

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 14

Prostrating

The rating criteria never once mention how much it hurts. They turn on one word almost nobody defines and one number almost nobody tracks.

You go in and describe the pain, because the pain is the experience. Nine out of ten. Worst one yet. Light hurts, sound hurts, cannot think straight.

Then you read the actual criteria and there is no pain scale anywhere in them. There is a word, prostrating, and there is an average frequency over the last several months. Those are the two things being measured, and neither one is in your file.

WHAT IS IN HERE

1. The four levels, exactly as written
2. What prostrating looks like on paper
3. The attack log
4. A check before you file

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.

The four levels

Read these for what they ask for, not for where you think you land.

Level	What the regulation says
50	With very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability
30	With characteristic prostrating attacks occurring on an average once a month over last several months
10	With characteristic prostrating attacks averaging one in 2 months over last several months
0	With less frequent attacks

Two words are doing all the work. Prostrating, which is about what the attack does to you, and average, which is about how often over months rather than how bad the worst one was.

And two more of its words

Characteristic means the attack looks like your usual one, not that it was unusual. Prolonged, in the top line, is about how long it lasts. So when your log records that an attack ran six hours rather than one, that is not extra detail. That is one of the words being measured.

THE ONE LINE TO REMEMBER

Nowhere in those four lines does it ask how much it hurts.

It asks whether the attack laid you out, and how often that happens on average. A ten out of ten that you worked through and a seven that put you on the bathroom floor for six hours are not the same fact to this rule.

AND THE 50 PERCENT LINE ADDS SOMETHING ELSE

Severe economic inadaptability. That is a question about work, not about the headache. Which means the argument for that level is partly an employment argument, and people almost always spend it arguing harder about the pain instead.

What prostrating looks like on paper

Prostrating means the attack stopped you. Not that it was severe. That you had to quit what you were doing and lie down.

Those entries belong to somebody else's months. Write your own. What is worth copying is how little each line tries to do: when it started, what you had to stop, how long before you were back.

What gets written	What speaks to the criteria
Migraine, 9 out of 10, all day.	Started at work around ten. By eleven I could not look at the screen. Went home, dark room, did not get up until the next morning.
Bad headache week.	Three attacks this week. Two of them I had to lie down for, one about four hours, one the rest of the day. The third I got through with medication.
They happen a lot.	Averaging about three a month since spring. Two of those three usually put me down. February and March were the same.
It affects my job.	Missed six shifts since January for this. Left early four other times. They took me off the delivery route over it.

The right column answers the two questions the rule asks. Did it lay you out, and how often on average. The left column answers a question the rule never asked.

LOG THE ONES YOU WORKED THROUGH TOO

Not every attack is prostrating, and a log where every single one is reads as manufactured. The pattern is the evidence. Write the ones you got through as well as the ones that put you down, and note which was which. That is exactly the distinction the criteria draw.

DO THIS BEFORE YOU START GATHERING

Gathering all of this takes time, and the date VA receives your claim is what your back pay is measured from. So do not spend weeks keeping an attack log and then file. There is a way to hold the date first.

It is called an intent to file. VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (May 2026 version). The regulation says that if VA receives your complete claim within one year of the intent to file, the claim is treated as filed on the day the intent to file came in. That protection goes to the first complete claim VA receives after the intent to file, so put every condition you mean to claim in that one filing. An intent to file does not apply to a supplemental claim.

Starting a disability compensation claim online at va.gov can establish this on its own, once you start and save the application. Do not assume it did. Look for VA's confirmation, or send the form separately so there is a dated record you can point to. For a pension claim, va.gov says to submit the intent to file even when you apply online.

The page for it is va.gov/find-forms/about-form-21-0966. It costs nothing, takes minutes, and an accredited representative will do it with you at no charge. Then take your year and gather properly.

The attack log

Print several. One line per attack. Three months of this is worth more than anything you can describe from memory in an exam room.

NAME

DATE

In the last column write down whether you had to stop and lie down, or whether you got through it. That single distinction is what the word prostrating is asking about.

Date	How long	What I had to do, and what I took	Work?
Ex: 2/11	About 6 hrs	Left work at 11, dark room until evening. Took the sumatriptan, it did not help.	Left early

Write what you took and whether it worked. The difference between an attack you medicated through and one that put you down is exactly the distinction the criteria draw, and your pharmacy record is what corroborates a log you wrote yourself.

The work half, if you are arguing the top level

Severe economic inadaptability is a question about work, and a log of headaches does not answer it. What does: attendance records, write-ups or warnings, a schedule or duty change put in writing, reduced hours or reduced pay, and a short statement from a supervisor or coworker who watched it happen. Gather those as their own small pile, separate from the log.

Before you file

- ☐ My log says whether each attack laid me out or not, every time.
- ☐ I can state an average per month over the last several months.
- ☐ I logged the attacks I worked through as well as the ones I did not.
- ☐ I described what I had to do, not how much it hurt.
- ☐ If I am arguing the top level, I said what it has cost me at work.
- ☐ I have dates, not just an impression of how often.
- ☐ I did not write down attacks that did not happen.
- ☐ I noted anybody who has witnessed one.
- ☐ I asked an accredited representative to look at it, at no cost to me.

ONE HONEST NOTE ABOUT THE EXAM

You will probably be seen on a day you are functional, because you could not have driven there otherwise. That is the whole problem with this condition and an appointment. The log is the only thing that speaks for the other days.

ABOUT THE EXAM APPOINTMENT

If you cannot make it, call and reschedule rather than missing it. Missing one without good cause is worse than most people think: on an original compensation claim it means the claim is rated on whatever is already in the file, and on a claim for increase or a supplemental claim for something previously denied, the regulation says the claim shall be denied. And examiners often will not take papers from you, which is why the block below matters more than handing anything over in the room.

HOW THIS REACHES VA

Handing a page to somebody in an appointment is not the same as putting it in your file. To be sure the attack log lands, submit it yourself.

VA Form 21-10210, Lay/Witness Statement (July 2024 version), is the form built for a written statement from you or from somebody else. You can upload it through your account at va.gov or mail it. Form numbers and versions change, so check the current one first. The page for this form is va.gov/find-forms/about-form-21-10210 and every VA form has one at the same address with its own number on the end.

Anybody who has seen an attack happen, at home or at work, can write their own short statement on the same form.

Keep a copy of what you sent and how you sent it.

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

Migraine is rated under diagnostic code 8100 in 38 CFR 4.124a. The four levels are written around characteristic prostrating attacks and their average frequency over the last several months, with the top level adding very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability.

What happens when an examination is missed is in 38 CFR 3.655.

Regulation text: ecfr.gov, Title 38, Part 4, section 4.124a. Rating criteria change. Confirm the current wording 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.