

— FWD ASSIST HQ —

FIELD GUIDE

Protecting Your Effective Date and Understanding Back Pay

Protect your claim's effective date and understand how back pay is figured, so you do not leave time on the table.



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A FWD Assist HQ Field Guide

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This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures and no rating percentages on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

In crisis? Call the **Veterans Crisis Line**: dial **988**, then press **1**. You can also text **838255** or chat online at veteranscrisisline.net. It is free, confidential, and available 24/7.

Protecting Your Effective Date and Understanding Back Pay

Protect your claim's effective date and understand how back pay is figured, so you do not leave time on the table.

Companion to *A VA Disability Claims Manual for the Rest of Us*.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll have protected your claim's effective date and you'll understand how VA figures back pay, so the timing of your claim works for you instead of against you.

This guide prepares you for the task. It doesn't and can't promise a rating, a level, or an outcome. The evidence in your file decides the result. Any figure this topic touches changes over time; check the current number at va.gov.

WHAT YOU NEED BEFORE YOU START

- ☐ Your discharge date and, if you have one, your most recent rating decision and its notice letter.
- ☐ A note of any records that date when a condition began or got worse.
- ☐ Access to va.gov to file forms, check current rates, and save confirmations.
- ☐ The name of a free accredited representative for any effective-date dispute.

When to start: Now. In most claims the date VA gets your claim or Intent to File sets the earliest possible start date, so acting early is the biggest thing you control.

Start Here: The Basics

Two ideas decide how much of your claim you actually capture in time. The effective date is the date your award is treated as starting. Back pay (also called retroactive pay) is what VA owes for the months between that date and when regular payments begin. The general rule is the date VA receives the claim or the date entitlement arose, whichever is later, with a head start for claims filed within a year after discharge and a look-back for increases. This guide shows you how to protect your date and how back pay is figured. It prints no dollar figures, because rates change every year; check current rates at [va.gov](https://www.va.gov). No guide can tell you your exact back-pay amount.

Where this is written down: 38 U.S.C. § 5110; 38 CFR § 3.400.

The Steps

STEP 1

Put an Intent to File on record to protect your start date.

Starting an online disability claim while signed in to a verified VA.gov account records it automatically. You can also submit VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or D.I.C., online at [VA.gov](https://www.va.gov), call 1-800-827-1000, or file it by mail or in person. It costs nothing. If VA gets your complete claim within one year, the claim counts as filed on the intent-to-file date.

If you're filing a new claim or a claim for increase, **then** an intent to file holds your date. **If** you're refiling something VA already denied (a Supplemental Claim), **then** VA's website says an Intent to File can hold your date for a Supplemental Claim, but the regulation says its Intent to File rule doesn't apply to Supplemental Claims. Don't count on it. Send VA Form 20-0995 itself as soon as you can. Filed within a year of the decision, it keeps your earlier date (Step 5).

Do not wait until your evidence is perfect to protect the date. A complete claim that arrives after the year is up gets its own, later date.

Where this is written down: 38 CFR § 3.155 (introductory text) and (b); 38 CFR § 3.2501(d).

Done when your Intent to File is on record and you have the confirmation.

STEP 2

Understand the general effective-date rule.

For most claims, the effective date is the date VA receives your claim (or your intent to file, if the claim follows within a year) or the date entitlement arose, whichever is later. It isn't the date your condition began. If you file before you're diagnosed, for example, the date can land later than your filing date.

Where this is written down: 38 CFR § 3.400; 38 U.S.C. § 5110(a)(1).

Done when you understand your date is generally the later of when VA received the claim and when entitlement arose.

STEP 3

Know the one-year-from-separation rule.

For direct service connection, if VA receives your claim within one year after you leave active service, the effective date can reach back to the day after separation (or the date entitlement arose, if later).

If you're within one year of your separation date, **then** get the claim, or an intent to file followed by the complete claim, in before the year ends. **If** that year has passed, **then** the general rule in Step 2 applies.

Where this is written down: 38 CFR § 3.400(b)(2)(i); 38 U.S.C. § 5110(b)(1).

Done when you know whether the one-year-from-separation rule is still open to you.

STEP 4

Understand the special rule for increases.

When you file for an increase on an existing rating, the effective date can be the earliest date the evidence shows the condition got worse. That works only if VA gets the claim or intent to file within one year of that date. If the worsening happened more than a year before, the date is when VA received the claim. Medical records that date the worsening are what make the look-back possible.

Where this is written down: 38 CFR § 3.400(o)(2).

Done when you understand that documented worsening can move an increase back as far as one year before you filed.

STEP 5

Protect your date when you disagree with a decision.

If you disagree with a decision, file a review within one year of the date VA issued the decision notice: a Supplemental Claim (VA Form 20-0995), Higher-Level Review (VA Form 20-0996), or Board Appeal (VA Form 10182). Keep filing the next allowed review on time after each decision, and the original claim date stays in play. That's called continuous pursuit.

Do not let the one-year window lapse. A Supplemental Claim that arrives more than a year after the notice generally can't get a date earlier than the day VA received it.

Where this is written down: 38 CFR § 3.2500(a), (h)(1) and (h)(2).

Done when any decision you disagree with has a review filed within one year of its notice.

STEP 6

Understand what back pay is and how it's figured.

Payment generally starts the first day of the month after your effective date. Back pay covers each month from then until regular payments begin, at the rates in effect for those months, usually paid as one lump sum. VA figures it from the effective date, your evaluation, and any dependents on your award. Rates change every year, so no guide can give you the dollar figure; check current and past rates at [va.gov](https://www.va.gov).

Where this is written down: 38 CFR § 3.31.

Done when you understand back pay starts the month after your effective date and that the amount comes from VA's rates, not from this guide.

STEP 7

Know about a clear and unmistakable error request for an old, final decision.

Once a decision is final, meaning the review window has closed, you can still ask VA to revise it for clear and unmistakable error (CUE). The error has to be undebatable on the record and the law as they stood at the time. There's no deadline, but the standard is very high, and a disagreement about how VA weighed the evidence doesn't qualify.

If you think an old, final decision set the wrong date because of a plain error, **then** take it to a free accredited representative, or an accredited attorney, before you file anything.

Where this is written down: 38 CFR § 3.105(a).

Done when you've ruled out a CUE issue or booked time with a representative to look at one.

STEP 8

Keep proof of every filing date.

Save the confirmation for every intent to file, claim, and review you submit, and keep proof of mailing for anything you send on paper. The date VA received each one is the date the rules above use, so proof of when you filed is worth keeping.

Done when you have a dated confirmation stored for every submission.

STEP 9

Take any effective-date dispute to an accredited representative.

Effective-date rules branch quickly. Presumptive claims, claims after a change in the law, and survivor claims each have their own rules, and the right argument depends on your record. For anything beyond protecting the date and filing on time, take your file to a free accredited representative.

Where this is written down: 38 CFR § 3.114; 38 CFR § 3.400(b)(2)(ii).

Done when any effective-date question beyond this guide has a planned next step with a representative.

Recap Checklist

- ☐ I put an Intent to File on record to protect my start date.
- ☐ I understand my date is generally the later of when VA received the claim and when entitlement arose.
- ☐ I checked whether the one-year-from-separation rule still applies to me.
- ☐ I understand documented worsening can move an increase back as far as one year.
- ☐ I file the next review within one year of each decision notice to protect my date.
- ☐ I understand back pay starts the month after my effective date and the amount comes from VA's rates.
- ☐ I considered whether an old, final decision has a CUE effective-date issue.
- ☐ I keep dated proof of every filing.
- ☐ I take effective-date disputes to a free accredited representative.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *A VA Disability Claims Manual for the Rest of Us*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

He writes the For the Rest of Us series at fwdassisthq.com. This guide is published by FWD Assist HQ as a veteran education resource. It is not affiliated with or endorsed by the Department of Veterans Affairs.