

6 Common VA Myths

that keep veterans
from the rating
they're due



Many veterans don't seek the help and compensation they deserve for their service-related conditions simply because of inaccurate information.

Serving our country makes you eligible for treatment *and* compensation for service-connected conditions—including mental health support.

But myths and misconceptions about VA disability ratings can keep veterans from getting the benefits they're due.

Concerns about not being allowed to work or earn money with a 100% VA rating...worries about gun ownership with mental health ratings...and many others may hold you back from filing.

At VA Claims Insider, we're all about veterans getting the benefits they've earned. Our dedicated team is passionate about providing disabled veterans with the tools to navigate the VA claims process.

So we don't like to see *anything* hold a veteran back from receiving all the compensation they're owed for their service.

In addition to making it easier and faster to file a winning VA disability claim, we want to educate and encourage you to pursue every benefit available to you—without needless concerns that your rating might limit you!

As the number one resource for disabled veterans, VA Claims Insider has debunked many myths surrounding VA ratings, mental health, and the veteran community. Below we bust the top six!

Don't let these common VA myths prevent you from filing!

MYTH #1 – A MENTAL HEALTH RATING PROHIBITS GUN OWNERSHIP.

PTSD is the most common type of VA mental health rating. It's the sixth most-rated disability overall among veterans, and among the top three most compensated VA claims for all veterans across all demographics.

Yet many veterans still avoid seeking help and compensation because of a common VA myth that this type of mental health rating impacts your right to own a gun.

Some veterans are afraid to pursue *any* mental health claim because of concern that they will no longer be allowed to own guns.

THE FACT: *Having a mental health-related condition like PTSD that is recognized by the VA does not mean gun ownership is prohibited.*

There is no direct prohibition against firearm ownership simply on the grounds of having a mental health diagnosis.

State laws differ; however the main reason that people lose rights to gun ownership is when they're considered mentally incompetent and are a threat to themselves or others.

PTSD and mental incompetence are not the same thing.

What exactly is mental incompetence, and who can decide if someone isn't mentally competent?

Different states have different laws regarding whether someone is mentally competent.

Often, when a veteran is considered to have mental incompetence, it's a result of a court of law or law enforcement requiring them to receive mental treatment.

If you've been involuntarily committed to a mental facility, many states will prevent you from owning guns. States can take away your rights to own guns if you are a threat to yourself or others.

If the VA decides you are mentally incompetent, a prohibiting record is sent to the FBI and entered into the National Instant Criminal Background Check System.

38 CFR § 3.353 defines mental incompetence as *“a person who because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs.”*

Receiving a PTSD or other mental health rating does NOT indicate an inability to manage your affairs!

Further, the VA does not automatically report veterans who apply for disability benefits based on a mental health diagnosis (unless you are an immediate threat to yourself or others).

And no particular PTSD or other mental health rating prohibits a veteran from purchasing or owning firearms.

THE FACT: The overwhelming majority of people rated for PTSD can legally own guns.

MYTH #2 – IF YOU HAVE A MENTAL HEALTH RATING, YOU CAN'T WORK IN LAW ENFORCEMENT.

Serving in the military provides many veterans with a unique skillset that they can continue to use after military service: joining law enforcement.

According to U.S. Census data, around 20% of law enforcement is made up of veterans.

Additionally, the stigma surrounding mental health is slowly changing, and understanding is increasing.

When veterans join law enforcement, they typically undergo a psychological evaluation. Suffering from PTSD and being open and honest about it does *not* automatically disqualify you from getting the job.

Unless your PTSD or other mental health issues would impact your ability to perform the job, you'll still be considered for the position.

(Plenty of law enforcement agents who have never served also deal with PTSD issues! PTSD is common among first responders, including police officers and firefighters.)

If anything, the mental health experiences of law enforcement officers have started to reduce the mental health stigma within law enforcement communities, and increase the resources available to officers.

Recent partnerships with the VA have resulted in police departments improving how officer training addresses individuals who are suffering from PTSD.

This includes local resources that treat officers who are suffering from mental health conditions, including PTSD.

According to a study published by the Naval Center for Combat and Operational Stress Control, many U.S. law enforcement agencies look favorably on applicants receiving treatment for mental health issues, and do everything in their power to ensure adherence to treatment protocols.

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<http://VACIFREE30.com>**

MYTH #3 – IF YOU’RE WORKING WITH A MENTAL HEALTH RATING, YOU MUST TELL YOUR EMPLOYER.

It’s understandable if you choose to withhold from an employer that you have a mental health rating with the VA.

THE FACT: in almost all cases, disclosing or withholding your mental health VA rating is your decision. There is no obligation to share your medical history with anyone, including your employer—with the exception of security clearances and FAA licenses. In those cases, your mental health VA rating does have to be disclosed. However, your mental health VA rating does not revoke or deny the application; rather, it just flags it for further evaluation.

It doesn’t matter if you’re working with 100% VA disability rating or any other percentage—you may or may not choose to disclose.

This is a protection under the Americans with Disabilities Act (see ADA.GOV).

The ADA protects employees, no matter their status.

One reason you might choose to tell your employer is if you experience symptoms as a result of your condition (for example, PTSD or traumatic brain injury) that would require accommodation at work. You can request accommodations for any rating.

If you do choose to tell your employer that you have a mental health rating, you're still protected. The *Americans with Disabilities Act: A Guide for Veterans* protects veterans from employment discrimination.

This protection extends to every aspect of employment: hiring, promotions, job assignments, training, and even termination.

Employers are prohibited from treating any applicant or employee unfavorably due to any VA rating. Employers must treat everyone favorably and with respect. It's a myth that employers can treat you differently due to your rating.

What employers can do is give you preference over other similarly-qualified candidates due to your status as a veteran!

If you're applying for a new job, your employer can ask you to indicate if you're a disabled veteran. They cannot ask you if you will be working with a 100% VA disability rating. They cannot ask about your rating at all. And this information is completely voluntary and used for affirmative action purposes.

Again, you aren't required to tell anyone anything (unless you want the veteran preference)—it's really none of their business.

MYTH #4 – IF YOU’RE RATED AT 100%, YOU CAN’T WORK.

You may have heard the common VA myth that employment with 100% VA disability rating is not permitted.

There are many different reasons veterans receive a 100% VA rating, and there are different avenues to achieving that rating. But the reality is that many veterans find themselves working with a 100% VA disability rating.

TDIU provides VA compensation at the 100% level for veterans who are unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities. But TDIU doesn’t mean you’re not allowed to work; it only means that your earned annual income does not exceed the poverty threshold. One possible criterion is that you’re not working because you’re unable to work (because of a service-connected disability).

Therefore, any veteran who is on TDIU and wants to work can do so as long as they don’t earn more than the poverty level annually.

You can receive a TDIU rating even if your disability is rated less than 100% by the VA.

Under TDIU, if you have a condition that would be worsened by employment, then you receive a temporary rating and compensation at the 100% level until your condition improves under TDIU.

THE FACT: *100% disabled veterans can absolutely still work if they wish to. Working with a 100% disability rating is not a problem.*

In fact, you're entitled to reasonable accommodations during the application process and while on the job!

These include:

- Extra time to complete a test
- Interviews, tests, or training in accessible locations
- Modified equipment (computers, telephone alternatives, glare guards, one-handed keyboards, etc.)
- Physical modifications to the workspace (desk height changes, etc.)
- Leave for treatments, recuperation, or training related to your disability
- Modified or part-time work schedule
- Modification of supervisory methods (breaking complex tasks down, etc.)
- Reassignment to a vacant position if your disability prevents you from performing the duties of your current position

Now that you know working with a 100% VA disability rating is not an issue, don't let fear of not being able to work prevent you from filing your VA claim!

MYTH #5 – YOU CAN'T EARN MONEY WITH A 100% VA DISABILITY RATING.

Many veterans go on to very successful and rewarding careers after their military service—even with a 100% VA disability rating!

It's a common VA myth that a high salary can get in the way of filing or winning your VA claim.

THE FACT: *If you're filing for VA disability, there are no income restrictions to be eligible for disability compensation!*

Disability compensation is a tax-free benefit that you earned through your service to our country. Whether or not you earn money or have money.

The only way your income could impact your VA disability claim is if you're filing for Total Disability Individual Unemployability (TDIU), as explain in Myth #4. Otherwise, you don't need to be concerned with how much money you make.

Under TDIU requirements, if you're able to work, your income must be below the poverty level.

Poverty level isn't defined by the VA; the Department of Health and Human Services determines the federal poverty level limits for families. These are published online. Just search "HHS Poverty Guidelines for [year]" to find them for the year you're filing.

MYTH #6 – YOU MUST BE DIAGNOSED WITH YOUR CONDITION DURING ACTIVE DUTY TO RECEIVE VA DISABILITY BENEFITS.

VA Claims Insider conducted a study of 1,065 veterans with shocking results.

We discovered that more than 70% of veterans didn't know about VA disability benefits or how to file a claim before they left military service.

And most veterans don't have military medical records noting or related to their disability conditions.

Many military members don't go to the doctor for conditions they experience during time in service for various reasons: too busy, social stigma, downplaying the seriousness of the condition, fear of being sent home, and many others.

THE FACT: *You can be diagnosed years after your active duty service and still receive a VA rating!*

Medical evidence *is* a top priority when proving service-connection. However, this doesn't necessarily have to come from your active duty medical records.

While medical evidence from your time in service is certainly helpful and supportive to a claim, it is **NOT** the only way to get convincing medical evidence and to win a claim! A fully-developed claim has several key components.

The VA *does* need to know that there is a link between the current condition you're experiencing and an incident or illness that occurred during your time in military service (for direct service connection).

However, proving that *nexus* (link) between the condition and your time in service doesn't require that the condition was diagnosed at the time.

For direct service connection, the evidence—including more recent and current medical records, diagnoses, and independent medical opinions—simply needs to support that the condition is “*at least as likely as not*” caused or worsened by your service.

For claims for VA disability benefits, this means the evidence shows that there is *at least a 50% likelihood* that you're entitled to the rating or benefit you're seeking.

This VA standard of “at least as likely as not” is a much less stringent burden and lower legal standard for veterans than those of other legal contexts, such as “beyond a reasonable doubt,” or “the preponderance of the evidence.”

You can also receive a VA rating for secondary service-connected disabilities that appeared within one year of discharge and are at least 10% disabling.

If you have any medical evidence of your condition, it's never too late to file with the VA.

VA medical records and private medical records can both support your condition.

If you don't have medical evidence, don't panic.

There are four methods the VA uses to determine service-connection:

- Direct service connection: clear link between service and current condition
- Pre-existing injury aggravated by military service: existing condition gets worse during time in service
- Secondary service connection: condition caused by an already service-connected condition (e.g. migraine headaches, GERD or sleep apnea secondary to PTSD)
- VA medical malpractice: condition worsened by VA negligence or malpractice (also called a TORT claim)

The presumptive list is another way that you may receive a service connection for a disability rating without having a diagnosis from active duty. The VA “presumes” that any condition on the VA Presumptive List was caused by military service. If a service member served in certain places/times and developed a correlating condition on the list, it's presumed to be caused by that service and is thus *eligible* for disability (as

long as you meet the other criteria for that presumption). Examples of such disabilities are Agent Orange-related conditions and burn pit exposures.

The VA also considers witness testimony or lay evidence (buddy statements) from fellow service members.

The VA will also take written records showing circumstantial evidence into account.

For mental health concerns, the VA will consider reports from psychologists, or medical evidence from any medical provider.

Resources To Explore

- PTSD.VA.GOV and the National Center for PTSD publishes a Police Toolkit Instructors Manual: *Posttraumatic Stress Disorder and Military Veterans: Training Manual for Police Officers*
- The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of a disability. Most employers with at least 15 employees are covered by EEOC law.

DON'T LET MISINFORMATION GET IN THE WAY OF YOUR WINNING VA CLAIM!

With these six myths out of the way, we hope you'll get into action and initiate your VA disability claim! You have everything to gain and nothing to lose. You will not give up rights or freedoms—and you stand to *gain* the life-changing freedom that compensation from the VA will afford you.

More Questions? Get Support With Your Claim

Most veterans are underrated for their disabilities and therefore not getting the compensation they deserve. At VA Claims Insider, we help veterans understand and take control of the claims process, so they can get the rating and compensation they're owed by law.

Our process takes the guesswork out of filing a VA disability claim and supports you every step of the way in building a fully-developed claim (FDC)— so you can increase your rating in less time!

If you've filed your VA disability claim and have been denied or have received a low rating—or you're not sure how to get started—reach out to us!

Take advantage of a **FREE VA Claim Strategy Session** with an experienced veteran coach. Learn what you've been missing—so you can **FINALLY** get the disability rating and compensation you deserve! We've supported more than 15,000 veterans to win their claims and increase their ratings. **NOW IT'S YOUR TURN.**

About the Author

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Founder and CEO

Brian Reese is a VA benefits expert, author of the #1 Amazon Bestseller *You Deserve It: The Definitive Guide to Getting the Veteran Benefits You've Earned*, and founder of VA Claims Insider, the most trusted name in education-based resources for veterans.

His frustration with the VA disability claims process led him to create VA Claims Insider, which provides U.S. military veterans with tips, strategies, and lessons learned for successfully submitting or re-submitting a winning VA disability compensation claim.

Brian is also the CEO of Military Disability Made Easy, the world's largest free searchable database for all things related to DoD disability and VA disability claims. MDME has served more than 6 million military members and veterans since its founding in 2013.

His eBook *9 Secret Strategies for Winning Your VA Disability Claim* has been downloaded more than 300,000 times in the past three years and is the #1-rated free VA disability claims guide for veterans.

He is a former active-duty Air Force officer with extensive experience leading hundreds of individuals and multi-functional teams in challenging international environments, including a combat tour to Afghanistan in 2011 supporting Operation ENDURING FREEDOM.

Brian is a Distinguished Graduate of Management from the United States Air Force Academy, and he holds an MBA from Oklahoma State University's Spears School of Business, where he was a National Honor Scholar. He was also a U.S. Air Force Academy NCAA Division I hockey player.

About VA Claims Insider

VA Claims Insider is an education-based coaching/consulting company for disabled veterans who are exploring eligibility for increased VA disability benefits. VACI was founded in 2016 by Brian Reese, Air Force service-disabled veteran and former U.S. Air Force Captain.

VACI currently serves more than 300,000 unique veterans per month across its websites and membership programs. VACI's Mission is "Veterans helping veterans access education-based resources to get the VA disability rating and compensation they deserve." VACI fulfills our mission by offering disabled veterans a suite of digital products and services inside our education-based membership programs.

VACI also connects veterans with vetted medical professionals in an independent referral network for medical examinations, disability evaluations, and credible medical nexus letters for a wide range of disability conditions.

VACI is not an accredited agent, Veterans Service Organization (VSO), attorney, or entity recognized by the Department of Veterans Affairs (VA) and is not affiliated with the VA in any way. VACI does not assist veterans with the preparation, presentation, or prosecution of VA disability claims for VA benefits. Veterans prepare and file their own claim or work with an accredited representative, many of which offer services for free.

Want support with your claim?

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member and learn more
about increasing
your VA rating.



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- Discover the simplest strategies to increase your VA rating FAST
- Spot the gaps in your claim that may lead to denial
- Learn what medical evidence will service-connect your disability

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