

New 0995 Protocols – 11.01.2025

A text conversation between Ed and Louie.

Ed: FYI my buddy is at the board and she heard that the ROs have instructions to not do re-openings of denied things unless evidence is PRESENT in the record. So my suggestion is when a Veteran gets denied, he gets diagnosed with a private provider or the VA. Once those diagnoses are made then we file supp claims.

Louie: This is probably because too many 995s were being submitted without actual new evidence, right?

So wait...when we ask in the interview what have you been DENIED FOR, we still prep the 0995 with INSTRUCTIONS to the Veteran to immediately go get diagnosed for all those conditions, THEN, when the veteran notifies us that he has done so, we can then submit the 0995?

Which essentially means we're only going to be submitting contentions on the 4138 and the actual claims in the 526 initially.

Ed: Yes. They normally give an exam anyway because even though MUSCULOSKELETAL doesn't apply to TERA the duty to assist remains and they give an exam (medical opinion). If they have a current diagnoses before we reopen, then no matter what there is new and relevant evidence (current diagnoses)

So since the ROs have that guidance from the chairman, if we reopen because of TERA, they will put the verbiage of TERA exam doesn't apply. Since there is nothing in the record of a diagnosis, then we will deny without an exam cause there is no new and relevant evidence

Louie: Which is protocol yes?

Ed: Technically yes because they will follow the regulation exactly (must need new and relevant evidence). Now for things that affect body systems not psychological, TERA can reopen things (respiratory, skin conditions, gastrointestinal, etc.)

Louie: Ah, so get diagnosed for ONLY DENIED MUSCULOSKELETAL ISSUES...to submit a 0995

What I like about it is that it now gets the veteran to be involved sooner than later with getting exams for musculoskeletal issues that were denied so that we can then know that we are clear to submit the 0995.

Ed: Yes, however getting any diagnoses before the c&p is way may more helpful for the claim (in terms of reopening)