

— FWD ASSIST HQ —

FIELD GUIDE

Filing for TDIU (Total Disability Based on Individual Unemployability)

File a complete claim for total disability based on individual unemployability.



J. Erickson

A FWD Assist HQ Field Guide

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By J. Erickson | An FWD Assist HQ Field Guide | Publisher: FWD Assist HQ | First Edition, 2026

This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

In crisis? Call the **Veterans Crisis Line**: dial **988**, then press **1**. You can also text **838255** or chat online at veteranscrisisline.net. It is free, confidential, and available 24/7.

Filing for TDIU (Total Disability Based on Individual Unemployability)

File a complete claim for total disability based on individual unemployability.

Companion to *100 Percent Pay Without a 100 Percent Rating*.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll have filed a complete, well-organized claim for total disability based on individual unemployability (TDIU) on VA Form 21-8940, with the supporting evidence attached in one submission.

This guide prepares you for the task. It doesn't and can't promise a rating, a percentage, or an outcome. The evidence in your file decides the result.

WHAT YOU NEED BEFORE YOU START

- ☐ Your latest rating decision, so you know which conditions are service connected and how each is rated.
- ☐ Your employment history, at least the last five years you worked (the form asks for that) and longer if it shows the decline.
- ☐ Income documentation: recent pay stubs and the last two years of tax returns or W-2s.
- ☐ Your VA and private treatment records, plus a list of providers, treatment frequency, and medications.
- ☐ Names of people who can write about your limitations: a supervisor, coworker, or family member.
- ☐ Your current or last employer's contact information.
- ☐ Access to va.gov, or a free accredited representative to file with you.

When to start: As soon as you believe your service-connected conditions keep you from substantially gainful work. VA is supposed to consider TDIU when your record raises it, but don't count on that. Ask for it on VA Form 21-8940. File an Intent to File the same day to protect your date while you build the claim.

Start Here: The Basics

TDIU, which stands for Total Disability based on Individual Unemployability, pays at the total rate when service-connected conditions keep you from holding steady, gainful work, even when your combined rating is below the top of the scale. It turns on your ability to work, not on a single number. There's a schedular path and an extraschedular path.

TDIU doesn't mean you can't work at all. Marginal work doesn't count as substantially gainful. VA generally treats work as marginal when your earned income for the year is at or below the U.S. Census Bureau poverty threshold for one person, and work above that line can still be marginal on the facts, such as a protected job in a family business or a sheltered workshop. That's a Census figure, not the Social Security disability earnings limit. This guide prints no dollar figures; check the current Census table and VA's current rates.

Where this is written down: 38 CFR § 4.16(a) and (b).

The Steps

STEP 1

Confirm TDIU is the right pathway for your situation.

The standard is whether you can secure or follow a substantially gainful occupation because of your service-connected conditions. Your combined percentage doesn't decide that, and VA disregards your age and your nonservice-connected conditions when it does.

If your service-connected conditions are what keep you from substantially gainful work, **then** continue. **If** your inability to work comes mainly from conditions that aren't service connected, **then** this pathway doesn't fit; talk to a free accredited representative.

Where this is written down: 38 CFR § 4.16(a); 38 CFR § 4.19.

Done when you can state, in one sentence, which service-connected conditions keep you from working.

STEP 2

Protect your date with an Intent to File.

Submit it online at va.gov/resources/your-intent-to-file-a-va-claim, call 1-800-827-1000, or mail VA Form 21-0966 (Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or D.I.C.). If VA gets your complete claim within one year, VA treats it as filed on the Intent to File date.

Do not wait until your evidence is perfect to protect your date.

Where this is written down: 38 CFR § 3.155(b).

Done when you have confirmation that your Intent to File is on record.

STEP 3

Identify your pathway: schedular or extraschedular.

The schedular path needs one service-connected disability rated at 60 percent or more, or two or more with at least one at 40 percent or more and enough others to bring the combined rating to 70 percent or more. For that test, VA counts some groups as one disability, such as conditions from one accident or one cause, or conditions of one body system. If you don't meet those numbers but still can't work because of service-connected conditions, VA's policy is to send the case to the Director of Compensation Service for extraschedular review.

If you meet the 4.16(a) numbers, **then** plan a schedular claim and focus on clear employment and income records. **If** you don't, **then** ask in writing for extraschedular review under 4.16(b), and plan a fuller evidence package, because the numbers aren't on your side.

Where this is written down: 38 CFR § 4.16(a) and (b).

Done when you know which path applies.

STEP 4

Gather four kinds of evidence.

Collect medical records that show how severe your conditions are and what they limit; an employment history that shows lost jobs, falling wages, or reduced hours; statements from people who've seen the effect on your work; and a provider's opinion describing what your service-connected conditions keep you from doing in a work setting. Whether you can work is VA's call; the provider's job is to describe the limits.

Done when you have at least one document started for each of the four.

STEP 5

Build your employment and income history.

List every employer for at least the last five years you worked: job title, dates by month and year, wages, hours, and why you left. Explain every gap and every wage drop, and say where it was because of your conditions, if that's true. Note any job that was kept going only by a family member or a special accommodation.

Do not leave a gap blank or write "personal reasons." An unexplained gap tells VA nothing; a gap explained as hospitalization or medical leave tells VA what happened.

Done when every job and every gap in the period has a one-line explanation.

STEP 6

Document your medical treatment history.

List every provider treating your service-connected conditions, VA and private, with how often you're seen (weekly, monthly, as needed) and your medications. Include side effects that affect work, such as drowsiness, slowed thinking, or fatigue. Frequent appointments are themselves a limit on holding a job.

Done when your list captures providers, frequency, and medication side effects, not just diagnoses.

STEP 7

Write your statement of why you can't work.

On VA Form 21-8940, Item 8 asks which service-connected disabilities keep you from substantially gainful work; list them there. Then use Item 26, Remarks, or an attached VA Form 21-4138, for your explanation. Name each service-connected condition. Then, condition by condition, describe what it stops you from doing on a job: sitting, standing, concentrating, being around people, showing up on schedule. Use real examples and dates.

Do not stop at one sentence. A rater can only weigh what you put in front of them. If the space is small, type the statement separately and attach it.

Done when Item 8 lists the conditions and your attached statement explains, condition by condition, what each one stops you from doing at work.

STEP 8

Ask for employer information.

List your employers on VA Form 21-8940. VA sends your last employer VA Form 21-4192 (Request for Employment Information in Connection with Claim for Disability Benefits). You can also hand the form to your employer yourself and send it in.

If your employer completes the form, **then** add it to your evidence. **If** they won't, **then** ask for a signed, dated statement describing your duties, any accommodations, and your reduced capacity.

Done when your employer information is on the form and you've asked for the 21-4192 or a written statement.

STEP 9

Write your own lay statement and gather others.

Write a first-person account with specifics: what happens, when, and what work you can't keep up with. Ask a supervisor, coworker, or family member to describe, in their own words, what they've seen, with dates. They can use VA Form 21-10210 (Lay/Witness Statement); you can use VA Form 21-4138 (Statement in Support of Claim).

Done when you have your own statement plus at least one from someone who sees your limits at work or at home.

STEP 10

Address any contradictory evidence in your file.

Your claims file may hold items that cut against the claim, such as a C&P exam saying you can do sedentary work. Ask a provider to review it and respond, or answer it in a statement with the specifics the exam missed. You're adding information the examiner may not have had.

Do not hope the rater misses a harmful finding. An unanswered finding stays in the file.

Done when every known harmful item in your file has a written response.

STEP 11

Organize the package with a cover memo and numbered exhibits.

Write a short cover memo asking VA to decide TDIU under 38 CFR 4.16 and, if you don't meet the 4.16(a) numbers, to send the case for extraschedular review under 4.16(b). Number your exhibits in the order the rater should read them: medical records, employment records, statements, and the provider's opinion.

Done when your evidence is numbered and listed in the cover memo.

STEP 12

File VA Form 21-8940 with all evidence at once.

File VA Form 21-8940 (Veteran's Application for Increased Compensation Based on Unemployability) online at VA.gov if you can, since that gives you a clear date. You can also file through your representative or mail it to Department of Veterans Affairs, Claims Intake Center, PO Box 4444, Janesville, WI 53547-4444. Attach the medical records, employment documents, statements, and provider opinion in the same submission.

Do not sign without reading the certification. By signing, you certify you can't secure or follow substantially gainful work, and you agree to tell VA right away if you go back to work. Pay received after you start work can become a debt.

Done when the form and all four kinds of evidence are submitted together and you have a date stamp.

STEP 13

If the claim is denied, choose a review within one year.

Read the denial for which part of 38 CFR 4.16 it relied on and what evidence it said was missing. To keep your effective date, choose a review within one year of the decision notice.

If the denial points to missing or thin evidence, **then** a Supplemental Claim (VA Form 20-0995) with new and relevant evidence, such as the missing records, added statements, or a response to a contrary finding, may fit. **If** you think VA misread the evidence it had or the rule, **then** a Higher-Level Review (VA Form 20-0996) or a Board Appeal (VA Form 10182) may fit. See a free accredited representative before you choose.

Where this is written down: 38 CFR § 3.2500.

Done when you have either a decision you accept or a review filed within the year.

Recap Checklist

- ☐ Confirmed TDIU fits: service-connected conditions keep me from substantially gainful work.
- ☐ Filed an Intent to File (VA Form 21-0966).
- ☐ Identified my path: schedular (4.16(a)) or extraschedular (4.16(b)).
- ☐ Gathered the four kinds of evidence: medical, employment, statements, provider opinion.
- ☐ Built an employment and income history with every gap and wage drop explained.
- ☐ Documented treatment history with providers, frequency, and side effects.
- ☐ Listed my conditions in Item 8 and explained my work limits in Item 26 or on VA Form 21-4138.
- ☐ Asked for employer information (VA Form 21-4192) or a supervisor statement.
- ☐ Wrote my own statement and gathered at least one more.
- ☐ Answered contradictory evidence, including any sedentary-work finding.
- ☐ Organized the package with a cover memo and numbered exhibits.
- ☐ Filed VA Form 21-8940 with all evidence in one submission, after reading the certification.
- ☐ Know my review options and the one-year window if the claim is denied.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *100 Percent Pay Without a 100 Percent Rating*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

He writes the For the Rest of Us series at fwdassisthq.com. This guide is published by FWD Assist HQ as a veteran education resource. It is not affiliated with or endorsed by the Department of Veterans Affairs.