

Facts About the VA's 70/40 Rule for TDIU

1. The Basics of VA Disability Ratings and TDIU

To grasp the 70/40 rule, you first need to understand how VA disability ratings and TDIU work together. Your VA rating is a percentage that represents how much your service-connected conditions affect your ability to function. Ratings range from 0% to 100%, but many veterans have multiple conditions rated at different percentages.



2. What Exactly Is the VA 70/40 Rule?

The 70/40 rule refers to one of the ways you can qualify for schedular TDIU under VA regulations. According to 38 CFR § 4.16(a), you may be eligible if you have a single disability rated at 60% or more OR you have multiple disabilities rated at a combined total of 70% or more, with at least one disability rated at 40% or more.

3. Why the 70/40 Rule Matters for Your Compensation

Meeting the 70/40 threshold does not grant you automatic TDIU status, but it does make you eligible for consideration. With this eligibility, the VA can consider whether your conditions prevent you from maintaining substantially gainful employment. This doesn't mean you have to be completely bedridden. Rather, it means you're unable to hold a job that provides earnings above the federal poverty threshold.



4. How to Apply for TDIU Under the 70/40 Rule

If you think you qualify under the 70/40 rule, here's what you should do: complete VA Form 21-8940, submit supporting medical evidence, write a detailed personal statement, and request buddy statements. The VA will evaluate all this information to determine if your service-connected disabilities prevent you from earning a livable income.

5. How the Rule Applies If You're Still Working

Here's where things get nuanced: if you're "marginally employed," meaning working in a job that doesn't qualify as "substantially gainful employment," you may still qualify for TDIU. Another possible exception is if you work full-time making gainful wages in a "protected work environment." To qualify for TDIU, a job must be competitive, not protected.



6. Common Mistakes Veterans Make with the 70/40 Rule

Many veterans miss out on TDIU benefits simply because they don't know about the 70/40 rule, or they don't submit enough evidence. Some believe that working part-time automatically disqualifies them. Others think they must hit a 100% schedular rating to receive full TDIU compensation.

7. What if I Don't Qualify for the 70/40 Threshold?

The truth is, too many veterans are underrated. If you think you may be one of them, there are steps you can take to try and increase your rating. You can submit a supplemental claim with new evidence, such as a well-written personal statement or a compelling nexus letter from your medical provider.

