

VBA Rating Decision Process

WebEx Seminar

Nashville VA Regional Office

Veterans Benefits Administration (VBA)

October 2022



Overview of VBA Rating Decision Process



- **The rating decision process is how VBA determines a Veterans' claim for disability compensation.**
- **The process involves many different considerations to determine entitlement to benefits.**
- **A final legal determination is completed by the Rating Specialist which is called a Rating Decision.**

Determinations Involved in the Rating Process



- **Entitlement to Service Connection**



- **Reviewing Evidence to Determine if Exams are Necessary**



- **Assigning a Percentage of Disability Evaluation**
- **Assigning an Effective Date of Entitlement**



Example of a Disability Claim Determination

Jen



- **Jen Submits a Claim For Service Connection For a Right Knee Condition.**
- **She Reports This Condition was Caused by an Injury During Active Duty.**



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Entitlement to Service Connection

Service Connection is Established When a Current Disability is Determined to be Associated With Military Service.

Types of Service Connection

Direct – Disability Occurred as a Result of Military Service

Secondary – Disability Resulted From a Service-Connected Condition

Presumptive – Disability Presumed to be Associated With Military Service

Aggravation – Preexisting Disability Worsened by Military Service or a Service-Connected Condition



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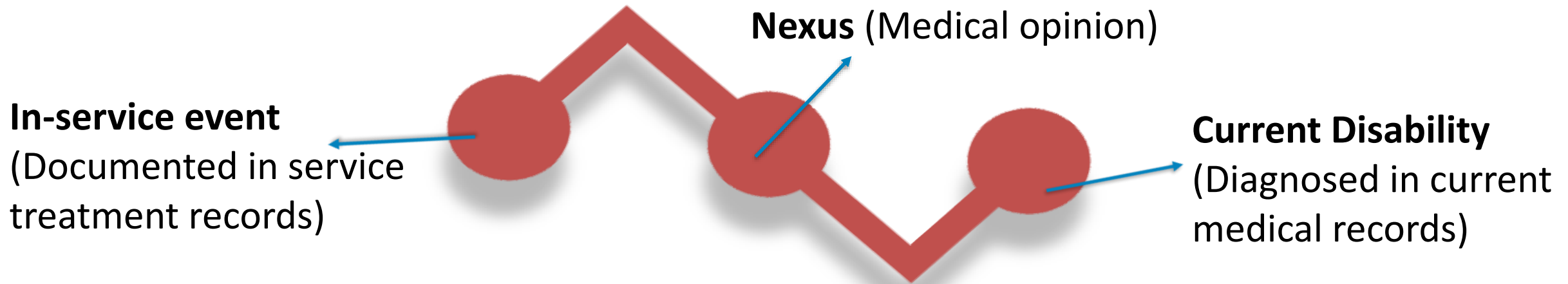


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Entitlement to Service Connection



Three Elements to Direct Service Connection



Determinations Involved in the Rating Process



- Entitlement to Service Connection



- **Reviewing Evidence to Determine if Exams are Necessary**



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Example Scenario

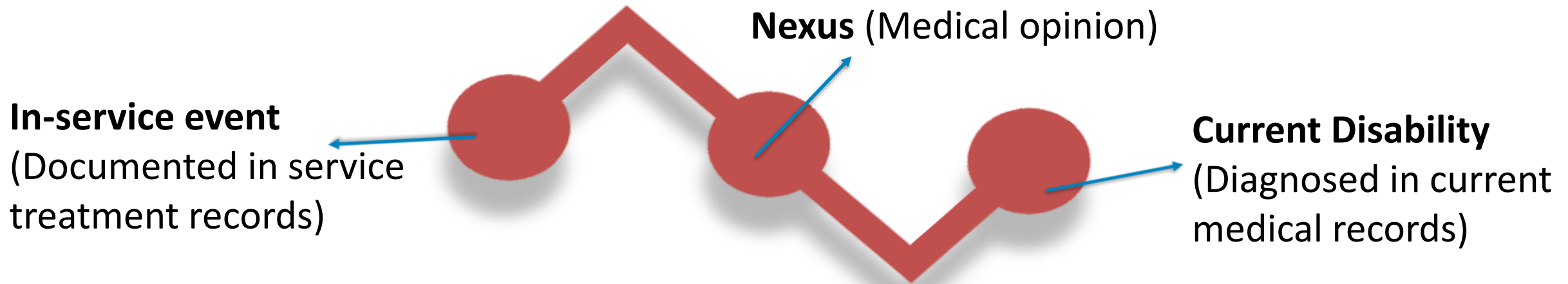


- A Review of Jen’s Service Treatment Records Confirms She Fell and Injured Her Knee While Engaging in a Water Transportation Exercise.
- A VA Knee Exam is Completed Which Confirms Jen Has a Current Diagnosis of Knee Arthritis.
- The VA Examiner Also Provides a Medical Opinion Which Relates The In-Service Injury to The Current Knee Arthritis.

Entitlement to Service Connection



Three Elements to Direct Service Connection



Determinations Involved in the Rating Process



- Entitlement to Service Connection
- Reviewing Evidence to Determine if Exams are Necessary



- **Assigning a Percentage of Disability Impairment**



- Assigning an Effective Date of Entitlement



Disability Evaluation

- Every Service-Connected Condition is Assigned a Disability Evaluation.
- The Evaluation is in The Form of a Percentage From 0 to 100 (in 10% Increments).
- The Assigned Percentage Represents The Average Impairment in Earning Capacity in Civil Occupations.
- Evaluations are Determined Using the VA Schedule of Rating Disabilities.



Example of Assigning a Disability Evaluation

Name of Condition

THE KNEE AND LEG

	Rating
5260 Leg, limitation of flexion of:	
Flexion limited to 15°	30
Flexion limited to 30°	20
Flexion limited to 45°	10
Flexion limited to 60°	0

Evaluation Criteria

Disability Evaluation Percentage



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Example Scenario



- Jen's VA Knee Exam Shows The Right Knee Arthritis Limits Flexion of The Knee to 45 Degrees.
- Based on This Finding, The VA Rating Schedule Provides That a 10% Evaluation is Warranted For This Condition.



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- Reviewing Evidence to Determine if Exams are Necessary



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- **Assigning an Effective Date of Entitlement**



Effective Dates

- Effective Dates Determine When Entitlement to Benefits are Granted or Reduced.
- Typically, Grants and Increases are Effective the Date We Receive The Veteran's Claim, Intent To File Form,
- Or, The Date Following Separation From Military Service if The Claim is Received Within a Year of Separation.



Example Scenario

- We received Jen's claim on August 3, 2021.
- Service connection will be established for right knee arthritis with a 10% evaluation on August 3, 2021.



Rating Decision Format

- Each Claimed Condition is Addressed Individually in The Rating Decision.
- For Each Condition, a Brief Discussion is Provided About What The Evidence Shows, Applicable Regulations, and The VBA Disability Determinations.
- Once Complete, the Rating Decision is Sent to The Claimant and Their Representative.

REASONS FOR DECISION

Service connection for right knee arthritis.

Service connection for right knee arthritis has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

An evaluation of 10 percent is assigned from August 3, 2020, which is the date we received your claim. (38 CFR 3.400)

We have assigned a 10 percent evaluation for your right knee arthritis based on:

- Limitation of flexion of 31 to 45 degrees

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in DeLuca v. Brown and Mitchell v. Shinseki, have been considered and are not warranted.

A higher evaluation of 20 percent is not warranted for limitation of flexion of the knee unless the evidence shows:

- Limitation of flexion of 16 to 30 degrees. (38 CFR 4.71a)

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our website, www.va.gov.

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Denial Example

Every Rating Decision Denial Will Include Applicable Laws as Well as Favorable Findings.

Example

Favorable Findings

You have been diagnosed with a disability. VA examination completed on July 7, 2021 documents a diagnosis of right knee arthritis.

The evidence shows that a qualifying event, injury, or disease had its onset during your service. Service treatment records dated February 23, 2014 document an injury to the right knee after engaging in a water transportation exercise.



Questions?



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