

Veterans Disability Rights

Presented by
John Batanchiev, Esq.



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House Keeping

Please keep your microphone
muted.

Please put questions in chat or
raise your hand.

Thank you!



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Who We Are And What We Do

- Over 6,000 legal cases each year
- Direct representation, phone consultations
- Brief service or referrals
- Offices in Hempstead, Islandia, Riverhead
- Case handling staff includes attorneys, paralegals, and social workers
- Partnerships with Community Agencies



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Office Locations

Hempstead:

1 Helen Keller Way 5th Fl
Hempstead NY 11550
(516) 292-8100

Islandia (Western Suffolk):

1757 Veterans Hwy Ste 50
Islandia NY 11749
(631) 232-2400

Riverhead (Eastern Suffolk):

400 W. Main St Suite 200
Riverhead, NY 11901
(631) 369-1112



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Our Programs

Family

- Domestic Violence Family Court Project (Suffolk)
- Child Support Defense Project

Disability & Health-Related Projects

- HIV Unit
- Mental Health
- ICAN - Advocates in Managed Long-Term Care
- Education and Disability Rights (Special Education and Rights of Developmentally Disabled)
- Disability Advocacy Project (SSD/SSI Appeals)



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Our Programs

Housing

- Civil Unit (Eviction Prevention)
- Foreclosure Project

Other

- Consumer Debt
- Education Debt Consumer Advocacy Project
- Veterans Rights
- Human Rights Project
- Public Benefits
- Adult Care Facility Unit
- Senior Citizen Project (Nassau)
- Pro Bono Project (Suffolk)
- Volunteer Lawyers Project (Nassau)
- Community Legal Help Project



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Legal Support Center for Advocates:

Advocates call (631) 232-2400 for assistance:
 Sharon Campo - x3368 Cathy Lucidi - x3324
 Hannah Fitzpatrick- x3343

- Provide Technical Support to Advocates
- “Advocates” include legislative staff, social workers, outreach workers, medical personnel, and guidance counselors
- Host Community Trainings
- Publish Newsletters



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Visit our Website

- All About Our Programs
- Sign up for our “Legal Lessons”
- Trainings
- “Self-Help” Resources
- Other Events



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Just a Note

Legal Services of Long Island makes every effort to keep legal educational materials up to date. The information contained in this material is not legal advice. Legal Advice depends upon the specific facts of each situation. These materials cannot replace the advice of competent legal counsel.



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Free legal assistance & representation to qualifying disadvantaged, disabled, U.S. military veterans including former state service members and reservists regardless of character of service.

Subject Matters:

- Housing Issues & Eviction Proceedings (Representing Tenants)
- Child Support Advice
- Consumer Issues
- Social Security Disability
- Public Assistance
- Medicaid/ Medicare Issues
- Veterans Benefits
- Discharge Upgrades
- Character of Discharge Review



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VA Service-Connected Disability Compensation: Initial Claims



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VA Service-Connected Disability Compensation

Monthly tax-free monetary benefit paid to Veterans with disabilities that are the result of a disease or injury incurred or aggravated during active military service.

Compensation may also be paid for:

- **Post-service disabilities that are considered related or secondary to disabilities occurring in service; and**
 - **Example: PTSD for a Veteran who served in the Gulf War**
- **Disabilities presumed to be related to circumstances of military service, even though they may arise after service.**
 - **Example: Agent orange presumptive condition such as Diabetes mellitus Type 2**



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Requirements for SCD

- Current disability;
- In-service incurrence or aggravation of a disease or injury (“in-service incident”); and
- Link or nexus between the in-service incurrence or aggravation of a disease or injury and the current disability.



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Types of Initial Claims for SCD

- New claim for SCD
- Increase in rating
- Supplemental claim



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Initial Claims for SCD: Seeking Assistance

VA Accredited Attorneys

- Advocates must be authorized by the VA to represent claimants with claims for benefits
- Website: [OGC - Accreditation Search \(va.gov\)](https://www.va.gov/ogc/accreditation-search)
- Attorneys
- Claims agents
- Veterans Service Officers (VSO)

NYS Department of Veterans' Services

- 2 Empire State Plaza, 17th Floor Albany, NY 12223;
- Phone: 1-888-838-7697

VSO (Veterans Service Agency)

- Suffolk County:
- 100 Veterans Memorial Hwy #3, Hauppauge, NY 11788;
- Phone: 631-853-8387
- Nassau County:
- 2201 Hempstead Turnpike Building Q, East Meadow, NY 11554;
- Phone: 516-527-6565



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Filing Initial Claim for SCD

1. Prepare

- Eligibility
- Gather supporting documents/evidence
- Medical/other records;
- DD-214;
- MPF (Military Personnel File)
- STR (Service Treatment Records).

2. Start claims process

- Intent to File
- (VA Form 21-0966)
- Mail
- Phone: 800-827-1000
- Online: [ebenefits.gov](https://www.ebenefits.gov)



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Initial Claims for SCD: Application Packet

- VA Form 21-526EZ (Application for Disability Compensation and Related Compensation Benefits)
- Legal Brief (if applicable)
- VA Form 21-22a (Appointment of Individual as Claimant's Representative) (if applicable-Advocates filing must submit this with claims)
- Supporting medical and/or lay evidence
- Client's statement
- DD-214
- Military Personnel File
- Service Treatment Records



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Initial Claims for SCD: Ways to File

Ways to File:

Online

- va.gov or ebenefits.gov

Mail

- Department of Veterans Affairs,
- Claims Intake Center, P.O. Box 4444,
- Janesville, WI 53547-4444

In Person

- VA Regional Office
- 245 W Houston St, New York, NY 10014



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Initial Claims for SCD



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What happens next:

1. Find out if eligible and gather all evidence/supporting documents
2. Intent to file claim (new and increase claims)
3. Prepare and Submit Application packet
4. VA adjudicates the claim
5. VA send written decision
6. Claimant can appeal if disagrees with VA's decision



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Veterans Benefits Appeals

Appeals of denied claims for VA Service-Connected Disability Compensation benefits (SCD)



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Appeals of SCD

When to appeal:

- Denial
- Lower rating
- Effective date

Decision Review Process:

- Appeals Modernization Act (AMA)
- Decisions dated on or after 2/19/2019
- Legacy Appeal (old)
- Decisions dated before 2/19/2019



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Appeals of SCD: AMA

AMA applies to decisions dated on or after 2/19/2019

3 Review Options:

- Supplemental Claim
- Higher-level review
- Board Appeal



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Appeals of SCD: Supplemental Claim

Decision

- 4-5 months

Appeal denial

- Higher-Level Review
- Board Appeal

Applies to:

- Decisions dated on or after 2/19/2019
- Decision dated before 2/19/2019

Requirements:

- New and Relevant Evidence

Deadline to file:

- None (can file anytime)
- But VA recommends filing within 1 year from the date of VA's denial letter

What to file:

- VA Form 20-0995
- New and Relevant Evidence

How to file:

- By mail (compensation: Department of Veterans Affairs, Claims Intake Center. PO Box 4444, Janesville, WI 53547-4444)
- In person at local Regional Office



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Appeals of SCD: Higher-Level Review

Informal Conference

Decision: 4-5 months

Appeal denial:

- Board Appeal
- Supplemental Claim (new and relevant evidence only)

No new and relevant evidence

- Can't submit evidence

Applies to:

- Initial Claim
- Supplemental Claim

Does not apply to:

- A previous higher-level review
- Board Appeal on same claim

Deadline to file:

- 1 year from the date of VA's denial letter

What to file:

- VA Form 20-0996

How to file:

- Online (Disability Compensation Claims)
- By mail (compensation: Department of Veterans Affairs, Claims Intake Center. PO Box 4444, Janesville, WI 53547-4444)
- In person at local Regional Office



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Appeals of SCD: Board Appeal

- Veterans Law Judge
- VA Form 10182

Applies to:

- Initial Claim
- Supplemental Claim
- Higher-Level Review

Deadline to file:

- 1 year from the date of VA's denial letter

How to file:

- By mail: Board of Veterans' Appeals, P.O. Box 27063, Washington, D.C. 20038
- In person at local Regional Office
- Fax to 844-678-8979



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Appeals of SCD: Board Appeal Options

Request Direct Review

- Review existing evidence
- No evidence submission
- No hearing
- More than 1 year for decision

Submit more evidence

- W/in 90 days VA receives Board Appeal (VA Form 10182)
- More than 1 year for decision

Request hearing

- Evidence (optional) at hearing or within 90 days after hearing
- Virtual hearing from your home
- Videoconference hearing at VA location near you
- In person hearing at the Board in Washington D.C.
- More than 1 year for decision

Disagree with Board's decision?

- Supplemental Claim (new and relevant evidence only)
- Appeal to the U.S. Court of Appeals for Veterans Claims.



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Non-Service Connected Pension

- **Household income and net worth below \$159,240 as of November 2025**
- **Satisfy length of service requirement**
 - Before 9/8/1980 – at least 90 days on active duty with at least 1 day during wartime;
 - After 9/7/1980 – at least 24 months or the full period called or ordered to active-duty service with at least 1 day during wartime; or
 - Officer and started on active duty after 10/16/1981 and were not on prior active duty for at least 24 months
- **At least 65 years old, have a permanent and total disability, are a patient in a nursing home for long-term care because of a disability or you are receiving SSD or SSI.**
- **Not dishonorably discharged from the military.**



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VA Aid and Attendance and Housebound Benefit

- **These benefits are in addition to the VA pension**
- **They are separate benefits and cannot be combined.**
- **Aid and Attendance is a program designed to help those who need help with daily tasks**
- **Housebound is for those who are substantially confined to their home due to a permanent disability**



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VA Program of Comprehensive Assistance for Family Caregivers (PCAFC)

- Provides support to family caregivers of eligible Veterans who have serious injuries or illnesses. Includes financial stipends, caregiver education and training, respite care and access to VA and community resources.

Eligibility:

- A Veteran or a member of the Armed Forces undergoing a medical discharge
- Must have a service-connected disability rated 70% or more
- Eligible Veteran must have a serious injury or illnesses
- In the best medical interest of the client to participate in the program and not duplicative of other care program
- Must receive care at home



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VA Program of Comprehensive Assistance for Family Caregivers (PCAFC)

- Eligibility continued:
- Receives or will receive ongoing care from a Primary Care Team
- Potential Family Caregiver is at least 18 years old and the Veteran's spouse, child, parent, stepfamily member or extended family member or lives with the Veteran full-time or will do so if designated as a Family Caregiver
- Potential Family Caregiver will complete required training and demonstrates the ability to provide care and not abuse or neglect the veteran client.



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NYS Blind Annuity Program

For the veteran and their surviving un-remarried spouse

Provides an annual payment of \$1,395.36 (\$116.28 monthly) as of 2025

- Resides in New York State
- Veteran determined to be legally blind
 - 20/200 vision in the better eye with best correction, or has 20-degree limitation of field of vision
 - Blindness does not need to be service connected
- The Veteran served on active duty during specific wartime periods or received an expeditionary medal for certain conflicts
- The Veteran served at least 90 days active duty besides training purposes or was discharged for a service-connected disability



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Regents Awards for Children of Deceased and Disabled Veterans

- Scholarship program worth up to \$450 per year for pursuing an approved undergraduate degree at a college or university located in New York State.
- The Veteran parent must have served during a specified times of war or national emergency and either died, suffered a disability of 40% or more, was classified as missing in action, or was a prisoner of war.
- The Veteran must have been a New York state resident at the time of their death or classification



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Veterans with Disabilities Employment Program (55-c)

- Designed for Veterans who have a service-connected disability rated 10% or higher or received a Purple Heart medal
- Allows Veteran to bypass the Civil Service Exam and get their name on the eligible hiring list for certain designated Section 55c jobs
- Must meet the minimum qualification and be able to perform the duties of the specific position



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Real Property Tax Exemption Discount

- Designed for Veterans who have a service-connected disability rated 10% or higher
- The tax assessor will take the Veterans disability compensation rating percentage and cut it in half to determine additional reduction on assessed value of primary residence
- Senate Bill S1183
 - pending signature of NYS Governor
 - Would establish mandatory tax exemption for veterans with 100% service-connected disability.



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Additional benefits to Veterans by Rating Percentage

10% or higher

- Double extra credits on New York State Civil Service Exams

30% or higher

- Additional VA disability compensation payments for Veterans based on the number of dependents in their household
 - Must file VA Form 21-686c on number of dependents in household before the VA will pay the extra money
- Beneficiary Travel (BT) travel reimbursement to VA medical centers
 - 30% or more – any condition; less than 30% only SC conditions

50% or higher

- Free VA medical care for all conditions other than dental care, regardless of whether the medical condition is SC or non-SC.
- Concurrent receipt of military retirees of DoD retiree pay and VA disability comp. pay w/o having to waive either benefit

70% or higher

- Free skilled nursing care for the Veteran at any State Veterans Home

100%

- Placed in Priority Group One for VA healthcare
- 10-point preference in federal hiring

100% permanent and total

- Healthcare coverage through CHAMPVA
- Survivors' & Dependents' Educational Assistance for qualifying spouses and children of the Veteran



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QUESTIONS?



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Thank you for attending!

If you have any questions, please contact
631-232-2400

Check out our website at
www.legalservicesli.org



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