Proving a Current Disability

To be entitled to disability compensation, a Veteran must show that he suffers from a current disability. This means that the injury must be affecting the Veteran now, not something that has already healed or no longer causes symptoms. Simply being injured in some way during service will not be enough if the injury no longer affects the Veteran.

A medical opinion diagnosing the disability is usually required by the VA to obtain disability benefits. This diagnosis must be from a medical professional, but does not have to be from a VA doctor. Lay evidence, that is, observations of people who are not medical professionals, can be used when the condition is obvious, such as varicose veins. There is an exception to the requirement of a current diagnosis for undiagnosed Gulf War Veterans with mysterious and inexplicable symptoms. This applies only to Veterans who served during the Gulf War and now have bizarre symptoms that cannot be accurately diagnosed as a specific illness.

The VA has a responsibility to provide Veterans with medical examinations to diagnose current disabilities. The VA can only refuse to provide the Veteran with a medical examination if the claimed disability is clearly false, such as a woman who claims to have prostate cancer. The VA may, however, decide not to order a medical examination by VA doctors if there are already medical records on file that relate to the claimed disability. When filing a claim, the Veteran must actually state that he is suffering from some current disability to receive a medical examination. This can be as simple as stating that the Veteran is currently experiencing symptoms of a specific injury.

When a Veteran has been treated by more than one doctor, there may be multiple medical opinions from the different doctors. If a VA doctor does not find that the Veteran has a current disability, the Veteran’s personal doctor can still submit an opinion that the disability exists. If the Veteran’s personal doctor is more specialized or more qualified than the VA’s doctor, the personal doctor’s opinion should be considered more heavily by the VA.
Some disabilities cannot be considered for VA disability compensation benefits. Congenital or developmental defects cannot be used to receive compensation from the VA. A defect is usually a disability that has always existed, so it does not get better or worse over time. Because the defect has not been created or made worse by the Veteran’s service, the VA will not pay benefits for it.