Introduction to the Schedule for Rating Disabilities

38 CFR 4.1-4.31

Instructor Lesson Plan

Time Required: 1.5 Hours

**Table of Contents**

[Lesson Description 2](#_Toc463448454)

[Introduction to the Schedule for Rating Disabilities 4](#_Toc463448455)

[Topic 1: General Policy in Rating 5](#_Toc463448456)

[Topic 2: Categories of Disabilities Ratings 10](#_Toc463448457)

[Topic 3: Other Factors to Consider in 38 CFR Part 4 12](#_Toc463448458)

[Topic 4: How to Evaluate Disabilities 14](#_Toc463448459)

[Practical Exercise 18](#_Toc463448460)

[Lesson Review, Assessment, and Wrap-up 19](#_Toc463448461)

|  |  |
| --- | --- |
| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4193041 |
| Prerequisites | None |
| target audience | The target audience is entry-level RVSRs.  Although this lesson is targeted to teach entry-level RVSRs, it may be taught to other VA personnel as mandatory or refresher training. |
| Time Required | 1.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * PowerPoint Presentation * Trainee Handouts * Lesson Plan |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment * [38 CFR Part 4, Subpart A](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5) * [CPKM](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%3FLANGUAGE%3Den%26COUNTRY%3DUS) * [Rating Job Aids](http://vbaw.vba.va.gov/bl/21/rating/rat00.htm) |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

|  |  |  |
| --- | --- | --- |
| Introduction to the Schedule for Rating Disabilities | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 1.5 hours |
| Purpose of Lesson | | This lesson is intended to introduce newly hired rating specialists to the fundamental rating principles and guidelines published under 38 CFR Part 4, Subpart A. |
| Lesson Objectives  Discuss the following:  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the RVSR will be required to accomplish the following lesson objectives.  TheRVSRwill be able to:   * Demonstrate an understanding of, evaluate, and apply the precepts of 38 CFR Part 4, Subpart A. * Apply learned material throughout the lesson by cooperating in the discussions and correctly completing the multiple choice questions at the end of the session. | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| STAR Error code(s) | A1, B1, B2, C1 | |
| References  Slide 3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [38 CFR Part 4, Subpart A](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5#sp38.1.4.a) * [M21-1, Part III](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003068%2FPart-03-Part-III-General-Claims-Process) * [M21-1, Part IV](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003120%2FPart-04-Part-IV-Compensation-DIC-and-Death-Compensation-Benefits) * [M21-1, Part V](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003165%2FPart-05-Part-V-Pension-and-Parents-Dependency-and-Indemnity-Compensation-DIChttps://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003165%2FPart-05-Part-V-Pension-and-Parents-Dependency-and-Indemnity-Compensation-DIC) | |

|  |  |
| --- | --- |
| Topic 1: General Policy in Rating | |
| Introduction | This topic will allow the trainee to use this section of the 38 CFR as a guide in evaluating disabilities. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify the Rating Board’s most frequently used CFRs * Explain the purpose of each CFR   The following topic teaching points support the topic objectives:   * Discuss examples to apply knowledge learned |
| Essentials of Evaluating Ratings 4.1  Slide 4 | **EXPLAIN** that the rating schedule is primarily a guide in evaluating disability resulting from all types of diseases and injuries encountered as a result of or incident to military service.  The percentage ratings represent, as far as can practicably be determined, the average impairment in earning capacity resulting from such diseases and injuries and their residual conditions in civil occupations.  Generally, the degrees of disability specified are considered adequate to compensate for considerable loss of working time from exacerbations or illnesses proportionate to the severity of the several grades of disability.  **EMPHASIZE** that to apply the rating schedule, accurate and fully descriptive medical examinations are required, with emphasis on the limitation of activity imposed by the disabling condition.  **EXPLAIN** that over a period of many years, a Veteran’s disability claim may be re-rated in accordance with the current laws, medical information and his or her medical condition. |
| Interpretation of Exam Reports 4.2  Slide 5  Handout 4 | **EMHASIZE** that different examiners, at different times, will not describe the same disability in the same language.  **EXPLAIN** that features of the disability, which must have persisted unchanged, may be overlooked or a change for the better or worse may not be accurately appreciated or described. It is the responsibility of the Rating Specialist to interpret reports of examination in the light of the whole recorded history, reconciling the various reports of examination in the light of the whole recorded history.  EMPHASIZE that if a diagnosis is not supported by the findings on the examination report or if the report does not contain sufficient detail, it is incumbent upon the rating board to return the report as inadequate for evaluation purposes.  SHOW: [M21-1, Part III, Subpart iv, Chapter 3, Section D, Examination Reports](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015812%2FM21-1-Part-III-Subpart-iv-Chapter-3-Section-D-Examination-Reports) |
| Resolution of Reasonable Doubt 4.3  Slide 6  Handout 4 | **EXPLAIN** that it is the policy of the VA to administer the law under a broad interpretation, consistent, however, with the facts shown in every case ([38 CFR 3.303, Principles of service connection](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1303))  **EXPLAIN** “tie goes to the runner” theory that doubt will be resolved in favor of the claimant.  **DISCUSS** Equipoise; reasonable doubt; probative value; [M21-1, Part III, Subpart iv, Chapters 5.9, Sections e and f, Evaluating Evidence and Making a Decision](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014203%2FM21-1-Part-III-Subpart-iv-Chapter-5-Evaluating-Evidence-and-Making-a-Decision) and [Gilbert v Derwinski, No. 89-53, October 12, 1990](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm#bmg) |
| Evaluation of Evidence 4.6  Slide 7 | **EMPHASIZE** Every element in any way affecting the probative value to be assigned to the evidence in each individual claim must be thoroughly and conscientiously studied by each member of the rating board in the light of the established policies of the VA to the end that the decision will be equitable and just as contemplated by requirements of the law.  [M21-1 Part III, Subpart iv, Chapter 5 Evaluating Medical Evidence](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014203%2FM21-1-Part-III-Subpart-iv-Chapter-5-Evaluating-Evidence-and-Making-a-Decision) |
| Discussion  *Slide 8* | **EXPLAIN** what is meant by “probative value”  Answer:  The term used to describe the weight of evidence submitted to prove something. |
| Higher of two Evaluations 4.7  *Slide 9*  *Handout 4* | **EXPLAIN** that where there is a question as to which of two evaluations should be applied, the higher evaluation will be assigned if the disability picture more nearly approximates the criteria required for that rating. Otherwise the lower rating will be assigned.  **DISCUSS:** [Tatum v Shinseki, No. 07-2728, September 28, 2009](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm#bmt) and also discuss how [38 CFR §4.7, Higher of two evaluations](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5#se38.1.4_17) is built into the Evaluation Builder.  Because the Board failed to consider whether the effects of the veteran’s hypothyroidism warranted a 30 percent rating under § 4.7 and to weigh the evidence of muscular weakness, mental disturbance, and weight gain, or explain why a 60 percent rating was not warranted, the Court remanded the issue of entitlement to an increased evaluation for hypothyroidism. |
| Discussion/  Whiteboard  *Slide 10* | Which of the following congenital/developmental defects are considered eligible for disability compensation? |
| Congenital or Developmental Defects 4.9  *Slide 11* | **EXPLAIN** that congenital or developmental defects, absent, displaced, or supernumerary (exceeding the usual) parts, refractive error of the eye, personality disorder and mental deficiency are not diseases or injuries in the meaning of the law for disability compensation.  **NOTE** that an exception for personality disorders is contained in the [38 CFR 4.124(a), Schedule of ratings - neurological conditions and convulsive disorders](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5#se38.1.4_1124a) note “Mental Disorders in Epilepsies”  [M21-1 Part IV, Subpart ii, Chapter 2, Section B, Congenital or developmental defects, or Hereditary Disorders](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014553%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-B-Determining-Service-Connection-SC) |
| Functional Impairment 4.10  *Slide 12* | **EXPLAIN** evaluations are based on lack of usefulness, of these parts or systems, especially in self-support.  This imposes upon the medical examiner the responsibility of furnishing a full description of the effects of disability upon the person’s ordinary activity. **EMPHASIZE** that a person may be too disabled to engage in employment although he or she is up and about and fairly comfortable at home or upon limited activity. |
| Discussion  *Slide 13* | What are you to do if you receive an examination that is not adequate for rating purposes?   1. Go ahead and rate the claim and justify your decision. 2. Put the claim back on the shelf and have someone else rate it. 3. Send the exam back for completion or clarification on items that were not done   Answer:  Send the exam back for completion or clarification on items that were not done; “insufficient for rating purposes”. |
| Change of Diagnosis 4.13  *Slide 14* | **EXPLAIN** that the repercussions upon a current rating of service connection when change is made of a previously assigned diagnosis or etiology must be kept in mind. The aim should be the reconciliation and continuance of the diagnosis or etiology upon which service connection for the disability was granted (seen in mental most frequently depression then bipolar, and gastrointestinal diseases).  **DISCUSS** [Tatum v Shinseki, No. 07-2728, September 28, 2009](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm#bmt)  The Court also found that the Board failed to apply 38 C.F.R. § 4.13[1] by not adequately discussing the presence of other diagnoses in the record as they related to the veteran’s current and active gastrointestinal problems, nor considering whether the veteran should now be rated under a new DC associated with a changed diagnosis. |
| Avoiding Pyramiding 4.14  *Slide 15* | **EXPLAIN** Pyramiding is rating the same physical manifestations of a disability under two separate DCs.  Separate evaluations are warranted where none of the symptomatology for any one condition duplicates or overlaps another ([M21-1, Part III, Subpart iv, Chapter 6, Section C, Completing the Rating Decision Narrative](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014206%2FM21-1-Part-III-Subpart-iv-Chapter-6-Section-C-Completing-the-Rating-Decision-Narrative)).  Do not apply residual symptoms of a non service-connected condition to the service-connected condition  Numerous conditions have similar manifestations: Do not use the same manifestations to rate different disabilities  If necessary, ask medical examiner for an opinion as to which disability the manifestations apply |
| Discussion  *Slide 16* | **EXPLAIN** that despite the fact that knee flexion and extension both occur in the same plane of motion, limitation of flexion (bending the knee) and limitation of extension (straightening the knee) represent distinct disabilities.  [M21-1, Part III, Subpart iv, Chapter 6, Section C, Basic Information on Reasons for Decision](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014206%2FM21-1-Part-III-Subpart-iv-Chapter-6-Section-C-Completing-the-Rating-Decision-Narrative). Example separate evaluations under [38 CFR 4.71a, Diagnostic Code (DC) 5260, (limitation of knee flexion) and 38 CFR 4.71a, DC 5261, (limitation of knee extension)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5#se38.1.4_171a) can be assigned without pyramiding. |
| note(s) to pyramiding discussion | Example 1: A disability of a tibia with malunion, limitation of dorsiflexion, eversion, inversion, and traumatic arthritis of the ankle would be evaluated under one 38 CFR 4.71a, DC, 5262, in accordance with the effect upon ankle function, with no separate evaluation for the limitation of motion or traumatic arthritis.  Example 2: Instability of the knee (38 CFR 4.71a, DC 5257) may be evaluated separately from limited motion of the knee due to arthritis (38 CFR 4.71a, DC 5003). |
| DEMONSTRATION | None |

|  |  |
| --- | --- |
| Topic 2: Categories of Disabilities Ratings | |
| Introduction | This topic will allow the RVSR trainee to understand the criteria for the different types of total disability ratings under the 38 CFR Part 4 Subpart A. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Explain total disability ratings for compensation * Explain total disability rating for pension * Identify multiple disabilities considered as one disability * Differentiate between unemployable and unemployment |
| Total Disability Rating 4.15  Slide 17 | **EXPLAIN** that ratings is based primarily upon the economic or industrial handicap which must be overcome and not from individual success in overcoming it. |
| Discussion  Slide 18 | “What are some examples of permanent total disabilities?”  Answers include:  Permanent loss of use of:  - Both hands or of both feet  - One hand and one foot  - Sight of both eyes  - Becoming permanently helpless or bedridden |
| Total Disability for Compensation Based on Unemployability 4.16  Slide 19 | **EXPLAIN:** it is the established policy of the Department of Veterans Affairs that all Veterans who are unable to secure and follow a substantially gainful occupation by reason of service-connected disabilities shall be rated totally disabled.  Commonly referred to as individual unemployability (IU) |
| Individual Unemployability Criteria  Slide 20 | **EXPLAIN** (slide 20) that if there is only one service connected disability it must be evaluated at 60 percent or more. If there is more than one service connected disability the combined total must be at least 70 percent, with one disability evaluated at 40 percent or more.  **DISCUSS** (slide 21) examples of multiple disabilities considered as one disability in regulation. |
| Total Disability Ratings for Pension and Misconduct Etiology 4.17 & 4.17a  *Slide 21-22* | **EXPLAIN** All veterans who are basically eligible and who are unable to secure and follow a substantially gainful occupation by reason of disabilities which are likely to be permanent shall be rated as permanently and totally disabled.  **EMPHASIZE** the concept of marginal employment in regulation. Marginal employment is not considered to be substantially gainful employment  **DISCUSS** How a permanent and total disability rating might not be precluded by reason of the co-existence of a misconduct disability. |
| Unemployability 4.18  *Slide 23* | **EXPLAIN** that consideration is to be given to the circumstances of employment in individual claims, and, if the employment was only occasional, intermittent, tryout or unsuccessful, or eventually terminated on account of the disability, present unemployability may be attributed to the static disability. |
| Exercise | None |
| note(s) | None |
| DEMONSTRATION | None |

|  |  |
| --- | --- |
| Topic 3: Other Factors to Consider in 38 CFR Part 4 | |
| Introduction | This topic will allow the trainee to thoroughly review all documented information as well as the federal regulations and apply a factual analysis to all of the evidence. Personal opinions of the RVSR are not permitted in the analysis. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Explain why age is never a factor in compensation * Explain the appropriate to use analogous codes * Explain service connection by way of aggravation * Explain the proper attitude of a Rating Specialist * Explain the importance of Correspondence |
| Age in Service Connected Claims 4.19  Slide 24 | **EMPHASIZE** that age is not a factor for considering service connection (only for pension purposes)  **DEFINE**: Intercurrent = occurring during and modifying the course of another disease. |
| Analogous Ratings 4.20  Slide 25 | **EXPLAIN:** when an unlisted condition is encountered, it will be permissible to rate under a closely related disease or injury in which not only the functions affected but the anatomical localization and symptomatology are closely analogous.  **DEFINE:**  Analogous = something that is similar to something else  **DISPLAY MEPSS for examples:**  GERD  Multiple Myeloma |
| Application of the Rating Schedule 4.21  Slide 26 | **EXPLAIN:**  that in view of the number of atypical instances it is not expected, especially with the more fully described grades of disabilities, that all cases will show **all** the findings specified.  **EMPHASIZE** that the findings sufficiently characteristic to identify the disease and the disability and above all coordination of rating with impairment of function will, however, be expected in all instances. |
| Rating Disabilities Aggravated by Active Military Service 4.22  Slide 27 | **EXPLAIN** that in cases where we grant service connection for a condition that existed prior to service and was subsequently aggravated by service, we must determine the percentage of disability at the time of entrance into military service and deduct that amount from the currently assigned evaluation, with the exception that if a total disability rating of 100 percent is granted, no deduction will be made.  **REFER** trainees also to 38 CFR §3.322 Rating of disabilities aggravated by service for additional guidance. |
| Discussion/  Whiteboard  *Slide 28* | What attributes and characteristics should a rating specialist demonstrate when handling a case or interfacing with a claimant?  Answers may include:  • Fairness  • Patience  • Courtesy  • Unbiased approach  • Open mindedness  • Non-critical  • Non-aggressive |
| Attitude of the Rating Specialist 4.23  *Slide 29*  *Handout 1* | **EXPLAIN:** the majority of applicants are disabled and are seeking benefits of law to which they believe they are entitled.  **EMPHASIZE** that Rating Specialists must “leave personal feelings at the door” |
| Correspondence 4.24  *Slide 30* | **EXPLAIN:** All correspondence relative to the interpretation of the schedule for rating disabilities, requests for advisory opinions, questions regarding lack of clarity or application to individual cases involving unusual difficulties, will be addressed to the Director, Compensation and Pension Service. |
| Exercise | none |
| note(s) | none |
| DEMONSTRATION | none |

|  |  |
| --- | --- |
| Topic 4: How to Evaluate Disabilities | |
| Introduction | This topic will allow the RVSR trainee to identify the correct diagnostic code to use and then weigh the evidence to factor in the appropriate evaluation using the combined rating schedule and the bilateral factor, when appropriate. |
| Time Required | 0.50 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Explain the Combined Rating Table * Explain the bilateral factor * Explain how to use the diagnostic codes with the medical information provided * Explain prestabilization ratings * Explain hospitalization treatment for observation and convalescence * Explain a no-percent rating   The following topic teaching points support the topic objectives:   * Identify and Explain how to use the Disability Rating Calculator |
| Combined Rating Schedule 4.25  Slide 31  Handout 5 | **EXPLAIN** that a person having a 60 percent disability is considered 40 percent efficient.  Proceeding from this 40 percent, the effect of another 30 percent disability is to leave only 70 percent of the efficiency remaining, after consideration of the first disability, or 28 percent efficiency altogether.  The individual is, thus, 72 percent disabled. |
| Discussion/  Whiteboard  Slide 32 | Complete the following combined evaluations on the whiteboard:  20% + 10% = 30%  40% + 40% + 30% = 80%  60% + 50% + 30% + 10% = 90%  Instruct students where to find the Disability Rating Calculator:  **Comp SVC Intranet-Training-Job Aids-RVSR & VSR Job Aids-Disability Rating Calculator** |
| Bilateral Factor 4.26  Slide 33  Handout 5 | **EXPLAIN** that when disability results from disease or injury of both arms, or both legs, or of paired muscles, the ratings for the disabilities of the right and left sides will be combined as usual, and 10 percent of this value will be added (not combined) before proceeding with further combinations, or converting to degree of disability.  **EMPHASIZE** that the bilateral factor will be applied to such bilateral disabilities before other combinations are carried out and the rating for such disabilities will be treated as one disability for the purpose of arranging in order of severity and for all further combinations. |
| Discussion/  Whiteboard  *Slide 34* | Complete the following combined evaluations and bilateral factors on the whiteboard:  RL 20% + LL 10% = 30% 2.8 BIL  70% + 30% + 20% + RL 10% + LL 10% = 90% 1.9 BIL  RL 30% + LL 30% + 20% = 60% 4.4 BIL  Comp SVC Intranet-Training-Job Aids-RVSR & VSR Job Aids-Disability Rating Calculator |
| Use of Diagnostic Codes 4.27  *Slide 35-6* | **EXPLAIN** that the diagnostic codes appearing opposite the listed ratable disability will be used for the purpose of showing the basis of the evaluation assigned and for statistical analysis in VA.  **EXPLAIN** In the citation of disabilities on rating sheets, the diagnostic terminology will be that of the medical examiner, with no attempt to translate the terms into schedule nomenclature. Residuals of diseases or therapeutic procedures will not be cited without reference to the basic disease.  **EMPHASIZE** to exercise great care selecting the diagnostic code.  In assigning an analogous code, you should use the first two digits from that part of the schedule that most closely identifies the body system involved, followed by 99, and then the diagnostic code of the condition that the disability is analogous to. |
| Prestabilization Rating from Date of Discharge from Military Service 4.28  *Slide 37-38* | **EMPHASIZE** that we will have a separate lesson regarding the provisions of 38 CFR §4.28, §4.29 and §4.30  **EXPLAIN** (slide 37) A prestabilization rating may be assigned in lieu of ratings prescribed elsewhere, under conditions stated for disability from any disease or injury.  (slide 38) The prestabilization rating is not to be assigned in any case in which a total rating is immediately assignable under the regular provisions of the schedule or on the basis of individual unemployability. |
| Ratings Requiring Hospital Treatment for Observation  4.29  *Slide 39* | **EXPLAIN** that a total disability rating (100 percent) will be assigned without regard to other provisions of the rating schedule when it is shown that a service-connected disability has required hospital treatment in excess of 21 days either at a VA facility or an approved hospital, or hospital observation at the VA expense. |
| Convalescence Ratings 4.30  *Slide 40* | **EXPLAIN** that 100% evaluation may continue for convalescence for 1 – 3 months in addition to the hospitalization period, with possible extension up to six months depending on surgery or recovery time of illness/injury. Note: Not subject to §3.105(e) |
| A No-Percent Rating 4.31  *Slide 41* | **EXPLAIN** that we always have the ability to grant S/C at a noncompensable level, even if not specifically stated in the rating schedule. |
| Discussion  *Slide 42* | **Comp SVC Intranet-Training-Job Aids-RVSR & VSR Job Aids-Disability Rating Calculator** |
| Exercise | Additional Combinator exercises:  The Veteran has disabilities evaluated at 50 percent, 50 percent, and 40 percent (the two 50 percent disabilities are bilateral.  Answers:  1. Response: 70 percent – The order of severity is 60 percent, 21 percent and 20 percent.  Bilateral factor-10 plus 10 equals 19, 10 percent of 19 is 1.9 so combined bilateral factor is 21. 60 plus 21 equals 68 percent plus 20 percent equals 74 percent, rounded down to 70 percent combined total.  2. Response: 90 percent – The order of severity is 82 percent plus 40 percent equals 89 rounded to 90 percent combined total.  Bilateral factor – 50 percent plus 50 percent equals 75 percent, 10 percent of 75 is 7.5, so 75 plus 7.5 equals 82.5 rounded to 83 plus 40 percent equals 90 percent combined total evaluation. |
| note(s) | none |
| DEMONSTRATION | none |

|  |  |
| --- | --- |
| Practical Exercise | |
| Time Required | N/A |
| EXERCISE | Instruct the students to complete the exercise in the student handout. The instructor will provide the answers and feedback to any questions the students may have.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |

|  |  |
| --- | --- |
| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Introduction to the Schedule for Rating Disabilities 4.1-4.31 lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the Introduction to the Schedule for Rating Disabilities 4.1-4.31 lesson.  The trainee should be able to:   * Demonstrate an understanding of, evaluate, and apply the precepts of 38 CFR Part 4, Subpart A. * Apply learned material throughout the lesson by cooperating in the discussions and correctly completing the multiple choice questions at the end of the session. |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. |