



INDIVIDUAL UNEMPLOYABILITY

COMMON TDIU CLAIM MISTAKES

These are practical record-development problems, not statistical denial rankings.

38 C.F.R. 4.16

QUALITY CONTROL

PROBLEMS THAT CAN WEAKEN THE RECORD

1

TREATING THE THRESHOLD AS THE MERITS

A qualifying rating percentage does not prove inability to secure and follow substantially gainful work.

2

LISTING DIAGNOSES WITHOUT FUNCTIONS

Show how service-connected symptoms affect actual work demands.

3

INCONSISTENT WORK HISTORY

Conflicting dates, earnings, hours, or reasons for leaving create avoidable questions.

4

IGNORING EDUCATION AND SKILLS

The analysis is individualized, so education, training, and transferable skills matter.

5

OVERLOOKING MARGINAL WORK

Employment does not automatically defeat TDIU when income or the work environment may be marginal.

6

USING AGE OR NONSERVICE-CONNECTED DISABILITY

Those factors are not bases for a TDIU award.

7

ASSUMING EMPLOYER NONRESPONSE ENDS THE CLAIM

Explain the gap and submit other available employment evidence.

8

USING ABSOLUTE OR EXAGGERATED LANGUAGE

Accurate detail and consistent examples are more useful than unsupported conclusions.

