

A VETERANS GUIDE TO **TDIU CLAIMS**



WHAT IS SUBSTANTIALLY GAINFUL EMPLOYMENT?

A veteran is considered to be unable to engage in substantially gainful employment if their service-connected disabilities prevent them from maintaining employment that **provides a stable income above the poverty level.**



Approximately one out of every ten Veterans apply for TDIU benefits.



Eligibility Criteria for TDIU Benefits

- Veteran must have one or more service-connected disabilities.
- Unable to maintain gainful employment.
- Medical Evidence

With TDIU, veterans will receive compensation at the 100% disability rate (maximum).

100%



Steps of Claims Process

- Prepare Your Claim
- Submit Your Application
- VA Claims Review
- Medical Examination (C&P Exam)
- VA Rating Decision
- Notification Letter
- Receive Compensation

Tips for a Successful Claim

Comprehensive Documentation

Provide a detailed history of your disability and how it impacts your life.

Seek Professional Assistance

Consider assistance from veterans' service organizations (VSO) or accredited representatives.

Be Patient and Persistent

Follow up with the VA and consider appealing if necessary.

TDIU CAN BE AWARDED IN ADDITION TO OTHER VA COMPENSATION.

BENEFITS

- Disability Compensation
- Healthcare
- Long-Term Care
- Survivor Benefits
- Veteran Readiness & Employment (VR&E)
- Educational Benefits



Hill & Ponton
Disability Attorneys

CHEAT SHEET FOR

TDIU CLAIMS



TOTAL DISABILITY INDIVIDUAL UNEMPLOYABILITY (TDIU) IS A VA BENEFIT THAT COMPENSATES VETERANS AT THE 100% DISABILITY RATE IF THEIR SERVICE-CONNECTED CONDITIONS PREVENT THEM FROM SECURING OR MAINTAINING SUBSTANTIALLY GAINFUL EMPLOYMENT, EVEN IF THEIR TOTAL RATING IS LESS THAN 100%.



Approximately one out of every ten Veterans apply for TDIU benefits.



Strengthening Your TDIU Claim

- **Medical Evidence:** Obtain detailed statements from treating doctors outlining how service-connected conditions limit your work capabilities.
- **Submit Vocational Proof:** Include a vocational expert's assessment that shows how your disabilities affect job performance.
- **Provide Lay Statements:** Add supportive testimonies from friends, family, or colleagues explaining daily challenges due to your conditions.
- **Job Documentation:** Present detailed work history records, including job descriptions, limitations faced, and reasons for job loss.
- **Sedentary Work Details:** Show how your service-connected conditions impact your ability to perform even minimal physical tasks, like prolonged sitting.

Useful Things to Note for TDIU

- **Forms:** VA Form 21-8940 & VA Form 21-4192
- **Support:** VSO or a veteran law attorney
- **Evidence:** medical records, vocational assessments, and lay statements



Reasons for Denials

- **Insufficient Evidence:** Lack of medical or vocational proof showing disabilities prevent employment.
- **Non-service-related Factors:** Claims may be denied if age or non-service-connected issues are considered.
- **Examiner Bias:** VA examiners sometimes overlook educational or occupational background.
- **Sedentary Work Assumptions:** VA may claim a veteran can do sedentary work without solid proof.
- **Eligibility Requirements:** Denials may happen if claims don't meet VA's percentage criteria.

Benefits for Survivors

- 👉 **DIC Benefits:** Monthly payments for eligible spouses, children, or parents
- 👉 **Accrued Benefits:** One-time payments for unpaid benefits
- 👉 **Burial Benefits:** Assistance for funeral and burial costs

- **Back pay:** Retroactive payments calculated from the effective date
- **Effective date:** May be from the date of the initial claim or unemployability began

A VETERANS GUIDE TO

AGENT ORANGE EXPOSURE CLAIMS



WHAT IS A PRESUMPTIVE CONDITION?

A medical condition or disability that the VA automatically assumes is linked to exposure to Agent Orange or other herbicides during a veterans military service.



One out of three Veterans who served in Vietnam were exposed to Agent Orange.



Eligibility Criteria for Agent Orange Exposure

- Service in Vietnam (1/9/62 - 5/7/75)
- Service in Other Exposed Locations
- Certain Navy Veterans
- Diagnosed with Presumptive Conditions
- Honorable Discharge

The VA assigns ratings from 0-100%. **A higher rating indicates a more severe disability and greater compensation.**

100%



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USE APPEALS, SECONDARY CONDITIONS AND SMC TO INCREASE YOUR RATING.

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CHEAT SHEET FOR AGENT ORANGE CLAIMS



AGENT ORANGE AND OTHER RAINBOW HERBICIDES WERE USED DURING THE VIETNAM WAR TO CLEAR DENSE VEGETATION AND ENEMY COVER. ITS ACUTE AND LONG-TERM TOXICITY SIGNIFICANTLY IMPACTED U.S. SERVICE MEMBERS INVOLVED IN OPERATION RANCH HAND AND LOCAL RESIDENTS OF VIETNAM, CAMBODIA, AND LAOS, LEADING TO SERIOUS, LASTING HEALTH CONSEQUENCES.



VA's Agent Orange Registry informs of potential health issues from herbicide exposure & helps respond to them.



Proving Your Agent Orange Exposure

- **Registry:** You can start by getting a free VA Agent Orange Registry health exam, which includes a medical history, physical exam and an exposure assessment, with results added to a national registry.
- **Provide Medical Records:** Submit documentation showing a diagnosed Agent Orange-related condition.
- **Submit Military Records:** Include records that detail your exposure to Agent Orange during military service.
- **Service in Vietnam:** The VA presumes exposure if you had "boots on the ground" or served in inland waterways in Vietnam.
- **Ship Exposure Verification:** The VA presumes exposure if you served on U.S. Navy or Coast Guard ships identified as exposed or those within 12 miles of Vietnam's coast.
- **Presumptive Conditions:** If diagnosed with a condition the VA presumes is linked to Agent Orange and you don't need to prove it's connection to service.

Presumptive Conditions

Bladder cancer, Chronic B-cell leukemias, Hodgkin's disease, Multiple myeloma, Non-Hodgkin's lymphoma, Prostate cancer, Respiratory cancers, Soft tissue sarcomas, AL amyloidosis, Chloracne, Type 2 diabetes, Hypertension, Hypothyroidism, Ischemic heart disease, MGUS, Parkinsonism, Peripheral neuropathy (early-onset), Porphyria cutanea tarda



Eligibility Criteria

- Veterans who served in Vietnam (Jan 9, 1962 – May 7, 1975), Korean DMZ (Sep 1, 1967 – Aug 31, 1971), or certain locations in Thailand and surrounding regions may be presumed exposed to Agent Orange or other herbicides.
- Veterans on vessels within 12 nautical miles of Vietnam/Cambodia or those involved in handling C-123 aircraft (1969-1986) also qualify.

Benefits for Survivors

- 👉 **DIC Benefits:** Monthly payments for eligible spouses, children, or parents
- 👉 **Accrued Benefits:** One-time payments for unpaid benefits
- 👉 **Burial Benefits:** Assistance for funeral and burial costs

Benefits for 2nd/3rd Generation

VA recognizes certain birth defects in Veterans' children linked to exposure:

- 👉 Spina Bifida (excludes SB occulta)
- 👉 Disorders in children of women vets

A VETERANS GUIDE TO TRAUMATIC BRAIN INJURY (TBI) CLAIMS



WHAT IS A TBI RESIDUAL?

Refers to the lasting effects or consequences of a Traumatic Brain Injury (TBI) that persist after the initial injury has occurred. Veterans can receive benefits if they can prove that their residuals are service-connected.



In a decade, over 400,000 veterans were diagnosed with service-connected TBIs.



Eligibility Criteria for TBIs

- Service Connection
- Documented medical diagnosis
- Impacts day-to-day life (can have mild-to-severe effects)
- Service Records

The VA assigns ratings from 0-100%. **A higher rating indicates a more severe disability and greater compensation.**



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Be Patient and Persistent

Follow up with the VA and consider appealing if necessary.

USE APPEALS, SECONDARY CONDITIONS AND SMC TO INCREASE YOUR RATING.

BENEFITS

- Disability Compensation
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TRAUMATIC BRAIN INJURIES (TBIS) IN VETERANS CAN RESULT FROM EVENTS LIKE BLASTS, VEHICLE ACCIDENTS, FALLS, OR HEAD WOUNDS FROM BULLETS OR FRAGMENTS. TBIS VARY FROM MILD TO SEVERE AND IMPACT PHYSICAL, COGNITIVE, AND BEHAVIORAL FUNCTIONS, WITH SYMPTOMS SUCH AS HEADACHES, SLEEP ISSUES, SLOWER THINKING, AND DEPRESSION. THEY ALSO HEIGHTEN THE RISK OF MENTAL HEALTH CONDITIONS, INCLUDING ANXIETY



VA reports over 185,000 veterans receiving care have been diagnosed with a TBI.

Secondary Conditions to TBI

- Parkinsonism
- Seizures (unprovoked)
- Dementia (developing within 15 years of a moderate/severe TBI)
- Depression (within 3 years of moderate/severe TBI or 1 year of mild TBI)
- Hormonal Disorders (resulting from damage within 1 year of moderate/severe TBI)
- PTSD
- Sleep Apnea
- Migraine Headaches
- Tinnitus

What are TBI residuals?

TBI residuals are **lasting effects veterans may experience after a brain injury, such as cognitive issues like memory loss and trouble focusing, mood changes, or physical challenges like seizures.** The VA assesses these residuals to determine their impact on daily life and assign an appropriate rating.

About TBI C&P Exams

TBI C&P exams assess if a veteran's brain injury is linked to service, covering physical exams, medical history, and cognitive function tests. The exam, often done by neurologists or psychiatrists, helps confirm a TBI diagnosis and residual symptoms affecting daily life. Accurate documentation, including medical records and personal statements, supports stronger claims.



Ways to Strengthen Your TBI Claim

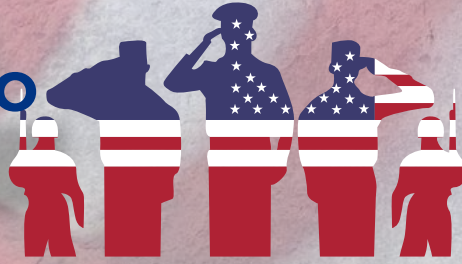
- **Document Your Diagnosis:** Ensure you have a current diagnosis of TBI. Secure evaluations from a provider.
- **Provide In-Service Evidence:** Compile documentation of the in-service incident leading to TBI. Include reports detailing the event, medical attention received, and statements illustrating how it impacted your daily life.
- **Establish a Medical Nexus:** A medical nexus connects your TBI diagnosis to your service.
- **Consider Seeking Assistance:** Navigating VA claims can be complex. Consulting with a VSO or legal professional.

SMC-T Benefits Overview

- 👍 For veterans with severe TBI
- 👍 Excludes SMC (r2) qualification
- 👍 Paid at same rate as SMC-r(2), higher than standard Aid & Attendance
- 👍 Automatic consideration isn't assured, so document everything

A VETERANS GUIDE TO

PACT ACT CLAIMS



WHAT IS THE TOXIC EXPOSURES SCREENING?

Over 5 million veterans have been screened by the VA for toxic exposures related to service, a critical step in detecting, understanding and treating life-threatening issues. The screening is brief and completed by VA healthcare.



The PACT Act has a **75% approval rate** for the over half-a-million claims approved so far.



Who Qualifies for PACT Act Benefits?

- Burn Pit Exposures
- Camp Lejeune Water Contamination
- Gulf War & SW Asia
- Vietnam Era

To receive benefits veteran must meet:

- Date and location requirements
- Diagnosis with disease on presumptive list

The VA assigns ratings from 0-100%. **A higher rating indicates a more severe disability and greater compensation.**



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Be Patient and Persistent

Follow up with the VA and consider appealing if necessary.

USE APPEALS, SECONDARY CONDITIONS AND SMC TO INCREASE YOUR RATING.

BENEFITS

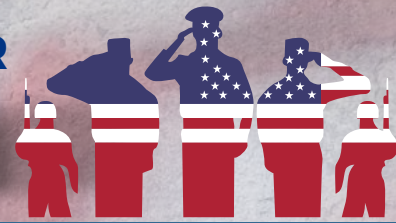
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CHEAT SHEET FOR

PACT ACT CLAIMS



THE SERGEANT FIRST CLASS HEATH ROBINSON HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS (PACT) ACT EXPANDS VA HEALTH CARE AND BENEFITS, PROVIDING BROAD COVERAGE TO VETERANS EXPOSED TO TOXIC SUBSTANCES SUCH AS BURN PITS AND AGENT ORANGE. THIS LAW GREATLY INCREASES ELIGIBILITY AND SUPPORT FOR MILLIONS OF VETERANS AND THEIR SURVIVORS.



Over 1,800,000 total PACT Act claims have been completed with a 74% success rate.

PACT Act Eligibility Categories

- **Category 1:** Veterans with toxic exposure during active duty or training.
- **Category 2:** Veterans who served in specific locations after August 2, 1990, or September 11, 2001.
- **Category 3:** Veterans deployed for major operations like Enduring Freedom or Iraqi Freedom.

PACT Act Eligibility Dates

- **Oct 1, 2024:** Enrollment for Category 1 & 2 Veterans discharged Aug 2, 1990 – Sep 11, 2001.
- **Oct 1, 2026:** Enrollment for Category 1 & 2 Veterans discharged Sep 12, 2001 – Dec 31, 2006.
- **Oct 1, 2028:** Enrollment for Category 1 & 2 Veterans discharged Jan 1, 2007 – Dec 31, 2012.
- **Oct 1, 2030:** Enrollment for Category 1 & 2 Veterans discharged Jan 1, 2013 – Dec 31, 2018.
- **Oct 1, 2032:** Enrollment for Category 3 Veterans.



Eligibility Criteria

- **Vietnam Era:** Service in Vietnam, Thailand bases, Laos, Cambodia, Guam, American Samoa, or Johnston Atoll during specific periods.
- **Gulf War & Post-9/11:** Service on/after Aug 2, 1990, in Iraq, Kuwait, Saudi Arabia, Oman, Qatar, UAE, Somalia, or airspace. Service on/after Sep 11, 2001, in Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, or airspace.
- **General:** Served in combat zones or were exposed to hazardous materials during service, or deployed supporting the Global War on Terror.

Benefits for Survivors

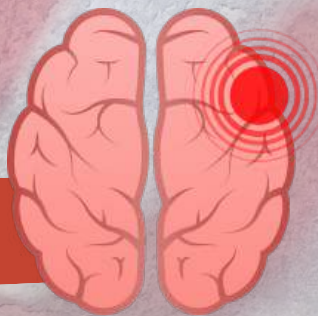
- 👉 **DIC Benefits:** Monthly payments for eligible spouses, children, or parents
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24 Presumptive Conditions

Asthma (post-discharge), Chronic Bronchitis, COPD, Bronchiolitis, Emphysema, Granulomatous disease, ILD, Pleuritis, Pulmonary Fibrosis, Sarcoidosis, Chronic Sinusitis, Rhinitis, Glioblastoma, Head/Neck cancer, Respiratory cancer, GI cancer, Reproductive cancer, Lymphoma, Lymphatic cancer, Kidney, Brain, Melanoma, Pancreatic cancer

A VETERANS GUIDE TO

MIGRAINE HEADACHE CLAIMS



WHAT IS A PROSTRATING MIGRAINE?

Refers to an extremely severe migraine that incapacitate individuals, rendering them unable to perform daily activities. Documenting prostrating migraines is important for VA disability claims because they impact work and life.



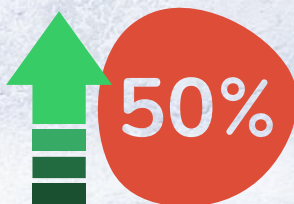
One in twenty of all veterans experience migraine headaches as a result of service.



Eligibility Criteria for Migraine Claims

- Service Connection
- Documented diagnosis of migraines
- Migraines should greatly impact day-to-day life
- Supporting Evidence of migraines impact

The VA will assign a **maximum 50% rating for frequent, prolonged and prostrating migraines.**



Steps of Claims Process

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Tips for a Successful Claim

Comprehensive Documentation

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Seek Professional Assistance

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Be Patient and Persistent

Follow up with the VA and consider appealing if necessary.

USE APPEALS, SECONDARY CONDITIONS AND SMC TO INCREASE YOUR RATING.

BENEFITS

- Disability Compensation
- Healthcare
- Long-Term Care
- Survivor Benefits
- Veteran Readiness & Employment (VR&E)
- Educational Benefits

A VETERANS GUIDE TO CAMP LEJEUNE TOXIC WATER CLAIMS



WHAT IS A PRESUMPTIVE CONDITION?

A medical condition or disability that the VA automatically assumes is linked to exposure to Agent Orange or other herbicides during a veterans military service.



1 in 10 who served at CLJ during the contamination were negatively impacted.



Eligibility Criteria for Camp LeJeune Benefits

- Served at CLJ or MCAS New River for at least 30 days total between August 1, 1953 and December 31, 1987, **and**
- Did not receive a dishonorable discharge.
- Diagnosed with a presumptive condition
- 15 health conditions also are eligible for healthcare benefits through the VA

In addition to VA benefits, victims of the CLJ water contamination can participate in a lawsuit, which is open to **anyone affected** and entitles them to additional compensation.



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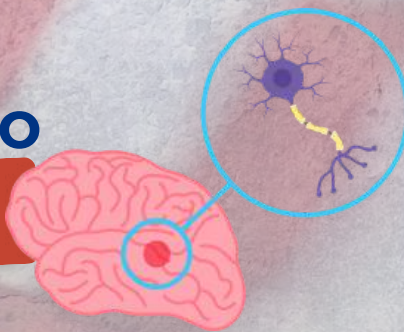
Follow up with the VA and consider appealing if necessary.

INCREASE YOUR LIKELIHOOD OF THE COMPENSATION YOU DESERVE BY EXPLORING BOTH OPTIONS.

BENEFITS

- Disability Compensation
- Healthcare
- Long-Term Care
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- Veteran Readiness & Employment (VR&E)
- Educational Benefits

A VETERANS GUIDE TO PARKINSON'S DISEASE CLAIMS



VETERANS WITH PARKINSONS

Aspects of your military service can be valuable in managing a condition like Parkinson's. Regular exercise, discipline and routine, resilience, and a strong community and support system can all be invaluable tools.



Research found veterans who suffered a mild TBI had an **over 50% greater risk of developing Parkinson's Disease.**



Eligibility Criteria for Parkinson's Claims

- Service Connection
- Documented diagnosis of Parkinson's
- Should greatly impact day-to-day life.
- Supporting Evidence of impact on life

The VA assigns ratings from 0-100%. **A higher rating indicates a more severe disability and greater compensation.**

100%

Steps of Claims Process



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A VETERANS GUIDE TO

GULF WAR SYNDROME



WHAT IS CHRONIC MULTISYMPTOM ILLNESS?

A prominent condition affecting Gulf War Veterans is a cluster of medically unexplained chronic symptoms that can include fatigue, headaches, joint pain, indigestion, insomnia, dizziness, respiratory disorders and memory problems.

33%

Approximately one third of Gulf War veterans experience chronic multi-symptom illness (CMI).



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Eligibility Criteria for Gulf War Claims

- Service Connection
- Documented diagnosis of CMS
- CMS greatly impacts day-to-day life
- Supporting Evidence provides details about life impacts

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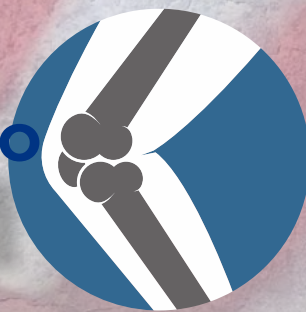
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A VETERANS GUIDE TO ORTHOPEDIC CONDITIONS



WHY DOES THE VA MESS UP THESE CLAIMS?

Sometimes these types of conditions can appear manageable at first but can cause the early degenerative onset of problems years later. For instance, a limp from a knee injury may cause low back stress and arthritis.



Over 910,000 Veterans are presently service-connected for an orthopedic condition.



Eligibility Criteria for Orthopedic Conditions

- **Service Connection**
- Documented diagnosis of condition
- Condition greatly impact day-to-day life.
- **Supporting Evidence** provides details about life impacts

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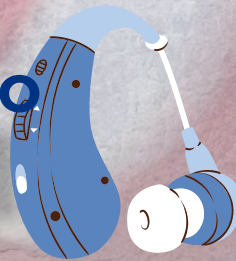
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A VETERANS GUIDE TO AUDITORY CONDITIONS



WHAT DO I DO WITH A 10% TINNITUS RATING?

While tinnitus is the most claimed VA disability, it results in just a 10% rating. Considering secondary conditions like hearing loss, TBIs, high BP, Meniere's disease, mental health issues, TMJ pain, fibromyalgia, etc. is important!



Approximately 7-8% of OIF veterans have hearing loss, 7% had tinnitus, and 6% had both.



Eligibility Criteria for Auditory Conditions

- **Service Connection**
- Documented diagnosis of condition
- Condition greatly impact day-to-day life.
- **Supporting Evidence** provides details about life impacts

Tinnitus is the most common service-connected disability for veterans. Over 220,000 veterans were granted benefits in 2023 for this condition. Hearing loss also ranks among the top SC conditions.



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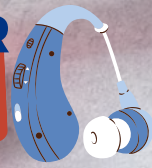
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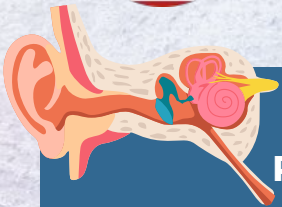
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- **HEARING LOSS (SENSORINEURAL, CONDUCTIVE OR MIXED):** MOST COMMONLY RATED 10%.
- **TINNITUS (RINGING IN THE EARS):** 10% MAX RATING, COMMONLY LINKED TO SECONDARY CONDITIONS
- **VERTIGO (DIZZINESS):** 30% (DIZZINESS W/ STAGGERING), 60-100% (SEVERE W/ MENIERE'S DISEASE)



Approximately 7-8% of OIF veterans have hearing loss, 7% had tinnitus, and 6% had both.



Secondary Conditions Related to Auditory Issues

- **Hearing Loss:** often connects with tinnitus and/or vertigo
- **Traumatic Brain Injury (TBI):** TBI's can worsen tinnitus symptoms
- **Mental Health Conditions:** anxiety, depression and PTSD are frequently associated with tinnitus/hearing loss
- **Meniere's Disease:** can cause both vertigo and tinnitus
- **Hypertension:** some evidence suggests link between hypertension & tinnitus
- **Sleep Disorders:** tinnitus can disrupt sleep leading to disorders like insomnia
- **Migraine Headaches:** linked to both tinnitus and auditory issues
- **Erectile Dysfunction:** can result from stress, mental health issues or medications related to tinnitus/vertigo
- **Chronic Fatigue Syndrome (CFS):** fatigue is often worsened by tinnitus



Tips for C&P Exams

- **Be Clear and Descriptive About Your Symptoms:** detail how it affects daily activities, mention specific situations, discuss how your symptoms began.
- **Highlight Service-Related Noise Exposure:** clearly explain when you were exposed to loud noises (i.e. aircraft engines, gunfire, machinery, etc.)
- **Make a Symptom Log:** maintain a log to detail when symptoms worsen, include frequency and duration of symptoms,
- **Bring Relevant Documents:** Audiograms, medical reports, lay statements from friends and family, etc. can all benefit you.

Common Mistakes to Avoid

- 👉 **Insufficient evidence:** Include all necessary records/lay statements.
- 👉 **Underreporting symptoms:** be as detailed/thorough as possible!
- 👉 **Missing Deadlines:** Submit forms and evidence on time.

Types of Tests to Expect

- **Audiometry/Speech Recognition:** measures faintest tones you hear & speech understanding.
- **Tympanometry, OAE & ABRs:** More advance tests to evaluate various hearing issues.
- **Vestibular Testing:** Evaluates balance and inner ear function for causes of vertigo.
- **Tinnitus Evaluation:** Involves self-reporting and audiological tests to assess impact.

A VETERANS GUIDE TO MENTAL HEALTH DISORDERS



WHAT IF I HAVE MORE THAN ONE DISORDER?

Mental health conditions are similar in symptoms, so the VA considers the combined effects of these conditions and only assign one disability rating. They take in to account the severity over the number of disorders.

40%

Over 40% of veterans had need for mental health care after leaving service.



Eligibility Criteria for Mental Health Conditions

- **Service Connection**
- Documented diagnosis of condition
- Condition greatly impact day-to-day life.
- **Supporting Evidence** provides details about life impacts

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