

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 17

Where You Were

When a presumption applies, you are not proving the connection. The law already grants it. You are proving where you were and when, and that is the part most files are weakest on.

People spend a year and real money chasing a medical opinion connecting a condition to service, for a condition where the connection is already presumed. Meanwhile the actual soft spot in the file is a set of dates and a location nobody ever documented.

A presumption moves the work. It does not remove it. Knowing which part moved is the difference between a year well spent and a year wasted.

WHAT IS IN HERE

1. What a presumption actually does
2. The three things you still have to establish
3. The service timeline worksheet
4. A check before you file

This one deliberately does not list conditions or locations. Those lists are long, they change, and a list printed in September is a liability by spring. They live at va.gov: start at the PACT Act page, then follow through to the page for your exposure. What is in here is the part that does not change.

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.

What a presumption does

It supplies the middle piece for free.

A normal service connection claim has three parts: a current condition, something that happened in service, and a link between them. The link is the expensive part. It is where nexus letters go, where denials happen, and where years disappear.

Where a presumption applies, the regulation says the disease will be considered to have been incurred in or aggravated by service even where there is no evidence of it during the period of service. The link is supplied by the rule.

THE ONE LINE TO REMEMBER

The proof moves from the doctor's office to the personnel file.

Which means the buddy statement, the orders, the deployment record and the dates matter more here than any medical opinion, and most people have that exactly backwards.

IT IS A PRESUMPTION, NOT A GUARANTEE

The regulation also describes how a presumption can be rebutted, by evidence of a nature usually accepted as competent to indicate when a disease existed or began. Affirmative evidence to the contrary does not have to be conclusive, but it does have to support a conclusion that the disease was not incurred in service. Presumed is a strong starting position. It is not the end of the conversation.

The three things you still have to establish

A presumption is a door with conditions on it. Every one of them is about facts you or the records can supply.

What	Why it is the real work
1. Qualifying service	Being in the right place during the right window. Each presumption names its own locations and periods, and they are specific. This is where most files are thin, especially for short assignments, temporary duty, transits, and Guard or Reserve time.
2. A condition on the list	The diagnosis has to match what the presumption covers. Close is not the same as listed. Your medical record has to name it.
3. The timing and degree rules, where they apply	Some presumptions require the disease to manifest to a specified degree within a specified period. Others do not. Which rules attach depends on which presumption you are using.

WHERE PEOPLE ACTUALLY LOSE THESE

Not on the medicine. On item one. A four-month stretch somewhere that never made it cleanly into a personnel file, a temporary assignment with no orders left, a stop that was real but is now only in the memory of three people who were there. That is what a buddy statement is for, and it is worth more here than in almost any other kind of claim.

AND THE OTHER DOOR STAYS OPEN

If a presumption does not fit, that does not mean no claim. It means the ordinary route, where you do establish the connection with evidence. A presumption is a shortcut that some people qualify for. It is not the only road, and being told you do not qualify for the shortcut is not a denial of the claim.

How to actually get the records

The whole toolkit turns on this, so here is the route rather than an instruction to go find it.

WHERE EACH ONE LIVES

Your own service record: request it with SF-180, Request Pertaining to Military Records, through the National Archives, or through milConnect, which holds personnel files for more recent separations, with a cutoff that depends on your branch. VA also has a duty to help you get service department records once you have filed, so tell your representative exactly what is missing and where it would be.

Your VA claims file: VA Form 20-10206 (August 2023 version), through the records request tool at va.gov. Start it early, because it takes a while.

When the DD-214 does not show the stop: travel orders and vouchers, awards with a campaign designation, unit morning reports, ship deck logs, leave and earnings statements, and personnel action records. Any one of them can put you in a place on a date.

HOW THIS REACHES VA

Handing a page to somebody in an appointment is not the same as putting it in your file. To be sure a buddy statement lands, submit it yourself.

VA Form 21-10210, Lay/Witness Statement (July 2024 version), is the form built for a written statement from you or from somebody else. You can upload it through your account at va.gov or mail it. Form numbers and versions change, so check the current one first. The page for this form is va.gov/find-forms/about-form-21-10210 and every VA form has one at the same address with its own number on the end.

For a presumptive claim this is worth more than almost any medical opinion, because what it establishes is where you were. Ask them to say how they knew you, where you both were, and when, in dates or at least months and years.

Keep a copy of what you sent and how you sent it.

DO THIS BEFORE YOU START GATHERING

Gathering all of this takes time, and the date VA receives your claim is what your back pay is measured from. So do not spend weeks reconstructing where you were and then file. There is a way to hold the date first.

It is called an intent to file. VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (May 2026 version). The regulation says that if VA receives your complete claim within one year of the intent to file, the claim is treated as filed on the day the intent to file came in. That protection goes to the first complete claim VA receives after the intent to file, so put every condition you mean to claim in that one filing. An intent to file does not apply to a supplemental claim.

Starting a disability compensation claim online at va.gov can establish this on its own, once you start and save the application. Do not assume it did. Look for VA's confirmation, or send the form separately so there is a dated record you can point to. For a pension claim, va.gov says to submit the intent to file even when you apply online.

The page for it is va.gov/find-forms/about-form-21-0966. It costs nothing, takes minutes, and an accredited representative will do it with you at no charge. Then take your year and gather properly.

The service timeline

Every place you were, in order, with dates. This is the document that does the work. Fill it in even for the stops you think do not matter, because the lists change and a stop that means nothing today may matter next year.

NAME

DATE

From	To	Where (base, ship, country, area)	Unit
Example: 6/03	abt 10/03	Camp Arifjan, Kuwait, then two weeks somewhere in Iraq I cannot name for certain	3/7 Marines

Approximate beats blank. If you are not sure of a month, write about, and say so. If you are not sure of a place, describe what you do remember. A line that says roughly when and roughly where is something somebody can go looking for. An empty line is not.

Also worth writing down

Short trips, temporary duty, transits and layovers, ship port calls, anything under thirty days. Whether you have orders for it, and if not, who else was there. Guard and Reserve periods with the type of duty. These are the entries that go missing and they are often the ones that matter.

Before you file

- ☐ I checked the current list at va.gov, not something printed.
- ☐ I know whether I am claiming under a presumption or the ordinary route.
- ☐ My timeline covers every location, including short and temporary ones.
- ☐ For any stop with no paperwork, I named who was there.
- ☐ The diagnosis in my record matches what the presumption actually covers.
- ☐ I checked whether a timing or degree requirement attaches to mine.
- ☐ I did not buy a nexus opinion before checking whether I needed one.
- ☐ I did not claim service in a place I was not.
- ☐ I asked an accredited representative, who can help at no cost.

ONE PRACTICAL NOTE

The lists get added to. A condition not covered when you were denied years ago may be covered now, which is exactly what a supplemental claim exists for. VA Form 20-0995 (May 2024 version).

Timing matters here in a way that is easy to miss. When a law adds a condition, special rules can govern how far back payment runs on a claim filed afterward. Real money, and worth asking about before you file rather than after.

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 general presumption framework, including the statement that a covered disease will be considered to have been incurred in or aggravated by service even where there is no evidence of it during service, the service requirements, the manifestation to a degree of 10 percent within a specified period for certain diseases, and the rules for rebutting a presumption, are in 38 CFR 3.307. The lists of diseases and the conditions attached to each are in 38 CFR 3.309 and related sections.

Regulation text: [ecfr.gov](https://eCFR.gov), Title 38, Part 3, sections 3.307 and 3.309. The current condition, location and period lists live at va.gov and change. Always check there.

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Current as of October 2026. Regulations and covered condition lists 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.