

**VA Form 21-10210 – Lay/Witness Statement**  
Comment on Information Collection Extension  
March 10, 2021

**Docket:** VA-2020-VACO-0001

**Commenter:** Ms. Diane Boyd Rauber, Executive Director, National Organization of Veterans' Advocates (NOVA)

VBA received a comment from Ms. Diane Rauber, affiliated with NOVA, and provided several comments.

**Comment 1:**

Lay statements are important to many veterans' claims and appeals because those statements often fill critical evidentiary gaps. For example, veterans submit lay statements from buddies who witnessed in-service events, from family members who experience the veteran's symptoms in real time, and from employers who observe the veteran's work performance. VA recognizes the importance of such evidence in its abstract describing this form: "Without this information, VA may not be able to efficiently and successfully process claims that may require additional statements associated with a claim for benefits or services." 85 FR 56291.

VA's proposed form, however, is overly burdensome, potentially misleading, and should be edited and clarified as detailed below.

**VA Should Remove the Blocks for Narrative Text**

VA has edited numerous forms to add blocks for writing or typing in letters and numbers, in an effort to read names, social security numbers, and addresses more quickly through the use of artificial intelligence. Use of blocks for this type of information seems logical for VA to be able to quickly associate claims forms to the proper electronic file for a claimant. Use of these blocks for long passages of narrative text, as intended in *VA Form 21-10210* however, is not veteran friendly. Requiring lay individuals to write or type a personal statement letter by letter in a series of boxes is overly burdensome.

**VBA response:** Agreed. VA Form 21-10210, *Lay/Witness Statement*, has been updated in Section III: Statement, with a large fillable that has unlimited characters, so the individual filling out this section has enough space to fill it out accordingly. This update has also been made to the current version of the form, currently available on our form websites.

**Comment 2:**

The form should clearly state that respondents can attach multiple pages if needed.

**VBA response:** VA Form 21-10210 was increased to three pages to accommodate for additional space, if needed, and updated with the large fillable with unlimited characters. Additionally, a note has been included on the form, under the Section III banner, stating

'If you would like to submit an additional statement on your own behalf or if you have more than one witness writing on your behalf, use a separate form (VA Form 21-10210) for each statement.'

**Comment 3:**

VA should provide a line for the witness's physical address.

**VBA response:** The witness address is not needed to process a witness statement. Only direct contact information is requested; name, phone number, and email address, which is optional.

**Comment 4:**

**VA Should Indicate This Form Is Not Required for Lay Statements**

Historically, veterans and lay witnesses have used other forms, such as *VA Form 21-4138, Statement in Support of Claim*, to provide statements. (The current version of *VA Form 21-4138* only uses blocks in section I for the claimant's identifying information.) In addition, veterans and lay witnesses often use no form to submit a statement. As proposed *VA Form 21-10210* is not a standardized form required to initiate a claim or appeal, VA should clearly indicate on *VA Form 21-10210* that it is not required and that lay witness statements will be accepted in other formats.

**VBA response:** VA still has in use and will continue to use VA Form 21-4138 (2900-0075). However, it's a general "catchall" and isn't tailored to any specific topic, which could potentially be detrimental to a claimant. As such, it's VA's intention to **eventually** eliminate VA Form 21-4138, once the discontinuance of the form doesn't negatively impact our Veterans/claimants.

To prepare for the eventual discontinuance of VA Form 21-4138, several forms have been created to accommodate the various uses of this form. One of the forms created specifically for 'lay/witness statements' was VA Form 21-10210.

To help our Veterans/claimants identify the use of VA Form 21-10210, VA has included what the form is used for in the instructions under the title.

**INSTRUCTIONS:** Before completing this form, read the Privacy Act and Respondent Burden on page 3. Use this form to submit a statement as a veteran/claimant or someone writing on your behalf to support a claim. If you or someone else writing on your behalf are providing additional statement(s) to support your claim(s) please submit this form with your application. For more information, contact us at <https://iris.custhelp.va.gov>, or call us toll-free at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal relay number is 711. VA forms are available at [www.va.gov/vaforms](http://www.va.gov/vaforms). After completing the form, mail to: Department of Veterans Affairs, Evidence Intake Center, P.O. Box 4444, Janesville, WI, 53547-4444.