

What Is Individual Unemployability?

Individual Unemployability is a part of VA's disability compensation program that allows VA to pay certain veterans compensation at the 100% rate, even though VA has not rated their service-connected disabilities at the total level.

What Is the Eligibility Criteria for Individual Unemployability?

A veteran must be unable to maintain substantially gainful employment as a result of his/her service-connected disabilities. Additionally, a veteran must have:

- One service-connected disability ratable at **60** percent or more, *OR*
- Two or more service-connected disabilities, at least one disability ratable at **40** percent or more with a combined rating of **70** percent or more.

How Do I Apply?

- Submit VA Form 21-8940, "Veteran's Application for Increased Compensation Based on Unemployability"
- Send application to your nearest VA Regional Office. To find the closest regional office to you, go to <http://www1.va.gov/directory/guide/home.asp?isFlash=1> The application can be downloaded at <http://www.vba.va.gov/pubs/forms/VBA-21-8940-ARE.pdf> or call 1-800-827-1000 and request the form be mailed to you.

Can I Work?

Veterans who are in receipt of Individual Unemployability benefits **may work** as long as it is not considered substantially gainful employment. The employment must be considered marginal employment.

- **Substantially gainful employment** is defined as employment at which non-disabled individuals earn their livelihood with earnings comparable to the particular occupation in the community where the veteran resides.
- **Marginal employment** is generally deemed to exist when a veteran's earned income does not exceed the amount established by the U.S. Census Bureau as the poverty level for the *veteran only*. For more information on the U.S. Census Bureau's poverty thresholds, see <http://www.census.gov/hhes/www/poverty/about/overview/measure.html>

What If I Don't Meet the Percentage Criteria?

Special consideration will be given for veterans when the following criteria is met:

- The veteran is considered unemployable due to a service-connected disability(ies) but fails to meet the minimum percentage standards, *OR*
- There is evidence of *exceptional* or *unusual* circumstances to impairment of earning capacity due to disabilities (for example, interference with *employment* or *frequent periods of hospitalization*)

Note: Veterans may have to complete an employment questionnaire once a year in order for VA to determine continued eligibility to Individual Unemployability.

**For More Information, Call Toll-Free 1-800-827-1000
or Visit Our Web Site at <http://www.va.gov>.**