

VA DISABILITY RATINGS

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE
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WHAT IS A VA DISABILITY RATING?

The U.S. Department of Veterans Affairs (VA) assigns a veteran a disability rating based on the severity of the veteran's service-connected condition. The rating is expressed as a percentage, representing how much the veteran's disability decreases their overall health and ability to function. The VA then uses the disability rating to determine the veteran's disability compensation rate, or how much money they will receive from the VA each month. The VA also uses the disability rating to determine the veteran's eligibility for other benefits, such as VA health care.

HOW ARE VA DISABILITY RATINGS CALCULATED?

The VA evaluates multiple factors, such as doctor's reports and/or medical test results, the results of a VA claim exam, services records, and other information provided, when calculating a veteran's disability rating.

If a veteran has more than one disability, the VA uses the "whole person theory" to determine the combined rating. The "whole person theory" is a method for calculating combined disability ratings by treating a veteran as 100% efficient, then applying subsequent disability ratings only to the remaining, non-disabled percentage. This ensures that ratings never exceed 100%. The final results are rounded to the nearest 10% increment.

WHAT HAPPENS ONCE A VETERAN RECEIVES A DISABILITY RATING?

If a veteran's decision notice shows at least a 10% disability rating, they should receive their first payment within 15 days. Additionally, the veteran may be eligible for other federal benefits such as VA health care, dental care, Veterans Affairs Life Insurance (VAlife), education or job training benefits, dependent benefits (with a 30% or higher rating), Individual Unemployability, and state-level benefits.

MONTANA BENEFITS

In Montana, disabled veterans are eligible for reduced vehicle registration fees through the Motor Vehicle Division, half-priced hunting licenses for deer and antelope through Montana Fish, Wildlife, & Parks, and reduced property tax rates through the Department of Revenue.

DOES A DISABILITY RATING IMPACT EMPLOYMENT?

There are several federal laws that provide protection for disabled veterans from employment discrimination, particularly the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Title 1 of the Americans with Disabilities Act (ADA).

USERRA

USERRA prohibits employers from discriminating against employees or applicants for employment on the basis of their military status or military obligations. Under USERRA, employers must make reasonable efforts to help a veteran who is returning to employment to become qualified to perform the duties of the position they would have held but for military service whether or not the veteran has a service-connected disability.

If the veteran has a disability incurred in, or aggravated during, their service, the employer must make reasonable efforts to accommodate the disability and return the veteran to the position in which they would have been employed if the veteran had not performed military service. If the veteran is not qualified for that position due to the disability, USERRA requires the employer to make reasonable efforts to help qualify the veteran for a job of equivalent seniority, status, and pay, the duties of which the person is qualified to perform or could become qualified to perform. This could include providing training or retraining for the position at no cost to the veteran.

ADA

Title I of the ADA prohibits an employer from treating an applicant or employee unfavorably in all aspects of employment – including hiring, promotions, job assignments, training, termination, and any other terms, conditions, and privileges of employment – because they have a disability, a history of having a disability, or because the employer regards them as having a disability. The ADA also limits the medical information employers may obtain and prohibits disability-based harassment and retaliation.

Additionally, the ADA provides that, absent undue hardship (i.e. significant difficulty or expense to the employer), applicants and employees with disabilities are entitled to reasonable accommodation to apply for jobs, perform their jobs, and enjoy equal benefits and privileges of employment (e.g., access to the parts of an employer's facility available to all employees and access to employer-sponsored training and social events).

SOURCES

- <https://www.va.gov/disability/about-disability-ratings/>
- <https://www.va.gov/disability/about-disability-ratings/after-you-get-a-rating/>
- <https://www.va.gov/disability/compensation-rates/>
- <https://www.va.gov/disability/compensation-rates/veteran-rates/>
- <https://www.eeoc.gov/laws/guidance/understanding-your-employment-rights-under-americans-disabilities-act-guide-veterans>
- <https://www.dol.gov/agencies/vets/programs/userra>
- <https://dma.mt.gov/MVAD/veterans-benefits>
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