**This guide is prepared for training purposes only and is intended for use by DROs and RVSRs assigned to the Appeals Team or working appeal issues within their respective team. The list is *not* all inclusive, therefore the laws and regulations cited herein are those found to be consistently required when preparing an SOC/SSOC.**



**The following language is required in all SOCs:**

**“VA, in determining all claims for benefits that have been reasonably raised by the filings and evidence, has applied the benefit-of-the-doubt and liberally and sympathetically reviewed all submissions in writing from the (Veteran/claimant) as well as all evidence of record.”**

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| **Basic Laws and Regulations****To be included in all SOCs. Do not need to repeat in the SSOC if included in the SOC. If law was not on SOC then it needs to be included on the SSOC.** |
| 1. [38 USC 5107(a)](https://www.law.cornell.edu/uscode/text/38/5107)
 | Claimant Responsibility |
| [38 USC 5107(b)](https://www.law.cornell.edu/uscode/text/38/5108) | Benefit of Doubt |
| 1. [38 CFR 3.102](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1102)
 | Reasonable Doubt (if evidence equipoise) |
| 1. [38 CFR 3.103](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1103)
 | Procedural Due Process and Appellate Rights |
| 1. [38 CFR 3.104(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1104)
 | Finality of Decisions |
| [38 CFR 3.159](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1159) | Department of Veteran Affairs Assistance in Developing Claims |
| [38 CFR 19.32](http://www.ecfr.gov/cgi-bin/text-idx?SID=c9d680849787acb5da5f54be4054eee0&mc=true&node=se38.2.19_132&rgn=div8) | Closing of Appeal for failure to Respond toSOC  |
| [38 CFR 20.302](http://www.ecfr.gov/cgi-bin/text-idx?SID=c9d680849787acb5da5f54be4054eee0&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_1302)  | Time Limit for Filing NOD, Substantive Appeal, and Response to SSOC |
| [38 CFR 20.501](http://www.ecfr.gov/cgi-bin/text-idx?SID=c9d680849787acb5da5f54be4054eee0&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_1501)  | If Contested Claim |
| [38 CFR 3.1](http://www.ecfr.gov/cgi-bin/text-idx?SID=c9d680849787acb5da5f54be4054eee0&mc=true&node=se38.1.3_11&rgn=div8) and [38 CFR 3.6](http://www.ecfr.gov/cgi-bin/text-idx?SID=c9d680849787acb5da5f54be4054eee0&mc=true&node=se38.1.3_16&rgn=div8)  | If Reserves/National Guard |

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| **Service Connection** |
| [38 USC 1110](https://www.law.cornell.edu/uscode/text/38/1110) (Wartime) | Basic Entitlement |
| [38 USC 1131](https://www.law.cornell.edu/uscode/text/38/1131) (Peacetime) | Basic Entitlement  |
| [38 CFR 3.306](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1306) [38 CFR 3.322 (a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1322)[38 CFR 3.322 (b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1322)[38 USC 1153](https://www.law.cornell.edu/uscode/text/38/1153) | **Aggravation**Aggravation of ***Pre-service*** DisabilityAggravation of ***Service-Connected*** Disability |
| [38 USC 1154(b)](https://www.law.cornell.edu/uscode/text/38/1154) | Consideration to be accorded time, place and circumstances of service (combat) |
| [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1303)  | Principles Relating to Service ConnectionDirect (All) |
| [38 CFR 3.304](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1304) | Direct Service Connection; Wartime & Peacetime (All) |
| [38 CFR 3.304(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1304) | Posttraumatic Stress Disorder due to Combat, Sexual Trauma, or fear of hostile military or terrorist activity |

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| **Presumptive (Service Connection)** |
| [38 CFR 3.307](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1307) | Presumptive (chronic, tropical or prisoner-of-war related disease, or disease associated with exposure to certain herbicide agents; wartime and service on or after January 1, 1947) |
| [38 CFR 3.309(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309)  | Presumptive Chronic  |
| [38 CFR 3.309(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309) | Tropical Diseases |
| [38 CFR 3.309(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309)  | POW Status (interned/detained not less than 30 days) |
| [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309) [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1311) | Diseases specific to radiation-exposed veteransExposure to Ionizing Radiation  |
| [38 CFR 3.309(e)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309) | Disease associated with exposure to certain Herbicide Agents |
| [38 CFR 3.313](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1313) | Claims Based on Service in Vietnam |
| [38 CFR 3.316](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1316) | Claims Based on Chronic Effects of Exposure to Mustard Gas |
| [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1317) | Undiagnosed Illness (Gulf War) |
| [38 CFR 3.318](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1318) | Amyotrophic Lateral Sclerosis  (ALS) |

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| **Claims Based on New and Material Evidence** |
| [38 CFR 3.105](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1105) | Revision of Decision |
| [38 CFR 3.156](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1156) | New and Material Evidence |
| [38 CFR 20.1100](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_11100) [38 CFR 20.1104](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_11104)  | Finality of Decisions of the Board andFinality of Determination of the Agency of Original Jurisdiction Affirmed on Appeal ***(only if denial previously upheld by BVA)*** |

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| **Specific Issues** |
| [38 CFR 3.1000](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11000) [38 USC 5121](https://www.law.cornell.edu/uscode/text/38/5121) | Accrued (payment of certain accrued benefits upon death of a beneficiary) |
| [38 CFR 3.808](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1808) | Automobiles or other conveyances; certification |
| [38 CFR 3.807](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1807) | Chapter 35 |
| [38 CFR 3.12](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_112) | Character of Discharge |
| [38 CFR 4.9](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_19)  | Congenital or developmental defects |
| [38 CFR 3.358](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1358) & [38 CFR 3.800](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1800) | Claims under 38 USC 1151 |
| [38 CFR 3.361](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1361) | Benefits under 38 U.S.C. 1151(a) for additional disability or death due to hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy program |
| [38 CFR 4.25](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_125) | Combined Rating Tables |
| [38 CFR 3.6](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_16) | Duty Periods |
| [38 CFR 3.114](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1114) | Change of law or Department of Veterans Affairs issue. |
| [38 CFR 3.109](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1109) | Effective Dates |
| [38 CFR 3.155](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1155) | How to File a Claim |
| [38 CFR 3.157](http://vbaw.vba.va.gov/bl/21/publicat/Regs/Part3/3_157.htm) | Effective Dates (Prior to 3/24/2015) |
| [38 CFR 3.400](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400) | Effective Dates |
| [38 CFR 3.401](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1401) | Effective Dates - Veteran |
| [38 CFR 3.402](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1402) | Effective Dates – Surviving Spouse |
| [38 CFR 3.403](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1403) | Effective Dates - Children |
| [38 CFR 3.404](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1404) | Effective Dates – Parents |
| [38 CFR 3.405](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1405) | Effective Dates – Filipino Veterans and Survivors |
| [38 USC 5313](https://www.law.cornell.edu/uscode/text/38/5313) | Fugitive Felon |
| [38 CFR 3.385](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1385) | Hearing Loss |
| [38 CFR 3.356](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1356) | Helpless Child (Conditions which determine permanent incapacity for self-support) |
| [38 CFR 4.127](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1127) | Mental retardation and personality disorders |
| [38 CFR 3.31](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_131) | Omnibus (Commencement of the period of payment) |
| [38 CFR 3.350](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1350)  | Special Monthly Compensation Ratings |
| [38 CFR 3.51(a-d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1351)  | Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings |
| [38 CFR 3.352(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1352) | Basic criteria for regular aid and attendance and permanently bedridden |
| [38 CFR 3.806](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1806)  | Death gratuity; certification |
| [38 CFR 3.809 (a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1809) | Special Adapted Housing under 38 U.S.C. 2101(a)/Special Home Adaptation |
| [38 CFR 3.310](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1310) | Secondary Conditions (Disabilities that are proximately due to, or aggravated by, service-connected disease or injury) |
| [38 CFR 3.50](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_150)  | Spouse and surviving spouse |
| [38 CFR 3.1(n)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11) [38 CFR 3.301(c)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1301)[38 CFR 3.301(c)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1301) | Definitions- Willful Misconduct/LOD plusAlcoholismDrug Abuse |
| [38 CFR 3.383](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1383) | Special Consideration for paired Organs and extremities |
| [38 USC 1702](https://www.law.cornell.edu/uscode/text/38/1702) | Presumption of Soundness |
| **Increased Evaluation Denied** |
| [38 CFR 3.321(a)(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1321) | General Rating Considerations |
| [38 CFR 3.655](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1655)  | Failure to report for VAE |
| [38 CFR 4.1](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_11) | Essentials of Evaluative Ratings |
| [38 CFR 4.2](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_12)  | Interpretation of Examination Reports ***(only if VAE was performed)*** |
| [38 CFR 4.3](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_13) | Resolution of Reasonable Doubt |
| [38 CFR 4.6](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_16) | Evaluation of Evidence |
| [38 CFR 4.7](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_17) | Higher of Two Evaluations |
| [38 CFR 4.10](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_110) | Functional Impairment |
| [38 CFR 4.20](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_120) | Appropriate Diagnostic Code(s) 38 CFR Part 4 *Schedule for Rating Disabilities – Analagous* ***(include all applicable diagnostic codes)*** |

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| **Other Laws & Regulations Specific to Issues of Evaluation** |
| [38 CFR 3.321(a)(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1321) | Extra Schedular Evaluation |
| [38 CFR 3.324](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1324) | Multiple Non-compensable SC Disabilities |
| [38 CFR 4.14](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_114) | Avoidance of Pyramiding |
| [38 CFR 4.20](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_120) | Analogous Ratings |
| [38 CFR 4.31](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_131) | A No-percent Rating |
| [38 CFR 4.68](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_168) | Amputation Rule |
| **NOTE:** **Cite all applicable diagnostic codes (DCs) that apply to a particular disability. A single DC used in a rating will not always be the only pertinent DC to use when preparing an SOC. You must provide other related codes as needed for clarity.** **NOTE: If maximum evaluation is assigned, include all potential DC that allow for a higher evaluation.****NOTE: When a change in law revises 38 CFR Part 4, *Schedule for Rating Disabilities,* provide both old and new rating schedule criteria.** |

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| **Additional Regulations When Evaluating a Joint** |
| [38 CFR 4.40](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_140) | Functional Loss (Deluca) |
| [38 CFR 4.45](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_145) | The Joints (Deluca) |
| [38 CFR 4.59](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_159) | Painful Motion |

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|  **Additional Regulations When Evaluating a Mental Condition** |
| [38 CFR 4.126](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1126) | Evaluation of Disability from Mental Disorders |
| [38 CFR 4.130](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1130) | Schedule of Ratings-Mental Disorders |

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|  **Additional Regulations When Evaluating Hearing Loss** |
| [38 CFR 3.383 (a)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1383) | Special Consideration for paired Organs and extremities |
| [38 CFR 4.85](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_185) | Evaluation of Hearing Impairment |
| [38 CFR 4.86](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_186)[Tables VI, VIA, VII](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5" \l "se38.1.4_185) | **Evaluation Tables**Hearing impairment based on puretone threshold average &speech discriminationHearing impairment based only on puretone threshold averagePercentage evaluation for hearing impairment (diagnostic code **6100**) |

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| **Additional Regulations When Evaluating Scars** |
| [38 CFR 4.118](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Schedule of ratings-skin |
| [DC 7800](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Burn scar(s) of the head, face, or neck; scar(s) of the head, face, or neck due to other causes; or other disfigurement of the head, face, or neck |
| [DC 7801](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are deep and nonlinear |
| [DC 7802](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are superficial and nonlinear |
| [DC 7804](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Scar(s), unstable or painful: |
| [DC 7805](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_1118) | Evaluate any disabling effect(s) not considered in a rating provided under diagnostic codes 7800-04 under an appropriate diagnostic code. |

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| **Entitlement To Total Compensation On Account of IU** |
| [38 CFR 3.321(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1321) | Extra Scheduler Consideration (Compensation) |
| [38 CFR 3.340](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1340) | Total and Permanent Total Ratings and Unemployability |
| [38 CFR 4.15](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_115) | Total Disability Ratings |
| [38 CFR 4.16](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_116) | Total Disability Ratings Based on IU |
| [38 CFR 4.18](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_118) | Unemployability |
| [38 CFR 4.19](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_119) | Age in service-connected claims |

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| **Permanent and Total for Pension Purpose**  |
| [38 CFR 3.321](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1321) | General rating considerations |
| [38 CFR 3.321(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1321) | Extra-Schedular Consideration |
| [38 CFR 3.327](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1327) | Reexaminations |
| [38 CFR 3.340](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1340) | Total and Permanent Ratings and IU |
| [38 CFR 3.342](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1342)  | Permanent and Total Disability Ratings for Pension Purposes |
| [38 CFR 4.15](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_115) | Total Disability Ratings |
| [38 CFR 4.17](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_117) | Total Disability Ratings for Pension Based on IU and age of Individual |
| **Pension Income** |
| [38 CFR 3.3](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_13) | Pension |
| [38 CFR 3.23](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_123) | Improved pension rates-Veterans and surviving spouses. |
| [38 CFR 3.24](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_124) | Improved pension rates-surviving children. |
| [38 CFR 3.29](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_129) | Rounding |
| [38 CFR 3.260](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1260) [38 CFR 3.271](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1271) | Computation of Income |
| [38 CFR 3.262](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1262) | Evaluation of income |
| [38 CFR 3.272](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1272) | Exclusions from income |
| [38 CFR 3.273](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1273) | Rate Computation |
| [38 CFR 3.275](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1275) | Criteria for evaluating net worth |
| [38 CFR 3.277](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1277)[38 CFR 3.256](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1256) | Eligibility reporting requirements |

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| **Service Connection for Cause of Death Denied** |
| [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1303) | Principles Relating to SC |
| [38 CFR 3.304](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1304)[38 CFR 3.304(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1304) | Direct SCPosttraumatic Stress Disorder |
| [38 CFR 3.312](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1312) | Cause of Death |
| [38 CFR 3.307](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1307) [38 CFR 3.309](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1309) | Presumptive Conditions (chronic, AO, POW, etc) ***(delete parts of regulation not applicable)*** |
| [38 CFR 3.22](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_122) | DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death |

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| **Competency** |
| [38 CFR 3.353](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1353) | Determination of Incompetency/Competency  |
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| **Paragraph 29 & Paragraph 30** |
| [38 CFR 4.29](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_129) | Ratings for service-connected disabilities requiring hospital treatment or observation |
| [38 CFR 4.30](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=fcb5287b3891bc788a4f6308c03adc90&mc=true&r=PART&n=pt38.1.4#se38.1.4_130) | Convalescent Ratings |
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| **Dental (Teeth Only)** |
| [38 CFR 3.381](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1381) | SC of Dental Conditions for Treatment Purposes  |
| **Revision of Decision** |
| [38 CFR 3.105(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1105)[38 CFR 3.105(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1105)[38 CFR 3.105(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1105) | Clear & Unmistakable Error (CUE)Difference of OpinionSeverance |
| [38 CFR 3.2600](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_12600) | Review of Benefit Claims Decision |
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| **Reductions in Evaluation** |
| [38 CFR 3.105(e)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1105) | Reduction in Evaluation (Comp) |
| [38 CFR 3.343](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1343) | Continuance of Total Disability Ratings (If Reduced from Total, including IU) |
| [38 CFR 3.344](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1344) | Stabilization of Disability Evaluations |
| [38 CFR 3.951](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1951) | Preservation of Disability Ratings |
| [38 CFR 3.957](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1957) | Service Connection |

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| **Entitlement to an Earlier Effective Date** |
| [38 CFR 3.155](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1155) | How to File a Claim |
| [38 CFR 3.157](http://vbaw.vba.va.gov/bl/21/publicat/Regs/Part3/3_157.htm) | Report of Examination or Hospitalization as Claim for Increase or to Reopen (When Applicable Prior to March 24, 2015) |
| [38 CFR 3.400](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(o)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(q)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(r)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400)[38 CFR 3.400(x)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400) | General Regulation on Effective DatesService Connection (Direct/Presumptive)Death BenefitsIncreased EvaluationNew and Material EvidenceReopened ClaimsDetermination of Incompetency |
| [38 CFR 3.400](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1400) | Effective Dates |
| [38 CFR 3.401](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1401) | Effective Dates - Veteran |
| [38 CFR 3.402](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1402) | Effective Dates – Surviving Spouse |
| [38 CFR 3.403](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1403) | Effective Dates - Children |
| [38 CFR 3.404](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1404) | Effective Dates - Parents |
| [38 CFR 3.405](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1405) | Effective Dates – Filipino Veterans and Survivors |

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| **Timeliness of Appeal** |
| [38 CFR 3.109](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1109) | Time Limit |
| [38 CFR 3.156](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1156) | New and Material Evidence |
| [38 CFR 3.160(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1160) | Status of Claims-Finally Adjudicated Claim |
| [38 CFR 20.303](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_1303) | Extension of time for filing Substantive Appeal and response to Supplemental Statement of the Case. |
| [38 CFR 20.305](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_1305) | Computation of time limit for filing |
| [38 CFR 20.1103](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_11103) | Finality of determinations- appeal not perfected |
| [38 CFR 20.1104](http://www.ecfr.gov/cgi-bin/text-idx?SID=325ad0d4f84554a97c149f5de1456527&mc=true&node=pt38.2.20&rgn=div5#se38.2.20_11104) | Finality of determinations-affirmed on appeal |

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| **Burial** |
| [38 CFR 3.1700](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11700) | Types of VA Burial Benefits |
| [38 CFR 3.1703](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11703) | Claims for Burial Benefits |
| [38 CFR 3.1709](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11709) | Transportation Expenses for Burial in National Cemetery |
| [38 CFR 3.1712](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_11712) | Effect of forfeiture on payment of burial benefits |

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| **Court Cases** |
| [Fenderson v. West](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), January 29, 1999, No. 96-947 | Evaluating disability levels; Application of 38 CFR §§ 4.40 and 4.45; “Staged” ratings |
| [Tatum v. Shinseki](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), September 28, 2009, No. 07-2728 | Applying Various Regulations to Rating Schedule |
| [Hensley v. Brown](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), May 18, 1993, No. 91-1179 | Reasons or bases, 38 CFR § 3.385, benefit-of-the-doubt rule |
| [McLendon v. Nicholson](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), June 5, 2006, No. 04-0185 | Duty to Assist - Examinations. |
| [Nieves-Rodriguez v. Peake](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), December 1, 2008, No. 06-0312 | Medical Opinions |
| [Rice v. Shinseki](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm), May 6, 2009, No. 06-1445 | TDIU Claims |