



# LEGAL REPORT

**Jeffrey  
Freedman**  
Attorneys, PLLC

## Veterans With a Medical Problem May Be Eligible for a Monthly Check

Throughout the years, Jeffrey Freedman Attorneys has seen an increase in the number of veterans coming to our offices. Many of these veterans may wonder if they are eligible to receive benefits. The answer might be surprising. Since our firm has been screening for Veterans Disability cases, we have found 80% of the veterans screened are eligible for a monthly check. As an added benefit, these checks are always tax-free.

To be eligible for Veterans Benefits, you must be a veteran of the Army, Navy, Air Force, Marines, or Coast Guard and have a service-related disability or disease. The monthly check you receive will depend on your type of disability. The type of disability can be physical (like a chronic knee problem) or emotional (like anxiety, depression, or PTSD). The monthly check you receive can range anywhere from \$125 to \$3100, depending on your condition.

The types of conditions that qualify for veterans benefits vary greatly. Some of our clients who receive benefits served



on the battlefield, while others worked in offices while in the military. Most people we speak with have no idea they may be eligible to receive a Veterans Disability check. In addition, there are a number of misconceptions about Veterans Disability benefits. For example, **did you know:**

- Any injury or disease sustained on active duty is covered, even if it occurred while on leave.
- There is no requirement that you ever served in combat in order to receive benefits.
- You can work a full-time job after your military service and still qualify for a monthly check from the VA. There is no requirement that you be disabled from working.

- Your income is not a factor in collecting VA benefits. Rich or poor, you can receive a tax-free check.
- Your age and the amount of time you have been out of the military doesn't matter. We have assisted clients as young as 20 and as old as 89. You can file a claim at any time. There are no deadlines on applying.
- You can receive SSD benefits and collect veterans benefits at the same time.
- If you are a widow of a veteran, you may be eligible to collect benefits.

Jeffrey Freedman, Managing Attorney, says of eligibility requirements: "Any number of conditions that arise from military service can qualify for benefits. From being wounded in battle to hurting your back sitting at a desk or lifting something, you can collect. Even someone hurt playing basketball while on active duty would qualify."

Because the process of obtaining benefits is long and complex, we urge everyone who ever served in the military to consult with an expert who handles Veterans Disability claims. Lawyers who handle these claims do not charge a fee and are only paid a fee if the case is won. Even if you were treated for a condition years after your service, you may be able to collect a monthly check. The sooner you consult with an expert on your claim, the sooner you might collect benefits.

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## Depression and VA Disability Benefits

Depression is not as visible as a physical wound, but the impact it causes on our veterans may be just as damaging. According to a study done by the Congressional Research Service, 20% of Iraq and Afghanistan war veterans suffer from a mental illness, such as depression.

Military personnel may suffer from depression due to traumatic or stressful events experienced while on active duty. In addition, the pain from physical wounds and injuries can also lead veterans to become depressed. If the depression is the result of a service-related injury or an incident that occurred while on active duty, you may be eligible for benefits through the Veterans Administration (VA).

The VA classifies depression in the category of "mood disorders." According to the National Alliance on Mental Health, major depression goes beyond feeling sad or "blue" for a short time. Although treatable, major depression can have a large impact on the lives of veterans. Some signs and symptoms of major depression may include:

- A persistent sad or irritable mood
- Changes in sleep patterns, appetite, and energy levels
- Difficulty concentrating, thinking, or remembering
- Lack of interest in activities that were once enjoyed
- Feelings of worthlessness and emptiness
- Thoughts of death or suicide



To qualify for VA disability as a result of depression, the veteran must prove that the depression is related to his or her military service. In order to be considered, a diagnosis of depression must be provided by a medical professional. In addition, the veteran must provide evidence of an incident that occurred while on active duty that caused the depression.

If the depression existed before the veteran's military service began, and was made worse by a service-related incident, it may also be possible to get benefits. This is referred to as an "aggravated service connection." In this case, the veteran will be required to provide medical evidence that the pre-existing depression was made worse while on active duty.

The VA rates depression based on a "General Formula for Mental Disorders." The VA will take into account how much the depression affects the veteran's ability to work and function in his or her daily life. The level of disability due to depression may be rated anywhere from 0 to 100%, which will determine the level of benefits. The greater the percentage of disability, the higher the monthly amount the veteran will receive.

If you are experiencing any of the signs or symptoms of major depression, contact a qualified mental health professional to find out what help may be available for your condition.



### Questions?

As a client, you can be assured that your case will receive special care and consideration. That means providing you with the most up-to-date legal advice. It also means taking time to fully explain the legal procedures we recommend, including all the options available to you.

**Schedule your Free Consultation today. Contact us toll-free at: 1-855-847-8969**

## What if the Veterans Administration Denies My Claim?

If the Veterans Administration (VA) denies your claim, or if you believe your disability is more severe than the VA rated it, you have the right to an appeal. We recommend you hire an attorney for this process. The law is complicated, and veterans are required to navigate a maze of paperwork, doctors' visits, and questions that the VA will require.

After submitting your claim for VA Disability, a decision will be made by your Regional VA Office (RO). Unfortunately, the VA unjustly denies claims every day. If you are denied, you may start the appeals process by sending a Notice of Disagreement (NOD). This is a written statement sent to your local VA office saying why you disagree with the decision. The VA will then respond to your NOD and will send you paperwork to fill out so the appeal can be filed. Our legal team can assist with this and every part of the appeals process. Remember, the government will have its own lawyer. When filing an appeal, we strongly urge veterans to have an attorney on their side to fight for their rights.

The next step is for the Board of Veterans Appeals (BVA) to review your appeal. This is often a time-consuming process, and the current wait time for a decision on an appeal is 2-3 years. The BVA may approve, deny, or remand your claim. A remand is when the BVA will try and get more information to make a



decision on the claim. The remand is sent back to your local VA office for review.

An initial denial from the VA does not mean you won't receive benefits. Although the process is long and complex, veterans have rights when appealing claims and should exercise these rights to receive the benefits they deserve.

## A Resource for Your VA Disability Claims

The legal team at Jeffrey Freedman Attorneys, PLLC understands that there are veterans who have not received the benefits that they deserve. If you believe that you have been denied benefits due to a service-related disability or disease, call us today. We can also assist in fighting for additional benefits if the Veterans Administration has rated the percentage of your disability too low.

The recent conflicts in Iraq and Afghanistan have increased the number of veterans filing claims. Jeffrey Freedman Attorneys can help veterans obtain benefits and will fight to make sure you receive your monthly check. With over 30 years of experience, Jeffrey Freedman Attorneys has won over 15,000 disability cases.

The Veterans Administration administers monthly benefits based on diseases or injuries that occurred while on active duty. There are many benefits available to veterans and their surviving spouses. Some of the service-related conditions eligible for VA compensation include:

- Post Traumatic Stress Disorder
- Fibromyalgia
- Toxic Exposure
- Traumatic Brain Injuries
- Psychiatric Disabilities
- Gulf War Syndrome

The VA has also expanded eligibility of its benefits to Vietnam War veterans for conditions related to toxic chemical exposure. These benefits work on a scale, depending on the level of exposure and disability.

If you are the widow of a veteran, you may be eligible for either a Survivor's Pension or Dependency and Indemnity Compensation. Your financial situation and whether or not you are re-married are just some of the factors in determining eligibility.

Our attorneys represent veterans with many types of disabilities. If you have a service-related injury or illness, we can help you get the benefits you have earned. You've served your country. Now let us serve you.

## An Interview With Jeffrey Freedman

Jeffrey Freedman is the Managing Attorney at Jeffrey Freedman Attorneys, PLLC. Since 1980, his firm has won disability benefits for 15,000 clients. Mr. Freedman is an accredited attorney with the Department of Veterans Affairs and belongs to the National Organization of Veterans Advocates (NOVA). His firm handles VA Disability cases as one of its key practice areas. Recently, he took time to answer some questions about VA Disability.

**What are the biggest obstacles our veterans are facing in obtaining VA Disability benefits?**

The process of applying for benefits is long and requires veterans to provide proof of disability. There are a great deal of medical records the veterans must gather on their own. Many of the veterans must support themselves while waiting for benefits, even if their service-related disability makes working difficult or not possible.

**What are some common misconceptions about applying for VA Disability benefits?**

For one, your disability or disease does not have to be something combat-related. If the disability occurred while you were on active duty, you are eligible. For example, an injury that oc-

curs while on leave may be eligible. Unlike Social Security Disability, you can collect VA Disability benefits and still continue to work. Also, your income has no bearing on the level of benefits. Rich or poor, a veteran receives the same amount.

**What qualifications should someone look for in hiring an attorney to handle their VA Disability claim?**

Experience is a key factor in finding the right attorney. You want someone who is fully familiar with the VA claims process. Ideally the attorney should be part of a team that handles thousands of VA claims.

**What's the most important part of this process for you?**

These men and women have served their country. Many of them face hard times financially before they receive benefits. A monthly check from the VA can help a family survive. It's about helping people and giving something back to the community. If our legal team can help a veteran win benefits to support his or her family, that's a great feeling.



## Contact Us

*Providing excellence in legal services has been a top priority at Jeffrey Freedman Attorneys, PLLC since our firm was founded in 1980. Our commitment to the highest professional and ethical standards is the foundation for the services we provide.*

**Jeffrey  
Freedman**  
Attorneys, PLLC

### Administrative Offices

424 Main Street, Suite 622  
Buffalo, NY 14202

3445 Winton Place, Suite 202,  
Henrietta, NY 14623

**1-855-847-8969**

info@jeffreymfreedman.com

**www.JeffreyFreedman.com**

## VA Report Indicates Hiring an Attorney Increases Chances of Winning VA Disability Claim

Figuring out the lengthy process of applying for VA Disability can be challenging for anyone. The large number of appeals alone makes it a difficult process. The Board of Veterans' Appeals made decisions on over 44,000 cases in 2012 alone (Board of Veterans' Appeals Report of the Chairman Fiscal Year 2012). But did you know the VA also reports that veterans submitting a claim on their own are denied 34% of the time, versus 15% when hiring an attorney (BVA Report of the Chairman Fiscal Year 2012)? According to the VA's own



statistics, you are more likely to win a VA Disability claim when hiring a lawyer.

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