



INDIVIDUAL UNEMPLOYABILITY

SCHEDULAR VERSUS EXTRASCHEDULAR TDIU

Both routes apply the same central question about substantially gainful employment.

38 C.F.R. 4.16

ROUTE COMPARISON

WHAT CHANGES AND WHAT DOES NOT

4.16(a) SCHEDULAR

- Percentage threshold is met
- VA adjudicates entitlement using the full record
- Threshold alone does not guarantee an award

4.16(b) EXTRASCHEDULAR

- Percentage threshold is not met
- Evidence may support referral to the Director, Compensation Service
- Below-threshold ratings do not bar TDIU

SHARED MERITS QUESTION

THE SAME EVIDENCE THEMES MATTER

1

ECONOMIC COMPONENT

Can the veteran earn more than marginal income in qualifying work?

2

NONECONOMIC COMPONENT

Do service-connected limitations permit the acts required by substantially gainful work?

3

INDIVIDUAL BACKGROUND

Work history, education, training, and skills inform the functional analysis.

4

NO AGE FACTOR

Age and impairment from nonservice-connected disabilities are not bases for TDIU.