

TDIU REDUCTION PROTECTION

Actual employability, clear and convincing evidence, and the twelve-month work safeguard.



GOVERNMENT SHOWING
Actual employability

EVIDENCE STANDARD
Clear and convincing

WORK SAFEGUARD
Twelve consecutive months

RULE FILE

TDIU reduction uses a separate employability analysis. Work activity, rehabilitation, education, and temporary interruptions must be evaluated under the specific rules in 38 CFR 3.343(c).

TDIU 01 | CORE PROTECTION

WHAT VA MUST SHOW

ACTUAL

Actual employability

The record must establish actual employability, not merely an abstract ability or isolated activity.

CLEAR

Clear and convincing evidence

Section 3.343(c)(1) assigns this heightened evidentiary standard.

NOTICE

Reduction procedure

Section 3.105(e) applies when VA reduces total compensation based on individual unemployability.

TDIU 02 | WORK ACTIVITY

THE TWELVE-MONTH SAFEGUARD

START

Substantially gainful occupation begins

Starting work does not by itself permit immediate reduction solely on that basis.

Track the actual start date

12

Occupation maintained

The work must be maintained for twelve consecutive months before it alone can support TDIU reduction.

Short temporary interruptions do not break continuity

REVIEW

VA evaluates actual employability

Income, duties, accommodations, stability, and other evidence remain relevant to the employability determination.

Work facts matter

TDIU 03 | TRAINING AND REHABILITATION

PARTICIPATION IS NOT AUTOMATIC PROOF OF EMPLOYABILITY

VR&E

Vocational rehabilitation

Participation alone does not authorize reduction unless the regulatory evidence shows marked improvement, recovery, or affirmative vocational capacity.

EDU

Education or training

Course attendance must be evaluated with progress, income, prospects, and the physical or mental demands of training.

THERAPY

Therapeutic activity

Participation or remuneration under the identified therapeutic or rehabilitation program is not evidence of employability.

TRACK THE WORK FACTS

Keep pay records, hours, duties, accommodations, protected-work details, interruptions, leave, and the reason employment ended or continued.

