38 CFR §4.25 & §4.26

Combining Rating table Bilateral Factor

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CVSOA
conference

"Making things better"

Lesson Objectives

- **Better understand of 38 CFR § 4.25 —**
  - **Combined rating table**
  - **How VA disability evaluations are combined**
- **Better understand of 38 CFR § 4.26 —**
  - **Bilateral Factor**
  - **The effect of bilateral factor on combined evaluation**

References

- 38 United State Code Service
  - Veteran's Benefits
- 38 Code of Federal Regulations
  - Pensions, Bonuses, and Veterans' Relief

Why do we need this training??

- Discuss the 38 CFR §4.25 & § 4.26
- To Understand VA math and bilateral factor
- Ensure that we are providing a good explanations to the Veterans of VA math and help them better understand their VA claim
- To understand the 38 CFR § 4.25 & § 4.26

What is a disability defined by VA law

- Disability is the result of a disease or injury incurred in or aggravated during active duty military service, may also be for post-service disabilities that are considered related to / or secondary from a disabilities occurring in service and for disabilities presumed to be related to circumstances or exposures while in military service, even though they may arise after service.

- Generally, the degrees of disability specified are also designed to compensate for considerable loss of working time from exacerbations or illnesses of the condition.

Why is VA Math important?

Combined evaluation=

- Eligibility VA health care
- Money
- Entitlement to additional benefits

38 CFR §4.25

Combined Rating Table

Results from the consideration of the efficiency of the individual as affected first by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity.

VA Math example

A veteran has the following SC evaluations:

- Diabetes Mellitus 20%, effective date 10/20/1983
- Neuropathy right upper extremity 10%, effective date 10/20/1983
- Kidney condition 10%, effective date 7/13/1985
- Diabetic Retinopathy right eye 0%, effective date 3/10/1999
- PTSD 50%, effective date 10/11/2013
- Erectile Dysfunction 0%, effective date 10/20/2017

What is his combined S/C rating?

VA Math example break down

100% Functional

Disabilities – 50%, 20%, 10% & 10%

	Disabled	Remaining Function
50% of 100% =	50%	50%
20% of 50% =	10%	40%
10% of 40% =	4%	36%
10% of 36% =	3.6%	32.4%
	67.6%	

68% Disabled

VA Math understanding

It does not matter when the Veteran was service connected for the condition, you will always started with the largest service connected condition first, then the next larger and so on until all of them have been applied to the combined rating table and you have your end results.

Remember 4 or less round down and 5 or more round up.

If you have a 54 that will equal 50%

You have a 65 that will be a 70%

VA Math practice number 2

A veteran has the following SC evaluations:

- Mental health - 50%
- Sleep apnea - 50%
- Neck - 30%
- Back - 20%
- Scars - 10%

What is the combined rating?

Practice number 2 answer

A veteran has the following SC evaluations:

- Mental health - 50%
- Sleep apnea - 50%
- Neck - 30%
- Back - 20%
- Scars - 10%

What is the combined rating?

It is 87 which rounds up to 90%

38 CFR §4.26 Bilateral Factor

What is it?

What part does it play?

38 CFR §4.26 Bilateral Factor

When a partial disability results from disease or injury of both arms, or of both legs, or of paired skeletal 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 (i.e., not combined) before proceeding with further combinations, or converting to degree of disability.

Applying bilateral factor

The correct procedure when applying the bilateral factor to disabilities affecting both upper extremities and/or both lower extremities is to combine the ratings of the disabilities affecting the extremities in the order of their individual severity and apply the bilateral factor by adding, not combining, 10% of the combined value thus attained.

38 CFR §4.26 Bilateral Factor

These disabilities will then be treated as one disability and will be applied in order of severity with other disabilities on the combined rating table.

Example

60%, 20%, 10% & 10%
 - the two 10's representing bilateral disabilities

The order of severity would be 60, 21 and 20.

The 60 and 21 combine to 68 percent and the 68 and 20 to 74 percent, converted to 70 percent as the final degree of disability.

Example

- Left knee 30%,
- Arthritis, right knee 20%
- Arthritis, lumbar spine 20%
- Scar, left knee due to surgery 10%

Which conditions are used?

What is the bilateral factor?

What is the combined rating?

Answer

- 30% & 20% = 44% + 10% + 4.4
- 44% + 4.4% = 48.4%=48%
- 48% & 20% = 58%
- 58% & 10% = 62%

Left & right knee conditions

Bilateral factor is 10% of 44 which is 4

60%

Answer

- 30% & 20% = 44%
- 44% + 10% = 48%
- 48% & 20% = 58%
- 58% & 10% = 62%

Left & right knee conditions

Bilateral factor is 10% of 44 which is 4

60%

Objective learned

Accomplished:

- Disabilities are combined not added
- Used Combined Rating Table
- Discussed the Bilateral Factor
- Better understanding of combination

Questions