

TDIU CLAIM IN ONE PAGE

INDIVIDUAL UNEMPLOYABILITY

EMPLOYMENT CASE FILE

TDIU pays at the 100 percent rate when service-connected disabilities prevent securing and following substantially gainful employment.

01 What the record must establish

01 SERVICE-CONNECTED LIMITATIONS

Only functional limitations caused by service-connected disabilities support TDIU.

02 WORK CAPACITY

Explain why physical and mental limitations prevent substantially gainful work.

03 INDIVIDUAL CIRCUMSTANCES

VA considers education, training, skills, and work history, but not age or nonservice-connected disability.

04 CONSISTENT RECORD

Forms, examinations, treatment notes, employer information, and statements should describe the same barriers.

02 Two routes under 38 C.F.R. 4.16

SCHEDULAR 4.16(A)

One disability at 60 percent, or a combined 70 percent with at least one qualifying disability at 40 percent.

COUNT-AS-ONE RULES

Certain disabilities may be combined for threshold purposes when they share a common origin, body system, or other listed relationship.

EXTRASCHEDULAR 4.16(B)

Below the percentage thresholds, VA may refer the case when service-connected disabilities still prevent gainful employment.

MARGINAL EMPLOYMENT

Income and the facts of a protected environment can keep work from being substantially gainful.

03 Build one connected evidence record

1 VA FORM 21-8940

Provide complete dates, earnings, duties, time lost, education, training, and disability information.

2 EMPLOYER EVIDENCE

VA Form 21-4192, attendance, accommodations, reduced duties, discipline, and termination facts may help.

3 MEDICAL EVIDENCE

Translate symptoms into sitting, standing, lifting, pace, concentration, attendance, and interaction limits.

4 VOCATIONAL EVIDENCE

A reasoned vocational assessment can connect the complete disability picture to realistic work demands.

5 EARNINGS EVIDENCE

Use tax records, wage statements, or self-employment records when marginal employment is at issue.

THE RECORD SHOULD EXPLAIN

Why these facts support this veteran's claim

- What evidence was reviewed
- When the condition and limitations began
- Which legal or medical pathway applies
- How competing explanations were addressed

Unemployment alone does not establish TDIU. Meeting the percentage threshold does not establish unemployability, and falling below it does not end the analysis.

04 Questions VA must answer

SECURE

Can the veteran realistically obtain substantially gainful work?

FOLLOW

Can the veteran maintain it with acceptable reliability, pace, attendance, and performance?

PHYSICAL

What exertional and nonexertional functions are limited?

MENTAL

What concentration, adaptation, interaction, and stress-tolerance functions are limited?

05 Before you file

✓ 21-8940 complete and consistent

✓ Education and training documented

✓ Physical work limits described

✓ Scheduling route calculated

✓ Employment history verified

✓ Income and marginal-work evidence included

✓ Mental work limits described

✓ Effective date and SMC-S reviewed

