



Wesley A. McCauley

*Admitted to the United States Court of
Appeal for Veterans Claims*

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VIA: DIRECT UPLOAD TO REGULATIONS.GOV

U.S Department of Veterans' Affairs
Office of Information Technology, Data Governance and Analytics
c/o Dorothy Glasgow
Acting, VA PRA Clearance Officer
810 Vermont Avenue, N.W.
Washington, D.C. 20420

*Re: Public Comments Concerning
OMB Control No. 2900-0826*

Dear Sir/Madame:

United Veteran's Disability, LLC provides these comments in response to the proposed collection of certain information by the VA concerning VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivor's Pension and/or DIC ("Intent to File" or "ITF").

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United Veteran's Disability, LLC is a Veteran's advocacy firm owned by a VA accredited agent. Our office frequently provides representation before the regional office, the Board of Veterans' Appeals, and the U.S. Court of Appeals for Veterans Claims. It is our practice to submit an ITF when we begin representing a claimant before the VA.

Respectfully, we do not agree with VA's decision to not revise the ITF form in any way.

While the ITF is a vital tool for preserving effective dates, the current instructions on the form fail to adequately inform Veterans of how the VA applies an ITF to subsequent submissions. Specifically, the form does not disclose that it is the VA's policy of applying an active ITF to the **next received claim**, regardless of whether that application is advantageous to the Veteran.

Under current VA policy, an ITF is "consumed" by the first claim received after the ITF is filed. Many Veterans are unaware that ancillary forms or minor procedural filings may trigger this consumption. For example, a Veteran may file an ITF anticipating a major claim for a high-value disability, such as PTSD. If they subsequently file a minor claim, such as tinnitus, (or a form the VA construes as a claim) before submitting the major claim, the ITF is applied to that minor filing. Consequently, the major claim—filed later but still within the one-year window—loses the earlier effective date. This lack of transparency prevents Veterans from making informed strategic decisions regarding the timing of their submissions.

Furthermore, VA's ITF form should clearly notify Veterans that it is VA's policy to apply an ITF to a timely filed supplemental claim, even though such serves no advantage whatsoever to the Veteran. Consider the following: A Veteran files an ITF on January 1, 2025. On January 10, 2025, he is denied service-connection for a lumbar condition. On March 1, 2025, the Veteran files a supplemental claim of the January 10, 2025, lumbar denial. On July 1, 2025, the Veteran files an original claim for a migraine condition.

In this example, it is VA's policy to apply the ITF to the March 1, 2025, supplemental claim, even though such serves no advantage to the Veteran, since this was a continuously pursued claim. However, nothing in VA's ITF form would have notified the Veteran that this is VA's current policy position regarding ITFs, and that his effective date for the migraine claim could not be January 1, 2025.

Lastly, the ITF form does not inform Veterans of the types of VA forms VA views as a "triggering event" for purposes of an ITF. For example, VA Form 21-2680 or VA Form 21-8940 would all consume an ITF, but Veterans are not given any notice of this in the ITF form itself.


To ensure Veterans are fully informed of the procedural consequences of submitting various VA forms, we proposed an amendment to the ITF form by adding a section titled "Notice to Claimant." We offer the following sample language:

Notice to Claimant: The VA will apply this Intent to File to the first claim received after this form is submitted to the VA. Once applied to a claim, this Intent to File is considered 'used' and cannot be used

for subsequent claims, even if those later claims are filed within the one-year period. VA considers the following forms to ‘use’ your Intent to File: VA Form 21-526EZ, VA Form 20-0995, VA Form 21-8940, and VA Form 21-2680.

By implementing these changes, the VA will significantly improve transparency and assist Veterans in navigating the complexities of the claims process. Providing clear notice of how an ITF is utilized aligns with the VA’s mission to be Veteran-centric and ensures that benefits are awarded with the earliest possible effective dates intended by the claimant.

Thank you for your consideration of these comments. Should you require additional information, please do not hesitate to contact us.

Godspeed,

Wesley A. McCauley
Chief Executive Officer
POA I9A; Accreditation Number 50884

“The veterans benefit system is designed to award ‘entitlements to a special class of citizens, those who risked harm to serve and defend their country’. This entire scheme is imbued with special beneficence from a grateful sovereign”, Barrett v. Principi 363 F.3d 1316, 1320 (Fed. Cir. 2004).