

Veterans Benefits Administration



*Compensation
Service*

January 2016

Prestabilization Ratings



Objectives

RVSRs will be able to:

- Identify the references for the topic
- Determine when to prepare a prestabilization rating
- Determine when a 100% or a 50% is appropriate
- Correctly determine duration of the grant
- Prepare a prestabilization rating





References

- 38 CFR 4.28, Prestabilization rating from date of discharge from service
- M21-1, Part IV, subpart ii.2.J, Prestabilization Ratings Under 38 CFR 4.28





Prestabilization Ratings

- Known as Paragraph 28 (38 CFR 4.28)
- Created to assure earliest payment to Veterans mostly likely in need
- No waiting for additional development or examination for SC disabilities shown to continue for an indefinite period





Prestabilization Ratings (cont.)

Rating can be based on medical evidence contained in STRs or recent military, VA, or private hospitalization reports





Prestabilization Rating Evaluation

A prestabilization evaluation of 100% or 50% can be assigned when the medical evidence shows the existence of an unstabilized condition for which S/C can be granted.



100% Evaluation

Requires unstabilized condition with severe disability and substantially gainful employment is either not feasible or advisable





100% Evaluation (cont.)

Should not be used in any case where a total evaluation could be immediately assigned under either the regular provisions of the rating schedule or on the basis of I.U.



50% Evaluation

Requires unhealed or incompletely healed wounds or injuries, and material impairment of employability is likely





50% Evaluation

Should not be used in any case where an evaluation of 50% or higher could be immediately assigned under the regular provisions of the rating schedule





Duration of the Grant

- Used in the immediate post discharge period
- Continue for a 12 month period following discharge or separation
- Requires a routine future examination no earlier than 6 months or later than 12 months following discharge or separation



Duration of the Grant (cont.)

- A prestabilization rating can be changed to a regular schedular rating at anytime *if* the regular rating results in an increased evaluation
- Reductions of prestabilization ratings cannot occur until after the expiration of 12 months from date of discharge, and must follow the provisions of 38 CFR 3.105(e)



Special Monthly Compensation (SMC)

SMC can be assigned in a prestabilization rating *if* it is supported by the medical evidence of record on which the rating is based.





Severance Awarded



- A separate evaluation must be assigned for a prestablization rating disability for which severance was awarded
- Note: Identifying the disability will allow Authorization to properly offset the award of compensation benefits



Rating Decision

- Rating decision must address all disabilities claimed or noted
- Prestabilization rating/issue should not be deferred for development of other issues
- Prestabilization rating contains one diagnostic code (most severe condition) followed by other unstable SC disabilities, but without separate DCs



Rating Codesheet Example

SUBJECT TO COMPENSATION (1. SC)

5255 Compound comminuted fracture of left femur due to gunshot wound (GSW) left thigh; GSW left arm; GSW chest; major depression

Future Exam (date)

100% from (effective date) (38 CFR 4.28)



Questions

