintain claims files, we can get your claims file very quickly.

After obtaining access to your claims file, we do a thorough and comprehensive review of everything contained in it. That means we review all your service treatment records, your VA records, any previous claims for benefits, and any rating decisions. We meticulously scour the record looking for:

- Any improper denials.
- Any instances of under-rating.
- Any claims the VA may have missed.
- Any potential new claims.
- Any issues ripe for appeal.

After reviewing your file and creating a plan for your initial claim, we will then discuss with you our findings and recommendations.

If you have never applied for VA benefits before, then we will assist you at no cost to you in preparing and filing a claim. We will monitor your claim, assist you with preparing for C&P examinations, and advise you of any VA decisions as part of this free service.

Our attorneys have experience working with medical doctors, psychologists, and vocational examiners to obtain favorable opinions. Many times, C&P examiners contracted by the VA are not qualified, don't listen to the veteran's symptoms, or render medically unsupported opinions. In these cases, our attorneys have the experience necessary to combat these harmful examinations and to counter them with better medical evidence.

Helping You Appeal a Claim Denial

The VA denies about one-third of the initial benefit claims it receives.

Many times, erroneous claim denials come down to one of two issues: the VA overlooked evidence supporting your claim, or the veteran did not provide enough evidence to support the claim.

VA raters have a heavy workload, and are under heavy time pressure to adjudicate claims quickly. This can lead to a rater overlooking evidence. Additionally, many veterans who prepare their own benefit claim applications are simply unaware of what is required to award a grant of benefits.

The good news is, often these kinds of human errors can be corrected with a simple statement from the veteran explaining how the injury occurred.

How the VA Appeals Process Works

When it comes to making a disability appeal, you have three options to challenge an initial VA decision:

- You can submit a supplemental claim, supported by new and relevant evidence.

- You can submit a request for a higher level review by a more senior claims adjudicator.
- You can appeal to the Board of Veterans Affairs.

Appealing to the Board comes with its own set of choices and options. These include:

- Direct review by a Veterans Law Judge.
- Submitting additional evidence.
- A hearing with a Veterans Law Judge.

To present a compelling appeal to a denied veterans disability claim, it is extremely important for you to have a thorough understanding of VA regulations and procedures, how the VA applies them, and the time limit you must work within. This is what a Stone Rose disability claim denial lawyer will do for you.

Our expert veterans attorneys at Stone Rose Law are VA disability claim advocates. They have many years of experience in helping veterans like you with their VA appeals, they understand veterans disability law, and they know how the VA appeals process works.

A Stone Rose veterans disability lawyer will know what goes into making the strongest and most persuasive possible appeal on your behalf, so you do not have to.

Our law firm is accredited to represent veterans by the Department of Veterans Affairs. We are admitted to practice VA disability law before the Court of Appeals for Veterans Claims. When you hire our law office to represent you in your VA claim, you can be confident that your VA disability lawyer will have the experience, competence, and resources to and aggressively fight for your claim throughout the VA appeals process.

If we win your appeal, we only charge a reasonable, one-time contingency fee from your award from the VA.

If we do not win your appeal, then you owe us nothing.

Do You Need Help with Your VA Disability Claim?

At Stone Rose Law, we are first and foremost VA disability advocates for veterans disability claims. We are board-certified VA claims lawyers who serve on behalf of veterans nationwide. Our VA accredited attorneys give you affordable, high-quality veterans appeals legal assistance.

Our veterans lawyers provide highly professional legal representation to military veterans, helping them through the VA process to receive all the veterans disability benefits they are entitled to.

A Stone Rose disability lawyer can help you prepare your disability claim, monitor your claim status and consult with you before disability examinations — **all at no cost to you.**

If the VA denies your original claim, our VA benefits law firm will assign a VA disability appeals lawyer to help you pursue a VA appeal with the Board of Veterans Appeals while providing free representation on a contingency fee basis.

This means you won't pay your VA disability lawyer any fees unless we win your appeal.

For more information about how one of our VA disability lawyers can help you with your VA disability compensation claim or appeal, request a free assistance consultation at **(480) 498-8998**. Or, if you prefer, you can [reach us online](#) to ask a question about veterans law, veterans disability benefits, or to set an appointment with one of our veterans lawyers for a free case evaluation.