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# What Veterans Should Know About Filing VA Claims

Veteran's Administration (VA) hospitals follow different rules than private hospitals. In a private hospital setting, an injured patient sues the doctor and hospital for negligence. In a VA setting, however, an injured veteran must play by a whole set of different rules.

The first hurdle that most veterans will experience is actually getting copies of their records. The VA is notoriously slow for dispensing medical records. Unfortunately, this is a critical step in the process as Attorney Jeff Milman explains, "I've seen horrific cases where these veterans try and try and try and just can't seem to get their hands on their records. The other thing they should do is write down a chronology of 'he said she said'. Take whatever pictures and collect whatever evidence they feel may be appropriate and then finally, they should contact a good lawyer with expertise in this area of the law."

## Be Calm, Cool & Collected

Another difference between VA claims and traditional hospital claims is that VA claims are not tried before a jury; only a judge hears the case. Therefore, veterans should be conscious of their actions when contemplating filing a claim. Milman explains, "They shouldn't put a lot of nasty things in writing. They shouldn't meet with the claims administrators for the VA or give recorded statements. They shouldn't rush off and start marching in front of the facility or contact the press. What they need to do is the three C's – calm, cool and collected and not put anything in writing that may come back to haunt them."

## Documentation Needed

In order to file a claim with the VA, certain documentation is needed. Milman explains, "Generally, it would be the hospital chart because in any hospital, including the VA, you'll have doctors' orders, medication logs, nurses' notes and consultants' reports. So, that is one important part of the picture.

The other important part is the veteran's, and their family and friends', recollections of what happened. Because sometimes what the chart says is oftentimes not what truly happened. Then finally, in any medical negligence case, we need to secure good quality experts who are practitioners in that particular specialty whether it be neurosurgery or economics if we're putting together damages and make sure that the veteran -- who's very life, family and case relies on us -- is well represented."

## How to Find an Attorney Who Can Help

Finding an attorney who knows the VA process is extremely important. Milman provided some tips on what questions to ask, "I would ask, how long have you been practicing law? What expenses if any do I have to lay out? For example, in securing an expert, most good [medical malpractice] lawyers will say "none" in a VA case and deal with the contingency fee which is allotted under the federal rules. You would want to ask that lawyer how much of their practice is dedicated to VA malpractice and negligent work as opposed to other types of cases such as auto [accident] cases or regular state medical malpractice.

You might even want to ask if they've handled any other similar cases such as this. Then, in the end, you have to go by your gut. An attorney could have a lot of good diplomas on the wall, but when the day is done this is the person who is going to be representing a very important aspect of your life in court and you want to make sure it's somebody that the federal judge is going to respect and you trust."