

# CHAPTER 27

## STUDY PLAN

### GATHERING EVIDENCE, REQUESTING AND REVIEWING RECORDS

#### OBJECTIVE

To learn how to assist a claimant in requesting his or her military service and health records, VA treatment records and claims folder, and other evidence necessary to the development of a claim for benefits. To learn how to thoroughly review records and other evidence.

#### REFERENCES

- National Archives and Records Administration website, available at [www.archives.gov](http://www.archives.gov)
- 38 Code of Federal Regulations § 3.159
- Veterans Benefits Manual, §§ 8.5.9; 18.1-18.4.5.5; 12.2.2.1.2.7
- Standard Form 180, *Request Pertaining to Military Records*
- VA Forms:
  - 10-5345, *Request for and Authorization to Release Medical Records or Health Information*
  - 3288, *Request for and Consent to Release Information from Claimant's Records.*

### REQUESTING RECORDS

#### MILITARY PERSONNEL RECORDS

A Report of Separation is generally issued when a service member performs active duty or at least 90 consecutive days of active duty training. The report of separation utilized for the last few decades is the **DD Form 214**, *Certificate of Release or Discharge from Active Duty* (DD214). The DD214 contains information normally needed to verify military service for benefits, retirement, and employment. The DD214 may include the following key information:

- Date and place of entry into active duty;
- Date and place of release from active duty;
- Last duty assignment and rank;
- Military job specialty;
- Decorations, medals, badges, citations, and campaign awards;
- Total creditable service;
- Foreign service credited; and
- Separation information (type of separation, character of service, authority and reason for separation, separation and reenlistment eligibility codes).

The DD214 is kept with the veteran's **Official Military Personnel File (OMPF)**. The National Archives' National Personnel Records Center (NPRC) stores some personnel records of former service members. For recently discharged veterans, personnel records are kept with the Human Resources or Personnel Command of each respective service branch. (Page 3 of Standard Form 180 (SF 180), *Request Pertaining to Military Records*, lists the locations of personnel and medical records for all branches and all eras of veterans.)

The NPRC does not have records of members who are still in the active or inactive **Reserves or in the National Guard**. Those records are also on file in the Human Resources or Personnel Command of each respective service branch with the exception of the Air National Guard, whose records are located with each state's Adjutant General.

Most veterans and their next-of-kin can obtain free copies of their DD214 and other records through two primary ways: the online **eVetRecs** system or mailing/faxing a SF 180. Note that the National Guard and Reserve veterans' final discharge paperwork likely will not be a DD214, *as that is for completion of active service only*. Instead, National Guard members generally receive a NGB-22. For all intents and purposes, it is much like the DD214. The NGB-22 shows the nature of the discharge, time served, and other critical information. For Reservists, one must request their records and point to the cover memo of the separations packet to find proof of final discharge, character of service, and reason for separation.

An OMPF is also referred to as a *Service Record Book (SRB) or Service Record Jacket.*

The online eVetRecs system creates a customized order form to request information from the veteran's service record. There are four steps through which veterans or their next-of-kin will need to navigate. The system will guide them through step-by-step. In Step 2 of the online request form, veterans are asked to make selections from drop down menus about the nature of the request and the types of documents they are requesting. If these menus do not include the items veterans wish to request (for example, "all documents in the Official Military Personnel File"), they will have the opportunity to expand their request in the "Comments" section in Step 3. If they want to request multiple items from the menu selections in Step 2 (such as "Outpatient Treatment Records", "Inpatient Treatment Records", and "Mental Health Clinic Records"), they can choose one of the items from the menu and then use the "Comments" section in Step 3 to ask for the additional documents. One should NOT create multiple, separate requests for each of the menu selections available in Step 2 as that may delay the handling of the request.

Checking the Status of a Request to NPRC: Once there has been sufficient time for receipt and processing of a request (about ten days), one may check the status by e-mail through the NPRC Customer Service Center at [mpr.status@nara.gov](mailto:mpr.status@nara.gov). Provide the request number, the name, address and phone number of the requester, and the veteran's branch of service to aid in finding the request in NPRC system. A return email should be sent with a projected completion date for the request.

You may also call the NPRC Customer Service Line (this is a long-distance call from California) at (314) 801-0800.

## Important Tips Regarding Military Service Record Requests:

The eVetRecs system frequently releases only partial, limited records. In addition, many records that veterans may need to support their claim may not be available through the eVetRecs portal.

As a now standard practice, the NPRC routinely fails to send the entire OMPF. It is important to note on the SF 180 that one wants the ENTIRE file, and if there is a specific record needed, name it. Frequently, multiple requests to the NPRC for the same file will be necessary.

In the past [mpr.status@nara.gov](mailto:mpr.status@nara.gov) has been very responsive, but in 2014, multiple requests sent to this email address went unanswered. Contacting NPRC via phone to inquire about the status of a records request may yield better results.

The NPRC will expedite requests for records of **homeless veterans**. State clearly on the fax cover page that the veteran is homeless and that expedited processing is requested, and fax the SF 180 to (314) 801-9210 or (314) 801-0764. Please see sample records requests for homeless veterans towards the end of this chapter.

## MEDICAL SERVICE RECORDS

Health records are generally kept separately from personnel records. For recent veterans, health records are kept at the VA Records Management Center in St. Louis, MO. Just as recent military service records are not available online, the same goes for recent military medical records.

Health records cover the outpatient, dental and mental health treatment that former members received while in military service. Health records include induction and separation

physical examinations, as well as routine medical care (doctor/dental visits, lab tests, etc.) when the patient was not admitted to a hospital.

In comparison, clinical (hospital inpatient) records were generated when active duty members were actually hospitalized while in the service. Typically, these records are NOT filed with the health records but are generally retired to the NPRC by the facility that created them. Medical records from the VA are also not included.



After a claim is filed, the VA will obtain the original health record from the NPRC and place it in the individual's claim folder. If a claim has ever been submitted, now or in the past, the service treatment records (STRs) should be in the claims folder and a record request, under the Freedom of Information Act (FOIA) must be sent to the U.S. Department of Veterans Affairs (VA). See more on obtaining claims folders below.

## CLINICAL INPATIENT AND OUTPATIENT RECORDS

Clinical (hospital inpatient) records are compiled when active duty members are hospitalized while in the service. An overnight stay or admission generally makes a patient an inpatient.

Unlike outpatient records, hospital records are retained by the medical treatment facility where the treatment took place and then forwarded to the NPRC. As a result, these records are not stored under the name and social security number of the veteran. They are stored under the name of the hospital or other military facility that provided the inpatient care. To obtain a veteran's inpatient records, send a completed SF 180 to the NPRC with the name of the hospital or facility, along with the month and year of treatment. If the NPRC does not produce them, a request for the records should be sent to the facility directly.

Army and Air Force hospitals retain their records for one calendar year and Navy hospitals retain their records for two calendar years before retirement to the NPRC. Teaching hospitals that maintain Clinical Record Libraries may retain records up to five years before retirement.

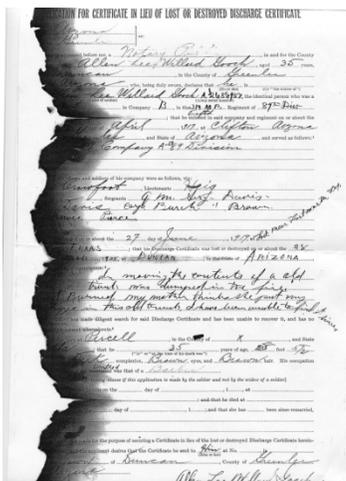
# THE 1973 FIRE AT THE NATIONAL PERSONNEL RECORDS CENTER

On July 12, 1973, a disastrous fire at the NPRC destroyed approximately 16-18 million OMPFs. The records affected:

- 80% of Army personnel discharged from November 1, 1912 to January 1, 1960
- 75% of Air Force personnel discharged from September 25, 1947 to January 1, 1964 with names alphabetically after Hubbard, James E.



No duplicate copies of these records were ever maintained, nor were microfilm copies produced. No indexes were created prior to the fire. Millions of documents that had been lent to the VA at the time of the fire were saved. Therefore, a complete listing of the records that were lost is not available. However, in the years following the fire, the NPRC collected numerous series of records (referred to as Auxiliary Records) that are used to reconstruct basic service information.



The NPRC has identified some medical-related alternate records that have proved useful in reconstructing information lost in the 1973 fire. Documents that provide information about diagnosis and prognosis, however, are limited and the sources are not comprehensive. Nevertheless, the NPRC does utilize approximately 7.8 million hospital admission abstracts to obtain supplementary information. Most of the records in this supplementary file pertain to active duty Army and Army Air Corps personnel in service from 1942 to 1945 and active duty

Army personnel who served between 1950 and 1954, although a small percentage pertains to veterans of the other services. This source does not cover all admissions during the related timeframes and has limited medical information. However, in certain cases, it can provide sufficient proof to support a claim.

## UNIT HISTORIES

Detailed information about the veteran's participation in military battles and engagements are NOT contained in the record; however, each Military Service Department contains records of unit histories and military operations. They are as follows:

<p><b>U.S. Army Center of Military History</b> 102 4th Avenue, Building 35 Fort Lesley J. McNair, DC 20319-5060 Telephone: (202) 685-4042 <a href="http://www.history.army.mil/index.html">www.history.army.mil/index.html</a></p>	<p><b>U.S. Air Force Historical Research Agency</b> 600 Chenault Circle Maxwell AFB, AL 36112-6424 Building 1405 Telephone: (334) 953-2395 <a href="http://www.afhra.af.mil">www.afhra.af.mil</a></p>
<p><b>U.S. Naval History &amp; Heritage Command</b> 805 Kidder Breese Street, SE Washington Navy Yard, Bldg 57 (3rd Floor) Washington, DC 20374-5060 Telephone: (202) 433-2210 <a href="http://www.history.navy.mil/index.html">www.history.navy.mil/index.html</a></p>	<p><b>U.S. Marine Corps History Division</b> 3078 Upshur Avenue Quantico, VA 22134 Telephone: (703) 432-4874 <a href="http://www.mcu.usmc.mil/historydivision/SitePages/Home.aspx">www.mcu.usmc.mil/historydivision/SitePages/Home.aspx</a></p>
<p><b>U.S. Coast Guard Historian's Office</b> Commandant (CG-09224) U.S. Coast Guard Headquarters 2100 Second Street SW Washington, DC 20593 <a href="http://www.uscg.mil/history">www.uscg.mil/history</a></p>	

Information about units, or battles or military history can sometimes be located through standard online searches with an internet search engine.

## CLASSIFIED EVIDENCE

Certain evidence may be classified. In this situation, advocates may need to request information from the U.S. Army Joint Services Records Research Center (JSRRC) and/or the Defense Logistics Agency.

The JSRRC is designated as a Department of Defense Executive Agency to conduct military records research in support of veterans' inquiries related to post-traumatic stress disorder (PTSD) and other health related disability claims including Agent Orange. The JSRRC researches Army, Navy, Air Force and Coast Guard records containing historical information on individual units within these branches of service, including some unit reports and limited personnel records. Note that there is no specific form to request JSRRC records research. Advocates should clearly and concisely describe as much information as possible to help expedite the request.

**U.S. ARMY JOINT SERVICES RECORDS  
RESEARCH CENTER (JSRRC)**  
7701 Telegraph Road  
Kingman building, Room 2C08  
Alexandria, VA 22315-3802  
Telephone: (703) 428-6801  
Fax: (703) 428-6743  
[www.rmda.army.mil/jsrrc/RMDA-JSRRC-Division.html](http://www.rmda.army.mil/jsrrc/RMDA-JSRRC-Division.html)

Advocates may also need to make a Freedom of Information Act (FOIA) Request to the Defense Logistics Agency (DLA). There is no central DLA office that processes all FOIA requests; DLA is separated into FOIA Service Centers that respond to requests. Before sending a FOIA request advocates should determine which DLA FOIA Service Center is appropriate. When in doubt, advocates should contact the HQ DLA FOIA/Privacy Office. A FOIA request must be in writing via mail, fax or email. There are no special forms needed for making a FOIA request to the DLA.

**DEFENSE LOGISTICS AGENCY (DLA)**

DLA Headquarters

ATTN: DGA

8725 John J. Kingman Road, Suite 1644

Fort Belvoir, VA 22060-6221

Voice: (703) 767-5247; (703)-767-6183

Fax: (703) 767-6091

E-mail: [hq-foia@dla.mil](mailto:hq-foia@dla.mil)

[www.dla.mil/foia-privacy](http://www.dla.mil/foia-privacy)

[www.dla.mil/foia-privacy/Pages/FOIAPOCs.aspx](http://www.dla.mil/foia-privacy/Pages/FOIAPOCs.aspx)

## VA MEDICAL RECORDS



Treatment records from VA health facilities frequently play a crucial role in the development of a claim. More and more VSOs have access to VA medical records through the VA electronic storage system known as CAPRI. To be granted access to a veteran's record, the VSO must obtain

a signed VA Form 21-22, *Appointment of Veterans Service Organization as Claimant's Representative*, and must be sure that the veteran does not limit consent by checking any one or more of the boxes in Item 13, "Limitation of Consent". If one of the boxes is checked, CAPRI access will be denied.

Once access to a veteran's records is authorized, the VSO can view the records from any time period and from any medical facility, as long as the records are stored in CAPRI.

If not using CAPRI, VA Form 10-5345, *Request for and Authorization to Release Medical Records or Health Information*, can be used. The form requires that specific medical conditions be identified as well as specific time periods, and a "Purpose" for the request must be identified. No specific purpose is required but leaving the box empty will derail the request. Once signed and dated, the form is sent to the medical facility where the requested treatment took place.

## VA ELECTRONIC CLAIMS FOLDER

The VA has gone paperless: all new submissions are scanned and uploaded to the VA system and existing C-files are also being scanned. Once the C-file or some portion of it is uploaded, it is available to the representative in the **Veterans Benefits Management System (VBMS)** as an eFolder. For eFolders, once the Power of Attorney form is on-file with the VA, the representative will immediately have access to STRs and claims processing records. This will make it possible to confirm the documentation of in-service injuries in a timely manner, allowing the representative to know exactly what claims may have been submitted in the past and the result of such claims.

## PRIVATE MEDICAL RECORDS

Many veterans are treated at non-VA hospitals or non-VA medical facilities and these records must be obtained. The Health Information Portability and Accountability Act (HIPAA) requires medical facilities and practitioners to keep protected health information private. They may only release records with an authorization from the client that specifies the type and date of treatment. Some medical facilities require use of their own form. For example, Kaiser Permanente's request form can be found here:

[www.mydoctor.kaiserpermanente.org/ncal/Images/ROI%20v2\\_tcm28-620468.pdf](http://www.mydoctor.kaiserpermanente.org/ncal/Images/ROI%20v2_tcm28-620468.pdf).

A sample generic **Release of Information** form is included towards the end of this chapter.

## MEDICAL EVIDENCE

Medical treatises, medical dictionaries, the Diagnostic and Statistical Manual (DSM)-V, or other sources of reliable information on medical conditions can be crucial to a claim. Medical treatises can be difficult to obtain because the publishers often require payment, but there are reliable sources of medical information available



free of charge on the internet such as from the Mayo Clinic ([www.mayoclinic.org](http://www.mayoclinic.org)), the

National Institute of Health (NIH) ([www.nih.gov](http://www.nih.gov)), and the American Psychiatric Association (APA) ([www.psychiatry.org](http://www.psychiatry.org)). The National Center for PTSD ([www.PTSD.va.gov](http://www.PTSD.va.gov)) is an excellent source of information about PTSD.

## STATEMENTS

Statements from veterans, their friends and families, people with whom they serve, and from their doctors and psychologists can be essential and will be discussed in detail in Chapter 7.

## FACTUAL EVIDENCE

Factual research is also often needed, particularly when military records are unavailable to corroborate the occurrence of certain specific events essential to the veteran's claim. Sometimes veterans can remember only first names of "battle buddies" or need some help jogging their memories about key events, places, and dates. Performing internet research can often yield helpful information to confirm an event's occurrence or track down a fellow veteran who might be willing to write a statement.

## REVIEWING RECORDS

### REVIEWING MEDICAL RECORDS

Service medical records are a key factor in determining a service member's injuries sustained or conditions aggravated while on active duty. To become eligible for military service an entrance examination is conducted and any prior existing medical conditions are listed on the report of medical exam. Throughout the service member's obligation periodic report of medical exams are conducted. Also, at the end of a service member's active duty obligation a report of medical exam is conducted.



All medical records should be reviewed thoroughly, to look for any symptoms, diagnoses, or other evidence relevant to the veteran's claim. Advocates should note all relevant records, as

the records should be referenced in all statements in support of claims. Copies of relevant records should also be submitted with formal applications for benefits.

## KEY COMPONENTS OF SERVICE MEDICAL RECORDS

1. Report of Medical exam: this examination will provide a clinic evaluation, purpose of the examination (i.e. enlistment, re-enlistment, retirement, separation, new assignment), date of exam, measurements and other findings.
2. Chronological Record of Medical Care: this document consists of a patient's health record, reason for their appointment, history of present illness, past medical history, and physician's findings and course of treatment. Older versions are harder to read and often hand written.
3. Reports of x-ray findings, blood work, discharge summaries from surgery, hospitalization reports.



### ADVOCACY TIP

Don't forget to request and review private health records. Veterans may have seen private health providers both during and after their military service.

## REVIEWING PERSONNEL RECORDS

Personnel records are often overlooked in veterans benefits advocacy work, but can provide evidence essential to a claim for benefits. Personnel records are often particularly instructive for claims for mental health conditions such as PTSD.

Personnel records may indicate changes in behavior typical of service members developing mental health conditions like schizophrenia, psychosis, and PTSD. Individuals



### ADVOCACY TIP

Obtaining, reviewing, and marshaling relevant records and evidence is obligatory for any Discharge Upgrade application. Please refer to Chapter 20 for additional information and guidance on performing a thorough review of records for veterans seeking discharge upgrades. Information provided in that chapter can also be instructive in advocating for favorable character of discharge determinations for veterans.

with TBI may also demonstrate behavior changes.

Evidence of in-service physical injury or aggravation may also exist in personnel records. For example, if someone's physical training (PT) scores take a dive, it could be because the service member sustained an injury that impacted breathing, stamina, or mobility.

Just like reviewing medical records, personnel records should be reviewed thoroughly for evidence relevant to the veteran's claim. Advocates should note all relevant records, as the records should be referenced in all statements in support of claims. Copies of relevant records should also be submitted with formal applications for benefits.

## KEY COMPONENTS OF SERVICE PERSONNEL RECORDS

1. Enlistment documents. These records can be helpful for veterans claiming alcohol or drug dependence secondary to other service-connected conditions, because the enlistment documents include information about alcohol and drug use prior to enlistment.



2. Evaluations. Evaluations may demonstrate change in behavior, as discussed in the previous section. These documents may also be useful for character of discharge determination cases, as they may provide evidence of generally meritorious service.
3. Disciplinary actions. Just like evaluations, records of **non-judicial punishment** can also indicate behavior change indicative of a health condition.
4. Record of duty station. When evidence is needed to corroborate a veteran's presence at a particular location at a particular point in time, the information will almost always be available in the personnel records. This is important because relying on a DD214 to provide this information is generally insufficient.



## STUDY QUESTIONS

Using the assigned references and reading materials, answer the following questions:

1. What is the "Report of Separation" form called?
  - a. SF 180
  - b. SF 15
  - c. DD214
  - d. DD215
  
2. Where is the National Personnel Records Center (NPRC) located?
  - a. Los Angeles, CA
  - b. Washington DC
  - c. Seattle, WA
  - d. St. Louis, MO
  
3. What form is used when requesting records from the NPRC?
  - a. SF 15
  - b. VA 21-22
  - c. SF 180
  - d. DD 149
  
4. What are the two types of medical records?
  - a. Sensitive Medical Records.
  - b. Inpatient Hospitalization Records.
  - c. Military Personnel Records.
  - d. Outpatient Health Records.
  - e. B and D
  - f. A and C
  
5. What date was the fire at the NPRC?
  - a. February 6, 1972
  - b. July 12, 1973
  - c. October 7, 1964
  - d. January 17, 1968

6. The military medical records for Reserves and National Guard are available through the NPRC. (T/F)
7. What is an example(s) of Sensitive Medical Records that may require special handling?
  - a. Mental, psychoneurotic or personality discord.
  - b. Diagnosis or implications of sexual deviation.
  - c. Any illness that carries a uniformly unfavorable prognosis.
  - d. All of the above.
8. The "inpatient records" or "clinicals" are created by the military hospital or medical facility that treated the individual. (T/F)
9. A claimant must provide enough information to identify and locate the existing records including the time frame covered by the records. (T/F)