

INDIVIDUAL UNEMPLOYABILITY

FREQUENTLY ASKED QUESTIONS

1. WHAT IS TOTAL DISABILITY BASED ON INDIVIDUAL UNEMPLOYABILITY (TDIU)?

Total Disability based on Individual Unemployability (TDIU) is a Department of Veterans Affairs benefit that lets disabled veterans receive disability compensation equal to the 100% rating, even if their combined disability rating does not reach a schedular 100%. Any veteran who is unable to work at a job that pays more than the federal poverty level due to a service-connected disability(s) may be eligible for Individual Unemployability. A veteran working and earning an income at or above the federal poverty threshold is considered to have substantially gainful employment and is therefore not eligible for TDIU.

2. AM I ELIGIBLE FOR INDIVIDUAL UNEMPLOYABILITY BENEFITS?

Any veteran with a service-connected disability can qualify for Individual Unemployability benefits. VA has two sets of rules for TDIU. Both rules require that the veteran show he or she cannot get or keep a substantially gainful job due to one or more service-connected disabilities. Under the first rule, called schedular TDIU, the veteran must also have either:

- one qualifying service-connected condition rated at least 60% disabling; or
- more than one qualifying service-connected disability, with one rated at least 40% disabling and a combined rating of at least 70%.

VA allows for veterans to combine certain disabilities as “one” in order to meet these schedular requirements. For more information, read [TDIU Claims: The Complete Picture](#).

3. WHAT IF I DON'T MEET SCHEDULAR TDIU REQUIREMENTS?

Under the second rule, called extraschedular TDIU, veterans can still get TDIU even though their ratings do not meet the 40, 60, and 70% criteria described above. For these claims, the veteran must also show that his or her service-connected disability(ies) prevents him or her from obtaining and maintaining substantially gainful employment.

4. IS AGE A FACTOR FOR VA INDIVIDUAL UNEMPLOYABILITY?

No, the Department of Veterans Affairs can NOT consider age as a factor when evaluating a veteran's service-connected disabilities for Individual Unemployability benefits.

5. WHAT IS THE BENEFIT AMOUNT OF VA UNEMPLOYABILITY?

As of 2019, a single veteran without dependents granted Individual Unemployability benefits receives \$3,057.13 in VA disability compensation each month.



6. CAN I WORK WHILE RECEIVING INDIVIDUAL UNEMPLOYABILITY BENEFITS?

Individual Unemployability is reserved for veterans who are unable to acquire or maintain “substantially gainful employment” due to their service-connected conditions. There are two situations in which veterans may be employed and still qualify for TDIU benefits because VA does not consider the work “substantially gainful”:

- **Marginal Employment.** Veterans who are employed but earn below the federal poverty level may be eligible to collect TDIU benefits.
- **Protected Work Environment.** A protected work environment is one in which an employer provides special accommodations to a disabled veteran with no reduction in pay or benefits. Those who are employed in protected work environments are able to work full time and earn above the poverty level while simultaneously collecting Individual Unemployability benefits. An example of a protected work environment could be a family business at which specific accommodations outside those listed in the Americans with Disabilities Act are made that enable the veteran to work there.

7. CAN I COLLECT TDIU AND SOCIAL SECURITY BENEFITS AT THE SAME TIME?

Yes, veterans can collect both SSDI and TDIU benefits simultaneously with no offset. Keep in mind that each program has different requirements, and approval for one benefit does not guarantee entitlement to the other.

8. HOW DO I APPLY FOR INDIVIDUAL UNEMPLOYABILITY?

There are three ways in which veterans can apply for Individual Unemployability benefits:

- Online using the eBenefits portal on VA’s website;
- At their local regional office with the assistance of a VA employee;
- With the help of a Veteran Service Organization (VSO), legal representative, or an accredited VA claims agent.

Each of these options requires the veteran to complete VA Form 21-8940: Veteran’s Application for Increased Compensation Based on Unemployability.

9. IS INDIVIDUAL UNEMPLOYABILITY PERMANENT?

Individual Unemployability benefits are not permanent unless VA decides that your disability(s) are permanent in nature, in other words, that your disabilities will not change or improve over time. TDIU can become permanent if the veteran has been in receipt of TDIU benefits for 20 consecutive years.

10. WHEN CAN VA REDUCE OR TERMINATE MY UNEMPLOYABILITY BENEFITS?

VA may propose to reduce or terminate a veteran’s Individual Unemployability benefits for a number of reasons:

- Veterans in receipt of TDIU benefits are required to submit VA Form 21-4140 annually. If veterans do not submit this form, their benefits may be subject to reduction or termination;
- If your ability to maintain gainful employment changes and you are able to work;
- If your service-connected condition(s) have improved, warranting a lower rating.

For more information on Individual Unemployability benefits, visit cck-law.com.

