



CASE LAW AND BOARD-DECISION RESEARCH

Did the VA Use Your Intent to File on the Wrong Claim?

What Hoffman reveals about a filing-date trap, premature promises, and the records that matter

RateMyVSO Research | Court and manual status checked September 1, 2026

Abstract

An intent to file can keep an earlier claim date. But what if the VA uses it on an older claim that already has a protected date? In *Hoffman v. Collins*, decided on August 24, 2026, the Court of Appeals for Veterans Claims did not accept this approach. The Court held that the VA cannot use up an ITF on a continuously pursued supplemental claim when doing so provides no effective-date benefit. The Court granted an earlier date for stroke residuals but needed more findings for erectile dysfunction and related special monthly compensation. RateMyVSO also looked at three earlier Board decisions that showed similar reasoning. One of these had an unresolved timeline issue. These cases suggest that this reasoning extended beyond Hoffman, but they do not indicate how often it happened. As of September 1, the ruling was precedential, but the case had not yet reached judgment or mandate. Three relevant public M21-1 sections still showed updates from before the opinion. The key task is to rebuild the filing sequence and see if this issue affected an award.

Highlights

- **The key is the intervening claim.** A continuously pursued supplemental claim may have an earlier protected application date. Therefore, it gains nothing from the intent to file.
- **Hoffman did not exempt every supplemental claim.** A qualifying supplemental claim can still benefit from an intent to file in some cases.
- **An earlier claim date does not guarantee earlier entitlement or a particular payment.** Hoffman's own appeal produced different remedies for different issues.
- **Precedent, finality, and implementation are separate.** An unfinished appeal or an unchanged manual doesn't erase a published panel holding.
- **Begin with records you can access.** Decision notices and filing receipts may raise questions to explore, even without the complete claims file.

He filed within the year. The VA said the earlier date was already used.

Robert F. Hoffman filed an intent to file on February 28, 2023. In July, within the one-year period, he submitted claims for stroke residuals and erectile dysfunction. His representative's cover letter asked the VA to use the February date. The VA granted service connection but assigned July 21, 2023, as the date of the completed application.

The obstacle was a May supplemental claim about other disabilities. The VA treated that filing as using the February intent to file. This made it unavailable for the July claims. The Board agreed with this reasoning in September 2024. From the Veteran's view, a date he tried to keep disappeared into a different filing. [Hoffman opinion, pp. 2–4](#)

There was a key issue: the May supplemental claim covered claims with original application dates before February. Continuous pursuit had already protected those earlier dates. The February intent to file didn't help the older claims. However, treating it as used stopped it from benefiting the new ones.



The Court rejected that result. The lesson is clear: **ask what the VA linked the intent to file to. Also, check if that link could improve the earlier claim's effective date.**

The filing sequence that drove the decision

Date	Filing or decision	Why it matters
Feb. 28, 2023	ITF received	Potential date for a later qualifying claim
May 11, 2023	Supplemental claim: kidney, hearing loss, and Meniere's issues	Continued older claims with protected application dates
July 21, 2023	New stroke-residuals and ED claims	Cover letter requested the February ITF date
December 2023	Awards assigned July 21, 2023	The VA treated the May filing as using the ITF
Sept. 26, 2024	Board denied earlier dates	Board upheld the first-filing reasoning
Aug. 24, 2026	Court rejected that treatment	Stroke date corrected; ED and related SMC remanded

February 28 and July 21, 2023, are 143 calendar days apart. This measures the gap between the disputed dates. It does not mean 143 days of compensation. The financial outcome depends on payment rules, entitlement findings, and the Veteran's overall award.

Two protections collided

An intent to file, or ITF, allows a claimant time to finish a qualifying application. It can also keep the earlier ITF date. However, it is not an award, a guarantee of service connection, or proof of entitlement on that date. The completed application usually must be submitted within one year. [The VA's intent-to-file explanation](#)

Continuous pursuit protects a different date. If a claimant uses timely review options after decisions on the same claim, the law can keep the original application date. The effective date still depends on when entitlement arose and any special rules that apply. Filing a supplemental claim doesn't mean starting the claim's history over. [38 U.S.C. § 5110\(a\)](#)

Hoffman dealt with the clash between protections. The VA treated the next supplemental claim as using the ITF, even though a better application date was already in place. Applying the ITF did not improve the older claim's date. The Veteran lost the chance to use the ITF for a later, timely claim.

The Court explained this setup was a trap. A Veteran may need time to prepare a new claim while an older claim approaches its review deadline. Filing the supplemental claim to protect the older one shouldn't force the Veteran to lose an ITF that adds no value to that claim. A regulation cannot remove statutory protection by giving a less favorable application date. [Hoffman, pp. 12–16](#)

Why the 2021 decision did not answer everything

In *Military-Veterans Advocacy v. Secretary of Veterans Affairs*, the Federal Circuit struck down the rule that excluded supplemental claims from the ITF framework. This is important because some supplemental claims can benefit from an ITF. Hoffman did not create a blanket exclusion.

Hoffman focused on the specific issue of continuously pursued supplemental claims. The Court noted that the 2021 case left some details for further review, and the VA had not completed the expected rulemaking. Just because supplemental claims fit within the framework does not mean an ITF should be wasted if it offers no effective-date benefit. [Hoffman, pp. 7–13](#)

Key question: Did the intervening supplemental claim have an earlier application date due to continuous pursuit, leaving the ITF without an effective-date benefit for that claim?



Hoffman won an earlier date, but not the same relief on every issue

For stroke residuals, the Court reversed the denial of an earlier effective date and sent the case back for assignment of February 28, 2023. The Board had already determined that the stroke occurred in 2018, before the ITF. This record supported the specific date correction ordered by the Court.

For erectile dysfunction, the record needed more work. The opinion noted inconsistent information about the onset and diagnosis. The Court would not make factual findings that were the Board's responsibility. It set aside the effective-date decision and remanded for those findings. Since special monthly compensation for loss of use of a creative organ depended on the erectile dysfunction date, that issue was included as well. The separate rating-level challenges were dismissed because Hoffman did not pursue them before the Court. [Hoffman, pp. 16–18](#)

This distinction is crucial for other Veterans. Removing the incorrect reason for denying an ITF date does not establish all the remaining facts needed for an award. A claim can have an earlier protected application date while entitlement starts later. A remand means further adjudication, not a guaranteed payment at the requested date.

The same reasoning appeared in other Board decisions

A targeted search of RateMyVSO's Board-decision corpus found more decisions using first-filing reasoning. For this Article, we retrieved the public decision texts and checked their timelines and explanations. Two provide clear comparisons. A third presents a relevant argument and its rejection, but it has a chronology issue that limits our conclusions.

Anxiety: the Board acknowledged the timely supplemental claim

In Citation A25066228, decided August 5, 2025, the Veteran filed an ITF on July 7, 2023. The decision describes an earlier June 2023 claim, subsequent October and November decisions, and a November supplemental claim concerning rhinitis and a right-knee disability. A later mental-health claim was received on December 27, 2023.

The Board noted that the supplemental claim came within one year of the decisions it challenged. However, it treated this filing as consuming the ITF. It denied an earlier date for the later award related to anxiety disorder, which included anxiety and depression. This is important because the timing issue is clear in the published decision. The published timeline shows that the supplemental claim was timely, yet the Board still treated it as consuming the ITF. [Citation A25066228](#)

Hearing loss: no benefit from the ITF, but the Board still treated it as used

Citation A26035355, decided April 15, 2026, is particularly direct. The Veteran filed an ITF on December 14, 2023. An earlier PTSD claim had begun in January 2023, with decisions in June 2023 and February 2024. A May 2024 supplemental claim continued that issue. A hearing-loss claim followed on November 15, 2024.

The Board acknowledged the continuous-pursuit point. It reasoned that the ITF was part of the supplemental claim, even if it offered no benefit. Then, it denied an earlier effective date for hearing loss. This explanation highlights the issue Hoffman later discussed: the ITF could be seen as unavailable for the new claim, but it wouldn't improve the older claim's protected date. [Citation A26035355](#)

Erectile dysfunction: a relevant argument, with an important source defect

In Citation A25097541, decided on November 10, 2025, the representative claimed that continuous pursuit protected an earlier date for an anxiety claim. They argued that a September 2022 ITF should still apply for a later erectile-dysfunction claim. The Board rejected this claim and considered a December 2022 supplemental filing as having used the ITF. [Citation A25097541](#)

The published chronology shows a June 2022 rating decision that assigned an effective date in September 2022. These dates do not align. We have not altered the year or reconstructed missing records. This case highlights that the continuous-pursuit argument was raised and rejected. It does not provide a complete verified filing chronology.



All three decisions came before Hoffman. They show similar reasoning in other cases. However, they do not demonstrate post-Hoffman noncompliance or how many Veterans were impacted. They also do not show that these decisions were reversed later. Published Board decisions focus on individual appeals and do not set binding precedent for other claims.

When YouTube gets ahead of the ruling

A new favorable decision deserves quick reporting. Veterans shouldn't wait for the VA to update a manual before hearing that a court has overturned an agency practice. The issue arises when specific rulings become exaggerated into universal promises.

One early video discussed in this Article shifts from a real ITF issue to sweeping claims about all future claims and millions of Veterans affected. The opinion and additional Board decisions do not support these broad statements. A documented example of repeated reasoning isn't an estimate of the entire population. The number of people with an ITF isn't the same as those who faced this specific issue.

Be careful with claims about back pay. Hoffman doesn't say that every supplemental claim leaves an ITF unaffected. It doesn't give money to everyone with an older ITF, nor does it automatically reopen final decisions. It also didn't order the same effective-date remedy for all issues in Hoffman's appeal.

YouTube videos can mislead by suggesting the legal dispute is fully resolved or that the VA has updated all instructions and systems. As of September 1, those statements go beyond what the public record shows. However, claiming the opinion has no precedential effect until it appears in M21-1 is also incorrect.

Useful coverage should identify the case, state the narrow holding, date its status check, and explain which facts a Veteran must establish. It should clearly separate what the Court ordered from the presenter's predictions. No one needs to downplay a favorable ruling to highlight these distinctions.

For viewers, the test is simple: does the video help you understand the relevant filing sequence and unanswered questions? Or does it make you believe that a payment is already owed? Reporting the opportunity is helpful. Promising a result before checking the records is premature.

A ruling, a final case, and an updated manual are different things

The opinion has precedential force

Hoffman is a published panel opinion from the Court of Appeals for Veterans Claims. These opinions set precedent, which is different from individual Board decisions. The Court's rules allow for suspending an opinion's precedential effect while a review is ongoing. This distinction wouldn't matter if an opinion had no precedential effect before the mandate. Our September 1 docket check found no order suspending Hoffman's precedential effect. [Court process](#); [Rule 8](#)

The appellate process was not finished at the check

The latest entry on the public Hoffman docket is the opinion from August 24. As of September 1, we found no judgment, reconsideration, full-Court motion, mandate, or notice of appeal in the record. This is simply a dated observation, not a guarantee that no party will seek further review. [Official docket, No. 24-7834](#)

At our September 1, 2026 status check, the public docket showed no judgment, mandate, reconsideration, or full-Court motion. The published panel opinion remained precedential, but the appellate process was not complete. Further review could change that status. [Rules 35](#), [36](#), and [41](#)

The public manual had not caught up in the sections examined

We checked the live public versions of three relevant M21-1 sections, including their article content and revision metadata. All three showed modification dates before the August 24 opinion. None of these versions contained a Hoffman-specific discussion.



Public M21-1 section	Subject	Last-modified date
II.iii.2.A	Intent to File	August 3, 2026
X.ii.2.A	Revision, including supplemental claims	May 29, 2025
V.ii.4.A	Effective Dates	April 2, 2026

This is stronger than checking a cached search result but narrower than certifying all VA activities. We didn't inspect every policy, training document, or claims system. The finding shows that these three public manual sections lack a post-Hoffman revision. This doesn't mean no employee received implementation instructions.

It's better to ask if the ruling has been *incorporated into M21-1 guidance* rather than if it's codified there. M21-1 is the VA's adjudication manual, not the United States Code. Its text does not determine if a court's ruling exists. The Board's own rules state it is not bound by department manuals. [38 CFR § 20.105](#)

Current position, September 1, 2026: A precedential opinion has been issued. Further appellate steps remain possible. The three relevant public manual sections checked still predate the opinion. Those facts can all be true at once.

Which filing histories deserve a closer look?

The main reason to review a record is when it has all these features: an ITF, an intervening supplemental claim with an earlier date protected by continuous pursuit, a later qualifying new claim within the ITF period, and a decision rejecting that earlier ITF date because the supplemental claim reportedly used it. The other entitlement facts and procedural details are still important.

A different scenario might not apply. Imagine an older claim is final, with no continuous pursuit protection left. If no other exception keeps an earlier date, a later qualifying supplemental claim could still get an earlier application date from an ITF. A qualifying supplemental claim can still benefit from an ITF. Hoffman does not mean that the same ITF then remains available for every later claim.

Don't judge continuous pursuit by just looking at one gap in the timeline. The M21-1 guidance notes that a timely ITF, followed by a qualifying supplemental claim, can keep continuous pursuit. This is true even if the supplemental claim is submitted over a year after the decision notice. Always check the history before marking a claim as final or dismissing an ITF as useless. [M21-1, X.ii.2.A.2.c](#)

There are other distinctions as well. The manual has a specific rule for multiple claims received on the same day. An ITF does not extend every review deadline, and a higher-level review isn't just a replacement for a supplemental claim. These details show why it's important to reconstruct the filing sequence. Don't delay an approaching deadline while looking for the perfect filing strategy.

Work from the records you have, then identify what is missing

Most Veterans can't easily access all internal documents or status entries in their claims file. A good first step is to recognize this limitation. Start with the ITF acknowledgment, saved submission confirmations, applications, review requests, and any decision notices you have. Record each issue separately, as one application or decision may cover multiple conditions with different histories.

Next, compare the effective date of the later award with the decision's explanation. Look for phrases that say an earlier claim was used, absorbed, or linked to the ITF. If the notice doesn't clarify this relationship, note it as an unanswered question. Remember, a brief notice or online status screen doesn't represent the full administrative record.



Consider asking an accredited representative with the right access to help you find missing filing records, the relevant rating decision, and the code sheet. Also, inquire about the specific claim the VA connected to the ITF and the earlier date that continuous pursuit preserved for that claim. Don't assume that every representative has immediate access to all items.

The VA offers a personal-records request using Form 20-10206. You can submit it online. This request helps in getting missing records, but it doesn't guarantee quick access. Keep a separate list of the records you request and the dates. **A records request is not a substitute for a required review filing and does not stop a deadline.**

[The VA's personal-records request form](#)

Your next filing depends on your case's status: waiting for a decision, within a review period, pending before the Board or Court, or already final. Bring the actual notice and dates to a qualified representative. This article doesn't recommend a specific review path or tell everyone to submit a supplemental claim.

A new opinion does not automatically reopen an old final decision

If the disputed effective date is final, the issue becomes trickier. Don't assume Hoffman alone proves clear and unmistakable error, or CUE. The regulation defines CUE narrowly. It excludes a correct application of law that later changes in interpretation. Determining which decision is final, what law applied, and what procedures are left requires careful analysis. [38 CFR § 3.105\(a\)\(1\)](#)

This warning doesn't mean a Veteran has no options. It warns against treating a new case announcement as a blanket instruction to reopen, file for CUE, or expect retroactive payment. A representative should review the actual decision and the right procedural path before the Veteran makes a request based on the wrong legal standard.

The useful takeaway is a question the VA should be able to answer

In Hoffman, the VA used the Veteran's intent to file (ITF) but gave no benefit. It then denied using that ITF date for a later claim. The supplemental claim's earlier effective date was protected by continuous pursuit. So, applying the ITF would not help. The Court rejected that outcome. The additional Board examples highlight why this issue merits further review beyond one Veteran's appeal.

When reviewing an award, start with three questions:

1. **Which claim did the VA apply my ITF to?**
2. **Did continuous pursuit already protect an application date earlier than my ITF for that claim?**
3. **Did the VA refuse my later claim the ITF date because it considered the ITF already used?**

The worksheet below helps you organize what your letters and filing records actually show, mark what remains unknown, and identify what you need to ask the VA to explain.



Filing-timeline worksheet

Personal preparation aid | Not an official claim or review form | Keep completed copies private

Use one copy for each later award you want to examine. Write “unknown” when a record is missing. Do not put a Social Security number or full claims-file number on this worksheet.

Later condition or benefit: _____

Effective date assigned: _____ Decision notice date: _____

Any current filing deadline, and who confirmed it: _____

Record the sequence

Record / event	Date from record	Copy held / requested / unknown
ITF acknowledgment	Date:	☐ Held ☐ Requested ☐ Unknown
Original claim behind the supplemental claim	Filed:	☐ Held ☐ Requested ☐ Unknown
Decision(s) on that older claim	Notice date(s):	☐ Held ☐ Requested ☐ Unknown
Intervening supplemental claim	Filed:	☐ Held ☐ Requested ☐ Unknown
Later new claim	Filed:	☐ Held ☐ Requested ☐ Unknown
Decision on the later award	Notice date:	☐ Held ☐ Requested ☐ Unknown

Questions for the representative reviewing the record

Which claim did the VA associate with the ITF?

What earlier application date did continuous pursuit protect?

Did the ITF improve that claim's date? Yes / No / Unknown. Basis:

What does the later decision say about refusing the ITF date?

Missing records and next step

Record needed / requested from / date requested:

Next action / person helping / target date:

Protect deadlines. This worksheet is for preparation only. It does not file a claim, request review, establish an effective date, or pause a deadline. Keep your submission receipts and seek individual advice about the proper review option.



Research method and limits

This Article combines analysis of a published court opinion with a purposive review of related Board decisions. It is not a representative sample or a statistical estimate. The earlier RateMyVSO research pass used targeted full-text searches combining ITF language, supplemental-claim language, continuous pursuit, and recurring first-claim reasoning. For this Article, we retrieved the official Hoffman opinion and docket, the underlying Board decision, and the three additional decisions discussed in the Article.

The unit described here is a published decision and its particular effective-date reasoning, not every issue within that decision and not every Veteran with an ITF. We distinguish two clear additional timeline comparisons from the third decision's relevant argument and unresolved chronology defect. We do not count broader keyword matches as affected claims. Other facially similar candidates are not included as confirmed comparisons.

The supporting Board decisions predate the Court's ruling. We did not obtain those Veterans' complete claims files or establish the subsequent appeal history of each decision. The decisions are illustrations, not proof that the underlying matters remain pending, are legally identical in every respect, or are now eligible for a particular remedy. No grant rate, agency-wide error rate, or affected-population estimate is presented.

The September 1 manual check used the live public KnowVA article service for the ITF, supplemental-claim revision, and effective-date sections. The findings cover the retrieved text and revision metadata of those sections only. The docket finding covers the entries visible in the public record at the check. Both findings are time-sensitive and reflect only the public materials available at that check. No claim is made that every internal implementation instruction was examined.

The YouTube discussion addresses assertions in a reader-supplied transcript. A channel identity, video URL, and publication date were not established from that transcript. We do not attribute its statements to a named creator or generalize them to all YouTubers. The Article evaluates the claims against the court record rather than treating a transcript as legal authority.

Educational use: This Article explains research and legal authorities. It is not individual legal advice. A Veteran's records, procedural history, deadlines, and current governing law determine the available options.



Primary sources and reading record

Court opinion, case record, and procedure

Hoffman v. Collins, No. 24-7834, August 24, 2026. [Official 29-page opinion](#). Facts: pp. 2–4. MVA background: pp. 7–13. Continuous-pursuit holding: pp. 12–16. Remedy: pp. 16–18. Judge Jaquith's concurrence in the judgment begins on p. 18.

Current case status. [Official CAVC docket, No. 24-7834](#). Retrieved September 1, 2026; latest listed entry August 24 opinion. This dated status may change.

Procedural distinctions. [The Court's process](#); [Rule 8, suspension of precedential effect](#); [Rule 35, reconsideration and full-Court review](#); [Rule 36, judgment](#); [Rule 41, mandate](#).

Military-Veterans Advocacy v. Secretary of Veterans Affairs, 7 F.4th 1110 (Fed. Cir. 2021). [Official opinion, ITF discussion at pp. 58–62](#). Read with Hoffman's later explanation of the unresolved continuous-pursuit interaction.

Published Board decisions

A24061072, September 26, 2024. [Hoffman's underlying Board decision](#), docket 240618-449690. Read together with the Court's later ruling; not current authority for the rejected ITF reasoning.

A25066228, August 5, 2025. [Anxiety effective-date decision](#). Timely intervening supplemental claim and later mental-health claim.

A26035355, April 15, 2026. [Hearing-loss effective-date decision](#). Express discussion of ITF absorption despite lack of benefit for the continuously pursued claim.

A25097541, November 10, 2025. [Erectile-dysfunction and SMC effective-date decision](#). Relevant argument and rejection; the published June/September 2022 chronology defect remains unresolved.

Manual sections checked live on September 1, 2026

M21-1, II.iii.2.A, Intent to File. [Public article 554400000174873](#). Version 23; last modified August 3, 2026. Includes the separate same-day claims rule at II.iii.2.A.1.h.

M21-1, X.ii.2.A, Revision Based on Specific Types of Submissions, Including Supplemental Claims. [Public article 554400000177963](#). Version 13; last modified May 29, 2025. See 2.b–c and 3.b for qualifying supplemental claims and continuous pursuit.

M21-1, V.ii.4.A, Effective Dates. [Public article 554400000180492](#). Version 20; last modified April 2, 2026. Retrieved article text and metadata retained with the research files.

Law and practical resources

[38 U.S.C. § 5110\(a\)](#), effective dates and continuous pursuit; [38 CFR § 20.105](#), authorities binding the Board; [38 CFR § 3.105\(a\)\(1\)](#), final decisions and CUE limits. Cornell links reproduce the legal text; they are not commentary relied upon for the holding.

[The VA's ITF explanation](#); [decision-review overview](#); [personal-records request, Form 20-10206](#). General resources do not replace the instructions and deadlines applicable to an individual decision.