



9 POINT FORENSIC AUDIT

**9 Mistakes the VA Makes on Disability
Claims— And How We Find Every One**

98.3% Success Rate • 35+ Years • Nationwide

“WE NEVER GIVE UP”

(727)-297-2315 | tuckerdisability.com | We Never Give Up.

IF YOU'RE READING THIS, THE VA LET YOU DOWN.

We're Here to Fix That.

“You served your country. You did everything they asked. And when you filed for the disability benefits you earned, the VA said no — or gave you a rating that doesn't come close to reflecting what you live with every day.

I've spent 35 years sitting across the table from veterans just like you, hearing the same thing: “I don't understand what went wrong.”

Here's what I can tell you: **most VA denials and underratings aren't random.** They're the result of specific, identifiable mistakes.

Mistakes in how the evidence was gathered. Mistakes in how your exam was conducted. Mistakes in how the rating criteria were applied. After thousands of cases, we've identified the **nine most common failure points** — and this booklet walks you through every one of them.

As you read, you may recognize your situation in one, two, or several of these points. **When you do, circle that page.** Then call us. We'll review your claim at no cost and tell you exactly where the VA went wrong — and what we can do about it.

Our attorney Daniel Clarke is an 8-year Army veteran. He joined this firm because he watched too many of his fellow service members get failed by the system they served. He takes this personally. So do I.”

We never give up. And we won't give up on you



—John V. Tucker
Founder, Tucker Disability Law



How To Use This Guide

1

Read through all nine audit points.

Each one describes a specific mistake the VA commonly makes on disability claims. You don't need legal training to understand them, we wrote this in plain language.

2

Circle the ones that sound like your situation.

If you read a point and think, "That's exactly what happened to me," mark it. Most denied or underrated claims have multiple failure points — not just one.

3

Call us. We'll tell you what we find

Bring your marked-up booklet to your free case evaluation. We'll review your actual claim file and tell you which of the nine points apply — and what we do about each one.

**Schedule Your Free Case
Evaluation:
(727)-297-2315
www.tuckerdisability.com
We Never Give Up!**

SCAN TO BOOK



POINT 1

Did the VA Use the Right Effective Date?



What This Means

Your effective date is **the date the VA uses to calculate when your benefits start**. Get it right, and you receive every dollar of back pay you're owed from the day you filed. Get it wrong, and **you lose months — sometimes years — of compensation that should have been flowing to your family**.

Effective date errors are one of the most common and most costly mistakes we see. The VA is supposed to honor your original filing date. But that doesn't always happen.

Sometimes the VA uses the date of a later supplemental claim instead of your original filing. Sometimes they miss an "intent to file" that should have preserved an earlier date. Sometimes you appealed within the one-year window — which should have kept your original date intact — but the VA started the clock over anyway.

The difference between the right effective date and the wrong one can be tens of thousands of dollars. In some cases, hundreds of thousands.

What Tucker Looks For

We trace your claim history back to the very first filing — every intent to file, every supplemental claim, every appeal, every communication with the VA. We verify that the VA honored the correct effective date at every stage. **If they assigned a later date than the evidence supports, we challenge it.**

Under the Appeals Modernization Act, filing within one year of each decision preserves your original effective date. That means if you filed in 2020, were denied, appealed in 2021, were denied again, appealed again, and finally won in 2025 — **your back pay should go all the way back to 2020.** We make sure it does.

FROM THE FILES



A veteran was awarded a 100% rating — but with the wrong effective date. The VA had used the date of his most recent supplemental claim instead of his original filing from years earlier. Tucker's team corrected the effective date and recovered more than \$200,000 in back pay the VA owed him. The money was there the entire time. The VA just hadn't counted it.

Does this sound like your situation? Circle this page.

POINT 2

Did the C&P Examiner's Conclusions Actually Follow from the Facts?



What This Means

When you go to a **Compensation & Pension exam**, the examiner documents your symptoms, reviews your records, and writes a medical opinion. That opinion is one of the most powerful pieces of evidence in your claim.

But here's what most veterans don't know: **the examiner's conclusion doesn't always match the facts in their own report.**

We see this constantly. The examiner carefully lists your symptoms — limited range of motion, chronic pain, difficulty sleeping, inability to work — and then reaches a conclusion that contradicts everything they just documented. They might write that your condition is “less likely than not” connected to service, even though their own findings suggest otherwise.

We call this a non-sequitur: the conclusion doesn't follow from the facts. And it happens far more often than it should. **The VA relies heavily on C&P exam opinions. If the examiner's logic falls apart, your claim pays the price — and most veterans never realize this is the problem.**

What Tucker Looks For

We read C&P exam reports line by line. We compare the examiner's documented findings against their stated conclusions. When the conclusion doesn't follow from the facts — when the logic breaks down — we attack it. And when the examiner fails to provide any rationale for their opinion, we challenge the entire exam's credibility.

“The vast majority of our C&P appeals attack the examiner’s rationale — or their complete lack of one.”— John Tucker

FROM THE FILES



A veteran's C&P examiner documented severe range-of-motion limitations and daily pain — then concluded the condition was “less likely than not” connected to service, with no explanation for how he reached that conclusion. Tucker's team challenged the exam, obtained an independent medical opinion that addressed the logical gap, and the claim was overturned on appeal. The evidence hadn't changed. The argument did.

Does this sound like your situation? Circle this page.

POINT 3

Does Your Examiner Actually Understand Your Medical Condition?



What This Means

C&P exams are often performed by generalists — nurse practitioners or physician assistants who evaluate dozens of different conditions every week. They're not specialists. They may have limited training in your specific diagnosis.

Think about what that means. A generalist evaluating a complex neurological condition, a rare autoimmune disorder, or a traumatic brain injury may not fully understand how the condition affects your daily life — because they've never treated it. They've never seen the full progression. **They don't know what questions to ask.**

The result is an exam that **underestimates your disability.** An examiner who checks the required boxes but misses the full picture. Findings that look complete on paper but don't capture what you actually live with.

And because the VA trusts the examiner's findings, the decision-maker never sees what the examiner didn't know to look for.

What Tucker Looks For

We master the medical. For every case, our team researches your specific diagnosis — its symptoms, its progression, its true functional limitations. We learn the condition at a level the C&P examiner may not have reached. Then we compare our understanding against what the examiner documented.

When the examiner missed something because they didn't understand the condition we bring in the evidence that fills the gap. Independent medical opinions from physicians who specialize in your condition. Medical literature that documents what the examiner should have known.

“We have to know the medical condition better than the C&P examiner. That’s often a generalist — a nurse practitioner, a PA. We master the medical.”— John Tucker

FROM THE FILES



A veteran with a complex spinal condition was examined by a nurse practitioner who documented only the most visible symptoms. Tucker’s team identified that the examiner had failed to test for radiculopathy, which would have significantly increased the veteran’s rating. An independent medical evaluation confirmed the missed diagnosis. The veteran’s combined rating increased substantially because someone finally understood the condition well enough to find what was missing.

Does this sound like your situation? Circle this page.

POINT 4

Is There a Service Connection the VA Overlooked?



What This Means

To qualify for VA disability compensation, your condition must be connected to your military service. This is the foundation of every VA claim — and it's where many claims collapse. Not because the connection doesn't exist, but because the VA didn't find it. There are three types of service connection the VA might miss:

1

Direct connection

Your condition started during or was caused by your service. The evidence might be buried in your service treatment records, deployment records, or DD214 — but if no one pulled it out, the VA wouldn't see it.

2

Secondary Connection

A service-connected condition caused or worsened another condition. A service-connected knee injury changes your gait, which causes chronic hip pain. The VA rates the knee but never considers the hip. This happens constantly.

3

Presumptive Connection

Certain conditions are presumed service-connected for veterans who served in specific locations or time periods — Agent Orange exposure, burn pit exposure, Gulf War illness, Camp Lejeune water contamination.

What Tucker Looks For

We review your complete service history — deployments, duty stations, occupational exposures, service treatment records, and DD214.

We look for connections the VA missed or dismissed. We identify secondary conditions that should have been claimed. And we verify that every applicable presumption — including the expanded PACT Act presumptions — was properly applied.

FROM THE FILES



A veteran in North Dakota had been denied twice. When Tucker's team reviewed his DD214, they discovered the VA was completely ignoring his overseas deployment service — the very basis of his claims. Dan Clarke and the team identified the missing service connection, rebuilt the case around his deployment history, and won the appeal. The evidence had been in the file the entire time. No one had looked at it closely enough.

Does this sound like your situation? Circle this page.

POINT 5

Did the VA Apply the Correct Rating Criteria?



What This Means

Once the VA establishes that your condition is service-connected, **they assign a disability rating — a percentage from 0% to 100% — that determines your monthly compensation.**

This rating is based on specific criteria in the VA's Schedule for Rating Disabilities. **Each condition has its own set of criteria, and the VA is supposed to match your symptoms to the rating that most accurately reflects your level of disability.**

But the rating schedule is enormous and complex. There are hundreds of diagnostic codes, many with overlapping criteria. The VA rater might use the wrong diagnostic code for your condition. They might interpret the criteria too narrowly. They might fail to consider the most severe manifestations of your symptoms. Or they might rate you under a code that caps at a lower percentage than your actual disability warrants.

The financial impact is significant. The difference between a 50% rating and a 100% rating for a single veteran is more than \$2,000 per month — over \$24,000 per year. With dependents, the gap is even wider.

What Tucker Looks For

We verify the diagnostic code the VA assigned to your condition. We check whether your symptoms were evaluated against the correct criteria — and whether the VA considered the full severity of your disability. When the rating criteria were misapplied, we present the evidence under the correct framework and argue for the rating your condition actually warrants.

We also check for something called **“extrascheduler” consideration** — cases where your disability is so unique or severe that the standard rating schedule doesn’t capture it. In those situations, the VA is supposed to refer your case for a higher rating. They often don’t.

FROM THE FILES



A veteran was rated at 50% for a mental health condition. Tucker’s team reviewed the rating decision and found the VA had applied criteria that didn’t account for the veteran’s severe occupational impairment — a factor that should have pushed the rating significantly higher. After resubmitting evidence mapped to the correct criteria, the veteran was awarded 70%, with a path to TDIU (full compensation). One Google reviewer put it simply: “I was stuck at 90% for years. I made a decision to hire a lawyer and in 4 months I got that 100%.”

Does this sound like your situation? Circle this page.

POINT 6

Are There Conditions That Were Never Claimed — or That the VA Ignored?



What This Means

This one catches veterans off guard. **Sometimes the VA isn't the only one who missed something — sometimes the right claim was never filed in the first place.**

Many veterans file for their most obvious condition — the injury they remember most clearly, the diagnosis causing the most pain. **But military service often creates multiple conditions, some of which develop years after separation.** A veteran filing for a back injury might not realize they should also file for the sleep apnea that developed from the same service-related exposure. Or the depression that stems from living with chronic pain. Or the nerve damage that radiates from the original injury.

On the other side, **the VA itself may have ignored secondary conditions that should have been rated alongside your primary claim. One service-connected condition often leads to others.**

The VA is supposed to consider all of them. They frequently don't.

What Tucker Looks For

We look at your complete medical picture, not just the condition you originally filed for. We identify secondary conditions that should have been claimed, conditions that developed after your original filing, and claims that were simply never made. When we find something missing, we file it — whether it's a secondary claim, a new claim, or a request for increase.

This single audit point often has the largest impact on a veteran's combined rating, because it's not about fixing one mistake — it's about finding everything that was left on the table.

FROM THE FILES



A veteran had been rated for a single knee injury at 30%. Tucker's team identified that the knee condition had caused chronic hip pain (a secondary condition — never filed), contributed to sleep disruption (never claimed), and limited his ability to work. Three additional claims were filed. His combined rating went from 30% to 80%, with a TDIU claim pending. The conditions weren't new. They'd been there for years. No one had connected them.

Does this sound like your situation? Circle this page.

POINT 7

Are You Missing Special Monthly Compensation?



What This Means

Special Monthly Compensation — SMC — is a set of **additional payments the VA provides for disabilities that go beyond what the standard rating schedule covers.** It's designed for veterans whose conditions create unique hardships: loss of use of a limb, need for regular aid and attendance from another person, being housebound due to disability.

Here's the problem: the VA doesn't always tell you about SMC. **Many veterans qualify but are never informed that these additional benefits exist.** The VA is supposed to consider SMC whenever the evidence supports it. In practice, it gets overlooked — especially when the veteran doesn't know to ask.

SMC isn't a small adjustment. **Depending on the level, it can add hundreds or even thousands of dollars per month on top of your standard disability compensation.** For veterans with severe disabilities, SMC can be the difference between getting by and actually having the support they need.

What Tucker Looks For

We review your conditions and functional limitations against every SMC category. We check whether the VA considered Special Monthly Compensation when they should have. **If you meet the criteria — aid and attendance, housebound status, loss of use, or other qualifying factors — and the VA didn't award it, we file for it.**

SMC is one of the most commonly overlooked benefits in the VA system. If your disabilities require help from another person for daily activities, or if your conditions keep you confined to your home, this may apply to you.

FROM THE FILES



A veteran rated at 100% for multiple service-connected conditions was living with severe mobility limitations that required daily assistance from his spouse. He had no idea Special Monthly Compensation existed. Tucker's team identified that he qualified for SMC at the aid and attendance level — adding over \$1,000 per month to his existing benefits. The money didn't require a new claim or a new rating. It required someone who knew to look for it.

Does this sound like your situation? Circle this page.

POINT 8

Is Critical Evidence Missing from Your File?



What This Means

The VA makes its decision based on what's in your file. Not what's in your memory. Not what your buddy can vouch for over a phone call. What's in the record.

If key evidence is missing the VA decides your claim on incomplete information. **And incomplete information almost always works against you.**

Some evidence gaps happen because records were lost. This is especially common with older service records — the 1973 fire at the National Personnel Records Center destroyed millions of files. Some gaps happen because the veteran didn't know certain records existed or were relevant. And some happen because the VA simply didn't request records it was supposed to.

The VA has what's called a “duty to assist” — they're legally required to help you gather evidence for your claim. When they fail that duty, your claim suffers.

What Tucker Looks For

We audit your claims file against what should be there. **We check for missing service treatment records, missing deployment documentation, missing private medical records, and missing lay evidence like buddy statements or personal declarations.** When records are missing, we track them down. When they've been destroyed or lost, we find alternative evidence to fill the gap — unit histories, deployment orders, morning reports, or reconstructed records.

We also check whether the VA fulfilled its duty to assist. If the VA failed to request records it should have obtained — or failed to notify you that records couldn't be found — that's a procedural error we can use in your appeal.

FROM THE FILES



A veteran was denied because the VA found “insufficient evidence” of an in-service event. Tucker’s team discovered that his service treatment records from a specific deployment had never been uploaded to his claims file. Once those records were obtained and submitted as new and relevant evidence, they confirmed the in-service event — and the claim was approved on supplemental review. The evidence existed. It had just never made it into the file.

Does this sound like your situation? Circle this page.

POINT 9

Were You Evaluated for Unemployability?



What This Means

Here's something most veterans don't know: you can receive compensation at the 100% rate even if your combined disability rating is less than 100%.

It's called TDIU — Total Disability based on Individual Unemployability.

If your service-connected disabilities prevent you from holding substantially gainful employment, you may qualify. The VA is supposed to consider unemployability when the evidence suggests it. But many veterans are never told about this option, and many claims are decided without it ever being raised.

For a single veteran in 2025, the difference between a 70% rating and a 100% rating (or TDIU) is roughly \$1,200 per month — over \$14,000 per year. With dependents, the gap grows wider. And because TDIU qualifies you for the same additional benefits as a schedular 100% rating — including Dependents' Educational Assistance and eligibility for certain state benefits — the total impact can extend well beyond the monthly check.

What Tucker Looks For

We evaluate whether your combined service-connected conditions prevent you from maintaining substantially gainful employment. **If they do — and if the VA didn't address unemployability — we file for TDIU.**

We work with vocational experts and your medical providers to document the functional limitations that keep you from working. We build the case around your specific employment history, education, and the real-world impact of your combined disabilities. **This is often the final piece that moves a veteran from a partial rating to full compensation.**

FROM THE FILES



*A veteran rated at a combined 70% was struggling to hold employment because of the cumulative effect of his service-connected conditions. He didn't know TDIU existed. Tucker's team filed for TDIU, documented the vocational and medical evidence, and the veteran was awarded compensation at the 100% rate — along with back pay to the date of his original claim. In his words: **"They helped me successfully get approved for both TDIU and SSDI, which was truly life-changing."***

Does this sound like your situation? Circle this page.

YOU'VE SEEN NINE PLACES THE VA MAY HAVE FAILED YOU.

Let Us Look at YOUR Claim.

If you circled even one of the nine points in this booklet, there's a good chance the VA made a mistake on your claim. But the only way to know for certain is to let us review your actual case file.

Here's how it works:

1

Schedule Your Free Case Evaluation.

Call us or visit our website. We'll review your claim history, denial letter, and rating decision. No cost. No obligation. We tell you honestly what we find.

CALL US (727)-297-2315

2

We Build Your Case.

If we find mistakes — and we usually do — we gather the evidence, work with medical and vocational experts, and assemble a case the VA can't ignore.

3

We Fight Until You Win.

From supplemental claims to the Board of Veterans' Appeals, we handle everything. You focus on your health and your family. We handle the VA.

You Pay Nothing Until We Win! 

Our fee comes from the back pay the VA owes you, not your pocket!



About Tucker Disability Law

Tucker Disability Law has represented disabled veterans, workers, and individuals nationwide since 1996. Our team combines **more than 50 years of combined experience in disability law with a 98.3% success rate across all practice areas.**

We handle VA disability claims, ERISA and long-term disability insurance claims, and Social Security Disability. Our comprehensive approach means that if you qualify for multiple types of disability benefits, we can pursue all of them simultaneously.



John V. Tucker

Founder · 35+ Years in Disability Law

John Tucker has spent his entire career — more than three decades — exclusively on disability benefit claims. AV-rated by Martindale-Hubbell, Vice President of NOVA, former ERISA law professor at Stetson University. He built this firm on one principle: never give up.



Daniel Clarke

Attorney · 8-Year U.S. Army Veteran

Daniel didn't learn about the VA system from a textbook — he lived it. After 8 years of active duty, he watched fellow service members get denied the benefits they earned. Now he fights to make sure that doesn't stand. Your attorney is a veteran too.



Maddison Canon

Attorney · Veterans' Advocacy Background

Madison found her calling in veterans' disability law after her first client win at the WVU Veterans Advocacy Clinic. She saw firsthand the profound difference this work makes. She now advocates for veterans navigating claims, appeals, and rating reviews at Tucker Disability Law.



What Makes Us Different

1

We only do disability law.

We're not a general practice firm that takes the occasional VA case. Disability is all we do — VA, ERISA, and Social Security — and we've been doing it for more than three decades.

2

We work nationwide from a cloud-based practice.

Encrypted client portal with 24/7 document access. Video consultations. You get the same level of representation whether you're in Florida, North Dakota, or California.

3

You pay nothing until we win.

Our fee is contingency-based. If we don't win your case, you don't pay us. Period.

**Schedule Your Free Case
Evaluation:
(727)-297-2315
www.tuckerdisability.com
We Never Give Up!**

SCAN TO BOOK

