



Are you a veteran with a disability or other health problem related to your service? You may be eligible for compensation.

What is VA compensation?

Compensation is a monthly cash payment to *veterans* with an injury or disease caused or made worse by military service. It is different than a VA pension. Income or assets do not effect whether the veteran can get compensation.

Who does the VA consider to be a "veteran"?

A veteran is a person who:

- Served in the active military, naval or air services, and
- Was discharged or released under conditions other than dishonorable.

Who can get compensation?

- The veteran must have a disability at this time;
- There must be a link (nexus) between an in-service event and the disability the veteran now has;
- The veteran's disabilities must not be caused by his or her willful misconduct.
- In general, a veteran with an honorable or general discharge may be awarded compensation.
- A veteran with a dishonorable or bad conduct discharge usually cannot get compensation.

What do "in the line of duty" and "active service" mean for a disability?

"In the line of duty" means the veteran's disability is linked in some way to a period of active service. "Active service" includes:

- Active duty; or
- Any period of active or inactive duty for training in which the individual concerned was disabled or died from a disease or injury incurred or made worse in the line of duty.

The injury does not have to be on the battlefield to be "in the line of duty." A qualifying injury can include conditions caused or made

worse by events taking place while the soldier was on leave. Sometimes the branch of the military in which the veteran serves decides if a veteran's injury was "in the line of duty." If so, the VA is bound by that decision unless "it is patently inconsistent with the requirements of the laws administered by the Department of Veterans' Affairs."

Can a National Guard member qualify for VA Benefits?

Yes, a person in the National Guard can get benefits when he or she is:

- on full-time duty for training purposes, or
- called to duty to fill the needs of the Armed Forces during war or other national emergency.

However, members of the Guard are only eligible for VA benefits stemming from their "federal service." National Guard members ordered into the active service of their state are not eligible for VA benefits related to that service.

Can a veteran work and still get compensation?

Yes. Unlike a VA pension, entitlement to compensation is never barred by employment. The benefit may be less than what veterans not able to get a job receive.

Is there any limit on the assets a veteran can have in order to qualify for compensation?

No, a veteran's assets do not affect eligibility for compensation.

Continued on other side ➔

To apply:

Fill out VA Form 21-526, *Veterans Application for Compensation and/or Pension*.

Go to the VA website for fillable forms, summaries of programs and how to apply for benefits.

<http://www.benefits.va.gov/BENEFITS/Applying.asp>

Can a veteran get both compensation and a pension?

No, the veteran must choose to get one or the other.

What is the “standard of proof” for a VA claim?

- In order to make the case for compensation, the medical evidence needs to show a veteran’s disabilities are “as likely as not” connected to his or her service.
- The medical evidence must show **at least a 50 percent chance** the veteran’s disability was caused or made worse by his or her service.
- This “benefit of the doubt” standard means if the evidence is half for and half against service connection, the veteran should get the benefit of the doubt.

What is “presumption of sound condition”?

The law says:

“...every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed before acceptance and enrollment and was not aggravated by such service.”

If I am awarded compensation, what is the effective date of my back award?

The general rule is the effective date is the *later* of:

- the date the VA gets the original claim for benefits, or
- when the claim “arose.”

This means a veteran should file a claim as soon as possible. Regulations define a claim as “a formal or informal communication in writing requesting a determination of entitlement or evidencing a belief in entitlement, to a benefit.” Any written correspondence from the veteran showing an intent to apply for an intended benefit or a belief in entitlement to that benefit qualifies as a claim.

What is the VA’s “duty to assist”?

The VA has a duty to provide veterans with a VA medical examination to diagnose his or her current medical condition. This is called a “compensation and pension examination.” The VA also has a duty to get records relevant to the veteran’s claim.

When does the VA have a duty to assist?

The VA has a duty to help veterans develop compensation claims unless “no reasonable possibility exists that such assistance would aid in substantiating the claim.” For example, if the claimant lacks “veteran” status or the claim is clearly lacking in merit on its face, then the VA has no duty to assist.

What is a claim for “Total Disability Based on Individual Unemployability (TDIU)”?

When a service-connected disability prevents a veteran from obtaining or keeping substantially gainful employment, he or she will get compensation at the 100-percent disability rating level. It makes no difference if the medical condition itself does not warrant a 100-percent disability rating.

Helping low-income Iowans with legal issues including income maintenance and health care is among the priorities of Iowa Legal Aid. If you have a legal problem involving a topic discussed in this information, you should talk to a lawyer. To find out if you can get free legal help from Iowa Legal Aid:

- *Apply online anytime at iowalegalaid.org or*
- *Call 1-800-532-1275. M-F 9-11 am and 1:30-3:30 pm except Thursday afternoon.*

Appeal services are also offered at no cost by County Commission of Veterans Affairs offices.

The information in this *Fact Sheet* was correct as of the date of its last review (January 2014). The laws may have changed. **DO NOT ASSUME THE INFORMATION IS CORRECT AFTER THE DATE OF ITS LAST REVIEW.**

You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this *Fact Sheet* for your specific case. If you need a lawyer but can’t afford one, contact Iowa Legal Aid. You may be able to get free legal help. Call or write Iowa Legal Aid or apply online anytime at iowalegalaid.org. **AS YOU READ THIS INFORMATION, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.**

©2014 Iowa Legal Aid

Legal resources on civil law issues...

iowalegalaid.org

