

## **Veterans may qualify for Total Disability Individual Unemployability Benefits**

Many injuries sustained during combat can qualify veterans for disability benefits under the law, especially when it comes to employment. In some cases, however a veteran's disability is not severe enough to qualify for a 100 percent rating under the Veteran Administration's (VA) rating schedule. This is especially tragic when the veteran cannot obtain or hold a job because of their disability.

Fortunately there is a VA benefit to address the situation of Individual Unemployability. The benefit known as Total Disability due to Individual Unemployability (TDIU) grants veterans the equivalent of a 100 percent disability rating under the VA rating schedule. This allows the veterans to receive payment for 100 percent disability status even though their "true rating" is something less than 100 percent.

The rating system works by determining a veteran's service-connected disability status on a percentage scale. Disability ratings are based on the average impairment of a veterans earning capacity, meaning the more severe a veterans disability, the greater impact it has on their ability to find and maintain work.

In order to qualify for TDIU benefits, a veteran's service-connected disabilities must meet three minimum rating thresholds, including:

- (1) If the veterans has only one service-connected disability, it must be rated at least 60 percent or higher
- (2) If the veterans has two or more service-connected disabilities, at least one of those disabilities must be rated at 40 percent or higher, and, after factoring in the ratings for other disabilities, the veteran's combined disability rating must be 70 percent or higher
- (3) If the veteran is unemployable on the basis of one or more of their service-connected disabilities

Entitlement to TDIU generally requires evidence of unemployment due to the disability in question (an employment history or employee records) and medical evidence of a service-connected disability. This is usually presented in the form of a doctor's note.

Having a paying job does not automatically disqualify veterans from receiving this benefit. If your salary is substantially less than the prevailing poverty level (currently \$11,702 annually), or you are working a job that someone else would normally satisfy (for example, working for a friend or relative), the VA will not consider you to be gainfully employed, and therefore qualify you for TDIU benefits.

TDIU is not necessarily a permanent benefit. The VA may require you to undergo periodic medical examinations to verify whether you are still unable to work due to a service-connected disability. Likewise, the VA will also require you to complete a questionnaire inquiring your income and employment status. Failure to report may result in revocation of this benefit.

Veterans should exercise caution when working as a volunteer. If the VA determines that the nature of the job and amount of unpaid work demonstrates you are not unemployable, TDIU may be revoked. Anytime the VA revokes a TDIU rating, the amount of disability compensation drops to the level of the veteran's actual rating on the VA rating schedule.

If you are a veteran and cannot work because of a service-connected disability, please consider visiting my office to inquire if you qualify for TDIU benefits. My staff and I are happy to help you fill out the necessary paperwork and answer any questions you might have regarding the process. Also, while you are here, be sure to pick up a Veterans Discount ID Card. The card readily identifies you and your

veteran status to merchants who then offer you discounts on products and services. Simply bring in your discharge (DD-214) paperwork and we'll issue you the card free of charge.

*Ted Puntillo is director of Veteran Services for Solano County. Reach him at 784-6590 or [TEPuntillo@SolanoCounty.com](mailto:TEPuntillo@SolanoCounty.com). The Solano County Veteran Services Office, 675 Texas St. in Fairfield, is open from 9 a.m. to noon and 1 to 4 p.m. Monday through Friday.*

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