

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 15

Five, Ten, Twenty

Three numbers protect three different things. None of them protects everything, and most people cannot say which of theirs are protected at all.

The envelope says they are proposing to reduce you and your stomach drops. The first instinct is to argue about the condition, which is the long fight and often the wrong one to start with.

Start somewhere else. Ask what date this rating went into effect, because there are three thresholds written into the regulations and they may have already answered the question for you.

BEFORE ANYTHING ELSE, TWO DATES

If a proposal is already in your hand, two clocks are running from the date on that notice. Thirty days to ask for a predetermination hearing. Sixty days to send evidence. The thirty is the one people miss. Write both dates on the letter itself now, then read the rest of this.

WHAT IS IN HERE

1. The three clocks and what each one protects
2. What the five-year clock actually buys you
3. Your rating inventory
4. A check when a proposal arrives

This is general education. It is not legal advice, medical advice, or a promise about any claim result. Nobody can promise you an outcome. A VA-accredited representative can help you with your claim at no cost. FWD Assist HQ is not affiliated with the Department of Veterans Affairs or any government agency.

Three clocks

They protect different things. Knowing which is which changes what you argue about.

Clock	What it protects
5 years	Not the rating itself. The way a reduction has to be done. The protections apply to ratings continued for long periods at the same level, which the regulation describes as 5 years or more.
10 years	Service connection itself. Once it has been in effect for 10 or more years it will not be severed, except where the original grant was based on fraud or the records clearly show the person did not have the required service or character of discharge.
20 years	The evaluation. A disability continuously rated at or above an evaluation for 20 or more years will not be reduced below that level except on a showing that the rating was based on fraud.

THE ONE LINE TO REMEMBER

Ten years protects the connection. Twenty protects the number. They are not the same shield.

A condition can be past ten years, safe from severance, and still have its percentage lowered. People conflate these two constantly and argue the wrong one.

One more thing worth knowing. A readjustment to the rating schedule itself is not grounds for reducing a rating that is already in effect unless medical evidence establishes that the disability has actually improved. The rules changing underneath you is not, by itself, a reason to lower you.

What the five-year clock actually buys you

These protections are not general. They apply to ratings continued for long periods at the same level, which the regulation describes as five years or more, and not to disabilities that have not stabilized and are likely to improve. So the first question is always the date.

THE EXAM HAS TO BE AS GOOD AS THE ONE THAT GRANTED IT

Examinations less full and complete than those on which payments were authorized or continued will not be used as a basis of reduction. Whether a shorter, thinner exam counts as less full and complete than the one that granted your rating is a comparison somebody has to make, and it will not be made unless you raise it.

IMPROVEMENT HAS TO HOLD UP IN REAL LIFE

The question is whether the evidence makes it reasonably certain that the improvement will be maintained under the ordinary conditions of life. Not whether you had a good morning in a quiet exam room.

ONE EXAM IS USUALLY NOT ENOUGH

For conditions subject to temporary or episodic improvement, a rating will not be reduced on any one examination except where all the evidence clearly warrants a conclusion that sustained improvement has been demonstrated. And where doubt remains after reviewing everything, the regulation directs that the rating in effect be continued and a reexamination scheduled.

SO THE FIRST QUESTION IS NOT ABOUT YOUR CONDITION

It is: how long has this rating been in effect. That decides which protections on this page you can reach at all. Then, if you are past five years, was the exam as thorough as the one that granted it, and does the improvement hold up day to day. All answerable from your own paperwork.

Your rating inventory

Fill this in once, now, before anything arrives in the mail. It takes twenty minutes with your award letters or your VA account, and it is the single fastest way to answer the protection question later.

NAME

DATE

Use the effective date, not the date on the decision letter. They are usually different and the effective date is the one the clocks run from. For the five-year question, use the date this rating went to its current level, which may be later than when the condition was first connected.

Condition	%	Effective date	Years	Past 5	Past 10	Past 20
Ex: lumbar strain	20	3 Nov 2011	14	yes	yes	no

The last three columns

Past 5 means five years at this same level. Past 10 means ten years service connected. Past 20 means twenty years at or above this evaluation. Write yes or no in each. A condition can be past one and not the others, and sorting that out is the whole point of filling this in.

Below, note any condition where a future reexamination has been mentioned to you.

If a proposal arrives

- ☐ I found the effective date of the rating they are proposing to change.
- ☐ I checked it against all three thresholds, not just the one I remembered.
- ☐ I compared the exam they are relying on to the one that granted the rating.
- ☐ I asked whether the improvement they found would hold up in ordinary life.
- ☐ I noted whether this is being done off a single examination.
- ☐ I wrote down both deadlines: 30 days to ask for a hearing, 60 days to send evidence.
- ☐ I asked in writing for a predetermination hearing, or decided deliberately not to. The right does not depend on the letter mentioning it.
- ☐ I took it to an accredited representative, who can help at no cost.

DO NOT LET IT SIT

There are two windows and they are different lengths. The regulation on reductions gives 60 days to present additional evidence, and a request for a predetermination hearing has to reach VA within 30 days from the date of the notice. The hearing window is the shorter one and it is the one people miss. Read the dates on your own letter first, before you read anything else in the envelope.

What happens after the proposal

A proposal is not the decision. It is notice that VA intends to do something and an invitation to argue about it first.

What follows is a final decision. If it goes against you, the money does not usually change the month the letter arrives. Reductions take effect on a later date set by the rules.

A reduction decision is itself a decision. That means the review lanes are open to it, the same as any other: a supplemental claim, a higher-level review, or the Board.

WHAT A PREDETERMINATION HEARING IS

It is a chance to appear, with your representative if you have one, and put your case to VA personnel who did not take part in the proposal, before the reduction is decided rather than after. What the regulation requires is only that your request reach VA within 30 days of the date on the notice. Do it in writing to the office that sent the letter anyway, so you can prove it. That is the shorter of the two windows and it is the one people miss.

There is a concrete reason to use it. The regulation says that if a predetermination hearing is requested in time, benefit payments continue at the previously established level pending a final determination. Asking inside the 30 days is not only about being heard. It is about what keeps landing in your account while the argument runs.

The separate 60 days is for sending in evidence. Asking for the hearing does not use up the evidence window.

If none of the three clocks help you

Then the protections on the earlier pages are not available. The ordinary argument still is: a reduction has to rest on evidence of actual improvement in your ability to function under the ordinary conditions of life and work. Not one better morning. That argument belongs to everybody, at any point on the clock.

NOBODY SHOULD CHARGE YOU TO FILE

Help from an accredited Veterans Service Officer is free. Always. Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and your state or county veterans service office all have accredited representatives and none of them charges you. The search is at va.gov/get-help-from-accredited-representative/find-rep.

Nobody may charge you a fee for helping with your claim before VA issues its first decision on it. That rule is 38 USC 5904(c)(1). After the first decision an accredited agent or attorney may charge, and 38 CFR 14.636 sets the limits, measured against past-due benefits, which means the back pay owed for the stretch before the decision: a fee not over 20 percent of that is presumed reasonable if that person represented you through the date of the decision, and a fee over one third is presumed unreasonable. Only an accredited agent or attorney may charge you anything.

So if somebody who is not accredited offers to file for you, wants money up front, or wants a cut, walk away and report them to the VA Office of Inspector General at 1-800-488-8244.

Where this is written down

The 20-year protection of an evaluation, and the rule that a readjustment to the rating schedule is not itself grounds for reduction absent medical evidence of actual improvement, are in 38 CFR 3.951. The 10-year protection of service connection and its exceptions are in 38 CFR 3.957. The requirements for a full and complete examination, the reasonably certain to be maintained under the ordinary conditions of life standard, the rule about not reducing on a single examination for conditions subject to episodic improvement, and the instruction to continue the rating in doubtful cases are in 38 CFR 3.344. That same section limits its own reach: it applies to ratings continued for long periods at the same level, five years or more, and not to disabilities that have not stabilized and are likely to improve. The 60 days to present additional evidence and the 30 days to request a predetermination hearing are in 38 CFR 3.105, which also provides that payments continue at the previously established level when a predetermination hearing is timely requested.

Regulation text: [ecfr.gov](https://www.ecfr.gov), Title 38, Part 3, sections 3.105, 3.344, 3.951 and 3.957. Confirm before you rely on this.

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Current as of October 2026. Regulations change. Check for a newer version before you rely on this.

If working on this is bringing things up, the Veterans Crisis Line is 988 then press 1, or text 838255. Family members can call it too.