



INDIVIDUAL UNEMPLOYABILITY

TDIU

EFFECTIVE DATE ROADMAP

The earliest date depends on the claim stream, when unemployability was raised, and when entitlement became factually ascertainable.

38 C.F.R. 4.16

REVIEW THE TIMELINE

DO NOT START ONLY WITH THE 21-8940 DATE

1

Identify the underlying rating claim

Under Rice, TDIU may be part of an initial or increased-rating claim when unemployability is raised by the record.

2

Find the earliest pending claim or review stream

Check continuity, appeal choices, supplemental claims, and finality under the system that applies.

3

Find when entitlement arose

Identify when service-connected disabilities first prevented substantially gainful employment.

4

Apply the increased-rating timing rule where applicable

A factually ascertainable increase within the one-year period before receipt may matter under 3.400(o).

5

Check service-connection effective dates

TDIU cannot precede service connection for the disability or disabilities supporting it.

6

Use the later-date rule carefully

The controlling date is fact-specific and should be reviewed against the complete procedural record.

TIMELINE ISSUE

AMA review choices can affect which rating issue and period are before the adjudicator. Effective-date analysis should be claim-stream specific.

