

When to file a Supplemental Claim (NEW)

Supplemental Claims are used for any denied claim including claims for increases, as well as a denied TDIU (Total Disability based on Individual Unemployability) claim.

- Supplemental Claims can be used within the one-year period from the date on the denial letter before a claim becomes final. Supplemental Claims are filed using a VBA Form 20-0995. Other options at this point are Higher Level Review (VBA Form 20-0996) as an administrative review with no new evidence and a full appeal (VA Form 10182 Notice of Disagreement) with or without new evidence...with or without a hearing.
- Supplemental Claims are also used for reopened claims from previously denied claims not appealed within the one-year period after the denial. This is the **ONLY** way to reopen a claim.
- ***NEW*** As of July 30, 2021, an Intent to File (ITF) does apply to Supplemental Claims for reopened claims on final decisions. (Past the one year point). Call 1-800-827-1000 to start an ITF.
- Supplemental Claims must include new and relevant evidence. **NEW** evidence means information not previously submitted to VA, and **RELEVANT** evidence means information that tends to prove or disprove a matter at issue. New and relevant evidence means evidence not available to the VBA at the time the claim was denied or evidence that should have been used but was not.

New and Relevant evidence can be a nexus letter for denied service connection, Disability Benefits Questionnaire (DBQ) for low-balled percentages. New and relevant can also be a VBA Form 21-4138 requesting a new C&P exam based on adequate lay evidence such as buddy letters or statements from spouse, family, friends and co-workers explaining symptoms actually observed. New and relevant can also be a different theory of service connection such as you previously filed for a condition as direct service connection when it can better be secondary to a service connected condition or another service connected condition. Lay statements cannot

- If you do **NOT** include new and relevant evidence the VBA must inform you and you have 60 days to send in that evidence.
- New and relevant evidence includes new DBQs (Disability Benefits Questionnaires), nexus letters or statements in your current medical records, non-VA medical records not available to the VBA at the time of adjudication, buddy, spouse's, family and co-worker sworn statements establishing continuity of care or complaints or a stressor for PTSD claims. New and relevant can also be a VBA Form 21-4138 requesting a new C&P exam based on adequate lay evidence such as buddy letters or statements from spouse, family, friends and co-workers explaining symptoms actually observed. These letters cannot establish a diagnosis unless they are from a medical professional. New and relevant can also be a different theory of service connection such as you previously filed for a condition as direct service connection when it can better be secondary to a service connected condition or another service connected condition.
- A claimant can request a hearing but this must be specifically requested using a VBA Form 21-4138. This is a request only and it is up to the adjudicator to approve or not as a courtesy.
- If you are in remand from a full appeal to the Board of Veterans Appeals (BVA) as a legacy appeal and you receive a SOC (Statement of Case) or SSOC (Supplemental Statement of Case) you can use a Supplemental Claim to submit your own evidence. This may speed up a remand.

<https://www.vba.va.gov/pubs/forms/VBA-20-0995-ARE.pdf>