HIRING AN ATTORNEY

When you do **NOT** need an attorney for your VA claim

The VA service-connected disability process can be very confusing and complicated, but it can also be straightforward. There are many claims – in fact, the majority of claims – for which you do not need a paid attorney to help you with. Do not hire an attorney in these situations.

1. **Any first-time claim:**  This includes an original claim, a claim for increase, or a reopened claim. In these situations, VA has a duty under the law to help you win your claim by getting any service records, Social Security records, VA medical records and private medical records that you tell the VA are important to your claim. The VA must also send you to one of their doctors, a C&P (compensation and pension) exam, if there is need for a medical opinion to win your case. In these situations, you need to submit evidence or let the VA know where to get it. You should make he VA fulfill its duty.
2. **An appeal for dependent benefits:** The VA often fails to pay a veteran for dependent benefits when a veteran wins service-connected benefits. A veteran could hire an attorney to appeal in this case, but it would be easier and much faster to apply online through Ebenefits. A VSO (Veteran Service Officer) can handle this claim for a veteran as well.
3. **Denial of benefits on a Rating Decision due to a missed C&P exam:** The news has highlighted situations as of late in which the VA ‘sets’ C&P exams for which the veteran never received notice. The VA then turned around and denied benefits on this basis. Additionally, there are time where a veteran does not get notice of the C&P exam if it goes to the wrong address, or the veteran has a conflict. In these situations, it would be best to not appeal. Rather, it’s often best to write a letter to the VA and explain why the veteran was unable to attend the C&P exam. Remember that the veteran has a year to appeal the decision. Writing a letter about why the veteran could not attend and then asking for a new exam is potentially a faster way to get the proper benefits. Now, if there is no response to the letter asking for a new exam after several months, then the veteran should consider appealing. The appeal will take longer-most likely years-but if the VA is not going to respond to the request for a new exam, it is better to move the case forward.
4. **When you are confident in what you need to prove the claim**: Was the VA missing evidence that you have and that you know will prove your claim? Can you get a statement from your doctor to prove it? If you are confident that you have the evidence you need, then you do not need an advocate.

What to consider when hiring an attorney

The decision to hire an attorney to represent you for your VA disability compensation claim is an extremely important one. If you are going to pay an advocate, then that advocate must be able to do more for your claim than the free representation that you can get from a VSO. Once you sign a contract with an attorney, you cannot get out of it. So, here are three factors to consider before signing a contract.

1. **Does the attorney have something more to show than just VA accreditation?**  Any attorney who holds himself or herself out as a veteran’s attorney has to be “accredited” by the VA. Please understand that the attorney only had to watch a three-hour video to earn “accreditation.” The VA has thousands of regulations and rules. Three hours is not enough to even receive an overview of this information. Further, most VSOs have more rigorous training than this, and VSOs do not charge for representation. It’s a red flag if the attorney holds this “accreditation” as the only experience and training the attorney has, that means that the attorney will be using your case as training. You want an attorney that has practiced in this area or at least several years. You want to see someone who is involved in the advocate community, teaching others and writing papers or books on veteran representation.
2. **Insist on speaking with an attorney before signing a contract.** Your VA claim is important to you. It is personal. Hiring an attorney is a big decision. You need to speak with the attorney before signing the contract. You need to see what they can do to help you with your claim. An attorney should have time before you sign to tell you how he or she can help you with your claim. Remember, you are agreeing to pay this attorney; make sure that you are going to get your money’s worth. Importantly, once you sign a contract with an attorney, that contract is irrevocable. If you fire that attorney, he or she can still demand a portion of your retroactive benefits. This right would prevent any other attorney from representing you. Bottom line, if the attorney doesn’t have time to speak with you before you agree to hire them, do not hire them.

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