**VA Medical Center (VAMC) Treatment Records and CAPRI References**

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***Important:*** This document was created to assist PMC employees with the requirement to search for and associate any relevant VA Medical Center (VAMC) treatment records into VBMS/the Veteran’s eFolder. It is still the responsibility of each employee to stay current of all current manual changes for accurate claims processing.

**Requirement to Obtain VA Medical Records and Conducting the Enterprise Search**

[M21-1 III.iii.1.C.2.b. Requirement to Obtain VA Medical Records](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2)

When relevant treatment is alleged at a VA facility, ROs must attempt to obtain the records, unless the RO concludes that it is reasonably certain the records do not exist.

***Important***:  If the claimant does not indicate treatment at a VAMC or provide dates of treatment, ROs must

* perform the enterprise search in CAPRI as described in [**M21-1, Part III, Subpart iii, 1.C.2.g**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2g), and
* associate any relevant treatment records into the Veteran’s claims folder.

***References***:  For more information on

* concluding VA records do not exist, see [**M21-1, Part III, Subpart iii, 1.C.2.e**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2e)
* the relevancy of records, see [**M21-1, Part I, 1.C.4**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1%2C-Part-I%2C-Chapter-1%2C-Section-C---Requesting-Records), and
* obtaining VA records using *VA Form 10-7131*, see [**M21-1, Part III, Subpart iii, 1.C.2.d**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2d)-[**f**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2f).

[M21-1 III.iii.1.C.2.g. Conducting an Enterprise Search in CAPRI](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2)

When a Veteran does not identify treatment at a specific VA facility, ROs must

* perform an enterprise search in CAPRI, and
* associate any relevant records with the claims folder.

If the search results do not show any VAMC treatment add a permanent note to the appropriate claims processing system documenting the results.

***References***:  For more information on the

* enterprise search function, see the [***CAPRI User Manual***](http://www.va.gov/vdl/application.asp?appid=133), and
* relevancy of records, see [**M21-1, Part I, 1.C.4**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1%2C-Part-I%2C-Chapter-1%2C-Section-C---Requesting-Records).

**Means for Obtaining VA Medical Records**

[M21-1 III.iii.1.C.2.d. (Means for Obtaining VA Medical Records)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2d) The table below describes the means for obtaining VA medical records pertaining to the claimed conditions.

| **If …** | **Then …** |
| --- | --- |
| an RO receives notice that a Veteran has been admitted to a VA medical facility | request/retrieve any necessary reports or hospital summaries through CAPRI.***Note***:  Users may request/retrieve progress notes or hospital summaries for a range of dates through CAPRI. |
| * a Veteran received treatment under VHA’s Veterans Choice Program from a contracted healthcare provider, and
* a summary of that treatment is relevant to a pending claim
 | obtain the relevant records through the [**AWIV Web Application**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100). |
| an RO receives notice that a Veteran has been admitted to a non-VA medical facility that provides services under a VA contract  | retrieve any necessary reports or hospital summaries through the [**AWIV Web application**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100). If records in AWIV are not inclusive, contact the contracted facility to request a complete copy of the Veteran’s treatment records. |
| * a Veteran has received treatment at a VAMC and/or outpatient clinic, and
* a summary of that treatment is relevant to a pending claim
 | request/retrieve a summary of treatment through CAPRI dating one year prior to the date of claim (DOC) and/or any other dates indicated by the claimant as relevant to the claim. ***Note***:  If images were created as part of the Veteran’s treatment at the VA facility, ROs must attempt to access these images through the [**AWIV Web Application**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100). |
| * a Veteran’s
	+ treatment occurred *before* 2005, and
	+ VA medical records are ***not***electronically accessible through CAPRI or AWIV, and
* the RO determines relevant records likely exist

***Exception***:  If evidence in the electronic record provides credible evidence that treatment records from 2005 or later *should* exist, a *VA Form 10-7131* request may be submitted.   The request must* provide explicit detail why the records are presumed to exist, and
* what efforts were undertaken to obtain them prior to submitting the request.
 | * submit an electronic *VA Form 10-7131*requestin CAPRI that
	+ includes the dates of treatment in the REMARKS section, and
	+ checks the OTHER/EXAM (REVIEW/REMARKS) box, and
* follow procedures outlined in [**M21-1, Part III, Subpart iii, 1.C.2.f**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2f) when following-up on the record requests.

***Important***:  If the attempts to obtain the records are unsuccessful, follow the documentation procedures in [**M21-1, Part III, Subpart iii, 1.C.2.l**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2l). |
| a Veteran received treatment at a Vet Center | see [**M21-1, Part III, Subpart iii, 1.C.2.m**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2m). |
| a Veteran does not identify treatment at a specific VAMC | see [**M21-1, Part III, Subpart iii, 1.C.2.g**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2g). |

***Notes***:

* Establish necessary controls to ensure the return of the requested reports.
* If the identified VAMC records are available entirely in CAPRI or AWIV, it is not necessary to create a tracked item to confirm that the records have been uploaded directly into the electronic claims folder (eFolder).
* The RO must associate any record pertaining to the claimed condition that is
	+ recent treatment dated within a year of the DOC, and
	+ treatment identified by the claimant that is relevant to the pending claim.
* The RO must associate the recent and relevant records to the eFolder when
	+ development action is first being taken on the claim, or
	+ if no development action is necessary, before the routing the claim for rating activity review and consideration.
* The rating activity is responsible for
	+ a final review of CAPRI and JLV to ensure all recent and relevant records have been associated with the eFolder
	+ associating additional records that have been identified during the final review, and
	+ ensuring the records are appropriately documented in the decision.

***References***:  For more information about

* [**AWIV**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100) see
	+ [***AWIV Desk Reference***](http://vbaw.vba.va.gov/bl/21/DEMO/docs/CAPRI/CAPRI_AWIV.pdf), and
	+ [***AWIV Web Application Desk Reference for VBA Employees***](http://vbaw.vba.va.gov/bl/21/DEMO/docs/CAPRI/AWIV_for_VBA_Desk_Reference.docx)
* JLV, see [**https://jlv.med.va.gov/JLV\_Claims/**](https://jlv.med.va.gov/JLV_Claims/)
* CAPRI, see the [***CAPRI User Manual***](http://www.va.gov/vdl/application.asp?appid=133)
* requirement to obtain VA medical records, see [**M21-1, Part III, Subpart iii, 1.C.2.b**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2b)
* electronic recordkeeping of treatment at VAMCs, see [**M21-1, Part III, Subpart iii, 1.C.2.c**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2c)
* determining whether a *VA Form 10-7131* should be submitted, see [**M21-1, Part III, Subpart iii, 1.C.2.e**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2e)
* the relevancy of records, see [**M21-1, Part I, 1.C.4**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1%2C-Part-I%2C-Chapter-1%2C-Section-C---Requesting-Records), and
* the exchange of information between ROs and VA medical facilities, see [**M21-1, Part III, Subpart v, 6.A.1**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014259/M21-1%2C-Part-III%2C-Subpart-v%2C-Chapter-6%2C-Section-A---Information-Exchange-Between-Department-of-Veterans-Affairs-%28VA%29-Regional-Offices-%28ROs%29-and-Medical-Facilities).

**Building Reports in CAPRI**

Please refer to the embedded CAPRI Report Builder Instructions below for details on building a report of treatment records in CAPRI.

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When capturing records for claims, typically use the look back of one year.  The exception would be if there is a specific time period that is reported/alleged by the claimant.  Use the report builder to capture the records that will be of value.  These records will be assessment records, and notes that pertain to medical conditions.  An example you would NOT include is a note from the nurse that states generic information.  Also, you do not have to include records that would not pertain to a decision for which is being claimed.  Example: The Veteran is requesting aid and attendance.  There is a record indicating his mental health exam was cancelled.  We would not include this into the records, as it would not aid the RVSR in making a rating decision on a claim for aid and attendance.

There is a button in CAPRI on the upper left corner that will be highlighted if he/she has been seen at more than one facility.  If it is highlighted, make sure you are looking at all facilities for pertinent records.  DO NOT capture ALL records that are in CAPRI.  This will do no service to our claimants or our claims processors.  Once you have captured the records in the report builder, ensure all records are in chronological order, build the report, and either save them as a PDF or copy and paste the records into a word document and load into VBMS.

**Concluding VA Medical Records Do Not Exist**

[M21-1 III.iii.1.C.2.i. Concluding VA Medical Records Do Not Exist](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2)

ROs can reasonably conclude VA records do not exist when a Veteran indicates treatment at a VA facility

* for a period earlier than his/her
	+ registration date (if one is present), or
	+ enrollment date (if one is present), when the indicated treatment began or after 1996
* for a specific condition during a timeframe when other electronic records exist for the Veteran (and the records cannot be found electronically), or
* if the attempts outlined in [**M21-1, Part III, Subpart iii, 1.C.2.d**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2d)-[**f**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2f) for records not electronically accessible in CAPRI/[**AWIV**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100) are unsuccessful.

***Exception***:  Do not conclude records are nonexistent without first attempting to obtain the records using *VA Form 10-7131*, when evidence in the claims folder contradicts the registration or enrollment information displayed in CAPRI.

***Important***:  Claims processors must consider the circumstances of the individual claim when making conclusions on whether records exist.  These may include, but are not limited to, the following considerations:

* Electronic claim submission services require specific calendar start and end date when entering a date range for treatment.  The claimant may not have the ability to list a more general start and end period (month/year) for the treatment period.
* Treatment for a disability does not always require continued evaluation and review on a weekly or monthly basis.  Gaps in treatment during a date range provided by the claimant should be expected and do not always necessitate the documentation of unavailability or non-existence.
* Obtaining relevant reports of treatment that occur prior to, but approximately close to, the starting date(s) of treatment provided by the claimant, may be considered sufficient for purposes of obtaining records from the starting date(s).

***References***:  For more information on

* registration and enrollment dates, see [**M21-1, Part III, Subpart iii, 1.C.2.c**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2c)
* determining whether a *VA Form 10-7131* should be submitted, see [**M21-1, Part III, Subpart iii, 1.C.2.e**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1-Part-III-Subpart-iii-Chapter-1-Section-C-Requesting-Evidence-From-Federal-Record-Custodians#2e), and
* accessing images through [**AWIV**](https://vhacvixclu2.r04.med.va.gov/Awiv/Awiv.html?siteNumber=100), see
	+ [***AWIV Desk Reference***](http://vbaw.vba.va.gov/bl/21/DEMO/docs/CAPRI/CAPRI_AWIV.pdf), and
	+ [***AWIV Web Application Desk Reference for VBA Employees***](http://vbaw.vba.va.gov/bl/21/DEMO/docs/CAPRI/AWIV_for_VBA_Desk_Reference.docx).

**Determining Relevancy of Records**

[M21-1 I.1.C.4.a. Definition: Relevant Records](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4)

***Relevant records*** for the purpose of VA’s statutory and regulatory duty to assist are those records that

* relate to the disability or injury for which the claimant is seeking benefits, and
* have a reasonable possibility of helping to substantiate the claim.

For the purpose of [**38 U.S.C. 5103A**](http://www.law.cornell.edu/uscode/text/38/5103A), the CAVC, in [***Golz v. Shinseki***](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014558/Golz-v.-Shinseki%2C-Jan-4%2C-2010%2C-590-F.3d-1317), 590 F.3d 1317 (Fed. Cir. 2010) held that not all medical records have a reasonable possibility of helping substantiate a pending claim and that VA’s duty to assist applies only to ***relevant*** records.

***Important***:  For purposes of determining relevance, the same principles apply to both private and Federal records.

The CAVC, in [***Raugust v. Shinseki***](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014497/Raugust-v.-Shinseki%2C-Jun-11%2C-2010%2C-23-Vet.App.-475), 23 Vet.App. 475 (Vet.App. 2010), further held that the VA has no duty to obtain records without a specific reason to believe that the records identified by the Veteran would contain necessary information to substantiate the claim.

***Example***:  A Veteran files a claim for an increased evaluation for residuals of an SC left ankle fracture.  He reports treatment at the Mayo Clinic for headaches.

***Analysis***:  The information available on its face shows that the identified private records would *not* be relevant as they do not relate to the Veteran’s SC disability nor do they have a reasonable possibility of substantiating the claim.

[M21-1 I.1.C.4.b. Relevance Determined on Case-By-Case Basis](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4)

Because each case presents unique circumstances, relevance of records shall be determined on a case-by-case basis.  It is not possible to offer “one-size fits all” guidance on the issue of determining whether an identified piece of evidence is relevant to the issue being adjudicated.

Exercising common sense and sound judgment is critical in determining relevance.  In addition to the two broad questions in [**M21-1, Part I, 1.C.4.a**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4a), consider these additional questions when making such determinations:

* ***Can I determine relevance without review of the actual records?***
	+ In nearly all cases, based on information supplied by the claimant, decision makers can determine relevance without reviewing the actual records.
* ***Can an earlier effective date be established by obtaining the identified records?***
	+ This is a critical question that must be answered when evaluating the evidence.  If there is a chance of an earlier effective date, (for example, based on provisions of [**38 CFR 3.114**](http://www.ecfr.gov/cgi-bin/text-idx?SID=73d047f61d05f17b0fe3446add76ccae&mc=true&node=se38.1.3_1114&rgn=div8) regarding liberalizing changes), then records must be obtained.
* ***Can a higher evaluation be assigned?***
	+ Based on effective date rules, this question can generally be answered without obtaining the identified records.  However, if there is a doubt, then obtain the records if it means the claimant can potentially receive an earlier effective date.

***Reference***:  For more information on relevant records, see [**M21-1, Part I, 1.A.4.a**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000013969/M21-1%2C-Part-I%2C-Chapter-1%2C-Section-A---Description-and-General-Information-on-Duty-to-Notify-and-Duty-to-Assist).

[M21-1 I.1.C.4.c. and d. (Examples of Determining Relevance of Evidence)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4)

***Example***:  A Veteran files a claim for SC for PTSD.  He reports that he is in receipt of SSA disability benefits and attaches a copy of an SSA decision that found him to be disabled due to back and leg pain from a 2001 injury.  There is no mention of mental health symptoms or treatment in the SSA decision.

***Analysis***:  The Federal Circuit, in [***Golz v. Shinseki***](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014558/Golz-v.-Shinseki%2C-Jan-4%2C-2010%2C-590-F.3d-1317), 590 F.3d 1317 (Fed. Cir. 2010), held that if an SSA decision pertains to a completely unrelated medical condition and the Veteran makes no specific allegations that would give rise to a reasonable belief that the medical records may nonetheless pertain to the injury for which the Veteran seeks benefits, relevance is not established.

**Handling Evidence Not Considered Relevant**

[M21-1 I.1.C.4.f. (Documenting the Claims Folder When Identified Evidence is Not Considered Relevant)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| When it is determined that records identified by the claimant are *not* relevant, a formal documentation of this determination must be completed and made part of the claims folder. Claims processors shall document the claimant’s record when evidence identified by the claimant is not considered relevant and VA’s duty to assist under [**38 U.S.C. 5103A**](https://www.law.cornell.edu/uscode/text/38/5103A) does not require VA to obtain those records. Follow the steps below when documenting the claimant’s record.

| **If ...** | **Then ...** |
| --- | --- |
| during development, the claims processor determines evidence is considered ***not relevant*** | that claims processor shall* add the following note in VBMS using the note feature:
	+ ***Records from [name of facility or physician] not requested because they are not relevant***, and
* associate the note to the corresponding claim.
 |
| when rating the claim, the decision maker sees a note in VBMS indicating that certain identified records are ***not relevant*** | * if that decision maker*agrees*, he/she shall insert the above statement into the INTRO/EVIDENCE tab under UPDATE EVIDENCE in FREE TEXT EVIDENCE, **or**
* if that decision maker ***does not****agree*, he/she shall develop or direct development for the records.
 |

***Notes***:* If the claim has been excluded from VBMS, then the proper documentation shall be made in Modern Award Processing-Development (MAP-D) by placing the same note in the above table under the Veteran’s profile screen.
* It is imperative that decision makers, in addition to reviewing items under the DOCUMENTS tab in VBMS, also review all electronic notes found in either VBMS or MAP-D, prior to rating the case.
* When deciding legacy appeals, decision makers shall annotate the *Evidence* section of the Statement of the Case or Supplemental Statement of the Case with the same note from the above table when evidence is not considered relevant.
 |

**Inability to Obtain Federal Records**

[I.1.C.5.b. Notification Requirements of Inability to Obtain Federal Records](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014066/M21-1-Part-I-Chapter-1-Section-C-Requesting-Records#4)

VA has the duty under [**38 CFR 3.159(e)**](http://www.ecfr.gov/cgi-bin/text-idx?SID=78d056416d6b04f735f0659ff1e729a5&mc=true&node=se38.1.3_1159&rgn=div8) to notify claimants of the inability to obtain relevant *Federal records* that are necessary to substantiate a claim.

If, after continued efforts to obtain Federal records, it is reasonably certain that such records do not exist or further efforts to obtain them would be futile, VA must provide the claimant with a final notification letter as discussed in [**M21-1, Part III, Subpart iii, 1.C.1.e**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1%2C-Part-III%2C-Subpart-iii%2C-Chapter-1%2C-Section-C---Requesting-Evidence-From-Federal-Record-Custodians).

The notification must contain the following information:

* the identity of the Federal records that were not obtained
* an explanation of the efforts made to obtain the records
* a description of any further action that will be taken with respect to the claim including a notice that VA will process the claim based on the evidence of record unless the claimant furnishes such records, and
* an indication that the claimant is ultimately responsible for providing the evidence.

***References***:  For more information on

* documenting attempts to obtain VA records when records do not exist or further attempts to obtain them would be futile, see [**M21-1, Part III, Subpart iii, 1.C.2.l**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1%2C-Part-III%2C-Subpart-iii%2C-Chapter-1%2C-Section-C---Requesting-Evidence-From-Federal-Record-Custodians)
* control and follow up on requests for service records, see [**M21-1, Part III, Subpart iii, 2.I**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014163/M21-1%2C-Part-III%2C-Subpart-iii%2C-Chapter-2%2C-Section-I---Control-and-Follow-Up-of-Requests-for-Service-Records)
* requesting records from SSA, see [**M21-1, Part III, Subpart iii, 3.A**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014166/M21-1%2C-Part-III%2C-Subpart-iii%2C-Chapter-3%2C-Section-A---Department-of-Veterans-Affairs-%28VA%29-Requests-for-Information-From-the-Social-Security-Administration-%28SSA%29), and
* requesting evidence from Federal record custodians, see [**M21-1, Part III, Subpart iii, 1.C**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014156/M21-1%2C-Part-III%2C-Subpart-iii%2C-Chapter-1%2C-Section-C---Requesting-Evidence-From-Federal-Record-Custodians).

A sample template final notification letter is embedded below.

