

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 13

The Frozen Record

Five ways to go, and two of them are not allowed to look at any new evidence you send. People pick one of those two all the time, and send their best document into it.

Everybody asks the same first question. Which one is fastest. It is the wrong first question, and asking it is how a good nexus letter, a doctor's written opinion connecting a condition to service, ends up in a lane where the law says nobody may read it.

The right first question is much simpler. Do you have something new, or do you think they got it wrong on what they already had? Answer that and the rest of this gets much simpler.

WHAT IS IN HERE

1. The five lanes, and which ones freeze the record
2. The one question that sorts them
3. The sorting worksheet
4. A check before you file

This is general education. It is not legal advice, medical advice, or a promise about any claim result. Nobody can promise you an outcome. A VA-accredited representative can help you with your claim at no cost. FWD Assist HQ is not affiliated with the Department of Veterans Affairs or any government agency.

Five lanes

Two at the regional office, and the Board, which splits into three dockets of its own. Look at the last column first.

Three words first, because the rest of this page uses them. The regional office is the VA office that decides claims, not the hospital or clinic. The Board is the Board of Veterans' Appeals, in Washington, which reviews decisions the regional office made. A docket is just a queue: the Board runs three of them and they work differently.

Lane, and its form	What it is	New evidence?
Supplemental claim Form 20-0995	You bring new and relevant evidence, meaning evidence not already in the record that tends to prove or disprove something at issue.	Yes. This is the lane built for it.
Higher-level review Form 20-0996	An experienced adjudicator who did not take part in the prior decision reviews it fresh, giving no deference to it.	No. The record is limited to what was there when the prior decision issued. The one exception runs through a duty-to-assist error, not through evidence you send.
Board: direct review Form 10182	The Board reviews the record as it stood at the regional office, with no hearing.	No.
Board: evidence submission Form 10182	The Board takes additional evidence with the notice of disagreement and for 90 days after receipt.	Yes.
Board: hearing Form 10182	A hearing, plus evidence at the hearing and for 90 days after it.	Yes.

Those are the three decision review forms: 20-0995 Supplemental Claim (May 2024 version), 20-0996 Higher-Level Review (March 2024 version), and 10182 Board Appeal (June 2026 version). The Board form covers all three of its dockets; you pick the docket on the form itself, and you need a separate one if you want different dockets for different issues. Versions change, so check at va.gov before you file.

THE ONE LINE TO REMEMBER

Two of the five cannot see anything you send them.

Higher-level review and direct review both run on the record as it already stood. Not because somebody refused to look. Because the regulation says the record is closed.

The question that sorts them

Ask it exactly this way: do I have something they have not seen, or do I think they got it wrong on what they already had?

If your answer is	Then
I have a new nexus letter, a new test, a buddy statement, records they never got.	That is new evidence. The lanes that can receive it are the supplemental claim and the two Board evidence dockets.
They had everything and still misread it, or misapplied the rule.	That is an error argument on a closed record, which is what higher-level review and direct review are written for.
Both.	Then sequence matters, and there is a general rule of thumb. See below.

IF THE ANSWER IS BOTH

The clocks decide this more than anything else. Higher-level review and the Board both close one year after the decision. A supplemental claim never closes.

Here is the pattern representatives describe. Send the evidence in first, through a supplemental claim. If that decision still looks wrong, you can argue the error afterward. Go the other way round and you spend your closed-record review on a file that does not contain your best document yet, and a review decided without it does not become right once it arrives.

That is a general shape, not advice about your file. Which way it actually runs depends on how close your deadline is and what the evidence is, and that is worth ten minutes with an accredited representative before you send anything.

Supplemental claim or a Board evidence lane?

Both take new evidence, so the difference is where and how long. A supplemental claim goes back to the regional office, which has a duty to help develop the evidence, and it can be filed at any time. The Board dockets need a notice of disagreement inside the year, do not carry that same development duty, and take substantially longer to reach a decision. Which of those fits depends on the deadline and the evidence, and it is the question to bring to a representative.

THE FEATURE ALMOST NOBODY USES

If you go the higher-level review route, you may ask for an informal conference along with the request. Its sole purpose is to let you or your representative identify errors of law or fact in the prior decision, based on the record as it stood. The box for it is on the higher-level review form itself, and you elect it when you file, not afterward. It costs nothing and most people never tick it.

One limit: VA will not receive any new evidence during the conference. It is a conversation about what is already there, not a chance to hand something over.

After a higher-level review you can file a supplemental claim or go to the Board, but not another higher-level review. After a Board decision you can file a supplemental claim, or appeal to the Court of Appeals for Veterans Claims, which is a real court outside VA with its own short deadline. These are meant to be used in sequence, not chosen once and lived with.

THE YEAR, AND WHAT IT ACTUALLY GOVERNS

Higher-level review and an appeal to the Board must be filed within one year from the date the regional office issues notice of a decision. Miss that and those two lanes close.

A supplemental claim is different. You may file one at any time. What the year changes there is money, not the right: if it comes in after a year, the effective date is fixed by when entitlement arose but no earlier than the date the supplemental claim was received. The chain of continuous pursuit, which is what carries an early effective date forward from one filing to the next, is broken. So being past a year is a reason to move now, not a reason to give up.

The sorting worksheet

Do this before you fill in any form. Time spent on the sort is time not spent in a lane that cannot use your evidence.

NAME

DATE

1. What is the date on the decision letter?

One year from this date closes higher-level review and the Board.

2. What exactly are you disagreeing with?

The condition, the percentage, the effective date, the denial. Be specific. A decision can have several issues and you can disagree with only one.

3. What did they say the reason was?

In their words, from the letter. Copy the sentence if you can find it.

4. Do you have anything they did not have?

List it. If the answer is nothing yet, say what you would need to go get.

5. So which lane, and why?

One sentence, naming which lane and the reason. If you cannot write one, that is the sign to ask somebody before you file anything.

Before you file

- ☐ I wrote down the one-year deadline, and I know it closes higher-level review and the Board but not a supplemental claim.
- ☐ I named the specific issue I disagree with, not the whole decision.
- ☐ I answered whether I have new evidence, honestly.
- ☐ If I have new evidence, I did not pick a lane that cannot look at it.
- ☐ If I am arguing error, I can say what the error was in one sentence.
- ☐ If I chose higher-level review, I know the informal conference box exists and decided about it deliberately.
- ☐ If I chose a Board lane, I know which of the three I picked and what it allows.
- ☐ I did not pick a lane because somebody said it was faster.
- ☐ I asked an accredited representative to look at the sort before I filed.

WHY THE SORT COMES FIRST

Picking the wrong lane does not usually lose the claim. It costs time. Months pass, a decision issues on a record that does not contain the document, and the effective date moves. Sorting first is cheaper than that, and it is exactly the conversation an accredited representative is there for.

NOBODY SHOULD CHARGE YOU TO FILE

Help from an accredited Veterans Service Officer is free. Always. Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and your state or county veterans service office all have accredited representatives and none of them charges you. The search is at va.gov/get-help-from-accredited-representative/find-rep.

Nobody may charge you a fee for helping with your claim before VA issues its first decision on it. That rule is 38 USC 5904(c)(1). After the first decision an accredited agent or attorney may charge, and 38 CFR 14.636 sets the limits, measured against past-due benefits, which means the back pay owed for the stretch before the decision: a fee not over 20 percent of that is presumed reasonable if that person represented you through the date of the decision, and a fee over one third is presumed unreasonable. Only an accredited agent or attorney may charge you anything.

So if somebody who is not accredited offers to file for you, wants money up front, or wants a cut, walk away and report them to the VA Office of Inspector General at 1-800-488-8244.

Where this is written down

The review options after a decision and the one-year period for higher-level review and a Board appeal, along with what happens to the effective date and to continuous pursuit when a supplemental claim is filed later, are in 38 CFR 3.2500. The new and relevant evidence standard, and the rule that a supplemental claim may be filed at any time after notice of a decision, are in 38 CFR 3.2501. The limit on the evidentiary record in higher-level review, the de novo standard, and the informal conference are in 38 CFR 3.2601. The notice of disagreement and the three Board dockets, including which of them allow additional evidence and the 90-day windows, are in 38 CFR 20.202.

Regulation text: [ecfr.gov](https://eCFR.gov), Title 38, Part 3, sections 3.2500, 3.2501 and 3.2601, and Part 20, section 20.202. Confirm the current forms and version dates at va.gov before you file.

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Current as of October 2026. Regulations change. Check for a newer version before you rely on this.

If working on this is bringing things up, the Veterans Crisis Line is 988 then press 1, or text 838255. Family members can call it too.