

NEW AND RELEVANT EVIDENCE TEST

Use a two-part test before placing a document in a Supplemental Claim packet.



QUESTION 1
Was it previously considered?

QUESTION 2
Does it prove or disprove a point?

TARGET
The prior reason for decision

REVIEW FIRST

A document can be new without being relevant, and relevant information can fail to be new. The Supplemental Claim standard requires both.

QUESTION 01 | IS IT NEW?

WAS THIS INFORMATION BEFORE THE VA?

YES

Likely new

A later medical opinion, newly obtained service record, new witness statement, or record not previously submitted or obtained.

NO

Not new

A duplicate document, the same opinion resubmitted, or a restatement that adds no information beyond what VA already considered.

CHK

Check the evidence list

Compare the prior decision's evidence section with submission receipts and the actual claims file when available.

QUESTION 02 | IS IT RELEVANT?

DOES IT ADDRESS A MATTER IN DISPUTE?

DX

Prior reason: no current disability

Relevant evidence may establish a current diagnosis, condition, or competent evidence of current impairment.

CURRENT EVIDENCE

EVT

Prior reason: no qualifying event or exposure

Relevant evidence may verify service, an incident, exposure, duty location, onset, or another qualifying basis.

SERVICE EVIDENCE

NEX

Prior reason: no medical link

Relevant evidence may provide a reasoned opinion addressing the exact direct, secondary-causation, or aggravation question.

MEDICAL LINK

RATE

Prior reason: higher rating criteria not shown

Relevant evidence may document frequency, duration, measurements, functional loss, treatment, or occupational impact under the current criteria.

SEVERITY EVIDENCE

PACKET CONTROL | EXPLAIN THE CONNECTION

USE A ONE-SENTENCE RELEVANCE LINK

Template: This evidence is new because VA did not previously consider it. It is relevant because it addresses the prior finding that [state the missing or disputed fact].

✓

Name the exact document

Include the author or facility and date.

✓

Quote or cite the useful part

Direct the reviewer to the page, finding, measurement, or reasoning.

✓

Keep the legal theory accurate

Do not use a direct nexus opinion to answer a secondary-aggravation question unless it actually addresses aggravation.

✓

Avoid document dumping

Exclude duplicates and unrelated records that obscure the material evidence.

EVIDENCE IS ISSUE-SPECIFIC

A record can be highly important medically but irrelevant to the fact the VA is being asked to decide. Tie each item to one disputed element.