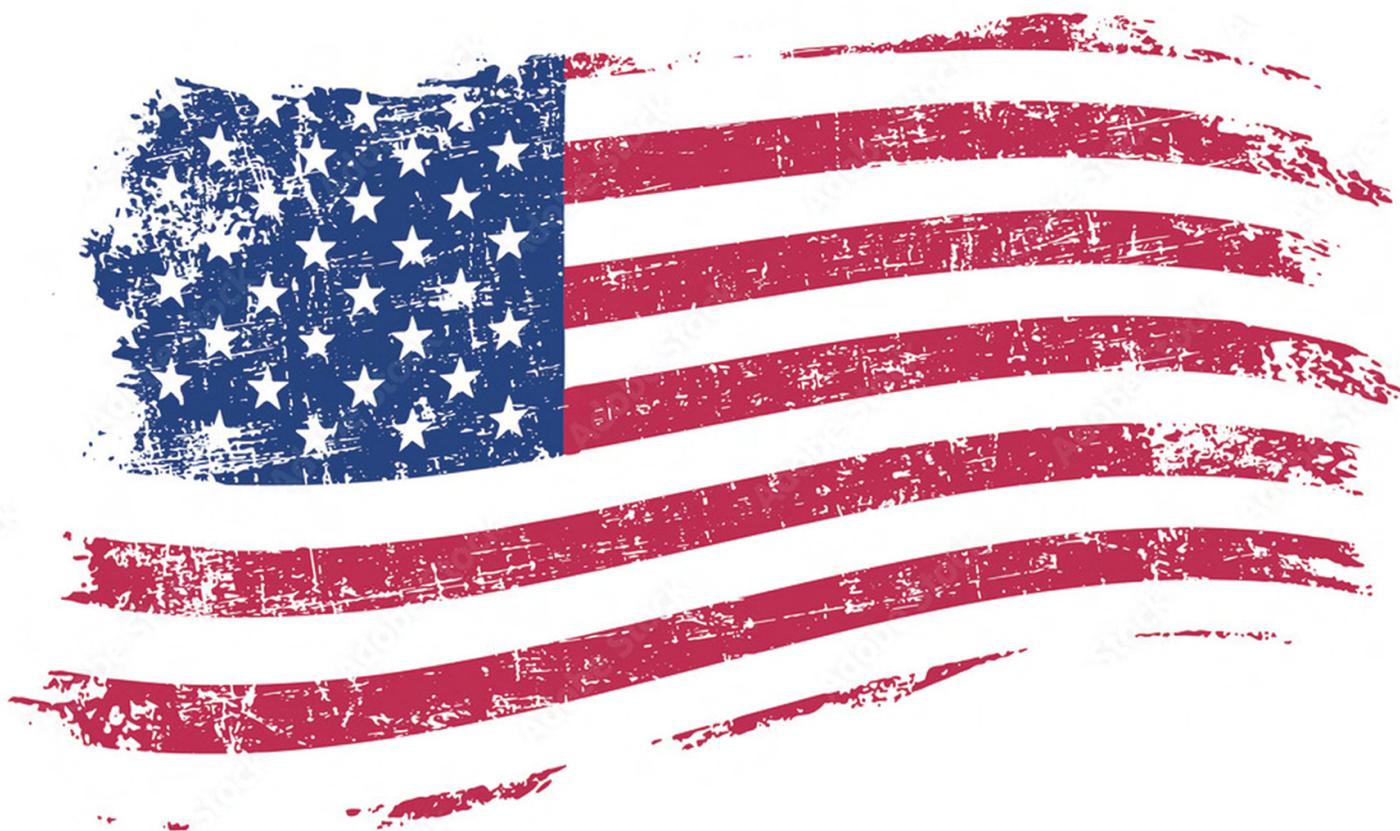


THE ULTIMATE GUIDE TO A 100% VA RATING WITH TDIU



**Veterans
Help Group**



WHAT IS TDIU?

Total Disability based on Individual Unemployability is a benefit provided by the Department of Veterans Affairs that allows disabled veterans who are unable to work due to a service-connected disability (or disabilities) to receive disability compensation that is payable at the 100% level.

WHO IS ELIGIBLE FOR TDIU?

Any veteran who is essentially honorably discharged (including a general discharge) and is unable to obtain or maintain a substantially gainful occupation due to a service-connected disability.

WHAT DOES IT MEAN TO BE “UNABLE TO SECURE SUBSTANTIALLY GAINFUL EMPLOYMENT”?

There are two components to the phrase “unable to secure substantially gainful employment”: economic and noneconomic.

The economic component refers to the veteran’s ability to earn more than the federal poverty threshold for single person. Currently, the federal poverty threshold is \$12,760 and increases slightly for any dependents.

The noneconomic component involves what the VA must assess in determining if a veteran can actually work which includes:

- Veteran’s history and education, skills and training
- Whether the veteran has the physical ability to perform the type of activities required by the occupation at issue- including limitations on lifting, bending, sitting, standing, walking, etc. as well as auditory and visual limits.
- Whether the veteran has the mental ability to perform activities required by the occupation at issue- including limitations on memory, concentration, ability to adapt to change, handle workplace stress, get along with coworkers and demonstrate reliability and productivity

HOW DO YOU PROVE TDIU?

When the VA evaluates a claim for TDIU, it first looks at whether the veteran meets the regular schedular requirements:

One Service-Connected condition- that condition must be rated 60% or more. For example, veteran is rated 60% for PTSD.

Two or More Service-Connected Conditions- at least one condition must be rated at 40% or more. The combined ratings of disabilities must at least equal to 70%. For example, veteran is rated 40% for his knee, 30% for asthma and 30% for heart. The veterans combined rating is 70%.



IMPORTANT THINGS TO REMEMBER ABOUT THE SCHEDULAR REQUIREMENTS FOR TDIU

1. When making a determination on TDIU, the VA can only consider disabilities that have been services connected.
2. The VA cannot consider any non-service-connected disabilities when making a determination for TDIU. Even if the veteran is receiving worker's compensation or Social Security Disability benefits for an injury, if the injury is not service connected the VA is unable to consider it.
3. The age of the veterans is not a factor when qualifying for TDIU.

HOW DO YOU APPLY FOR TDIU?

To apply for TDIU, veterans must complete VA Form 21-8940: Veterans Application Based on Unemployability and submit it to the VA. This submission can be done online, mailed, faxed, completed in person at a local Regional Office, or with the assistance of a VA accredited representative.

WHAT EVIDENCE IS NEEDED TO TDIU?

To get TDIU benefits, the evidence must show that the veteran cannot work due to a service-connected disability. Evidence supporting the claim includes but is not limited to:

- Lay & Buddy Statements- Letters from the veteran and coworkers
- Statement from previous employers- Veteran's education and work history
- Records of participation in vocational rehabilitation programs (if applicable)
- Earning statements, paystubs, tax returns or a Social Security earning record

Can you get TDIU without a 70% rating?

If a veteran does not meet the 60% single disability or 70% combined disabilities requirement, the VA still allows for TDIU. The VA recognizes that some veterans cannot work because of their service-connected disabilities even when they do not meet the schedular requirements. This is referred to as extraschedular TDIU.

What is Extraschedular rating?

An extraschedular VA disability rating is one that grants a veteran a higher rating than they would receive based on the standard rating schedule by the VA. Extraschedular ratings are assigned when the rating criteria for a veteran's disability does not accurately reflect their level of disability.

Can I work while on TDIU?

TDIU benefits are reserved for veterans whose service-connected disabilities prevent them from obtaining and maintain substantially gainful employment. However, there are two situations where a veteran may be employed and still qualify for TDIU:

Marginal employment- Veterans who are currently working but earn below the federal poverty threshold.

Protected or sheltered work environment- when special accommodations are made by an employer to allow a veteran to work with no reduction in pay or benefits.

Can you collect TDIU and Social Security benefits?

Veterans can collect both full Social Security Disability (SSDI) and TDIU benefits. SSDI is the Social Security Administration disability program for those who have worked over the last few years. For those that have not worked the last few years, there is a program called Supplemental Security Income (SSI). Any money a veteran received from TDIU is subject to offset the payment of SSI pay. A veteran can also collect SSA retirement benefits and TDIU.

Is TDIU permanent?

TDIU is not automatically permanent. The VA may send a veteran to periodic medical exams to evaluate whether TDIU is still warranted. However, the VA cannot just take TDIU away without justification. If the VA determines a veteran is now employable, it must first issue a proposed notice of reduction. This notice gives a veteran 60 days to submit evidence to show that their condition has not improved. If the veteran submits evidence within the first 60 days' notice timeframe, the VA may send the veteran for re-examination. The VA will then review all new evidence, including the re-examination and issue a final rating decision. This rating decision starts another new 60 day period in which the reduction will go into effect on the last day of the month of the rating decision.

When can the VA reduce or take away your TDIU?

The VA may propose to terminate a veteran's TDIU benefits for multiple reasons:

- Veterans who receive TDIU benefits are required to submit VA Form 21-4140 annually. If veterans do not submit this form, their benefits may be subject to reduction or termination
- If a veteran's ability to maintain substantially gainful employment changes and they are able to work
- If a veteran's service-connected condition(s) have improved, warranting a lower rating.

ABOUT US

At Veterans Help Group our goal is to make every veteran's experience personal to their circumstances. Our professional team is dedicated to altering living conditions for veterans for the better. Through our professional and volunteer work, we actively seek to improve the lives of veterans. If you want to find out more about what our team can do for you, contact us today.

WE MAKE IT AS EASY AS 1,2,3.

AND YOU WONT PAY A PENNY UNLESS WE WIN YOUR CASE!

- **WE INVESTIGATE** - We start with a one-on-one consultation to learn about your case. We gather all the necessary documentation and evidence we'll need to win your case.
- **WE TAKE ACTION** - We build a strategy based on over 30 years of successfully winning cases. We then work directly with the VA on your behalf, following through, and communicating with you every step of the way.
- **WE FIND THE RESOLUTION** - We have a 95% success rate in winning cases. We continue to work though the red-tape and battle the VA if necessary until we get the resolution you deserve.

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