



VETERANS CLAIMS EDUCATION · FREE GUIDE

Protecting Your Rating

The 5-, 10- and 20-year protections, what VA must do before it reduces you, the 30- and 60-day deadlines, and how to check whether VA got it right

Before you start: we are a free education resource. We are not VA, a VSO, an attorney or an accredited claims agent, and we don't decide what applies to you. Only VA decides. Examples in this guide are made up to show how the rules work.

Got a proposed reduction? **Ask for a hearing within 30 days.**

A hearing request within 30 days of the letter date keeps your payments at the current level until VA decides after the hearing. You have 60 days to send evidence. Both clocks run from the date on the letter.

Request the hearing first. Gather evidence second. Don't wait until your evidence is ready to ask for the hearing.

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SECTION 1

The three clocks that protect you

After	Protection	Authority
5 years	A rating held at the same level for 5 years or more is stabilized. VA can't reduce it on one exam unless all the evidence clearly shows sustained improvement, and it can't rely on an exam less thorough than the one the rating was based on.	38 CFR § 3.344
10 years	Service connection in effect for 10 years can't be cut off, except for fraud or if you didn't have the required service or character of discharge. This protects the connection, not the percentage.	38 U.S.C. § 1159 · § 3.957
20 years	A rating held at or above a level for 20 years can't be reduced below that level, except for fraud.	38 U.S.C. § 110 · § 3.951(b)

Each condition has its own clock. The clocks run separately for each rated condition, not for your combined rating.

EXAMPLE · 5 YEARS

Dee's PTSD

Dee has been rated 50% for PTSD for 6 years. After a 20-minute exam, VA proposes 30%.

Her rating is stabilized. A short exam that's less thorough than the one her rating was based on can't be the basis for a reduction, and mental health conditions that come and go can't be reduced on one exam alone.

EXAMPLE · 20 YEARS

Walt's back

Walt has been rated 40% for his back since 2005. A new exam suggests 20%.

After 20 years at 40%, VA can't go below 40% unless it shows fraud.

But his knee, rated 10% for only 4 years, has no 20-year protection yet.

EXAMPLE · 10 YEARS

Ray's hearing loss

Ray's hearing loss has been service-connected at 0% for 12 years. VA now says it may not be related to service.

After 10 years, service connection can't be severed except for fraud or a service or discharge issue. His percentage can still change, but the connection stays.

EXAMPLE · UNDER 5 YEARS

Kim's knee

Kim's knee has been rated 20% for 3 years. A full exam shows she now bends it to 110°, with no flare-ups.

No stabilized-rating protection yet, so one good exam can support a reduction. She still gets the full 60-day notice and the right to a hearing.

Payments held back, but no reduction letter? If you got disability severance pay or separation pay from the military, VA may be holding back payments to recover it. That's recoupment, not a reduction. Your rating hasn't changed. Our free VA Claim Deadlines guide explains how it works and how to make sure VA recovers the right amount.

Rating schedule changes: when VA updates its rating criteria, it generally can't lower a rating already in effect just because of the new rules, unless your condition actually improved ([38 U.S.C. § 1155](#)).

2 · PROTECTIONS FOR 100%, TDIU AND P&T

100% ratings

VA can't reduce a total rating without clear evidence of real, material improvement in your condition, and generally not based on one exam (§ 3.343(a)).

TDIU

VA can end TDIU only on clear and convincing evidence that you can actually work. Working a substantially gainful job doesn't end it unless you keep it for 12 straight months (§ 3.343(c)).

Permanent and total (P&T)

When VA has decided your condition is permanent, routine future exams generally aren't scheduled (§ 3.327(b)(2)).

EXAMPLE · TDIU

A job that didn't last

Paul has TDIU. He tries a full-time job in March, but his PTSD forces him to quit in October.

He kept it less than 12 straight months, so the attempt alone isn't a reason to end TDIU. He reports the job to VA as required, and keeps records of why he left.



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Your due process rights: what VA must do before it reduces you

Due process means VA must follow fair steps before it takes away or lowers a benefit: tell you in advance, explain why, give you time to respond, and offer you a hearing ([38 CFR § 3.103](#)). For rating reductions, those steps are spelled out in [§ 3.105](#):

1. Base it on the evidence. For stabilized ratings, an exam as full and complete as the one your rating was based on, and a review of your whole history.
2. Show actual improvement, including improvement in your ability to function under the ordinary conditions of life and work, not just a better day at the exam (*Brown v. Brown*, 1993).
3. Propose it first in a rating decision explaining the reasons.
4. Notify you at your address of record, with 60 days to send evidence.
5. Tell you about your right to a predetermination hearing, with 30 days to request it and keep your payments.
6. Make the final decision and set the effective date: the last day of the month in which 60 days from the notice of the final decision ends.

When the proposal step applies: it's required when the reduction would lower or stop the payments you're getting now. Severing service connection has the same 60-day and 30-day protections ([38 CFR § 3.105\(d\),\(e\),\(i\)](#)).

Day 0
Date on the proposal letter

By day 30
Request a hearing: payments stay the same

By day 60
Send evidence

EXAMPLE

When the reduction takes effect

After Dee's hearing, VA makes a final decision dated March 10.

60 days later is May 9, so the reduction takes effect May 31, the last day of that month. Her current rate is paid until then.

The rules: [38 CFR § 3.105](#) · [§ 3.344](#) · [§ 4.10](#) · [§ 4.13](#) · *Brown v. Brown*, 5 Vet. App. 413 (1993)

4 · WHAT VA'S INSPECTOR GENERAL FOUND

VA's Office of Inspector General (OIG) reviewed how VA processes proposed and final rating reductions and found errors in about 34% of the cases it reviewed ([OIG report 25-01011-154](#)).

The errors it found

- Not enough notice before the adverse action
- Code sheets not updated to match the decision
- Wrong effective dates
- VA not taking the action at all after proposing it

What it means for you

Most of the money involved was VA paying more than it should have because it didn't finish the reduction. VA has agreed to fix these cases, so expect follow-up letters and answer every one on time. Notice and effective-date errors also mean you should check that VA followed every step.

The first 30 days

1. Find the date on the letter. Mark day 30 and day 60 on your calendar.
2. Request the predetermination hearing in writing, right away. Keep proof of the date you sent it.
3. Find exactly what VA says changed: which condition, which criteria it says you no longer meet.
4. Call a free accredited representative (VSO).
5. Book an appointment with your treating provider.
6. Request your claims file and the exam report with VA Form 20-10206.
7. Check how long the rating has been in effect: 5, 10 or 20 years?

Sample hearing request: "I request a predetermination hearing on the proposed reduction of my [condition] rating in the letter dated [date]. Please continue my payments at the current level until a decision is made after the hearing. [Name, file number, signature, date]."

EXAMPLE

Asking first

Marcus gets a proposal letter dated June 1. His doctor can't see him until July 20.

He requests the hearing on June 8, so his payments stay the same, and asks his doctor for a letter. He sends it by July 31, within 60 days.

6 · WHILE YOU WAIT FOR THE HEARING

- ☐ Keep going to treatment. A gap in treatment reads as improvement. If appointments were hard to get, write down why.
- ☐ Start a dated symptom log: bad days, flare-ups, missed work, what you couldn't do.
- ☐ Ask your provider for a letter that addresses the criteria VA says you no longer meet, and how you function at work and at home.
- ☐ Get lay statements (VA Form 21-10210) from people who see you every day.
- ☐ Write your own statement (VA Form 21-4138): what hasn't changed and how it affects your life.
- ☐ Send everything within 60 days and keep proof.

EXAMPLE

What a strong provider letter says

"I have treated Ms. Dee Sample for PTSD every two weeks for three years. Her symptoms have not improved. She has panic attacks several times a week, missed 9 days of work last quarter, and avoids crowds. The recent exam lasted 20 minutes and did not review her treatment records."

It speaks to the criteria, gives specifics, and explains why the exam doesn't show sustained improvement.

How to check whether VA got it right

Request your claims file and check each point. A missing step can make a reduction invalid.

Check	Red flag
Proposal first	The reduction came as your first notice, with no earlier decision proposing it
Notice	The letter didn't give 60 days for evidence or tell you about the hearing
Address	Notice went to an old address VA had already been told to update
The exam	Less thorough than the exam your rating was based on (for ratings held 5+ years)
Function	The decision jumps to a conclusion without addressing how you function at work and in daily life
Protection clocks	VA reduced a rating held 20+ years, or severed one held 10+ years, without fraud
Effective date	Counted from the proposal instead of the final decision notice
Code sheet	The code sheet doesn't match the decision

EXAMPLE

Notice to an old address

Luis moved in January and updated his address with VA online. In March, VA mailed a reduction proposal to his old address. He never saw it, and the reduction went through in July.

The notice didn't go to his address of record, so he never got his 60 days or his chance at a hearing. He requests a Higher-Level Review, points to his January address change, and asks VA to restore the rating.

If VA skipped required steps, the reduction can be invalid from the start, and the prior rating restored. Point to the missing step in your review request.

8 · IF YOUR DEADLINE ALREADY PASSED

Within 1 year of the final decision

Request a Higher-Level Review (no new evidence; good for procedure errors), a Supplemental Claim (new evidence), or a Board Appeal.

More than 1 year

File a new claim for an increase with current evidence. If the decision had a clear error of fact or law, consider Clear and Unmistakable Error (CUE).

May qualify as CUE

- Ignoring a rule that applied, like the 20-year protection
- The wrong diagnostic code
- A wrong effective date calculation

Not CUE

- Disagreeing with how VA weighed the evidence
- VA not getting your records (duty to assist)

EXAMPLE

The 20-year rule, ignored

In a final decision years ago, VA reduced Joe's knee from 30% to 10%. His knee had been rated 30% for 22 years at the time, and there was no fraud.

VA applied the law incorrectly. That can be raised as CUE, and if granted, the 30% is restored back to the reduction date.



Reexam letters

A letter scheduling a reexam is not a reduction. But what happens at the exam matters.

- ☐ Go to the exam. Missing it without good cause can lead to a proposed reduction or stopped payments (§ 3.655).
- ☐ Reschedule right away if you can't make it, and get the new date in writing.
- ☐ Bring a short list of your symptoms, flare-ups and limits, and describe your worst days. Only what's true.
- ☐ Get the exam report and check it for mistakes.

EXAMPLE

A reexam letter

Ana, 58, gets a letter scheduling a reexam for her knee, rated 30% for 8 years.

She goes, brings her flare-up log, and describes her worst days. She also asks why a reexam was scheduled when she's over 55 and her knee hasn't improved in years.

When VA generally shouldn't schedule reexams: your condition is static (unlikely to improve), no improvement in 5 years, you're over 55, or you're rated at the minimum. Ask why if one is scheduled anyway (§ 3.327).

10 · COMMON MISTAKES

Mistake	The fix
Waiting for evidence before asking for the hearing	Request the hearing in the first 30 days; send evidence by day 60.
Thinking the clocks cover your combined rating	Each condition has its own clock.
Thinking filing a claim protects a rating	Only time at a rating, and VA's rules, protect it.
Thinking the 10-year rule protects the percentage	It protects the connection. The 20-year rule protects the level.
Stopping treatment	Gaps read as improvement. Keep going, and document why if you can't.
Ignoring a VA letter	Every letter can start a clock. Open it the day it comes.

Your checklist

- ☐ Wrote down the letter date and marked day 30 and day 60
- ☐ Requested a predetermination hearing in writing within 30 days
- ☐ Kept proof of the date I requested the hearing
- ☐ Found the specific criteria VA says I no longer meet
- ☐ Contacted a free accredited representative
- ☐ Booked an appointment with my treating provider
- ☐ Requested my claims file and the exam report (VA Form 20-10206)
- ☐ Checked how long each rating has been in effect (5, 10, 20 years)
- ☐ Kept going to treatment with no gaps
- ☐ Started a dated symptom log
- ☐ Got lay statements from people who see me every day
- ☐ Sent all evidence within 60 days and kept proof
- ☐ Checked VA's steps against the list in Section 7
- ☐ Reexam scheduled? Went, and got a copy of the report

12 · LINKS AND FORMS · CLICK OR TYPE

Request your claims file · Form 20-10206	va.gov/find-forms/about-form-20-10206
Lay statement · Form 21-10210	va.gov/find-forms/about-form-21-10210
Your statement · Form 21-4138	va.gov/find-forms/about-form-21-4138
View your disability rating	va.gov/disability/view-disability-rating
Check claim or appeal status	va.gov/claim-or-appeal-status
Decision reviews	va.gov/decision-reviews
Find an accredited representative	va.gov/get-help-from-accredited-representative
Ask VA	va.gov/contact-us/ask-va
VA benefits hotline	800-827-1000 (TTY: 711), Mon–Fri, 8 a.m.–9 p.m. ET

Official sources

Every rule in this guide comes from these official sources. Click or type any link.

- 38 CFR: [§ 3.103](#) due process and hearings · [§ 3.700](#) recoupment · [§ 3.105](#) reductions and severance · [§ 3.327](#) reexams · [§ 3.343](#) 100% and TDIU · [§ 3.344](#) stabilized ratings · [§ 3.655](#) missed exams · [§ 3.951](#) 20-year protection · [§ 3.957](#) 10-year protection · [§ 3.2500](#) review options · [§ 4.10](#) · [§ 4.13](#)
- 38 U.S.C.: [§ 110](#) · [§ 1155](#) · [§ 1159](#)
- Oversight: [VA OIG: Review of VBA's Processing of Adverse Actions \(Report 25-01011-154\)](#)
- Court cases: [Brown v. Brown, 5 Vet. App. 413 \(1993\)](#)
- VA pages: [Decision reviews](#) · [View your rating](#) · [VA Form 20-10206](#)

Stressed or struggling? You don't have to wait for a crisis. Dial 988, then press 1 · Text 838255 · Chat at [VeteransCrisisLine.net](#) · Free, confidential, 24/7.

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