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TOTAL SCHEDULAR RATING PROTECTION

A non-temporary 100 percent schedular rating has a material-improvement safeguard.



APPLIES TO Total schedular evaluation	CORE TEST Material improvement	CONTEXT Ordinary conditions of life
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RULE FILE

Section 3.343(a) applies to total disability ratings warranted by severity, apart from temporary treatment ratings and TDIU. It does not turn the TDIU employability test into the rule for every schedular 100 percent rating.

TOTAL 01 | CORRECT LEGAL TEST

WHAT VA MUST ESTABLISH

EXAM

Examination showing material improvement

Absent clear error, VA needs an examination that shows material improvement in the physical or mental condition.

RECORD

All facts of record

The examination must be evaluated with the entire record rather than treated as a stand-alone conclusion.

LIFE

Ordinary conditions

VA must consider whether improvement occurred during ordinary life, including work or active efforts to work.

TOTAL 02 | REST AND REGIMEN

IMPROVEMENT MUST TRANSFER TO ORDINARY LIFE

Symptoms controlled by rest

A quiet period achieved through prolonged rest may not show restored ordinary function.

OR

Regimen precludes work

Treatment may control symptoms only because the regimen prevents normal activity or employment.

THEN

Reexamine after employment

Section 3.343(a) contemplates reexamination after three to six months of employment before reduction in this setting.

TOTAL 03 | KEEP SEPARATE

SCHEDULAR 100 PERCENT IS NOT TDIU

SCHED

Schedular total

The diagnostic criteria or combined evaluation produce a 100 percent schedular rating.

TDIU

Individual unemployability

Compensation at the total rate is based on inability to secure or follow substantially gainful employment.

TEMP

Temporary total

Hospitalization, surgery, convalescence, or another temporary rule has its own endpoint and review structure.

NO EMPLOYMENT SHORTCUT

Do not say every schedular 100 percent reduction requires proof that the veteran can maintain substantially gainful employment. That conflates schedular total ratings with TDIU.



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Authority: 38 CFR 3.343(a).

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