

When does 38 USC § 1151 apply?

You may qualify for compensation as if service-connected if VA medical care caused:

- ✓ A new disability**
- ✓ A worsening of an existing disability**
- ✓ Additional complications**
- ✓ Delayed diagnosis that allowed the condition to progress**
- ✓ Injury caused by negligence, missed follow-ups, improper treatment**
- ✓ Harm from incorrect medication**
- ✓ Failure to diagnose or monitor a serious condition**

To win an 1151 claim, you need to show:

- 1. You received VA care.**
(appointment, surgery, medication, exam, etc.)
- 2. Something went wrong.**
Negligence, error, failure to act, ignored symptoms, missed referral.
- 3. That action or inaction caused harm or worsening.**
- 4. You have evidence showing the change.**
Logs, MyHealthVet timeline, ER visits, symptom trackers, etc.

Examples of valid 1151 issues

- **VA ignored repeated complaints until cancer progressed**
- **VA prescribed medication causing injury or severe side effects**
- **VA failed to order imaging that would have caught disease progression**
- **VA cancelled or failed to schedule necessary follow-ups**
- **VA delayed specialist referral leading to permanent harm**

1151 Language to Use

Version A: Basic & Direct

“I believe I qualify for compensation under 38 USC § 1151 because my VA medical treatment resulted in additional disability. The worsening of my condition occurred after VA failed to provide proper follow-up, evaluation, and timely diagnosis.”

Version B: Detailed

“My condition worsened as a direct result of VA’s failure to provide adequate medical care. Despite reporting symptoms on multiple occasions, no appropriate diagnostic testing or referrals were ordered. This delay allowed my condition to progress, causing additional disability that would not have occurred with proper treatment.”

Version C: For delayed diagnosis cases

“I am filing under 38 USC § 1151 due to VA’s failure to timely diagnose and treat my condition. The prolonged delay resulted in significant worsening, increased pain, functional limitations, and the need for more aggressive treatment. This harm is directly attributable to VA’s negligence.”

Use this final sentence in every 1151 claim:

“This additional disability should be compensated as if service-connected under 38 USC § 1151.”

1151 INCIDENT SUMMARY TEMPLATE

38 USC § 1151 Incident Report

Veteran: _____

VA Facility: _____

Date of Incident: _____

1. What Happened

2. How VA Care Caused Harm

3. Worsening Symptoms

4. Missed or Delayed Follow-Up

DELAYED DIAGNOSIS TIMELINE

Date	Symptom Reported	VA Response	Delay Length	Impact
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MEDICATION REACTION TRACKER

Medication	Dosage	Start Date	Reaction	Severity	Notes
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PROVIDER FOLLOW-UP FAILURE CHECKLIST

Check all that apply:

- VA failed to order needed testing
- VA failed to schedule follow-up
- VA ignored documented symptoms
- VA discontinued medication without explanation
- Referral was never processed
- Provider dismissed concerns

WORSENING DOCUMENTATION LOG

(Track how VA care caused measurable decline)

Veteran Name: _____

VA File Number: _____

Condition Being Tracked: _____

Instructions:

Use this form to record worsening symptoms linked to VA treatment delays, missed follow-ups, medication errors, or improper care.

Date	Symptom or Condition Worsened	What Triggered It (missed follow-up, wrong dose, no exam, etc.)	Severity (0–10)	Functional Impact	Notes
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Functional Impact Examples:

- Unable to walk long distances
- Increased pain requiring medication
- New fall risk
- Interference with work or ADLs
- Hospital or ER visit
- New psychological distress

This log is your “paper trail.”

It proves your condition worsened because the VA didn’t act.

