

House Government and Veterans Affairs Committee
69th Legislative Session
Representative Schauer-Chair

Chairman Schauer and House Government and Veterans Affairs Committee,

Please accept this testimony in support of HB 1180.

Intent of bill:

Housekeeping. Clear up NDCC language to reflect verbiage on VA letters on combined service-connected evaluation and **Individual Unemployability (IU)**.

Need for bill:

While the ND DOT main office, the ND Tax Commissioners office, and many others currently understand and agree with the differentiation of the laws, many times the local staff or new employees are unaware of how the VA letters are written. This occasionally causes hours of phone calls and discussion to clarify and delays or denies veterans their earned benefits.

The verbiage "...a resident disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a resident disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs..."

(VA IU does **not** bring a combined service-connected disability to 100%. IU leaves the combined service-connected % rating but increases the benefit to 100% rate through the "extra schedular rating").

VA disability rating explanation.

VA rates each disability individually. Adds (combines) the disabilities for a combined service-connected disability rating. This number is rounded up and ratings are at 10% increments.

With VA math it would take five (5) 50% disabling issues to equal a 100% disability.

VA definitions (found on back of VA benefits letter):

- **SERVICE-CONNECTED DISABILITY:** A condition incurred during or aggravated by military service, for which the Veteran is receiving VA benefits.
- **COMBINED SERVICE-CONNECTED EVALUTION:** The Veteran's disability rating for all conditions determined to be service-connected.
- **INDIVIDUAL UNEMPLOYABILITY (IU):** The Veteran is receiving payment at the 100 percent rate, even though the combined service-connected evaluation is not 100 percent.

The Veteran's service-connected conditions cause him/her to be unable to obtain or maintain substantially gainful employment because of the Veteran's service-connected conditions. The Veteran must periodically certify continued unemployability, but if there is no scheduled future reduction or medical examination required, he/she may be considered by some states to be permanently and totally disabled.

Outcome of bill:

Align verbiage of NDCC with federal VA. Reduce confusion in future.

No additional benefit to veteran.

Fiscal note:

None expected.

Thank you for your consideration.
Lonnie Wangen Commissioner-NDDVA