

FRAUD AND SERVICE-ELIGIBILITY EXCEPTIONS



The ten-year and twenty-year rules do not use identical exception language.

TEN-YEAR RULE Two stated exceptions	TWENTY-YEAR RULE Fraud exception	DO NOT ASSUME Every alleged error defeats protection
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RULE FILE

Exception language must be tied to the correct protection. An ordinary disagreement, new medical opinion, or later change in severity is not automatically fraud and does not automatically defeat a protected status.

EXCEPTION 01 | TEN-YEAR RULE

PROTECTION OF SERVICE CONNECTION

FRAUD

Original grant based on fraud

Section 3.957 does not protect a service-connection grant based on fraud.

SERVICE

Requisite service

Military records may clearly show the person did not have the required service.

DISCHARGE

Character of discharge

Military records may clearly show the person did not have a qualifying character of discharge.

EXCEPTION 02 | TWENTY-YEAR RULE

PROTECTION OF THE EVALUATION FLOOR

FRAUD

Rating based on fraud

Section 3.951(b) identifies fraud as the exception to the continuously held twenty-year evaluation floor.

NOT ERROR

Not every rating error

The rule does not list ordinary adjudicative disagreement as an exception to the protected floor.

NOT CHANGE

Not later improvement alone

Later medical improvement does not by itself authorize reduction below the twenty-year floor.

EXCEPTION 03 | DUE PROCESS

AN EXCEPTION ALLEGATION STILL REQUIRES PRECISION

NOTICE

Read the exact allegation

Identify whether VA alleges fraud, service ineligibility, character of discharge, CUE, or medical improvement.

SOURCE

Check the cited record

Obtain the military, medical, adjudicative, or investigative material VA says supports the exception.

RESPOND

Answer issue by issue

Do not let a broad accusation substitute for the specific standard and procedural path that applies.

DO NOT MERGE EXCEPTIONS

The ten-year service-connection rule and twenty-year evaluation rule protect different things and contain different exception language.

