

**INTENT TO FILE (POST CHALLENGE)  
TRAINEE HANDOUT**

**Table of Contents**

Objectives .....	2
References .....	3
Topic 1: Informal Claims & ITFs .....	4
Topic 2: Viewing ITFs in VBMS .....	7
Topic 3: ITFs and Effective Dates .....	9
Topic 4: ITF Error Trends.....	13

## **OBJECTIVES**

The RVSR will be able to:

- distinguish between informal claims and an ITF
- determine if an ITF exists using VBMS and SHARE
- determine the correct effective date when an ITF is involved

## REFERENCES

All M21-1 references are found in the [Live Manual Website](#).

- [38 CFR 3.155, How to file a claim](#)
- [M21-1, Part III, Subpart ii, 2.C, Informal Claims Received Prior to March 24, 2015, Communication of an Intent to File \(ITF\), and Requests for an Application](#)
- [M21-1, Part IV, Subpart ii, 2.J.2.g, Effective Dates of Hospitalization Ratings](#)
- [M21-1, Part III, Subpart i, 4.C.2.d, Determining the Effective Date for VDC Claims](#)

## TOPIC 1: INFORMAL CLAIMS & ITFs

### Informal Claims

Identify an informal claim received prior to March 24, 2015, by any of the following characteristics:

- any communication or action that shows an intent to apply for benefits under laws administered by the Department of Veterans Affairs (VA)
  - an original claim *not* filed on the prescribed form
  - an unsigned application (*except* for those received via the Veterans On-Line Application (VONAPP) or VONAPP Direct Connect (VDC))
- evidence of examination or hospitalization in a VA or uniformed services health care facility for a service-connected (SC) disability under historical 38 CFR 3.157 (b)(1), or
  - any communication regarding the death of the appellant in an appeal
  - submitted to the United States Court of Appeals for Veterans Claims (CAVC), and furnished to VA by CAVC

### *Notes:*

- *VA only recognizes informal claims received prior to March 24, 2015*
- *Claims received prior to March 24, 2015, via VONAPP or VDC, that are initiated but not completed are not informal claims. However, the date the application was initiated may be considered when determining the effective date in certain circumstances.*
- *CAVC ruled that complaints noted by a Veteran during a VA examination (and included in the corresponding examination report) do not constitute an informal claim unless the Veteran sufficiently manifested an intent to apply for benefits for a particular disease or injury.*

Informal claims were important prior to March 24, 2015, because VA could grant entitlement to benefits from as early as the date of receipt of an informal claim as long as VA received a formal claim within one year of the date VA sent the claimant an application.

In order for a communication or action received by VA prior to March 24, 2015, to be accepted as an informal claim, the historical version of 38 CFR 3.155 required claimants to identify the benefit(s) they were seeking, such as compensation and/or pension.

If a claimant was attempting to reopen a previously denied claim or was seeking an increased disability rating, VA also required the claimant to describe the nature of the disability for which he/she was seeking benefits. A claimant could accomplish this by identifying the body part or system that was disabled or by describing symptoms of the disability.

If a claimant expresses an intent to file (ITF) before March 24, 2015, determine whether VA may accept the communication as an informal claim.

## **ITFs**

VA stopped accepting informal claims on March 24, 2015. Claimants desiring the benefit of filing an informal claim (as expressed in M21-1, Part III, Subpart ii, 2.C.1.b) must now communicate to VA an “intent to file” a claim.

A Veteran may submit an ITF by:

- submitting a completed *VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC*
- contacting a National Call Center (NCC) at 1-800-827-1000 or the National Pension Call Center (NPCC) at 1-877-294-6380
- **initiating** an application for benefits via
  - eBenefits/VDC
  - Stakeholder Enterprise Portal (SEP), or
  - Digits-to-Digits (D2D), or
- contacting a Veterans Service Center (VSC)/Pension Management Center (PMC) employee by telephone or in person.

***NOTE: These are the only 4 ways to submit an ITF***

An ITF is not:

- a request for benefits submitted on VAF 21-4138
- a condition raised by Congressional inquiry or other evidence
- communication raising an issue submitted on anything other than those 4 previously cited examples

The above examples constitute a “request for application”. Upon receipt of the above, we would send the claimant the correct application to file for benefits. The effective date would be date of receipt of the application.

***NOTE: Don’t forget to address any issue(s) that falls within the “scope of the claim” as defined by 38 CFR 3.155 (i.e. scars).***

A claimant’s communication of an ITF is adequate for VA purposes if, in the communication, the claimant

- provides VA with enough information to identify the Veteran (and the claimant, if the claimant is *not* the Veteran), **and**
- specifies the general benefit he/she is seeking (compensation and/or pension, or Survivors Pension and/or Dependency and Indemnity Compensation (DIC)).

*Notes:*

- *The initiation of an application for benefits via eBenefits, VDC, or SEP constitutes an acceptable communication of an ITF.*
- *When an ITF is submitted in writing, it must be submitted on VA Form 21-0966. VA Form 21-0966 must be signed by*
  - *the claimant*
  - *the claimant's Veterans service organization (VSO), or*
  - *a VA-recognized power of attorney (POA).*
- *As long as VA can identify the claimant via information included on VA Form 21-0966 or other information submitted with the form, the only sections of VA Form 21-0966 a claimant must complete are the sections titled General Benefit Election and Declaration of Intent (Sections II and III on the July 2015 version of the form). Assume the claimant is the Veteran if he/she leaves the Claimant/Veteran Identification (Section I) of the form blank.*
- *If a claimant communicates his/her ITF by contacting a VA call center, and the claimant does not have a corporate record, a call center employee must complete, sign, and submit VA Form 21-0966 on the claimant's behalf.*

A claimant's communication of an ITF is "active" for the purpose of assigning an earlier effective date of entitlement (as explained in M21-1, Part III, Subpart ii, 2.C.2.c) until the *earlier* of the following occur:

- VA receives a substantially complete application for benefits, *or*
- the one-year period following VA's receipt of the communication ends.

*Notes:*

- *Once VA associates a specific application for benefits with a communication of an ITF, that communication is no longer active for the purpose of assigning an earlier effective date of entitlement to benefits for which the claimant might subsequently apply. This limitation applies even if VA receives the subsequent application(s) within one year of the date it received the communication of an ITF.*
- *Once VA associates a specific application for benefits with a claimant's communication of an ITF, the claimant may submit another communication of an ITF that VA will then consider when assigning an effective date of entitlement to benefits for which the claimant might subsequently apply.*
- *An ITF may not be used to extend the period of non-finality for a recently decided claim. Any evidence submitted in connection with a non-final claim will be assessed for a new and material determination in accordance with 38 CFR 3.156(b). Accept an ITF submitted during the period of non-finality as an active ITF, if an active ITF is not already of record, and associate it with a claim if received within one year of the ITF.*

## TOPIC 2: VIEWING ITFs IN VBMS

### ITFs and VBMS

An ITF is automatically established when:

- The VSO submits via SEP or D2D.
- The claimant communicates an intent to file a claim to the National Call Center (NCC) and a corporate record exists
- The claimant initiates a claim in eBenefits.

An ITF is manually established when the claimant or POA:

- communicates an intent to file a claim to a VBA employee (i.e. VSR or RVSR)
- The claimant communicates an intent to file a claim to the National Call Center (NCC) and a corporate record **does not** exist
- submits the paper copy of VA Form 21-0966 and Claims Analysts/Intake Analysts enter it through Share/VBMS

### *Notes:*

- ***Claims processors are responsible for validating the accuracy of the data in the corporate record regarding the ITF***
- ***This information can be edited to correct inaccurate information as long as the correction is made the same day he/she entered the inaccurate data.***
- ***If the information cannot be edited an email must be sent to the National Service Desk Solution Center ([itsc@va.gov](mailto:itsc@va.gov)). The subject line of the email should be Correction of ITF Date.***
- ***Manual updates made to the ITF in VBMS between the dates of June 26, 2015, and December 13, 2015, were affected by a programming error that caused an incorrect date of receipt to be shown in the system and on the notification letter.***

Claims processors are responsible for validating the accuracy of data in the corporate record regarding a claimant's communication of an ITF.

If a user enters inaccurate data when updating the corporate record to reflect receipt of a communication of an ITF, the user may edit the data on the same day the data was entered.

If the user cannot edit the incorrect IT F data in the system, follow the steps below:

1. Open a new email message in Outlook.
2. Address the email to the National Service Desk (NSD) Solution Center at [itsc@va.gov](mailto:itsc@va.gov).
3. Enter *Correction of ITF Data* in the subject line of the email.
4. In the body of the email include the claimant's name and file number and describe the data tha requires correction.
5. Activate the *Sign* and *Encrypt* options on the OPTIONS tab for te email.
6. Send the email.
7. Document transmission of the email as a note in VBMS.

***Note: In many situations, the ITF is not expressed in the system by a VA Form 21-0966. In these scenarios, ITF information can only be found on the ITF screen in VBMS (see the ITF VBMS video for more information).***

There have been times that ITF system updates have been affected by a programming error. VA has specifically identified the period from June 26, 2015, to December 13, 2015, however, there have been other short isolated incidents. The programming error caused discrepant ITF dates to be displayed in VBMS. When you encounter a case that may have been impacted by this defect, follow the steps below:

1. Check the Veteran's eFolder to determine whether VA Form 21-0966, *Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC*, is of record. If the VA Form 21-0966 is of record, use the date that the form was received.
2. If the VA Form 21-0966 is not of record, check MAP-D and VBMS notes to see if there's a reference to the date the ITF was received through telephone contact with the Veteran. If there is a note of record, use the date of the telephone contact with the Veteran.
3. If the VA Form and/or note is not available, the date of the ITF displayed in VBMS is the correct date.

### **ITF VBMS Video**

**Please watch the ITF VBMS Video.**

[http://media.ttande.org/video/Comp\\_Svc/4203116.html](http://media.ttande.org/video/Comp_Svc/4203116.html)



## TOPIC 3: ITFS AND EFFECTIVE DATES

### Effective Dates

When assigning an effective date for any grant of service connection or an increase of service connection, review the file to determine if the claim is associated with an(y) ITF(s). If an ITF exists, VA may grant entitlement to benefits from an effective date prior to the date of claim (DOC) as long as the claimant submitted a complete claim within one year of the date VA received the ITF. The ITF acts as a placeholder and applicable effective date rules, such as 38 CFR 3.114 and 3.400, may be applied based on the date of receipt of the ITF.

***Do NOT consider an incomplete ITF as a potential effective date for VA entitlement!***

The table below contains additional guidance.

If ...	Then ...
<ul style="list-style-type: none"> <li>• VA receives communication of a claimant’s ITF between March 24, 2015, and August 5, 2015, <i>and</i></li> <li>• VA subsequently receives an original, fully developed claim (FDC) from the claimant within one year of the date VA received the communication of an ITF</li> </ul>	<p>the earliest, potential effective date of entitlement to benefits is one year prior to the date VA received the communication of an ITF.</p>
<ul style="list-style-type: none"> <li>• VA receives communication of a Veteran’s ITF within one year of the date he/she separated from service, <i>and</i></li> <li>• VA subsequently receives a substantially complete application within one year of the date VA received the communication of an ITF</li> </ul>	<p>the earliest potential effective date of entitlement to benefits is the day after the Veteran separated from service.</p>

### Effective Dates Example 1

- VA receives VA Form 21-0966 from a Veteran on June 1, 2015.
- The Veteran has checked the Compensation box in Section II of the form.
- On January 1, 2016, VA receives a completed and signed VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, with a claim for an increase in the disability ratings assigned to the Veteran’s SC disabilities.

***The potential effective date of entitlement to increased compensation is June 1, 2015, because VA received the VA Form 21-526EZ, within one year of the date it received the Veteran’s communication of an ITF.***

### **Effective Dates Example 2**

- VA receives VA Form 21-0966 from a Veteran on June 1, 2015.
- On November 1, 2015, the Veteran begins a non-original, online application for benefits through eBenefits.
- On January 1, 2016, the Veteran completes and submits the online application.

*The potential effective date of entitlement to benefits is June 1, 2015, because the Veteran completed and submitted the online application within one year of the date VA received the first communication of an ITF.*

*Commencement of the online application process on November 1, 2015, constitutes a duplicate communication of an ITF.*

### **Effective Dates Example 3**

- VA receives VA Form 21-0966 from a Veteran on March 26, 2015. The Veteran checked the Compensation box on the form.
- VA receives another VA Form 21-0966 from a Veteran on May 20, 2015. The Veteran checked the Compensation box on the form.
- VA receives a completed and signed VA Form 21-526EZ on April 8, 2016, for an increase in the evaluation of a SC back condition.

*The potential effective date of entitlement to benefits is April 8, 2016, because:*

- *the application was not received within one year of the March 26, 2015, ITF, and*
- *the VA Form 21-0966 received May 20, 2015, is a duplicate communication of an ITF since it is received within the active period of the already-received ITF and is for the same benefit. The duplicate ITF has no effect on benefit entitlement.*

### **Effective Dates Example 4**

- A Veteran communicates an intent to file a claim for compensation to an NCC on June 1, 2015.
- On November 1, 2015, the Veteran begins an online application for service connection (SC) for a back disorder through eBenefits.
- On January 1, 2016, VA receives a VA Form 21-526EZ from the Veteran with a non-original claim for SC for a knee disorder.
- On February 1, 2016, the Veteran completes and submits the online application for SC for a back disorder.

*The potential effective date of entitlement to SC for the knee disorder is June 1, 2015, because VA received the VA Form 21-526EZ within one year of the date the Veteran contacted the NCC.*

*The potential effective date of entitlement to SC for the back disorder is February 1, 2016. (The receipt of VA Form 21-526EZ on January 1, 2016, prevents VA from considering the Veteran's communication of an ITF when choosing an effective date for SC for the back disorder.)*

***Commencement of the online application process on November 1, 2015, constitutes a duplicate (not a new and separate) communication of an ITF.***

#### **Effective Dates Example 5**

- A Veteran is honorably discharged from active duty on September 1, 2015.
- On December 1, 2015, VA receives the Veteran's communication of an ITF.
- On November 1, 2016, VA receives VA Form 21-526EZ from the Veteran with a claim for SC for a knee disorder.

***The potential effective date of entitlement to SC for the knee disorder is September 2, 2015, the day following the date of discharge.***

#### ***Rationale:***

- ***VA received the communication of an ITF within one year of the date of discharge.***
- ***VA received the VA Form 21-526EZ within one year of the date VA received the communication of an ITF.***

#### **Effective Dates Example 6**

- On March 30, 2015, VA receives communication from a Veteran of an intent to file a claim for compensation.
- VA receives the Veteran's original claim on VA Form 21-526EZ on November 1, 2015.

***The potential effective date of entitlement to SC for the back disorder is March 30, 2014, because:***

- ***VA received communication of an ITF from the Veteran between March 24, 2015, and August 5, 2015, and***
- ***VA subsequently received an original FDC for benefits within one year of the date it received the communication of an ITF.***

#### **Effective Dates Example 7**

- On October 8, 2015, VA received communication from a Veteran of an intent to file a claim for compensation.
- The Veteran subsequently mails VA an original FDC for SC for type 2 diabetes mellitus associated with exposure to Agent Orange. The VA has evidence of in-country Vietnam service. Evidence shows a diagnosis of diabetes in 1999.
- VA receives the Veteran's claim on April 11, 2016.

***The potential effective date of entitlement to SC for diabetes is October 8, 2014, because:***

- ***VA received communication of an ITF on October 8, 2015, and***
- ***38 CFR 3.114 applies to the effective date determination.***
- ***The VA Form 21-526EZ was received after August 5, 2015, the end date of PL 112-154.***

### **Effective Dates Example 8**

- On April 10, 2015, the Veteran claims SC for hypertension.
- On June 12, 2015, the Veteran is notified of the denial of SC for hypertension.
- On January 22, 2016, the Veteran submits an appeal of the denial of SC for hypertension.
- On July 15, 2016, the Veteran submits an ITF for compensation.
- On July 23, 2016, a statement of the case is issued continuing the denial of SC for hypertension.
- On October 8, 2016, the Veteran submits a reopened claim for SC for hypertension.

*The ITF received on July 15, 2016, preserves a potential effective date of entitlement to SC for hypertension because:*

- *the reopened claim for SC for hypertension was received within one year of the ITF, and*
- *the claim to reopen and evidence of a diagnosis was received after the appeal was decided and final.*

*Apply the appropriate effective date rule, 38 CFR 3.400(r), which directs that the effective date is date of receipt of claim or date entitlement arose, whichever is later. Thus, the effective date is July 15, 2016. Remember, an ITF cannot extend the non-finality period of a previous decision.*

## TOPIC 4: ITF ERROR TRENDS

### Scenario 1

A review of the file showed the Veteran was last discharged from service on April 16, 2015, and that multiple ITFs were filed over the last year. The first complete ITF was received on April 17, 2015. A complete VA Form 21-526EZ was received on May 27, 2015. The second complete ITF was received on June 4, 2015, in conjunction with an electronically filed VA Form 21-526EZ. The third complete ITF was received on July 2, 2015, in conjunction with an electronically filed VA Form 21-526EZ. The fourth ITF was received on August 5, 2015. We received a complete VA Form 21-526EZ on December 28, 2015, claiming an increase for a left shoulder condition and service connection for a back condition. A previous rating decision granted service connection for the left shoulder condition effective April 17, 2015, the day after the Veteran was discharged from service. The rating decision dated April 18, 2016, granted an increase for the left shoulder condition and service connection for the back condition effective December 28, 2015.

Rating decision was incorrect. This error was discovered during a STAR review and the RO was notified to grant based on the receipt of the ITF. The second rating decision, dated September 28, 2015, corrected the effective date of the grants to July 2, 2015.

*The increase for the left shoulder condition should have been granted effective August 5, 2015, the date of the ITF that was active the day the claim was received. The ITF received on July 2, 2015, was initiated and absorbed by the electronic claim filed on the same day. Service connection for the back condition should have been granted effective April 17, 2015, the day after the Veteran was discharged.*

**CFR 3.400(o)(2)**  
**M21-1 III.ii.2.C.1.o&p**

### Scenario 2

The Veteran was discharged from the Army on December 3, 2015. We received a complete ITF for compensation on May 10, 2016. We received a complete VA Form 21-526EZ on May 16, 2016, claiming service connection for tinnitus. Rating decision dated July 21, 2016, granted service connection for tinnitus effective May 10, 2016.

*The grant of service connection should have been granted effective December 4, 2015, the day after the Veteran was discharged for service. The ITF received on May 10, 2016, does not prevent us from granting an earlier effective in accordance with any other effective date regulation.*

**CFR 3.400(b)(2)(i)**  
**M21-1 III.ii.2.C.1.c**

### **Scenario 3**

The Veteran was last discharged from service on August 31, 2009. We received a complete ITF for compensation on January 6, 2016, in conjunction with an electronically filed VA Form 21-526EZ claiming multiple conditions. We received a complete ITF for compensation on March 24, 2016. We received a complete VA Form 21-526EZ on April 12, 2016, claiming multiple conditions, to include scar(s). The rating decision dated August 17, 2015, granted service connection for a surgical scar on the abdomen related to a surgery for an umbilical hernia effective January 6, 2016.

*The grant of service connection should have been granted effective March 24, 2016, the day of the ITF that was active when the claim was received. The ITF received on January 6, 2016, was initiated and absorbed by the electronic claim filed on the same day. Although the conditions from second claim were absorbed under the same end product as the conditions from the first claim, received on January 6, 2016, we cannot use the first ITF to establish an effective date from the second claim. ITFs are associated with claims not end products.*

*M21-1 III.ii.2.C.1.d*