



BALDWIN ADVOCACY & CLAIMS

DVA Claim Knocked Back? Reviews and Appeals Explained

What to do when DVA says no. The review pathway, the time limits that actually matter, and why evidence wins more appeals than arguments do.

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REVIEWED AGAINST DVA SOURCES ON 11 SEPTEMBER 2026.

DVA said no. Or DVA said yes, but at a number that doesn't match what your body is telling you. Either way, that letter is a decision made by one delegate on the evidence in front of them at the time. It is not the final word. This is how the review system works and what turns a decision around.

A Knockback is a Decision, Not a Verdict

A rejected claim stings, and it's easy to take it as the system's final answer about you.

It isn't. DVA's own guidance says liability is decided on the evidence provided to support the claim. Thin evidence gets a thin decision. Better evidence gets a different one. That's the whole game.

It's not only rejections. The Veterans' Review Board (VRB) can also review the rate of a Disability Compensation Payment and the amount of Permanent Impairment compensation, and a VRB decision can go on to the Administrative Review Tribunal (ART). Income support decisions like service pension have a separate review route; this guide covers compensation.

Read the Reasons Before You Do Anything

The decision letter is the most important document you have. It gives the reasons, and DVA says the appeal rights in that letter are where to find the pathway and time limit that apply to you. If you don't understand it, DVA says you can talk to them or to an ex-service organisation (ESO).

Read them slowly. In my experience the problem is almost never the condition itself. It's the link to service: a Statement of Principles (SoP) factor that wasn't shown to be met, a specialist report that never answered the question DVA asks.

BAC tip: write down the date you received the letter. DVA's VRB page counts the limit from the date you receive notice, but its Single Review Pathway page counts the DRCA limit from the date of the decision itself. Treat the date printed on the letter as the start and apply early.

The Pathway: Primary Decision, VRB, ART

Since 1 July 2026 every new claim is decided under the Military Rehabilitation and Compensation Act 2004 (MRCA), and the review path is the same for everyone. Three stages.

1. The primary decision

A DVA delegate decides your claim on the evidence in the file. Everything after this is a review of that decision, so if you haven't lodged yet, read [how to make a DVA claim](#) and build the file properly.

2. The Veterans' Review Board (VRB)

A specialist tribunal, independent from DVA. It does a merit review: a fresh look at the facts, the law and the policy, then its own decision. For an MRCA decision you have 12 months from the date you receive notice of the decision. You apply directly to the VRB, not through DVA: online through vrb.gov.au, by email or by post. You must state why you disagree and attach any additional evidence. The review is free.

3. The Administrative Review Tribunal (ART)

If you don't agree with the VRB, you can apply to the ART, formerly the Administrative Appeals Tribunal (AAT). For MRCA and Veterans' Entitlements Act 1986 (VEA) matters you must lodge within 3 months of receiving the VRB decision. It may accept an application up to 12 months after the decision, at its discretion, and a late acceptance can affect backdating. The ART can affirm, vary, set aside or send a decision back to DVA. No fees apply.

Older decisions and the 21 April 2025 change

Before 21 April 2025, a decision under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA) was reconsidered internally by DVA and then went to the ART. From 21 April 2025, under what DVA calls the Single Review Pathway, DRCA decisions go to the VRB first, then the ART. DVA describes the VRB as more veteran-friendly and less adversarial than the ART.

DRCA decision made on or after 21 April 2025: 12 months from the decision (DVA's pages differ on whether that runs from the decision date or the day you receive it, so work from the earlier date), then 3 months from receiving the VRB decision to the ART.

DRCA decision made before 21 April 2025: the old route still applies. 30 days to request a reconsideration from DVA, then 60 days from the reconsideration decision to apply to the ART.

VEA decision: 12 months from receiving notice for an entitlement decision (but maximum arrears only if you apply within 3 months), and 3 months for the rate of pension or attendant allowance.

In every case, the letter wins. Apply early.

What a VRB Hearing is Like

People hear "tribunal" and picture a courtroom. It isn't that. The VRB invites you to a hearing where three members look over your case: a senior member, a member and a services member. They may ask clarifying questions. They review every document in your case and land on the legally correct decision, or if there's more than one, the preferable one.

Not everything reaches a hearing. The VRB's Alternative Dispute Resolution (ADR) program starts with a mandatory outreach, and some applications are finalised there. If yours is not, you keep your right to a hearing.

Who can sit next to you: a friend or family member, an advocate, or someone from an ESO. People with legal qualifications cannot represent you at a VRB hearing. They can help you prepare, not represent you. DVA may reimburse some medical document and travel costs, but not legal advice or representation.

Evidence Beats Argument

Because the VRB takes a fresh look at the facts, the job is not to prove the delegate was a dill. The job is to put a better file in front of the Board than the delegate had. DVA's own instructions are to state why you disagree and attach additional evidence.

In practice: a specialist report that speaks directly to the SoP factors. Service records that show the exposure or the incident. Either is worth more than three pages about how unfair the decision was. Seriously.

One thing in your favour: if the Repatriation Medical Authority updates the SoP for your condition between the primary decision and the reviewable decision, the version most beneficial to you is the one applied. Sometimes time is on your side.

BAC tip: before you lodge, ask: what evidence do I have now that DVA didn't have when it decided? If the honest answer is "none", go and get some first, then lodge well inside the time limit.

Worsening vs Appeal: Sometimes a New Claim is the Better Move

If the fight is about how many impairment points you got, not whether the condition was accepted, think before you appeal. An appeal argues the decision was wrong on the evidence at the time. A worsening claim says the condition is worse now. Different questions, different evidence.

Since 1 July 2026 a worsening claim is an MRCA **Permanent Impairment** (PI) claim, and the rule is an increase of at least 5 impairment points under GARP M, the Guide to Determining Impairment and Compensation, since your last assessment. If your conditions were compensated under the VEA or DRCA, DVA first translates the old rating into a GARP M baseline and measures the 5 points from there. And the choice to take new PI as a lump sum is final, so get advice first.

Which route is right depends on your letter, your condition and the time limits still open. That's a free-consult conversation.

What BAC Does and Does Not Do

BAC is not a law firm and I don't provide legal representation. DVA's own claims guidance lists requesting reviews, appealing decisions and acting as a support person in hearings as things an advocate can help with, and at the VRB an advocate is one of the people you're allowed to bring.

So I work the primary claim and the VRB stage. The ART is a different beast. DVA's VETS Act page says veterans will need legal representation there, while DVA's ART page lists a veterans' advocate, a family member or friend, a lawyer or Legal Aid as people who can help, and says Legal Aid may be available when the ART is reviewing a VRB decision. If it goes that far I'll tell you straight and help you find the right help.

How BAC Can Help

Bring me the letter. I'll read the reasons, tell you straight whether a review or a worsening claim is the better move, and get the evidence that was missing the first time. I prepare the VRB application, keep you inside the time limit, and sit beside you at the hearing.

Fixed fee. No percentage cuts. You know what it costs before we start, and every dollar of your entitlement stays yours.



Ready to Get Started?

Book a free, no-obligation chat with me. No sales pitch, no pressure.
Just a straight conversation about your situation and what you might
be entitled to.

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