**WHAT IS THE DIFFERENCE BETWEEN SSDI AND TDIU?**

This is an issue which drives us all nuts!  How can one government agency determine that a veteran cannot work while another says that he or she can?  There are many reasons, but first understand:

***YOU DO NOT HAVE TO BE RATED 100% OR TDIU WITH THE VA IN ORDER TO BE ENTITLED TO SSDI BENEFITS!***

SSA and the VA have very different requirements for finding “disability”. The VA can award impairment ratings from 0% to 100% for multiple body parts. The SSA only finds disability if you are ***TOTALLY UNABLE TO MAINTAIN COMPETITIVE WORK***. So, with SSA you must be either 100% disabled, or nothing. There is much more to this, but for now it is really all we need to know. For a veteran to qualify for TDIU from the VA, the issue is whether the service-connected conditions, ***alone***, prevent the veteran from working.

SSA does not separate out service-connected and non-service connected conditions in its considerations.  For example, you may be service connected only for Ischemic Heart Disease, but have other, non-service-connected conditions, like Hepatitis C.  SSA might find that you are disabled due to the Hepatitis C condition only, or due to the combination of many conditions.  The VA cannot grant TDIU to you though if your inability to work is caused by non-service connected conditions.

It is not uncommon for the VA to convince a veteran that he/she is not entitled to TDIU due to the Social Security Administration making a finding of disability because of a non-service-connected medical condition. This determination by the VA is wrong and you should not give up on your claim for TDIU.

The VA is required to review ALL of your records and make a decision about whether or not you would be TDIU ***if you did not have the non-service-connected conditions***. For example, just because the SSA finds you are disabled by non-service connected Hepatitis C does not mean that you are not also disabled by your service-connected Ischemic Heart Disease.  Most veterans often have more than one condition which, ***by itself***, would prevent the veteran from working.

***I would strongly encourage all veterans to apply for Social Security Disability (SSDI) benefits just as soon as you are granted TDIU or found 100% due to PTSD or another condition. You should also apply for SSDI just as soon as you are unable to work due to your conditions.*** Waiting only makes it harder to win, and you lose benefits. Plus, SSDI is basically an insurance program and you are only “insured” for a specific period of time. For most people, once you stop working and paying into SSA, then you are “insured” for only 5 more years. Failure to prove that your disability began before that 5 year period ended is usually very difficult.

The other thing about SSDI is that if you are married and have kids, your monthly SSDI benefits will increase by half. For instance, if you are entitled to $1,500.00 per month in SSDI, you would receive an extra $500.00 per month for the kids!

The reverse is also true. If you are awarded SSDI benefits, then you should be at least discussing whether or not you are entitled to TDIU or 100% with the VA.

The SSDI benefit process is very confusing to most people mainly due to all the various dates that can come into play. You have a filing date, a “date last insured”, a “waiting period date”, an “entitlement date”, and an “alleged onset date”, just to name a few. There are rules on how far back in time you can be paid SSDI benefits (past-due or retro benefits), and maximum amounts of “income” you can have from “passive work activities”.

In my opinion, the most important thing about SSDI is that if you miss a date to file an appeal, then you are almost always required to start all over, and will most likely lose months, if not years’ worth of benefits. With the VA you can always reopen a claim or use other legal arguments to try and get benefits back as far as possible.

If you have any questions about SSDI or VA benefits, please give me a call at **1-800-522-4595**. As always, the call is **FREE** and you owe us nothing if we do not win your SSDI claim. We also do not get a fee on a VA claim unless very specific conditions are met, and even then a fee must be approved by you and the VA.