

M28R, Vocational Rehabilitation and Employment Service Manual

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- Chapter 2: Organizational Structure of Department of Veterans Affairs
- Chapter 3: Partnerships and Memoranda of Agreement/Understanding
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Chapter 1
VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

- 1.01 Introduction
- 1.02 References and Resources
- 1.03 General Information on the Vocational Rehabilitation and Employment Manual
 - a. Veterans Affairs Offices Affected
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Chapter 1 VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

1.01. Introduction

This chapter provides information on the organizational structure of the Vocational Rehabilitation and Employment (VR&E) Manual. It states which benefits and services are covered in the manual and the VA employees that administer them. It notes that the authority of the manual's guidance on procedures is based on the United States Code (U.S.C.), the Code of Federal Regulations (CFR), and other relevant policy and procedures documents developed by the Department of Veterans Affairs (VA) and VR&E Service.

1.02. References and Resources

| | |
|--------------|--|
| Laws: | 38 U.S.C. 3100 |
| Regulations: | 38 CFR Book G |
| Website: | www.gibill.va.gov |

1.03. General Information on the VR&E Manual

a. VA Offices Affected

This manual applies to VA Regional Offices (RO), out-based locations within the jurisdiction of an RO and VA Medical Centers with RO activities (VAMROC).

NOTE: ROs must not deviate from any of the prescribed procedures in the VR&E manual (M28R) without prior written authorization from the VR&E Service Director.

b. Benefits and Services Covered

This manual provides operational procedures for administration of the VA VR&E Program prescribed in law. The manual also provides guidance on providing counseling for Veterans and their dependents utilizing the following educational benefit programs:

1. 38 U.S.C., Veterans Benefits

- Chapter 18, Benefits for Children of Vietnam Veterans and Certain Other Veterans
- Chapter 30, All-Volunteer Force Educational Assistance Program
- Chapter 32, Post-Vietnam Era Veterans' Educational Assistance
- Chapter 33, Post-9/11 GI-Bill
- Chapter 35, Survivors' and Dependents' Educational Assistance
- Chapter 36, Administration of Educational Benefits

2. 10 U.S.C., Armed Forces

- Chapter 1606, Educational Assistance for Members of Selected Reserve
- Chapter 1607, Reserve Educational Assistance Program

NOTE: Information regarding the above educational benefits (except Chapter 31) may be obtained at: www.gibill.va.gov.

c. Organization of the Manual

This manual contains eight Parts:

1. Part I, Overview
2. Part II, Office Administration
3. Part III, Program Administration
4. Part IV, Evaluation, Entitlement, and Rehabilitation Planning
5. Part V, Case Management
6. Part VI, Employment Services
7. Part VII, Other Benefits Case Management
8. Part VIII, Program Oversight

A table of contents precedes each Part of this manual. Each Part is denoted by an uppercase Roman numeral. Sections are denoted by

upper case letters (e.g. Section A). In Parts without multiple Sections, the Part's entire contents are under Section A. Each Section is divided into Chapters indicated by Arabic numbers (e.g. Chapter 1). Beyond the Chapter level, Paragraph numbers are expressed as a two-digit decimal number following the Chapter number (e.g. 1.01). The digit to the left of the decimal indicates the Chapter number and digits to the right indicate main Paragraphs beginning with ".01" in each Chapter. Some Paragraphs are subdivided and contain Sub-paragraphs denoted by lower-case letters beginning with "a". When further levels of organization are needed, Topics are denoted by an Arabic number "1" and below that, Blocks are denoted by a lower case letter in parentheses (a). Each level of organization beyond the "Chapter and Paragraph" level is indented an extra ¼ inch in order to structure the document and aid readability. For example:

- I. Part
 - A. Section
 - 1.01 Chapter and Paragraph
 - a. Sub-paragraph
 - 1. Topic
 - (a) Block

To cite information at a particular location in the M28R, use the appropriate numbers and letters only, without spaces, and separated by a period. For example, information in Part I, Section A, Chapter 1, Paragraph .01, Sub-paragraph a, Topic (1), Block (a) is cited as M28R.I.A.1.01.a.1.(a).

d. Authority for Decisions

Actions and procedures described in this manual originate from the laws included in 38 U.S.C. VA promulgates regulations to implement these laws, which are published in the CFR. When policy clarification is needed regarding certain regulations or modifications to procedures contained in the manual are necessary, VR&E Service in Central Office issues circulars, or policy or procedural guidance letters. It is critical that VR&E staff adhere to the following:

1. 38 U.S.C.
2. CFR
3. M28R

4. Circulars
5. Policy or procedural guidance letters
6. Similar guidance issued by VR&E Service, the Under Secretary of Benefits or the Secretary of VA

NOTE: Once M28R is published, changes to its policy and procedures will be issued by “manual updates” rather than by letters or circulars. Changes effected by old letters, circulars and manuals have been incorporated into the current M28R.

e. Distribution of the Manual and Regulations

The manual will be available to all VR&E staff in an electronic format. Staff may print copies as needed. It is the responsibility of the VR&E Officer to ensure that each VR&E Division staff member has access to the manual, regulations, statutes and appropriate reference materials.

f. Updates

Updates to the manual will be made whenever determined necessary by the VR&E Service Director. When a proposed update receives final approval it will be published as an edit to the online M28R in the Knowledge Management Portal (KMP). Notification of the most recent updates will be visible on a “What’s New” tab after opening the M28R in the KMP. Additionally, the VR&E Officer or acting VR&E Officer will be notified of updates to the M28R in the monthly VR&E Hotline call immediately before or after each update.

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- 2.02 Department of Veterans Affairs (VA) Overview
 - a. Mission of VA
 - b. Organizational Structure of VA
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 - a. Mission of VBA
 - b. Organizational Structure of VBA
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- 2.04 Vocational Rehabilitation and Employment (VR&E) Service Overview
 - a. Mission of VR&E Service
 - b. Organizational Structure of VR&E Service
 - c. Operational Elements of VR&E Service
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 - e. Operational Elements of Program and Project Management
 - f. Operational Elements of Oversight and Outreach
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- 2.05 VA Regional Office (VARO) Overview
 - a. Mission of VARO
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Chapter 2

ORGANIZATIONAL STRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS

2.01 Introduction

This chapter provides an overview of the organizational structure of the Department of Veterans Affairs (VA), from the Office of the Secretary of VA to the Regional Offices (RO). It outlines the functions of each office, as well as the major duties associated with each member of the management, technical and support teams.

2.02 VA Overview

a. Mission of VA

The mission of VA is to fulfill President Lincoln's promise, "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans.

b. Organizational Structure of VA

The following table describes the major functional areas that comprise VA:

| Functional Area | Description |
|--|--|
| Office of the Secretary | Appointed by the President with the advice and consent of the Senate, and is responsible for administering benefit programs for Veterans, their families and their survivors. |
| Office of the General Counsel | Interprets all laws pertaining to VA and provides necessary legal services. Serves as chief legal officer on all matters of law, litigation and legislation. |
| Veterans Benefits Administration (VBA) | Administers benefits programs for transitioning Servicemembers, Veterans, their survivors and dependents. The major benefits include compensation, pension, burial allowance, vocational rehabilitation, education and training assistance, home loan guarantees and insurance coverage. |

| | |
|--|---|
| Veterans Health Administration (VHA) | Serves the Veteran population by providing inpatient and outpatient care, nursing home care, domiciliary residences, home health services, adult day care, residential care and respite care programs. Operates and maintains a nationwide network of VA Medical Centers, research centers, outpatient clinics, Vet Centers and information resource centers. |
| National Cemetery Administration (NCA) | Provides burial space for Veterans and their eligible family members; maintains national cemeteries; marks Veterans' graves with headstones, markers, and medallions; and administers grants for establishing or expanding state and tribal government Veteran cemeteries. |
| Board of Veterans' Appeals (BVA) | Makes final decision on appeals made to the Secretary by a Veteran regarding decisions made by VA staff on VA benefits and services. |
| Office of the Inspector General (OIG) | Responsible for conducting and supervising audits and investigations; recommending policies designed to promote economy and efficiency; preventing and detecting waste, fraud and abuse; and ensuring the Secretary and the Congress are informed of problems and deficiencies in VA programs and operations, and the need for corrective actions. |
| Veterans Service Organizations (VSO) Liaison | Facilitates positive and effective working relationships with Veterans service organizations. |
| Other Elements | In addition to the functional areas listed above, VA is also comprised of the Board of Contract Appeals; the Center for Minority Veterans; the Center for Women Veterans; the Office of Small and Disadvantaged Business Utilization; the Office of Employment Discrimination Complaint Adjudication; and the Office of Regulation, Policy and Management. |

2.03 VBA Overview

a. Mission of VBA

The mission of VBA, in partnership with VHA and NCA, is to provide benefits and services to Veterans and their families in a responsive, timely and

compassionate manner in recognition of their service to the nation.

b. Organizational Structure of VBA

VBA administers a wide variety of benefit programs authorized by Congress. The following chart outlines the management structure of VBA:

| Title | Function |
|--|---|
| Under Secretary for Benefits (USB) | Acts as principal advisor to the Secretary on all Veterans' benefits issues and is responsible for the administration of all VBA activities. |
| Deputy Under Secretary for Benefits | Assists the USB as advisor to the Secretary on all Veterans' benefits issues and in the administration of all VBA activities. |
| Deputy Under Secretary for Field Operations | Has day-to-day supervisory responsibility for regional offices throughout the United States, Puerto Rico and the Philippines. |
| Deputy Under Secretary for Disability Assistance | Has oversight responsibility for five of VBA's core business lines: Compensation Service, Pension Service, Insurance Service, Benefits Assistance Service, and Fiduciary Service. |
| Deputy Under Secretary for Economic Opportunity | Has oversight responsibility of the Education, Loan Guaranty, and Vocational Rehabilitation and Employment (VR&E) Services. |
| Chief of Staff | Responsible for the analysis of all VBA proposals, policy, program, and budgetary issues. Recommends appropriate courses of action to the USB, and has oversight of three directors: The Director of Office Management, the Director of Office Resource Management, and the Director of Office of Performance Analysis and Integrity. |
| Director, Office of Management | Has oversight of five staff offices: the Office of Human Resources; Office of Diversity Management and Equal Employment Opportunity; Office of Facilities, Access and Administration; Office of Employee Development and Training; and Acquisition Staff. Each of these staff offices manages, coordinates and integrates programs that support both VA Central Office and RO operations. |

| | |
|---|--|
| Director, Office of Strategic Planning (OSP) | Responsible for directing and coordinating VBA's transformation and innovation efforts while providing program and project management. Offices within the OSP include: Office of Business Process Integration, Veterans Benefits Management System Program Office, Veterans Relationship Management Program Office, and Chapter 33 Long-Term Solution Program Management Office. |
| Director, Office of Resource Management (ORM) | Provides leadership and top-level management expertise by effectively obtaining and accounting for financial and other resources, and by effectively planning and measuring results. |
| Director, Office of Performance Analysis and Integrity (PA&I) | Develops and maintains the Enterprise Data Warehouse to enable the generation of recurring and ad hoc reports in response to VBA decision-making and business needs. |

c. Program Elements of VBA

VBA has several business lines referred to as Services, which are administered at VA Central Office. The following table lists their responsibilities:

| Business Line | Responsibilities |
|---|---|
| Vocational Rehabilitation and Employment (VR&E) Service | Administers programs for Veterans with service-connected disabilities to help them achieve maximum independence in daily living and, to the extent feasible, prepare for, obtain, and maintain suitable employment. Suitable employment is defined as an occupation that matches a Veteran's pattern of skills, abilities and interests, and is within his/her physical, cognitive and psychological capabilities. Also administers counseling and evaluation services provided to individuals eligible for other VA education programs. |
| Education Service | Administers education or training benefit programs for eligible Veterans, Servicemembers, Reservists and dependents. |

| | |
|-------------------------------|--|
| Loan Guaranty (LGY) Service | Administers a home loan guaranty program that provides use of the Government's guaranty on loans in lieu of the substantial down payment and other investment safeguards applicable to conventional mortgage transactions. Also oversees the Specially Adapted Housing grant program. VA loan guaranties may be made to Servicemembers, Veterans, Reservists and unmarried surviving spouses. |
| Compensation Service | Administers the following programs: Disability Compensation, Dependency and Indemnity Compensation, Automobile Allowance/Adaptive Equipment and Clothing Allowance. |
| Pension and Fiduciary Service | Pension and Fiduciary Service administers Disability Pension, and Death Pension of beneficiaries in the Fiduciary programs. Beneficiaries are classified as minors, Veterans and other adults. The latter group includes helpless adults, surviving spouses, dependent parents and some insurance payees. |
| Insurance Service | Insurance Service administers VA life insurance programs. Programs provide insurance benefits for Veterans and Servicemembers who may not be able to get insurance from private companies because of the extra risks involved in military service or a service-connected disability. |

d. Organizational Chart of VBA

See Appendix W for the VBA Organizational Chart.

2.04 VR&E Service Overview

a. Mission of VR&E Service

The mission of VR&E Service in VA Central Office is to plan, organize, and administer the Vocational Rehabilitation and Employment Program within the VBA. VR&E Service formulates policies and procedures and has oversight responsibility to ensure field staff provides timely high-quality services.

b. Organizational Structure of VR&E Service

The following table describes the organizational structure of VR&E Service in the VA Central Office.

| Title | Function |
|---|--|
| Director, VR&E Service | Responsible for management of VR&E Service and administration of VR&E program activities. |
| Deputy Director, VR&E Service | Assists the Director in the management of VR&E Service and administration of VR&E program activities; directly supervises the Executive Assistant, Assistant Director for Rehabilitation Services, Assistant Director for Program and Project Management, and the Assistant Director of Oversight and Outreach |
| Assistant Director for Rehabilitation Services | Responsible for management of the VR&E program through the supervision of Supervisor of Rehabilitation Services, Supervisor of Policy and Procedures, Senior Policy Analyst, and Independent Living Coordinator. |
| Assistant Director for Program and Project Management | Responsible for the management of the VR&E program through the supervision of Supervisor for Program and Project Management, and Supervisor of Training. |
| Assistant Director for Oversight and Outreach | Responsible for the management of the VR&E program through the development and administration of outreach programs and initiatives, and the supervision of the Supervisor of Employment and Outreach, and Quality Assurance Officer. |
| Executive Assistant | Responsible for management of the budget and support of VR&E Service operations. |

c. Operational Elements of VR&E Service

VR&E Service has three main operational elements:

1. Rehabilitation Services
2. Program and Project Management
3. Oversight and Outreach

d. Operational Elements of Rehabilitation Services

The main functions of Rehabilitation Services include:

1. Responding to inquiries from Veterans, field staff, congressional offices, the GAO, OIG and other stakeholders
2. Conduct Administrative Reviews and develop Advisory Opinions
3. Developing legislative proposals and regulations
4. Developing and disseminating policies and initiatives related to employment services, independent living services and vocational rehabilitation

e. Operational Elements of Program and Project Management

The main functions of Program and Project Management are the following:

1. Developing and presenting training for VR&E managers, counselors, Employment Coordinators (ECs), and other stakeholders
2. Coordinating and overseeing VR&E contracting activities
3. Coordinating information technology product development and enhancements
4. Designing, developing, and distributing performance management reports to field offices, Office of Field Operations, Congress and other stakeholders
5. Project management of national projects and initiatives

f. Operational Elements of Oversight and Outreach

The main functions of Oversight and Outreach are the following:

1. Conducting quality assurance reviews and site surveys of VR&E field offices
2. Developing and administering outreach programs and initiatives
3. Managing employer accounts to create employment opportunities for Veterans

g. Organizational Chart of VR&E Service

See Appendix U for the VR&E Service Organizational Chart at VA Central Office.

2.05 VA Regional Office (VARO) Overview

a. Mission of VARO

The mission of each VARO is to provide benefits and services to Veterans and their families within their jurisdiction in a responsive, timely and compassionate manner. The VAROs report to the Office of Field Operations through their respective Area Offices.

b. Organizational Structure of VARO

A VARO is comprised of six divisions that carry out the functions of VBA. Generally, a regional office includes the following:

1. Veterans Service Center
2. Finance Division
3. Support Services Division
4. Human Resources
5. Loan Guaranty Division
6. Vocational Rehabilitation and Employment Division

NOTE: At some locations the support functions, such as human resources, may be shared with a VA medical center. At some VAROs, divisions such as human resources, support services and finance are consolidated. In other areas, certain functions such as Loan Guaranty are consolidated with other offices. Some offices have a Regional Processing Office (RPO) for processing of education claims, and an insurance processing center.

2.06 VR&E Division Overview

a. Mission of VR&E Division

The mission of the VR&E Division in each VARO is to provide benefits and services in a responsive, timely and compassionate manner to Veterans with

service-connected disabilities and individuals eligible for counseling under other VA benefit programs.

b. Organizational Structure of VR&E Division

The positions within a VR&E Division may vary depending on factors, such as workload and available resources. VR&E Division staff may include the following:

| Title | Function |
|---|---|
| VR&E Officer | Manages all VR&E Division activities, including providing direction to VR&E staff, and oversight of VR&E operations. |
| Assistant VR&E Officer | Assists the VR&E Officer in the management of all VR&E Division activities, including providing direction to VR&E staff and oversight of VR&E operations. |
| Vocational Rehabilitation Counselor (VRC) | Provides the full range of rehabilitation and counseling services, including all services leading to suitable employment or independent living, such as comprehensive evaluations, entitlement determinations, vocational counseling, rehabilitation planning, job placement and case management. |
| Employment Coordinator (EC) | Provides job-ready services and coordinates with employers to assist Veterans with service-connected disabilities and other entitled Veterans in their pursuit of suitable employment. |

VR&E Divisions may also employ individuals who perform various support functions, including program support clerks or technicians, program or management analysts and vocational rehabilitation technicians.

Chapter 3
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

- 3.01 Introduction
- 3.02 References and Resources
- 3.03 Partnerships
 - a. Definition of Partnerships
 - b. Partnerships and Vocational Rehabilitation and Employment (VR&E)
 - 1. Partnerships within Department of Veterans Affairs (VA) Regional Business Lines
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Appendix K. National signed MOUs

Chapter 3

PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

3.01 Introduction

Vocational Rehabilitation and Employment (VR&E) believes partnerships with other organizations strengthen VR&E's ability to provide quality and timely training and employment services to Veterans with disabilities. This chapter covers the definition of partnership, Memorandum of Agreement (MOA) and Memorandum of Understanding (MOU); provides examples of partnerships with other Department of Veteran Affairs (VA) elements and agencies outside the VA, and discusses the importance of partnerships with private sector and faith-based, non-profit and community-based organizations. This chapter also contains the statutory and regulatory provisions covering subject matter related to partnerships, MOA and MOU.

3.02 References and Resources

Laws: 31 United States Code (U.S.C.) 1341
 38 U.S.C. 3115
 38 U.S.C. 3116

Websites: www.vetsuccess.gov/partners
 www.dav.org
 www.aaptsdassn.org
 www.vfw.org

3.03 Partnerships

a. Definition of Partnerships

Partnerships are established relationships that involve close cooperation between individuals or entities that have overarching goals and missions.

b. Partnerships and VR&E

1. Partnerships within VA Regional Business Lines

Establishing relationships within Veterans Benefits Administration (VBA) strengthens the network of services and resources available to the Veterans we serve. VR&E staff should work closely to develop partnerships within their Regional Office (RO) and within VBA. There are many examples of ways in which Veterans Affairs RO (VARO) business lines partner together. For example, VR&E and Loan Guaranty (LGY)

partner on cases in which a Veteran participating in an Individualized Independent Living Plan (IILP) requires home modification (in the form of a construction project) in order to increase his/her independence and to be able to live in a safer home environment. Another example is how RO divisions often use VR&E as a recruitment source to obtain candidates for filling job vacancies.

2. Partnerships with Other VA Departments

VR&E works cooperatively with other VA departments to meet Veterans' health needs, obtain information that may impact rehabilitation planning or program participation and provide services to facilitate successful program completion. Examples of partnerships between VR&E and departments in the Veterans Health Administration (VHA) include the following:

- VR&E counselors refer Veterans to the VA Medical Center (VAMC) for healthcare and treatment and to the Vet Center/Readjustment Counseling Service, where they can receive assistance/counseling on adjusting to civilian life. In addition, women Veterans are referred to Women Veterans Health Care services, which could be particularly important to women Veterans seeking gender-specific health care.
- VR&E Veterans with low vision or blindness are referred to Blind Rehabilitation Services' Visual Impairment Services Team (VIST) for information on how to improve their vision so that they can succeed in their VR&E plan, or receive low-vision aids and training to help them function more independently in their homes and community.
- Veterans with a Traumatic Brain Injury (TBI) or suspected TBI are referred to the Polytrauma/Traumatic Brain Injury System of Care where they can receive adjustment counseling, learn concentration and memory strategies and work with those who specialize in working with Veterans with brain injuries.
- VR&E partners with the Prosthetic and Sensory Aids Service, which can provide the Veteran with medical durable equipment and with Compensated Work Therapy (CWT) for Veterans who are not ready for employment, but rather need assistance transitioning back into a work environment, often in the form of supported employment.

NOTE: Some of these services are not available at every VAMC, but are regionally dispersed throughout the United States.

3. Partnerships with Other Federal, State, and Local Agencies

VR&E partners with various agencies at the Federal, State and local levels to include: Department of Labor, Council of State Administrators of Vocational Rehabilitation, Internal Revenue Service, Naval Air Warfare Center Aircraft Division, U.S. Army Materiel Command, General Services Administration, and the Department of Education Rehabilitation Services Administration. In addition to having MOUs in place, VR&E often partners with federal agencies on various projects, such as task forces, advisory committees, work groups and other collaborative projects.

For a list of federal and state partners, go to:
www.vetsuccess.gov/partners.

4. Partnerships with National Service Organizations

VR&E partners with National Service Organizations (NSOs) by sharing information about the Veteran that could aid him/her in receiving VA benefits and by educating each other on what services are offered. One common way VR&E partners with NSOs is through referrals. It is not uncommon for a Veteran to have little or no knowledge of the services an NSO provides, or for a Veteran applying for compensation and/or a pension to be unaware of the services VR&E provides. It is through referrals that National Service Officers and Vocational Rehabilitation Counselors (VRCs) partner to ensure the Veteran is aware of all the benefits he/she may be entitled to.

Another way VR&E Service partners with NSOs is through established agreements to train Veterans with disabilities as National Service Officers. MOUs currently exist between VR&E and Veterans of Foreign Wars (VFW), Disabled American Veterans (DAV) and the African American Post Traumatic Stress Disorder Association (AAPTSDA). Veterans participating in the VR&E Program who desire employment as a National Service Officer are usually interviewed by the organization, and if accepted for the training, sign an Individualized Written Rehabilitation Plan, (IWRP) and an Individualized Employment Assistance Plan (IEAP), and receive their training through the prospective organization's supervising National Service Officer.

5. Partnerships with the Private Sector

VR&E has developed and continues to develop partnerships with private sector employers on the national level to enhance employment opportunities for Veterans with service-connected disabilities. VR&E

management at the local level is expected to use existing partnerships in support of their mission, and continue to develop partnerships at the local level.

Examples of some partnerships with private sector employers include: Home Depot, Bank of America, Northrop Grumman Corporation, The Center for Military Recruitment, Assessment and Veterans Employment (Helmets to Hard Hats), JPMorgan Chase, and Wells Fargo.

For a list of private sector partners, go to: www.vetsuccess.gov/partners.

6. Partnerships with Faith-based/Nonprofit/Community Initiative Agencies

VR&E Service has developed and continues to develop partnerships with faith-based/non-profit/community initiative agencies on the national and local level to enhance employment opportunities for Veterans with service-connected disabilities.

Examples of some faith-based/nonprofit/community initiative agency partnerships include: National Council of Young Men's Christian Associations of the United States of America (YMCA), International Association of Jewish Vocational Services (IAJVS), Habitat for Humanity, Hire Heroes USA and the National Association of Homebuilders.

For a list of faith-based/nonprofit/community initiative agency partners, go to: www.vetsuccess.gov/partners.

3.04 MOU/MOA

a. Definition of an MOU/MOA

An MOU is a document that describes very broad concepts of mutual understanding, goals and plans shared by the parties. In contrast, an MOA is a document describing in detail the specific responsibilities of, and actions to be taken by, each of the parties so their goals can be accomplished. An MOA may also indicate the goals of the parties to help explain their actions and responsibilities. The Director of VR&E Service is responsible for developing MOUs/MOAs at the national level, and the VR&E Officer or his/her designee is responsible for developing MOUs/MOAs at the local level.

b. Development of an MOU/MOA

Every VR&E MOU/MOA must be consistent with the VA mission and be authorized by federal law, regulations and funding constraints. Additionally,

the existence of an MOU/MOA does not eliminate or diminish the need for additional contracts, documents, or agreements to execute the activities contemplated by the parties. Neither an MOU nor an MOA can be used as the sole authority or means to acquire or procure goods or services, exchange funds or property, or transfer or assign personnel. Although the MOU/MOA can address those issues and indicate the goals and intent of the parties, all VA personnel must comply fully with pertinent contracting and procurement regulations and references. Additionally, although an MOU/MOA can address special situations, it cannot be used in place of a contract.

The MOU/MOA by itself is no authority for the parties to engage in the contemplated activity. The following are just some of the federal statutes commonly used as the underlying general authority for a VR&E MOU/MOA and its contemplated activity:

- 38 U.S.C. 3115. Authorizes VA to enter agreements with federal agencies providing non-paid work experience, on-the-job training, or other training opportunities for Chapter 31 Veterans
- 38 U.S.C. 3116. Authorizes VA to promote the development and establishment of employment opportunities through coordination with federal, state, and local governmental agencies and appropriate non-governmental organizations

An agreement to indemnify is an agreement to assume financial, legal or other liabilities on behalf of that other party. Neither the VA nor any person in the VA may agree to indemnify any other party absent specific federal statutory authorization. Chapter 31 U.S.C. 1341(a)(1)(A) and 1341(a)(1)(B), commonly referred to as the Anti-Deficiency Act, prohibits all federal officers and employees from making or authorizing expenditures or obligations exceeding appropriated funding and from obligating payment of money before it is appropriated. A typical indemnification clause violates both provisions of that Act because it potentially obligates the federal government (or VA) to pay an unspecified, unlimited and unappropriated amount of money should someone else's property be lost, damaged or destroyed, some person be injured or killed, or other parties to the MOU/MOA incur legal liabilities or expenses. Should any prospective party to an MOU/MOA request or demand that the VA agree to an indemnification clause, contact VA's Office of General Counsel (OGC) for assistance.

The wording of specific agreements may be appropriately tailored to accommodate the subject matter of the agreement and needs of the parties, or to conform to an applicable law, regulation or directive. The format may differ if a party other than the VA originates the MOU/MOA. However, every

MOU/MOA in which VR&E is a party should include the following basic information:

1. Parties

The parties to be bound by the agreement must be identified.

2. Authority

The legal authority for the agreement must be cited. Federal law, regulation or other directives are referenced.

3. Purpose

The purpose or reason for entering the agreement must be stated.

4. Responsibilities

A description of the duties and responsibilities of the parties must be provided. The description should be as specific and detailed as necessary. Lengthy details may be provided in an appendix rather than the body of the MOU/MOA.

5. Reporting and Documentation

The MOU/MOA must specify whether follow-up reports or documentation of actions taken are required and state how often and to whom they are to be submitted.

6. Points of Contact

Points of Contact for all parties should be provided, including names, office symbols, addresses and phone numbers. Fax numbers, e-mail and website addresses should also be provided if available.

7. Modification

A provision stating how to modify or amend the agreement is included. Modifications can be formal (written) or informal (oral), and can be approved by the Points of Contact (POCs), the signatories or other appropriate individuals. While it is often appropriate for those at the working level to make modifications, either orally or in writing, modifications that change central provisions of the agreement should normally be made in writing and agreed to by the individuals who originally approved the MOU/MOA or their successors.

8. Effective Date

The date the MOU/MOA becomes effective must be stated. This may be a specified date after the MOU/MOA is signed by all parties or it may be the date the last party signs the agreement.

9. Termination

The MOU/MOA must contain several provisions regarding termination. The document will indicate that it will terminate on a certain date, upon the accomplishment of its purpose, or upon agreement of the parties. The MOU/MOA will also contain a provision indicating whether the duration of the agreement may be extended and if so, the extension mechanism (e.g. by written agreement of the parties). Finally, the agreement will indicate whether a party may terminate the agreement early (usually by written notice to the other parties).

VR&E or the VA is a party to the agreement, not the person signing for the VA. Therefore, that person must have the authority to sign the MOU/MOA and commit the VA. VBA leadership or the OGC should be consulted to determine who the approving official should be.

Concurrence of a proposed MOU/MOA can be either consecutive (completed at one agency then forwarded to the other(s)) or concurrent (proceeding through each agency simultaneously). Early coordination and communication with interested offices and the use of e-mail for reviewing and editing a draft MOU/MOA is encouraged. Prior to submitting an MOU/MOA to the approval authority for signature, the originating staffer should ensure that the MOU/MOA does not conflict with any preexisting agreements. The originating staffer should also ensure that the appropriate level of VBA leadership and the OGC have reviewed the MOU/MOA.

NOTE: See Appendix K for copies of national signed MOUs.

Chapter 4
RESEARCH AND DEVELOPMENT

- 4.01. Introduction
- 4.02. Reference and Resources
- 4.03. Research and Development Overview
 - a. Special Consideration for Human Subjects
 - 1. Institutional Review Board (IRB)
 - 2. Assessment of Risks
 - 3. Types of Risk
 - b. Collection of Information
 - c. Interagency Coordination
 - 1. The Office of Special Education and Rehabilitative Services (OSERS)
 - 2. The Rehabilitation Services Administration (RSA)
 - 3. National Institute on Disability and Rehabilitation Research (NIDRR), previously known as Institute of Handicapped Research
 - 4. The Interagency Committee on Disability Research (ICDR)
 - d. Funding
- 4.04. Research Conducted by VR&E Divisions
 - a. Developing Research Proposals
 - b. Submitting Research Proposals
- 4.05. Research Conducted by Educational Institutions in Conjunction with VA
 - a. Authority to Conduct Research
 - b. Disclosure of Information to Educational Institutions
 - c. Proposal Format

Chapter 4 RESEARCH AND DEVELOPMENT

4.01. Introduction

The Department of Veterans Affairs (VA) is mandated to conduct an ongoing program of research and development to advance the knowledge, methods, techniques, and resources available for use in developing and/or implementing rehabilitation programs for Veterans.

4.02. Reference and Resources

Laws: 28 United States Code (U.S.C.) 762
 28 U.S.C. 764
 38 U.S.C. 3119

Regulations: 38 Code of Federal Regulations (CFR) 1.517
 38 CFR 1.576
 38 CFR 21.390
 45 CFR 46

Websites: www.ed.gov/about/offices/list/osers/index.html
 www.ed.gov/about/offices/list/osers/nidrr/index.html
 www.icdr.us
 www.rsa.ed.gov
 www.hhs.gov

4.03. Research and Development Overview

VA undertakes research and development projects and/or provides support to other agencies for research and development to improve the quality and delivery of rehabilitation services. Research and development efforts may encompass a wide variety of approaches to rehabilitation, including the study of social, psychological, educational, vocational and industrial factors that affect rehabilitation. Projects are designed to increase resources, thus improving the potential for obtaining and maintaining suitable employment and achieving independent living goals for Veterans with disabilities.

a. Special Consideration for Human Subjects

Special safeguards and considerations must be utilized when working with human subjects. If the research is being conducted as part of an advanced degree program, the Institutional Review Board (IRB) where the researcher is enrolled must approve the proposal. IRB approval must be obtained prior to

submitting the proposal to the Director of Vocational Rehabilitation and Employment (VR&E) Service. If the research is not being conducted as part of a formal education program, it will be subject to the provisions of applicable federal regulations regarding protection of human subjects as indicated in 45 CFR 46.

1. Institutional Review Board (IRB)

An IRB, also known as an independent ethics committee or ethical review board, is a committee formally designated to approve, monitor, and review research involving humans. The IRB is established and monitored by the educational institution associated with the research project. Each IRB has at least five members with varying backgrounds to promote complete and adequate reviews of research activities commonly conducted by the educational institution. The aim of an IRB is to protect the rights and welfare of human research subjects. An IRB performs critical oversight functions for research conducted on human subjects that are scientific, ethical and regulatory. 45 CFR 46 governs IRBs.

2. Assessment of Risks

The IRB's assessment of risks and anticipated benefits involves a series of steps. The IRB must take the following actions:

- Identify the risks associated with the research
- Determine that the risks will be minimized to the extent possible
- Identify the probable benefits to be derived from the research
- Determine that the risks are reasonable and beneficial to the subjects, if any, and the importance of the knowledge to be gained
- Ensure that potential subjects will be provided with an accurate and fair description of the risks or discomforts, and the anticipated benefits
- Determine intervals of periodic review
- Determine that adequate provisions are in place for monitoring the data collected

3. Types of Risk

The risks to which research subjects may be exposed are classified as physical, psychological, social and economic harm.

(a) Physical Harm

Medical research often involves exposure to minor pain, discomfort and/or injury from invasive medical procedures, or harm from possible side effects of drugs. Some of the adverse effects that result from medical procedures and/or drugs can be permanent, but most are transient.

(b) Psychological Harm

Participation in research may result in undesired changes in thought processes and emotions (e.g., episodes of depression, confusion, or hallucination resulting from drugs, feelings of stress, guilt and loss of self-esteem). These changes may be transitory, recurrent, or permanent. Most psychological risks are minimal or transitory, but the researcher should be aware that some research has the potential for causing serious psychological harm.

(c) Social and Economic Harm

Some social and behavioral research may yield information about individuals that could "label" or "stigmatize" the subjects (e.g., as actual or potential delinquents or as persons with severe mental illness). Confidentiality safeguards must be strong in these instances. The fact that a person has participated in HIV-related drug trials or has been hospitalized for treatment of a mental illness could adversely affect present or future employment, eligibility for insurance and standing in the community if the information is made public.

b. Collection of Information

Most research projects require a collection of information. The Paperwork Reduction Act of 1995 expanded the responsibilities of federal agencies when developing a proposed collection of information. These responsibilities include a 60-day public comment period before submission for clearance by the Office of Management and Budget (OMB). OMB review and approval is required whenever VA wishes to obtain or solicit information from ten or more persons. Collection of information includes the use of questionnaires, surveys, interview guides and other methods of collecting information.

c. Interagency Coordination

Per 38 CFR 3119, VA should cooperate with a number of entities regarding rehabilitation studies, research and special projects of mutual programmatic concern. The following is a list of the most prominent of those entities:

1. The Office of Special Education and Rehabilitative Services (OSERS)

OSERS is part of the Department of Education. The mission of OSERS is to provide leadership to achieve full integration and participation in society of people with disabilities by ensuring equal opportunity and access to education, employment, and community living.

For more information on OSERS visit:
www.ed.gov/about/offices/list/osers/index.html.

2. The Rehabilitation Services Administration (RSA)

RSA is a component of OSERS. The mission of RSA is to provide leadership and resources to assist agencies in providing vocational rehabilitation, independent living, and other services to individuals with disabilities to maximize their employability, independence, integration into the community and competitive labor market.

RSA oversees grant programs that assist individuals with disabilities obtain and maintain suitable employment and live more independently through the provision of supports such as counseling, medical and psychological services, job training and other individualized services.

RSA's responsibilities include the following:

- Administering grant programs authorized by Congress
- Evaluating, monitoring and reporting on the implementation of federal policy, programs and the effectiveness of vocational rehabilitation, supported employment, independent living and other related programs for persons with disabilities
- Coordinating with federal agencies, state agencies, and the private sector for the review of program planning, implementation and monitoring issues

For more information on RSA visit: www.rsa.ed.gov.

3. National Institute on Disability and Rehabilitation Research (NIDRR), previously known as Institute of Handicapped Research

NIDRR is a component of OSERS. NIDRR provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. The mission of NIDRR is to generate new knowledge and promote its effective use to improve the abilities of people with disabilities to perform activities of their choice in the community. Additionally, NIDRR aims to expand society's capacity to provide full opportunities and accommodations for persons with disabilities. NIDRR conducts comprehensive and coordinated programs of research and related activities to maximize the full inclusion, social integration, employment and independent living of individuals of all ages with disabilities. NIDRR's focus includes research in areas such as employment, health, technology, independent living and community integration, and other associated disability research areas.

For additional information on NIDRR, see: 28 U.S.C. 762 and www.ed.gov/about/offices/list/osers/nidrr/index.html.

4. The Interagency Committee on Disability Research (ICDR)

The Interagency Committee on Disability Research (ICDR) facilitates the effective exchange of information on disability and rehabilitation research activities among its member agencies. VA is a member agency of the ICDR. ICDR coordinates activities that span the areas of assistive technology and universal design, medical rehabilitation, data and statistics, employment, and community participation. The ICDR is charged with the following:

- Collect input from stakeholders to inform planning
- Identify emerging research areas
- Assess gaps and duplications in existing research
- Make recommendations to strengthen the federal research agenda

For more information on the ICDR visit: www.icdr.us.

d. Funding

To carry out the provisions of 38 U.S.C. 3119 and 38 CFR 21.390, VA may provide grants to or contract with public agencies, non-profit agencies and institutions of higher learning per 28 U.S.C. 764.

4.04. Research Conducted by VR&E Divisions

VA encourages research by VR&E staff members. This research should address problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans.

a. Developing Research Proposals

The proposal should provide the following information:

1. A title that accurately and concisely identifies the research, variables to be studied and key concepts of the study.
2. An objective that defines the purpose, scope and content of the research.
3. A literature review of peer-reviewed studies that pertains to the topic and puts the proposal into perspective, defines the field, describes the effective/ineffective past research and helps the reader interpret the significance of results to be obtained from the study.
4. A detailed description of the methodology of how the study will be conducted to allow replication. The methodology will provide details about the research design, including: population, sampling procedures, variables, hypothesis(es) to be tested, statistical methods used to analyze the data, data collection methods, safeguards of ethics and confidentiality, instrumentation, timeframe for the research and personnel who will conduct the research.
5. Cost estimates to complete the research and a reasonable expectation of benefit from successful achievement of objectives.
6. A utilization plan that outlines the procedures to be used or steps to be taken to disseminate the results of outcomes and how the results may be used.

b. Submitting Research Proposals

The process for submitting research proposals is as follows:

1. The VR&E staff member develops a research proposal that addresses problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans, then submits the proposal to the VR&E Officer.

2. The VR&E Officer reviews, evaluates and recommends approval of the proposal then submits the proposal to the Regional Office (RO) Director.
3. The RO Director reviews, evaluates and recommends approval of the proposal, then submits the proposal to the VR&E Service Director.
4. The VR&E Service Director provides final approval of the proposal and ensures any additional concurrences have been obtained.

NOTE: Approval at each phase is required for the proposal to proceed from one level of review to the next.

4.05. Research Conducted by Educational Institutions in Conjunction with VA

a. Authority to Conduct Research

Educational institutions cooperating with VA in the administration of research and development activities relative to counseling, vocational rehabilitation and training of Veterans and their dependents is authorized under 38 CFR 21.390.

b. Disclosure of Information to Educational Institutions

Requests for use of VR&E records from educational institutions and agencies cooperating with VA are subject to the provisions found in 38 CFR 1.517 as indicated below:

1. An educational institution or a responsible individual sends a request to the RO Director.
2. The RO Director reviews the request and recommends review by the Under Secretary for Benefits (USB).
3. Approval of the USB is required in order to release information from VR&E records.

Once the USB approves use of VR&E records, the RO Director is authorized to release information for the study, providing any data or information obtained are not published without prior approval of the USB and the published material does not identify any individual Veteran.

NOTE: Research conducted in collaboration with educational institutions is subject to the provisions of informed consent and confidentiality safeguards per 38 CFR 1.576.

c. Proposal Format

Requests for disclosure of information submitted to the USB by the RO Director should include the same information as other research proposals, as identified in M28R.I.A.4.04(a).

PART I – OVERVIEW
Section A – VR&E Program Overview

- Chapter 1: Vocational Rehabilitation and Employment Manual
- Chapter 2: Organizational Structure of Department of Veterans Affairs
- Chapter 3: Partnerships and Memoranda of Agreement/Understanding
- Chapter 4: Research and Development

Chapter 1
VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

- 1.01 Introduction
- 1.02 References and Resources
- 1.03 General Information on the Vocational Rehabilitation and Employment Manual
 - a. Veterans Affairs Offices Affected
 - b. Benefits and Services this Manual Covers
 - 1. 38 U.S.C., Veterans' Benefits
 - 2. 10 U.S.C., Armed Forces
 - c. Organization of the Manual
 - d. Authority for Decisions
 - e. Distribution of the Manual and Regulations
 - f. Updates

Chapter 1 VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

1.01. Introduction

This chapter provides information on the organizational structure of the Vocational Rehabilitation and Employment (VR&E) Manual. It states which benefits and services are covered in the manual and the VA employees that administer them. It notes that the authority of the manual's guidance on procedures is based on the United States Code (U.S.C.), the Code of Federal Regulations (CFR), and other relevant policy and procedures documents developed by the Department of Veterans Affairs (VA) and VR&E Service.

1.02. References and Resources

| | |
|--------------|--|
| Laws: | 38 U.S.C. 3100 |
| Regulations: | 38 CFR Book G |
| Website: | www.gibill.va.gov |

1.03. General Information on the VR&E Manual

a. VA Offices Affected

This manual applies to VA Regional Offices (RO), out-based locations within the jurisdiction of an RO and VA Medical Centers with RO activities (VAMROC).

NOTE: ROs must not deviate from any of the prescribed procedures in the VR&E manual (M28R) without prior written authorization from the VR&E Service Director.

b. Benefits and Services Covered

This manual provides operational procedures for administration of the VA VR&E Program prescribed in law. The manual also provides guidance on providing counseling for Veterans and their dependents utilizing the following educational benefit programs:

1. 38 U.S.C., Veterans Benefits

- Chapter 18, Benefits for Children of Vietnam Veterans and Certain Other Veterans
- Chapter 30, All-Volunteer Force Educational Assistance Program
- Chapter 32, Post-Vietnam Era Veterans' Educational Assistance
- Chapter 33, Post-9/11 GI-Bill
- Chapter 35, Survivors' and Dependents' Educational Assistance
- Chapter 36, Administration of Educational Benefits

2. 10 U.S.C., Armed Forces

- Chapter 1606, Educational Assistance for Members of Selected Reserve
- Chapter 1607, Reserve Educational Assistance Program

NOTE: Information regarding the above educational benefits (except Chapter 31) may be obtained at: www.gibill.va.gov.

c. Organization of the Manual

This manual contains eight Parts:

1. Part I, Overview
2. Part II, Office Administration
3. Part III, Program Administration
4. Part IV, Evaluation, Entitlement, and Rehabilitation Planning
5. Part V, Case Management
6. Part VI, Employment Services
7. Part VII, Other Benefits Case Management
8. Part VIII, Program Oversight

A table of contents precedes each Part of this manual. Each Part is denoted by an uppercase Roman numeral. Sections are denoted by

upper case letters (e.g. Section A). In Parts without multiple Sections, the Part's entire contents are under Section A. Each Section is divided into Chapters indicated by Arabic numbers (e.g. Chapter 1). Beyond the Chapter level, Paragraph numbers are expressed as a two-digit decimal number following the Chapter number (e.g. 1.01). The digit to the left of the decimal indicates the Chapter number and digits to the right indicate main Paragraphs beginning with ".01" in each Chapter. Some Paragraphs are subdivided and contain Sub-paragraphs denoted by lower-case letters beginning with "a". When further levels of organization are needed, Topics are denoted by an Arabic number "1" and below that, Blocks are denoted by a lower case letter in parentheses (a). Each level of organization beyond the "Chapter and Paragraph" level is indented an extra ¼ inch in order to structure the document and aid readability. For example:

- I. Part
 - A. Section
 - 1.01 Chapter and Paragraph
 - a. Sub-paragraph
 - 1. Topic
 - (a) Block

To cite information at a particular location in the M28R, use the appropriate numbers and letters only, without spaces, and separated by a period. For example, information in Part I, Section A, Chapter 1, Paragraph .01, Sub-paragraph a, Topic (1), Block (a) is cited as M28R.I.A.1.01.a.1.(a).

d. Authority for Decisions

Actions and procedures described in this manual originate from the laws included in 38 U.S.C. VA promulgates regulations to implement these laws, which are published in the CFR. When policy clarification is needed regarding certain regulations or modifications to procedures contained in the manual are necessary, VR&E Service in Central Office issues circulars, or policy or procedural guidance letters. It is critical that VR&E staff adhere to the following:

1. 38 U.S.C.
2. CFR
3. M28R

4. Circulars
5. Policy or procedural guidance letters
6. Similar guidance issued by VR&E Service, the Under Secretary of Benefits or the Secretary of VA

NOTE: Once M28R is published, changes to its policy and procedures will be issued by “manual updates” rather than by letters or circulars. Changes effected by old letters, circulars and manuals have been incorporated into the current M28R.

e. Distribution of the Manual and Regulations

The manual will be available to all VR&E staff in an electronic format. Staff may print copies as needed. It is the responsibility of the VR&E Officer to ensure that each VR&E Division staff member has access to the manual, regulations, statutes and appropriate reference materials.

f. Updates

Updates to the manual will be made whenever determined necessary by the VR&E Service Director. When a proposed update receives final approval it will be published as an edit to the online M28R in the Knowledge Management Portal (KMP). Notification of the most recent updates will be visible on a “What’s New” tab after opening the M28R in the KMP. Additionally, the VR&E Officer or acting VR&E Officer will be notified of updates to the M28R in the monthly VR&E Hotline call immediately before or after each update.

Chapter 2
ORGANIZATIONAL STRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS

- 2.01 Introduction
- 2.02 Department of Veterans Affairs (VA) Overview
 - a. Mission of VA
 - b. Organizational Structure of VA
- 2.03 Veterans Benefits Administration (VBA) Overview
 - a. Mission of VBA
 - b. Organizational Structure of VBA
 - c. Program Elements of VBA
 - d. Organizational Chart of VBA
- 2.04 Vocational Rehabilitation and Employment (VR&E) Service Overview
 - a. Mission of VR&E Service
 - b. Organizational Structure of VR&E Service
 - c. Operational Elements of VR&E Service
 - d. Operational Elements of Rehabilitation Services
 - e. Operational Elements of Program and Project Management
 - f. Operational Elements of Oversight and Outreach
 - g. Organizational Chart of VR&E Service
- 2.05 VA Regional Office (VARO) Overview
 - a. Mission of VARO
 - b. Organizational Structure of VARO
- 2.06 VR&E Division Overview
 - a. Mission of VR&E Division
 - b. Organizational Structure of VR&E Division

Appendix U. VR&E Service Organizational Chart at VA Central Office

Appendix W. VBA Organizational Chart

Chapter 2

ORGANIZATIONAL STRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS

2.01 Introduction

This chapter provides an overview of the organizational structure of the Department of Veterans Affairs (VA), from the Office of the Secretary of VA to the Regional Offices (RO). It outlines the functions of each office, as well as the major duties associated with each member of the management, technical and support teams.

2.02 VA Overview

a. Mission of VA

The mission of VA is to fulfill President Lincoln's promise, "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans.

b. Organizational Structure of VA

The following table describes the major functional areas that comprise VA:

| Functional Area | Description |
|--|--|
| Office of the Secretary | Appointed by the President with the advice and consent of the Senate, and is responsible for administering benefit programs for Veterans, their families and their survivors. |
| Office of the General Counsel | Interprets all laws pertaining to VA and provides necessary legal services. Serves as chief legal officer on all matters of law, litigation and legislation. |
| Veterans Benefits Administration (VBA) | Administers benefits programs for transitioning Servicemembers, Veterans, their survivors and dependents. The major benefits include compensation, pension, burial allowance, vocational rehabilitation, education and training assistance, home loan guarantees and insurance coverage. |

| | |
|--|---|
| Veterans Health Administration (VHA) | Serves the Veteran population by providing inpatient and outpatient care, nursing home care, domiciliary residences, home health services, adult day care, residential care and respite care programs. Operates and maintains a nationwide network of VA Medical Centers, research centers, outpatient clinics, Vet Centers and information resource centers. |
| National Cemetery Administration (NCA) | Provides burial space for Veterans and their eligible family members; maintains national cemeteries; marks Veterans' graves with headstones, markers, and medallions; and administers grants for establishing or expanding state and tribal government Veteran cemeteries. |
| Board of Veterans' Appeals (BVA) | Makes final decision on appeals made to the Secretary by a Veteran regarding decisions made by VA staff on VA benefits and services. |
| Office of the Inspector General (OIG) | Responsible for conducting and supervising audits and investigations; recommending policies designed to promote economy and efficiency; preventing and detecting waste, fraud and abuse; and ensuring the Secretary and the Congress are informed of problems and deficiencies in VA programs and operations, and the need for corrective actions. |
| Veterans Service Organizations (VSO) Liaison | Facilitates positive and effective working relationships with Veterans service organizations. |
| Other Elements | In addition to the functional areas listed above, VA is also comprised of the Board of Contract Appeals; the Center for Minority Veterans; the Center for Women Veterans; the Office of Small and Disadvantaged Business Utilization; the Office of Employment Discrimination Complaint Adjudication; and the Office of Regulation, Policy and Management. |

2.03 VBA Overview

a. Mission of VBA

The mission of VBA, in partnership with VHA and NCA, is to provide benefits and services to Veterans and their families in a responsive, timely and

compassionate manner in recognition of their service to the nation.

b. Organizational Structure of VBA

VBA administers a wide variety of benefit programs authorized by Congress. The following chart outlines the management structure of VBA:

| Title | Function |
|--|---|
| Under Secretary for Benefits (USB) | Acts as principal advisor to the Secretary on all Veterans' benefits issues and is responsible for the administration of all VBA activities. |
| Deputy Under Secretary for Benefits | Assists the USB as advisor to the Secretary on all Veterans' benefits issues and in the administration of all VBA activities. |
| Deputy Under Secretary for Field Operations | Has day-to-day supervisory responsibility for regional offices throughout the United States, Puerto Rico and the Philippines. |
| Deputy Under Secretary for Disability Assistance | Has oversight responsibility for five of VBA's core business lines: Compensation Service, Pension Service, Insurance Service, Benefits Assistance Service, and Fiduciary Service. |
| Deputy Under Secretary for Economic Opportunity | Has oversight responsibility of the Education, Loan Guaranty, and Vocational Rehabilitation and Employment (VR&E) Services. |
| Chief of Staff | Responsible for the analysis of all VBA proposals, policy, program, and budgetary issues. Recommends appropriate courses of action to the USB, and has oversight of three directors: The Director of Office Management, the Director of Office Resource Management, and the Director of Office of Performance Analysis and Integrity. |
| Director, Office of Management | Has oversight of five staff offices: the Office of Human Resources; Office of Diversity Management and Equal Employment Opportunity; Office of Facilities, Access and Administration; Office of Employee Development and Training; and Acquisition Staff. Each of these staff offices manages, coordinates and integrates programs that support both VA Central Office and RO operations. |

| | |
|---|--|
| Director, Office of Strategic Planning (OSP) | Responsible for directing and coordinating VBA's transformation and innovation efforts while providing program and project management. Offices within the OSP include: Office of Business Process Integration, Veterans Benefits Management System Program Office, Veterans Relationship Management Program Office, and Chapter 33 Long-Term Solution Program Management Office. |
| Director, Office of Resource Management (ORM) | Provides leadership and top-level management expertise by effectively obtaining and accounting for financial and other resources, and by effectively planning and measuring results. |
| Director, Office of Performance Analysis and Integrity (PA&I) | Develops and maintains the Enterprise Data Warehouse to enable the generation of recurring and ad hoc reports in response to VBA decision-making and business needs. |

c. Program Elements of VBA

VBA has several business lines referred to as Services, which are administered at VA Central Office. The following table lists their responsibilities:

| Business Line | Responsibilities |
|---|---|
| Vocational Rehabilitation and Employment (VR&E) Service | Administers programs for Veterans with service-connected disabilities to help them achieve maximum independence in daily living and, to the extent feasible, prepare for, obtain, and maintain suitable employment. Suitable employment is defined as an occupation that matches a Veteran's pattern of skills, abilities and interests, and is within his/her physical, cognitive and psychological capabilities. Also administers counseling and evaluation services provided to individuals eligible for other VA education programs. |
| Education Service | Administers education or training benefit programs for eligible Veterans, Servicemembers, Reservists and dependents. |

| | |
|-------------------------------|--|
| Loan Guaranty (LGY) Service | Administers a home loan guaranty program that provides use of the Government's guaranty on loans in lieu of the substantial down payment and other investment safeguards applicable to conventional mortgage transactions. Also oversees the Specially Adapted Housing grant program. VA loan guaranties may be made to Servicemembers, Veterans, Reservists and unmarried surviving spouses. |
| Compensation Service | Administers the following programs: Disability Compensation, Dependency and Indemnity Compensation, Automobile Allowance/Adaptive Equipment and Clothing Allowance. |
| Pension and Fiduciary Service | Pension and Fiduciary Service administers Disability Pension, and Death Pension of beneficiaries in the Fiduciary programs. Beneficiaries are classified as minors, Veterans and other adults. The latter group includes helpless adults, surviving spouses, dependent parents and some insurance payees. |
| Insurance Service | Insurance Service administers VA life insurance programs. Programs provide insurance benefits for Veterans and Servicemembers who may not be able to get insurance from private companies because of the extra risks involved in military service or a service-connected disability. |

d. Organizational Chart of VBA

See Appendix W for the VBA Organizational Chart.

2.04 VR&E Service Overview

a. Mission of VR&E Service

The mission of VR&E Service in VA Central Office is to plan, organize, and administer the Vocational Rehabilitation and Employment Program within the VBA. VR&E Service formulates policies and procedures and has oversight responsibility to ensure field staff provides timely high-quality services.

b. Organizational Structure of VR&E Service

The following table describes the organizational structure of VR&E Service in the VA Central Office.

| Title | Function |
|---|--|
| Director, VR&E Service | Responsible for management of VR&E Service and administration of VR&E program activities. |
| Deputy Director, VR&E Service | Assists the Director in the management of VR&E Service and administration of VR&E program activities; directly supervises the Executive Assistant, Assistant Director for Rehabilitation Services, Assistant Director for Program and Project Management, and the Assistant Director of Oversight and Outreach |
| Assistant Director for Rehabilitation Services | Responsible for management of the VR&E program through the supervision of Supervisor of Rehabilitation Services, Supervisor of Policy and Procedures, Senior Policy Analyst, and Independent Living Coordinator. |
| Assistant Director for Program and Project Management | Responsible for the management of the VR&E program through the supervision of Supervisor for Program and Project Management, and Supervisor of Training. |
| Assistant Director for Oversight and Outreach | Responsible for the management of the VR&E program through the development and administration of outreach programs and initiatives, and the supervision of the Supervisor of Employment and Outreach, and Quality Assurance Officer. |
| Executive Assistant | Responsible for management of the budget and support of VR&E Service operations. |

c. Operational Elements of VR&E Service

VR&E Service has three main operational elements:

1. Rehabilitation Services
2. Program and Project Management
3. Oversight and Outreach

d. Operational Elements of Rehabilitation Services

The main functions of Rehabilitation Services include:

1. Responding to inquiries from Veterans, field staff, congressional offices, the GAO, OIG and other stakeholders
 2. Conduct Administrative Reviews and develop Advisory Opinions
 3. Developing legislative proposals and regulations
 4. Developing and disseminating policies and initiatives related to employment services, independent living services and vocational rehabilitation
- e. Operational Elements of Program and Project Management

The main functions of Program and Project Management are the following:

1. Developing and presenting training for VR&E managers, counselors, Employment Coordinators (ECs), and other stakeholders
 2. Coordinating and overseeing VR&E contracting activities
 3. Coordinating information technology product development and enhancements
 4. Designing, developing, and distributing performance management reports to field offices, Office of Field Operations, Congress and other stakeholders
 5. Project management of national projects and initiatives
- f. Operational Elements of Oversight and Outreach

The main functions of Oversight and Outreach are the following:

1. Conducting quality assurance reviews and site surveys of VR&E field offices
2. Developing and administering outreach programs and initiatives
3. Managing employer accounts to create employment opportunities for Veterans

g. Organizational Chart of VR&E Service

See Appendix U for the VR&E Service Organizational Chart at VA Central Office.

2.05 VA Regional Office (VARO) Overview

a. Mission of VARO

The mission of each VARO is to provide benefits and services to Veterans and their families within their jurisdiction in a responsive, timely and compassionate manner. The VAROs report to the Office of Field Operations through their respective Area Offices.

b. Organizational Structure of VARO

A VARO is comprised of six divisions that carry out the functions of VBA. Generally, a regional office includes the following:

1. Veterans Service Center
2. Finance Division
3. Support Services Division
4. Human Resources
5. Loan Guaranty Division
6. Vocational Rehabilitation and Employment Division

NOTE: At some locations the support functions, such as human resources, may be shared with a VA medical center. At some VAROs, divisions such as human resources, support services and finance are consolidated. In other areas, certain functions such as Loan Guaranty are consolidated with other offices. Some offices have a Regional Processing Office (RPO) for processing of education claims, and an insurance processing center.

2.06 VR&E Division Overview

a. Mission of VR&E Division

The mission of the VR&E Division in each VARO is to provide benefits and services in a responsive, timely and compassionate manner to Veterans with

service-connected disabilities and individuals eligible for counseling under other VA benefit programs.

b. Organizational Structure of VR&E Division

The positions within a VR&E Division may vary depending on factors, such as workload and available resources. VR&E Division staff may include the following:

| Title | Function |
|---|---|
| VR&E Officer | Manages all VR&E Division activities, including providing direction to VR&E staff, and oversight of VR&E operations. |
| Assistant VR&E Officer | Assists the VR&E Officer in the management of all VR&E Division activities, including providing direction to VR&E staff and oversight of VR&E operations. |
| Vocational Rehabilitation Counselor (VRC) | Provides the full range of rehabilitation and counseling services, including all services leading to suitable employment or independent living, such as comprehensive evaluations, entitlement determinations, vocational counseling, rehabilitation planning, job placement and case management. |
| Employment Coordinator (EC) | Provides job-ready services and coordinates with employers to assist Veterans with service-connected disabilities and other entitled Veterans in their pursuit of suitable employment. |

VR&E Divisions may also employ individuals who perform various support functions, including program support clerks or technicians, program or management analysts and vocational rehabilitation technicians.

Chapter 3
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

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- 3.02 References and Resources
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 - a. Definition of Partnerships
 - b. Partnerships and Vocational Rehabilitation and Employment (VR&E)
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Appendix K. National signed MOUs

Chapter 3

PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

3.01 Introduction

Vocational Rehabilitation and Employment (VR&E) believes partnerships with other organizations strengthen VR&E's ability to provide quality and timely training and employment services to Veterans with disabilities. This chapter covers the definition of partnership, Memorandum of Agreement (MOA) and Memorandum of Understanding (MOU); provides examples of partnerships with other Department of Veteran Affairs (VA) elements and agencies outside the VA, and discusses the importance of partnerships with private sector and faith-based, non-profit and community-based organizations. This chapter also contains the statutory and regulatory provisions covering subject matter related to partnerships, MOA and MOU.

3.02 References and Resources

Laws: 31 United States Code (U.S.C.) 1341
 38 U.S.C. 3115
 38 U.S.C. 3116

Websites: www.vetsuccess.gov/partners
 www.dav.org
 www.aaptsdassn.org
 www.vfw.org

3.03 Partnerships

a. Definition of Partnerships

Partnerships are established relationships that involve close cooperation between individuals or entities that have overarching goals and missions.

b. Partnerships and VR&E

1. Partnerships within VA Regional Business Lines

Establishing relationships within Veterans Benefits Administration (VBA) strengthens the network of services and resources available to the Veterans we serve. VR&E staff should work closely to develop partnerships within their Regional Office (RO) and within VBA. There are many examples of ways in which Veterans Affairs RO (VARO) business lines partner together. For example, VR&E and Loan Guaranty (LGY)

partner on cases in which a Veteran participating in an Individualized Independent Living Plan (IILP) requires home modification (in the form of a construction project) in order to increase his/her independence and to be able to live in a safer home environment. Another example is how RO divisions often use VR&E as a recruitment source to obtain candidates for filling job vacancies.

2. Partnerships with Other VA Departments

VR&E works cooperatively with other VA departments to meet Veterans' health needs, obtain information that may impact rehabilitation planning or program participation and provide services to facilitate successful program completion. Examples of partnerships between VR&E and departments in the Veterans Health Administration (VHA) include the following:

- VR&E counselors refer Veterans to the VA Medical Center (VAMC) for healthcare and treatment and to the Vet Center/Readjustment Counseling Service, where they can receive assistance/counseling on adjusting to civilian life. In addition, women Veterans are referred to Women Veterans Health Care services, which could be particularly important to women Veterans seeking gender-specific health care.
- VR&E Veterans with low vision or blindness are referred to Blind Rehabilitation Services' Visual Impairment Services Team (VIST) for information on how to improve their vision so that they can succeed in their VR&E plan, or receive low-vision aids and training to help them function more independently in their homes and community.
- Veterans with a Traumatic Brain Injury (TBI) or suspected TBI are referred to the Polytrauma/Traumatic Brain Injury System of Care where they can receive adjustment counseling, learn concentration and memory strategies and work with those who specialize in working with Veterans with brain injuries.
- VR&E partners with the Prosthetic and Sensory Aids Service, which can provide the Veteran with medical durable equipment and with Compensated Work Therapy (CWT) for Veterans who are not ready for employment, but rather need assistance transitioning back into a work environment, often in the form of supported employment.

NOTE: Some of these services are not available at every VAMC, but are regionally dispersed throughout the United States.

3. Partnerships with Other Federal, State, and Local Agencies

VR&E partners with various agencies at the Federal, State and local levels to include: Department of Labor, Council of State Administrators of Vocational Rehabilitation, Internal Revenue Service, Naval Air Warfare Center Aircraft Division, U.S. Army Materiel Command, General Services Administration, and the Department of Education Rehabilitation Services Administration. In addition to having MOUs in place, VR&E often partners with federal agencies on various projects, such as task forces, advisory committees, work groups and other collaborative projects.

For a list of federal and state partners, go to:
www.vetsuccess.gov/partners.

4. Partnerships with National Service Organizations

VR&E partners with National Service Organizations (NSOs) by sharing information about the Veteran that could aid him/her in receiving VA benefits and by educating each other on what services are offered. One common way VR&E partners with NSOs is through referrals. It is not uncommon for a Veteran to have little or no knowledge of the services an NSO provides, or for a Veteran applying for compensation and/or a pension to be unaware of the services VR&E provides. It is through referrals that National Service Officers and Vocational Rehabilitation Counselors (VRCs) partner to ensure the Veteran is aware of all the benefits he/she may be entitled to.

Another way VR&E Service partners with NSOs is through established agreements to train Veterans with disabilities as National Service Officers. MOUs currently exist between VR&E and Veterans of Foreign Wars (VFW), Disabled American Veterans (DAV) and the African American Post Traumatic Stress Disorder Association (AAPTSDA). Veterans participating in the VR&E Program who desire employment as a National Service Officer are usually interviewed by the organization, and if accepted for the training, sign an Individualized Written Rehabilitation Plan, (IWRP) and an Individualized Employment Assistance Plan (IEAP), and receive their training through the prospective organization's supervising National Service Officer.

5. Partnerships with the Private Sector

VR&E has developed and continues to develop partnerships with private sector employers on the national level to enhance employment opportunities for Veterans with service-connected disabilities. VR&E

management at the local level is expected to use existing partnerships in support of their mission, and continue to develop partnerships at the local level.

Examples of some partnerships with private sector employers include: Home Depot, Bank of America, Northrop Grumman Corporation, The Center for Military Recruitment, Assessment and Veterans Employment (Helmets to Hard Hats), JPMorgan Chase, and Wells Fargo.

For a list of private sector partners, go to: www.vetsuccess.gov/partners.

6. Partnerships with Faith-based/Nonprofit/Community Initiative Agencies

VR&E Service has developed and continues to develop partnerships with faith-based/non-profit/community initiative agencies on the national and local level to enhance employment opportunities for Veterans with service-connected disabilities.

Examples of some faith-based/nonprofit/community initiative agency partnerships include: National Council of Young Men's Christian Associations of the United States of America (YMCA), International Association of Jewish Vocational Services (IAJVS), Habitat for Humanity, Hire Heroes USA and the National Association of Homebuilders.

For a list of faith-based/nonprofit/community initiative agency partners, go to: www.vetsuccess.gov/partners.

3.04 MOU/MOA

a. Definition of an MOU/MOA

An MOU is a document that describes very broad concepts of mutual understanding, goals and plans shared by the parties. In contrast, an MOA is a document describing in detail the specific responsibilities of, and actions to be taken by, each of the parties so their goals can be accomplished. An MOA may also indicate the goals of the parties to help explain their actions and responsibilities. The Director of VR&E Service is responsible for developing MOUs/MOAs at the national level, and the VR&E Officer or his/her designee is responsible for developing MOUs/MOAs at the local level.

b. Development of an MOU/MOA

Every VR&E MOU/MOA must be consistent with the VA mission and be authorized by federal law, regulations and funding constraints. Additionally,

the existence of an MOU/MOA does not eliminate or diminish the need for additional contracts, documents, or agreements to execute the activities contemplated by the parties. Neither an MOU nor an MOA can be used as the sole authority or means to acquire or procure goods or services, exchange funds or property, or transfer or assign personnel. Although the MOU/MOA can address those issues and indicate the goals and intent of the parties, all VA personnel must comply fully with pertinent contracting and procurement regulations and references. Additionally, although an MOU/MOA can address special situations, it cannot be used in place of a contract.

The MOU/MOA by itself is no authority for the parties to engage in the contemplated activity. The following are just some of the federal statutes commonly used as the underlying general authority for a VR&E MOU/MOA and its contemplated activity:

- 38 U.S.C. 3115. Authorizes VA to enter agreements with federal agencies providing non-paid work experience, on-the-job training, or other training opportunities for Chapter 31 Veterans
- 38 U.S.C. 3116. Authorizes VA to promote the development and establishment of employment opportunities through coordination with federal, state, and local governmental agencies and appropriate non-governmental organizations

An agreement to indemnify is an agreement to assume financial, legal or other liabilities on behalf of that other party. Neither the VA nor any person in the VA may agree to indemnify any other party absent specific federal statutory authorization. Chapter 31 U.S.C. 1341(a)(1)(A) and 1341(a)(1)(B), commonly referred to as the Anti-Deficiency Act, prohibits all federal officers and employees from making or authorizing expenditures or obligations exceeding appropriated funding and from obligating payment of money before it is appropriated. A typical indemnification clause violates both provisions of that Act because it potentially obligates the federal government (or VA) to pay an unspecified, unlimited and unappropriated amount of money should someone else's property be lost, damaged or destroyed, some person be injured or killed, or other parties to the MOU/MOA incur legal liabilities or expenses. Should any prospective party to an MOU/MOA request or demand that the VA agree to an indemnification clause, contact VA's Office of General Counsel (OGC) for assistance.

The wording of specific agreements may be appropriately tailored to accommodate the subject matter of the agreement and needs of the parties, or to conform to an applicable law, regulation or directive. The format may differ if a party other than the VA originates the MOU/MOA. However, every

MOU/MOA in which VR&E is a party should include the following basic information:

1. Parties

The parties to be bound by the agreement must be identified.

2. Authority

The legal authority for the agreement must be cited. Federal law, regulation or other directives are referenced.

3. Purpose

The purpose or reason for entering the agreement must be stated.

4. Responsibilities

A description of the duties and responsibilities of the parties must be provided. The description should be as specific and detailed as necessary. Lengthy details may be provided in an appendix rather than the body of the MOU/MOA.

5. Reporting and Documentation

The MOU/MOA must specify whether follow-up reports or documentation of actions taken are required and state how often and to whom they are to be submitted.

6. Points of Contact

Points of Contact for all parties should be provided, including names, office symbols, addresses and phone numbers. Fax numbers, e-mail and website addresses should also be provided if available.

7. Modification

A provision stating how to modify or amend the agreement is included. Modifications can be formal (written) or informal (oral), and can be approved by the Points of Contact (POCs), the signatories or other appropriate individuals. While it is often appropriate for those at the working level to make modifications, either orally or in writing, modifications that change central provisions of the agreement should normally be made in writing and agreed to by the individuals who originally approved the MOU/MOA or their successors.

8. Effective Date

The date the MOU/MOA becomes effective must be stated. This may be a specified date after the MOU/MOA is signed by all parties or it may be the date the last party signs the agreement.

9. Termination

The MOU/MOA must contain several provisions regarding termination. The document will indicate that it will terminate on a certain date, upon the accomplishment of its purpose, or upon agreement of the parties. The MOU/MOA will also contain a provision indicating whether the duration of the agreement may be extended and if so, the extension mechanism (e.g. by written agreement of the parties). Finally, the agreement will indicate whether a party may terminate the agreement early (usually by written notice to the other parties).

VR&E or the VA is a party to the agreement, not the person signing for the VA. Therefore, that person must have the authority to sign the MOU/MOA and commit the VA. VBA leadership or the OGC should be consulted to determine who the approving official should be.

Concurrence of a proposed MOU/MOA can be either consecutive (completed at one agency then forwarded to the other(s)) or concurrent (proceeding through each agency simultaneously). Early coordination and communication with interested offices and the use of e-mail for reviewing and editing a draft MOU/MOA is encouraged. Prior to submitting an MOU/MOA to the approval authority for signature, the originating staffer should ensure that the MOU/MOA does not conflict with any preexisting agreements. The originating staffer should also ensure that the appropriate level of VBA leadership and the OGC have reviewed the MOU/MOA.

NOTE: See Appendix K for copies of national signed MOUs.

Chapter 4
RESEARCH AND DEVELOPMENT

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- 4.02. Reference and Resources
- 4.03. Research and Development Overview
 - a. Special Consideration for Human Subjects
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 - 1. The Office of Special Education and Rehabilitative Services (OSERS)
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- 4.04. Research Conducted by VR&E Divisions
 - a. Developing Research Proposals
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Chapter 4 RESEARCH AND DEVELOPMENT

4.01. Introduction

The Department of Veterans Affairs (VA) is mandated to conduct an ongoing program of research and development to advance the knowledge, methods, techniques, and resources available for use in developing and/or implementing rehabilitation programs for Veterans.

4.02. Reference and Resources

| | |
|--------------|--|
| Laws: | 28 United States Code (U.S.C.) 762 28 U.S.C. 764 38 U.S.C. 3119 |
| Regulations: | 38 Code of Federal Regulations (CFR) 1.517 38 CFR 1.576 38 CFR 21.390 45 CFR 46 |
| Websites: | www.ed.gov/about/offices/list/osers/index.html www.ed.gov/about/offices/list/osers/nidrr/index.html www.icdr.us www.rsa.ed.gov www.hhs.gov |

4.03. Research and Development Overview

VA undertakes research and development projects and/or provides support to other agencies for research and development to improve the quality and delivery of rehabilitation services. Research and development efforts may encompass a wide variety of approaches to rehabilitation, including the study of social, psychological, educational, vocational and industrial factors that affect rehabilitation. Projects are designed to increase resources, thus improving the potential for obtaining and maintaining suitable employment and achieving independent living goals for Veterans with disabilities.

a. Special Consideration for Human Subjects

Special safeguards and considerations must be utilized when working with human subjects. If the research is being conducted as part of an advanced degree program, the Institutional Review Board (IRB) where the researcher is enrolled must approve the proposal. IRB approval must be obtained prior to

submitting the proposal to the Director of Vocational Rehabilitation and Employment (VR&E) Service. If the research is not being conducted as part of a formal education program, it will be subject to the provisions of applicable federal regulations regarding protection of human subjects as indicated in 45 CFR 46.

1. Institutional Review Board (IRB)

An IRB, also known as an independent ethics committee or ethical review board, is a committee formally designated to approve, monitor, and review research involving humans. The IRB is established and monitored by the educational institution associated with the research project. Each IRB has at least five members with varying backgrounds to promote complete and adequate reviews of research activities commonly conducted by the educational institution. The aim of an IRB is to protect the rights and welfare of human research subjects. An IRB performs critical oversight functions for research conducted on human subjects that are scientific, ethical and regulatory. 45 CFR 46 governs IRBs.

2. Assessment of Risks

The IRB's assessment of risks and anticipated benefits involves a series of steps. The IRB must take the following actions:

- Identify the risks associated with the research
- Determine that the risks will be minimized to the extent possible
- Identify the probable benefits to be derived from the research
- Determine that the risks are reasonable and beneficial to the subjects, if any, and the importance of the knowledge to be gained
- Ensure that potential subjects will be provided with an accurate and fair description of the risks or discomforts, and the anticipated benefits
- Determine intervals of periodic review
- Determine that adequate provisions are in place for monitoring the data collected

3. Types of Risk

The risks to which research subjects may be exposed are classified as physical, psychological, social and economic harm.

(a) Physical Harm

Medical research often involves exposure to minor pain, discomfort and/or injury from invasive medical procedures, or harm from possible side effects of drugs. Some of the adverse effects that result from medical procedures and/or drugs can be permanent, but most are transient.

(b) Psychological Harm

Participation in research may result in undesired changes in thought processes and emotions (e.g., episodes of depression, confusion, or hallucination resulting from drugs, feelings of stress, guilt and loss of self-esteem). These changes may be transitory, recurrent, or permanent. Most psychological risks are minimal or transitory, but the researcher should be aware that some research has the potential for causing serious psychological harm.

(c) Social and Economic Harm

Some social and behavioral research may yield information about individuals that could "label" or "stigmatize" the subjects (e.g., as actual or potential delinquents or as persons with severe mental illness). Confidentiality safeguards must be strong in these instances. The fact that a person has participated in HIV-related drug trials or has been hospitalized for treatment of a mental illness could adversely affect present or future employment, eligibility for insurance and standing in the community if the information is made public.

b. Collection of Information

Most research projects require a collection of information. The Paperwork Reduction Act of 1995 expanded the responsibilities of federal agencies when developing a proposed collection of information. These responsibilities include a 60-day public comment period before submission for clearance by the Office of Management and Budget (OMB). OMB review and approval is required whenever VA wishes to obtain or solicit information from ten or more persons. Collection of information includes the use of questionnaires, surveys, interview guides and other methods of collecting information.

c. Interagency Coordination

Per 38 CFR 3119, VA should cooperate with a number of entities regarding rehabilitation studies, research and special projects of mutual programmatic concern. The following is a list of the most prominent of those entities:

1. The Office of Special Education and Rehabilitative Services (OSERS)

OSERS is part of the Department of Education. The mission of OSERS is to provide leadership to achieve full integration and participation in society of people with disabilities by ensuring equal opportunity and access to education, employment, and community living.

For more information on OSERS visit:
www.ed.gov/about/offices/list/osers/index.html.

2. The Rehabilitation Services Administration (RSA)

RSA is a component of OSERS. The mission of RSA is to provide leadership and resources to assist agencies in providing vocational rehabilitation, independent living, and other services to individuals with disabilities to maximize their employability, independence, integration into the community and competitive labor market.

RSA oversees grant programs that assist individuals with disabilities obtain and maintain suitable employment and live more independently through the provision of supports such as counseling, medical and psychological services, job training and other individualized services.

RSA's responsibilities include the following:

- Administering grant programs authorized by Congress
- Evaluating, monitoring and reporting on the implementation of federal policy, programs and the effectiveness of vocational rehabilitation, supported employment, independent living and other related programs for persons with disabilities
- Coordinating with federal agencies, state agencies, and the private sector for the review of program planning, implementation and monitoring issues

For more information on RSA visit: www.rsa.ed.gov.

3. National Institute on Disability and Rehabilitation Research (NIDRR), previously known as Institute of Handicapped Research

NIDRR is a component of OSERS. NIDRR provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. The mission of NIDRR is to generate new knowledge and promote its effective use to improve the abilities of people with disabilities to perform activities of their choice in the community. Additionally, NIDRR aims to expand society's capacity to provide full opportunities and accommodations for persons with disabilities. NIDRR conducts comprehensive and coordinated programs of research and related activities to maximize the full inclusion, social integration, employment and independent living of individuals of all ages with disabilities. NIDRR's focus includes research in areas such as employment, health, technology, independent living and community integration, and other associated disability research areas.

For additional information on NIDRR, see: 28 U.S.C. 762 and www.ed.gov/about/offices/list/osers/nidrr/index.html.

4. The Interagency Committee on Disability Research (ICDR)

The Interagency Committee on Disability Research (ICDR) facilitates the effective exchange of information on disability and rehabilitation research activities among its member agencies. VA is a member agency of the ICDR. ICDR coordinates activities that span the areas of assistive technology and universal design, medical rehabilitation, data and statistics, employment, and community participation. The ICDR is charged with the following:

- Collect input from stakeholders to inform planning
- Identify emerging research areas
- Assess gaps and duplications in existing research
- Make recommendations to strengthen the federal research agenda

For more information on the ICDR visit: www.icdr.us.

d. Funding

To carry out the provisions of 38 U.S.C. 3119 and 38 CFR 21.390, VA may provide grants to or contract with public agencies, non-profit agencies and institutions of higher learning per 28 U.S.C. 764.

4.04. Research Conducted by VR&E Divisions

VA encourages research by VR&E staff members. This research should address problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans.

a. Developing Research Proposals

The proposal should provide the following information:

1. A title that accurately and concisely identifies the research, variables to be studied and key concepts of the study.
2. An objective that defines the purpose, scope and content of the research.
3. A literature review of peer-reviewed studies that pertains to the topic and puts the proposal into perspective, defines the field, describes the effective/ineffective past research and helps the reader interpret the significance of results to be obtained from the study.
4. A detailed description of the methodology of how the study will be conducted to allow replication. The methodology will provide details about the research design, including: population, sampling procedures, variables, hypothesis(es) to be tested, statistical methods used to analyze the data, data collection methods, safeguards of ethics and confidentiality, instrumentation, timeframe for the research and personnel who will conduct the research.
5. Cost estimates to complete the research and a reasonable expectation of benefit from successful achievement of objectives.
6. A utilization plan that outlines the procedures to be used or steps to be taken to disseminate the results of outcomes and how the results may be used.

b. Submitting Research Proposals

The process for submitting research proposals is as follows:

1. The VR&E staff member develops a research proposal that addresses problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans, then submits the proposal to the VR&E Officer.

2. The VR&E Officer reviews, evaluates and recommends approval of the proposal then submits the proposal to the Regional Office (RO) Director.
3. The RO Director reviews, evaluates and recommends approval of the proposal, then submits the proposal to the VR&E Service Director.
4. The VR&E Service Director provides final approval of the proposal and ensures any additional concurrences have been obtained.

NOTE: Approval at each phase is required for the proposal to proceed from one level of review to the next.

4.05. Research Conducted by Educational Institutions in Conjunction with VA

a. Authority to Conduct Research

Educational institutions cooperating with VA in the administration of research and development activities relative to counseling, vocational rehabilitation and training of Veterans and their dependents is authorized under 38 CFR 21.390.

b. Disclosure of Information to Educational Institutions

Requests for use of VR&E records from educational institutions and agencies cooperating with VA are subject to the provisions found in 38 CFR 1.517 as indicated below:

1. An educational institution or a responsible individual sends a request to the RO Director.
2. The RO Director reviews the request and recommends review by the Under Secretary for Benefits (USB).
3. Approval of the USB is required in order to release information from VR&E records.

Once the USB approves use of VR&E records, the RO Director is authorized to release information for the study, providing any data or information obtained are not published without prior approval of the USB and the published material does not identify any individual Veteran.

NOTE: Research conducted in collaboration with educational institutions is subject to the provisions of informed consent and confidentiality safeguards per 38 CFR 1.576.

c. Proposal Format

Requests for disclosure of information submitted to the USB by the RO Director should include the same information as other research proposals, as identified in M28R.I.A.4.04(a).

Chapter 1
PROGRAM ESTABLISHMENT AND OFFICE REQUIREMENTS

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- 1.02 References and Resources
- 1.03 Vocational Rehabilitation and Employment (VR&E) Management Responsibilities
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Chapter 1 PROGRAM ESTABLISHMENT AND OFFICE REQUIREMENTS

1.01 Introduction

This chapter provides information on requirements for VR&E Program establishment and office operation at the VR&E Divisions. The chapter discusses VR&E Division responsibilities for Chapter 31 and other programs, general VR&E management responsibilities and required personnel practices. The chapter also includes a discussion of protection of privacy and confidentiality issues, due process, administrative reviews and appeals of Veterans' cases. Program oversight, internal control components, and employee recognition are discussed in this chapter. The VR&E Division requirements for office space are presented including: counseling space; individual offices (including a discussion of hoteled office space); appropriate area for test administration and Job Lab resource access by Veterans.

1.02 References and Resources

| | |
|--------------|--|
| Laws: | 5 U.S.C. 552a 10 U.S.C. 107 10 U.S.C. 1606 18 U.S.C. 209 38 U.S.C. 3104 38 U.S.C. 3683 |
| Regulations: | 5 CFR 430.201 38 CFR 0.735-4 38 CFR 0.735-12 38 CFR 21.410 38 CFR 21.3001 38 CFR 21.380-382 |
| Other: | VA Directive 5013 VA Manual MP-5, Part I, Chapter 713 |

1.03 VR&E Management Responsibilities

a. Responsibilities of VR&E Service and the VR&E Division

VR&E Service at Central Office (CO) in Washington, DC, provides policies and procedures for the VR&E Program. The VR&E Division within each regional office (RO) establishes, maintains, and provides oversight for the program

and implements the policies and procedures provided by VR&E Service at CO.

b. VR&E Division Oversight of Chapter 31 and Other Programs

The VR&E Division is responsible for providing and carrying out services and assistance for Chapter 31 and other programs. The VR&E Division is responsible for providing:

1. Assistance to Veterans and Servicemembers under 38 U.S.C. Chapter 31 including:

- Counseling and evaluation
- Administration of training and rehabilitation
- Independent living (IL) services
- Rehabilitation and employment assistance and placement

See 38 U.S.C. 3104

2. Assistance to Veterans and Servicemembers under 38 U.S.C Chapter 36 including:

- Vocational educational counseling
- Problem-solving and personal adjustment counseling

Such counseling is provided to Veterans or Servicemembers who are eligible for or receiving benefits under 38 U.S.C. Chapter 30, 38 U.S.C. Chapter 32 and Public Law (Pub.L.) 96-342, Section 903, 38 U.S.C. Chapter 31, 38 U.S.C. Chapter 33, 38 U.S.C. Chapter 35, 10 U.S.C. Chapter 1606, and Pub.L. 96-342, Section 901 (10 U.S.C. Chapter 107)

See M28R.VII.A.1.

3. Assistance to dependents of Veterans under 38 U.S.C. Chapter 35 including:

- Vocational educational counseling
- Problem-solving and personal adjustment counseling
- Special Restorative Training (SRT)

- Specialized Vocational Training (SVT)
- Other applicable special assistance services

See M28R.VII.A.2.

4. Assistance to dependents of Veterans under 38 U.S.C. Chapter 18 including:

- Vocational counseling
- Evaluation
- Case management services

This chapter authorizes benefits for certain Veterans' children with spina bifida and other covered birth defects delineated in the Veterans Benefits Act of 2003. See M28R.VII.A.3.

c. General VR&E Management Responsibilities

The following information details how VR&E management responsibilities are divided between leadership at VR&E Service, the Regional Office (RO) and the VR&E division at the RO.

1. The VR&E Officer manages a VR&E division within an RO. The VR&E division consists of Vocational Rehabilitation Counselors (VRCs), Employment Coordinators (ECs), and technical and clerical support staff members.
2. The Director, RO provides general management for the RO including line authority over the VR&E Division. The RO Director ensures service wide policy and procedural changes are implemented and benefits and services are provided in a timely manner.
3. The Director, VR&E Service does not have line authority over VR&E staff at the RO but supports the success of the VR&E division of the RO in a number of other ways. These include developing policy, formulating budgets, developing workload systems, supporting RO staff development with development of training programs, and developing requirements for RO staff. Oversight and guidance of the VR&E division is also provided to the RO systematically by the Director of VR&E Service through Quality

Assurance staff site surveys and file reviews, as well as on an individual basis when requested.

1.04 Required Personnel Practices and Program Components

a. VR&E Officer Responsibilities

The VR&E Officer is responsible for personnel practices that promote effective implementation of the VR&E Program. The following practices are regarded as crucial elements in accomplishment of the program's goals. Compliance in the following areas is required:

1. Classification and Position Management

Each employee must be provided a current position description and, if applicable, national performance standards that reflect the work actually performed, and levels of performance in measurable terms. For positions without national performance standards, standards will be developed locally.

For more information see 5 CFR 430.201 and VA Directive 5013 at vaww1.va.gov/ohrm/Directives-Handbooks/Documents/5013.doc

2. The Equal Employment Opportunity (EEO) Program

VR&E Officers must take responsibility to familiarize themselves with VA's EEO Program. The VR&E Officer must also adhere to and implement the RO's EEO plan ensuring equal employment opportunities and upward mobility for all VR&E division employees. The VR&E Officer is required to assist any VR&E employee with an EEO complaint by contacting VA's EEO staff for assistance regarding grievance procedures.

For more information on EEO, see VA Manual MP-5, Part I, Chapter 713

3. Standards of Ethical Conduct and Related Responsibilities

The VR&E Officer is responsible for following the Code of Professional Ethics for Rehabilitation Counselors and to ensure counselors on staff also follow this code of ethics (available at www.crccertification.com/filebin/pdf/CRCCCodeOfEthics.pdf). The VR&E Officer and staff must also follow VA's specific guidance on ethics in Title 5, Administrative Personnel, Chapter XVI, Part 2635, Office of Government Ethics. The VR&E Officer is responsible to ensure he/she and the staff receives all required annual ethics training. The VR&E division is

encouraged to utilize the Office of Regional Counsel as a resource to train staff on any particular ethics problems as needed.

4. Outside Teaching by VR&E Staff

Outside employment is an area of particular concern to the VR&E Division since many of the professional staff have opportunities to engage in such activity. VR&E staff members may teach courses on their own time at non-profit institutions as long as they rely on their generic expertise and do not get paid for discussing specifically what they do at VA. In other words, they may teach counseling, psychology, psychometrics, and so forth, but not how VA performs evaluation and planning. However, teaching any subject at a for-profit facility where veterans are approved to attend is prohibited. (See 18 U.S.C. 209, 5 CFR 808, and 38 U.S.C. 3683(a), (c) and (d)).

b. Protection of Privacy and Confidentiality

Although the Health Insurance Portability and Accountability Act of 1996 (HIPAA) does not apply to VR&E services, staff is still responsible for protecting the privacy of Chapter 31 Veterans, safeguarding records and ensuring that information is not disclosed to individuals who have no "need to know." The Privacy Act of 1974 does apply to VR&E personnel, which permits important uses of an individual's records while protecting his/her privacy. The VR&E officer must ensure all employees handling Veterans' and dependents' Personally Identifiable Information (PII) receive and document VA's required annual privacy training.

VR&E staff must take the following measures to ensure confidentiality and privacy in situations emerging from developing technology:

- VR&E staff will not use their personal social media sites to communicate with Veterans, Servicemembers, and/or families regarding any VA-related discussions.
- VR&E staff will not respond as a VR&E employee to any posting on social media sites unless officially designated by a senior management official
- Tele-counseling technology and media may only be used if VR&E staff can guarantee both counselor and Veteran have a secure private setting for the counseling session. Tele-counseling is anticipated to often discuss personal issues of a sensitive nature and might also include PII. VR&E staff must take the same care to protect the privacy of tele-counseling conversations as is given to protect regular counseling sessions.

- VR&E counselors planning to utilize tele-counseling with Veterans should review and adhere to guidance available in the Code of Professional Ethics for Rehabilitation Counselors at Section J: Technology and Distance Counseling.

See <http://vaww.vhaco.va.gov/privacy/Documents/5USC552a.htm>

c. Notification and Support of the Administrative Review and Appeals Process

Veterans receiving or requesting benefits under the Chapter 31 Program, are entitled to request an administrative review and/or an appeal of any VR&E decisions with which they disagree. The VR&E Officer must ensure procedures are in place to support the administrative review and appeal process. To inform a Veteran of his or her right to this process, and be responsive to Veteran requests, VA Form 4107: Your Rights to Appeal Our Decision, must be provided to the Veteran when an adverse action is taken.

For more information on the Veteran's right to an administrative review and/or an appeal, see M28R.III.C.3.

d. Program Oversight and Internal Control Components

The following procedures must be utilized to assess and improve the quality of services provided to Veterans in the Chapter 31 Program. Casework is evaluated on a national and local level. The elements listed below are the components of program oversight and internal control:

1. Quality Assurance (QA).
2. Field Surveys.
3. Performance Management.
4. Systematic Analysis Operations (SAO).
5. Management Reports.

e. Employee Awards and Recognition Program

A nationwide VR&E Awards Program may be issued at the discretion of the Director of VR&E Service. VR&E Officers are also responsible for recognizing employees for special contributions and outstanding performance. Regional Office (RO) directors are responsible for distributing award funds to Division

managers. VR&E Officers may also provide recognition with non-monetary awards such as time-off awards or other tokens of appreciation.

For further guidance visit <http://vbaw.vba.va.gov/bl/edt/ITLProgram.htm>. Select the VBA Supervisor's Guide to HRM, to review the module "Managing Your People/Awards Program."

1.05 VR&E Division Office/Site Requirements

a. Requirements for Office Space

VR&E Division office space must meet the requirements listed below:

1. The office must be readily accessible to individuals with disabilities.
2. The office location must be clearly identified on building and floor directories.
3. A reception area must be provided. It must be of adequate size and have reasonably comfortable furnishings for visitors.

Exception: In those offices where a separate reception area cannot be provided, staff should make arrangements to use the facilities of other RO elements, such as the Veterans Service Center (VSC).

b. Requirements for Counseling Space

The counseling environment must be arranged to allow the Veteran a clear sense of the privacy and confidentiality of conversations with his/her Counselor. This can be achieved by only providing counseling in an environment that offers auditory and visual privacy, where the conversation between the Counselor and the Veteran is not open to public observation, and where there are no unannounced interruptions or other distractions. A properly planned counseling space encourages the Veteran to discuss sensitive matters of personal concern relevant to his/her vocational planning and program participation.

c. Requirements for Individual or Hoteled Offices

Each case manager must have access to a private office, with floor-to-ceiling walls and doors for conducting counseling sessions. ROs with limited office space can meet this requirement by "hoteling" the counseling room or rooms. In such an arrangement counselors perform administrative work and duties other than counseling in a common area or an open counseling room. If

hoteling, counseling sessions should be scheduled in advance and given priority over administrative work or other duties in the counseling room.

d. Requirements for Suitable Space for Administering Tests

The VR&E Officer must ensure the establishment of suitable space for the administration of psychological and vocational assessment tests. Testing must be conducted under conditions that ensure privacy and freedom from noise and distraction, and fully comply with established testing standards, including accessibility of testing material and the testing area as well as adequate lighting, ventilation, seating facilities, and working space for Veterans. Testing materials must be properly secured when not in use in a locked room or cabinet.

For more information on tests and test supplies, see M28R.II.A.2.07.

e. Access to Job Lab Resources

VR&E field stations must provide job lab resources for use by all Veterans, not just those receiving Chapter 31 benefits. The intent of the job lab is to help Veterans obtain state-of-the-art employment services, including labor market information, resume development, interviewing skills training, and access to direct job leads via Internet job boards. The resources must include at a minimum ample access to computers with Internet capabilities and desktop shortcuts to VetSuccess.gov. To the maximum extent possible, a separate area for Veterans seeking jobs will be established and staff will be made available to assist.

In stations that do not have a job lab, it is acceptable to ensure required computer, Internet and VetSuccess.gov access is available for Veterans by utilizing resources at a Department of Labor One-Stop or public library. More detailed information about job lab requirements is available at M28R.VI.A.1.

Chapter 2
MANAGING VA FOLDERS, FORMS, LETTERS, TESTING
AND OCCUPATIONAL INFORMATION

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Chapter 2 MANAGING VA FOLDERS, FORMS, LETTERS, TESTING AND OCCUPATIONAL INFORMATION

2.01 Introduction

This chapter provides information on folders, letters and forms utilized by the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program. Procedural guidelines on the development, retention, transmission and destruction of Veteran information by VR&E staff and contractors is outlined to ensure that all Veteran records are maintained and disposed of in the proper manner.

2.02 References and Resources

Regulation: 38 Code of Federal Regulations (CFR) 1.500-1.527

Publication: Record Control Schedule (RCS) VB-1, Part I, Section 7

VA Form (VAF): VAF 20-8824e, Common Security Services Access Request Form

2.03 Folders Used by VR&E Division

The table below describes the types of folders used by the VR&E Division:

| Type of Folder | Description | Contents | Responsibility for Creation and Maintenance |
|---|--|---|---|
| Claims folder for both living and deceased Veterans who have filed an initial claim for any type of benefit | Red-rope, three-flap folder with fasteners attached on the inside | Service data, dependency evidence, and information on the Veteran's disability | Veterans Service Center (VSC) |
| Counseling/ Evaluation/ Rehabilitation (CER) folder for Veterans receiving benefits under Chapter 31 | Kraft brown, three-flap folder with fasteners attached on the inside | Documentation related to the determination of Veteran's entitlement, and the administration of VR&E services and assistance | VR&E Division |

| | | | |
|---|--|--|---------------|
| Educational/Vocational Counseling folders for Chapters 30, 32, 33, 35, 36, 1606, 1607 | Manila, two-flap folder with fasteners attached on the inside | Counseling narratives, and educational or vocational plan | VR&E Division |
| Dependents Education and Assistance (DEA) folders for Chapter 35 | Blue manila, two-flap folder with fasteners attached on the inside | Counseling and administrative documents for Chapter 35 eligible dependents | VR&E Division |

2.04 CER Folders

The VR&E Division uses three-flap folders to maintain all pertinent documentation related to a Veteran's or Servicemember's request for, and receipt of, VA vocational rehabilitation benefits and services.

a. Ordering CER Folders

Each Regional Office (RO) must order sufficient quantities of three-flap CER folders in order to create folders for Veterans receiving Chapter 31 benefits. The VR&E Officer (VREO) or designee is responsible for ordering CER folders. There is no centralized location for purchasing or distributing the three-flap CER folder. Folders may be ordered through the RO's Support Services division.

b. Creating CER Folders

1. Preparing a CER Folder

A CER folder is established for a Veteran or Servicemember who applies for Chapter 31 benefits, and whose basic eligibility for Chapter 31 benefits has been established. The CER folder must be labeled with the Veteran's or Servicemember's information, to include full name and VA claim number.

A CER folder must not be established for a Veteran whose claim for Chapter 31 benefits does not meet the basic eligibility criteria. When a Veteran's claim for Chapter 31 benefits does not meet basic eligibility, the VAF 28-1900 and denial letter will be drop-filed in the Veteran's claims folder (C-file). If no C-file exists, then a CER folder will be established to store these records.

If a duplicate CER folder is inadvertently established, the case manager must ensure that the documents are consolidated into one folder, and the other folder is destroyed appropriately.

2. Reviewing the CER Folder Location

VR&E staff must first review the Beneficiary Identification and Records Locator Subsystem (BIRLS) before creating a new Veteran's CER folder to determine if any CER folders have already been created at another RO.

- (a) If a CER folder record does not currently exist in BIRLS, create a CER folder and enter the RO number, e.g. 372, for folder location.
- (b) If a CER folder record already exists in BIRLS and shows the record is located in another RO, request the CER file and update the record upon receipt of the Veteran's CER folder, to show the correct location of the CER folder.

For more information on using BIRLS, see M21-1, Part II, Chapter 6.

3. Filing Documents in CER Folders

The documents contained in a CER folder must be organized in the following manner:

(a) Left Side of the CER Folder

The left side of the CER folder must include all supporting information related to eligibility, fiscal authorizations, and payments, such as:

- VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation
- All Benefits Delivery Network (BDN) and Corporate WINRS (CWINRS) printouts including Generated Eligibility Determination (GED) processing, Disallowance processing, case status changes, folder location, etc.
- VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status
- VAF 28-1910, Application and Public Voucher for Advancement from the Vocational Rehabilitation Revolving Fund Assistance
- VAF 28-1923, Notice of Authorization of Subsistence Allowance

- VAF 28-1999b, Notice of Change in Student Status
- VAF 28-0175, Chapter 31 Change in Enrollment
- Subsistence allowance awards and related documents
- Documentation related to the direct or indirect payment of other Chapter 31 benefits to, or on behalf of the Veteran
- All documents related to change in the name or address of the Veteran
- All documents related to adding or removing the Veteran's dependents

(b) Center Portion of the CER Folder

The center portion of the CER folder must include all forms, form letters, and other documentation regarding case management activities related to monitoring the progress of the Veteran, such as:

- All forms in the VAF 28-1905 series, except VAF 28-1905, Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status
- All written and printed communication with the Veteran, such as letters and emails, concerning the Veteran's rehabilitation program
- All written and printed communication with school officials, contract service providers, etc., regarding the Veteran's progress
- The Veteran's report of grades and/or transcript of records
- Closure statement and checklist for rehabilitation or discontinuance

(c) Right Side of the CER Folder

The right side of the CER folder must include all documentation that supports determinations for the Veteran's entitlement to benefits and services, such as:

- Copies of rating decisions
- Medical information

- Counseling and evaluation forms
- Test results and reports of evaluative procedures
- Copies of correspondence concerning counseling issues
- Vocational Exploration narratives
- Rehabilitation plans
- All forms in the VAF 28-1902 series

c. Assigning Jurisdiction for CER Folder

1. CER folders are maintained under the jurisdiction of the RO that has geographical responsibility for the area in which the Veteran resides.
2. A CER folder will be transferred and reassigned to another RO who has jurisdiction over the area in which the Veteran is receiving services under a rehabilitation plan.

d. Maintaining CER Folders

1. The case manager is responsible for maintaining, updating, and consolidating documents that are established locally in order to support provision of services.
2. The case manager must file all related development materials neatly and in reverse chronological order in the CER folder. It is imperative that the CER folder does not contain any documentation for another Veteran or any other individual.
3. The case manager must review the CER folder before filing documents to avoid duplication.
4. The case manager must ensure that the Veteran's most up-to-date rehabilitation plan is filed on top at the right flap of the CER folder at all times.

e. Maintaining Locked Files

Locked files are CER folders that contain records of a restricted nature. These folders must be maintained in a locked room or a locked cabinet. VA requires the maintenance of locked files in, or in close proximity to, the office of the VREO, or designee. The following identifies the Chapter 31 Veterans whose folders must be maintained in locked files:

1. A Veteran-employee is a Veteran employed by the RO having jurisdiction over the area in which he/she resides.
2. A service organization employee is a Veteran employed by a service organization within the RO having jurisdiction over the area in which the Veteran resides.
3. An employee-relative is a Veteran who is a relative of an employee within the RO having jurisdiction over the area in which the Veteran resides.
4. A work-study student is a Veteran participating in a work-study program and who is performing his/her work-study duties within the RO having jurisdiction over the area in which the Veteran resides.

The VREO or designee is the sole custodian and is responsible for the handling of all materials contained in the locked files. The responsibilities include recording when folders are charged in or out, releasing folders upon proper request, and safeguarding folders at all times. A charged-out CER folder must be returned to the locked files as soon as the necessary action(s) are completed.

f. Retiring CER Folders

CER folder retirement allows for storage of certain inactive folders at national archive centers. CER folders are generally kept at the RO for at least one year following closure of the case, to ensure availability of the folder in the event of an appeal or subsequent application, and to file correspondence that may arrive after the closure of the file. Folders of cases that have been inactive for over one year following assignment to Discontinued or Rehabilitated status may be retired.

1. Responsibility for Retiring a CER Folder

The VR&E Division is responsible for retiring CER folders. The guidelines for retiring CER folders are found in the Record Control Schedule (RCS) VB-1, Part I, Section VII, 07-630.010-07-630.016, dated November 4, 1997.

2. Locating a Retired CER Folder

To locate a retired CER folder, check the BIRLS inquiry (BINO) locator screen in BDN to find which US National Archives and Federal Information Center the folder has been sent for safe-keeping.

g. Destroying CER Folders

CER folder destruction is necessary given the limited amount of storage space available at ROs and National Archives centers. CER folders are eligible for destruction 10 years after the date of last activity. CER folder destruction must be completed through pulping, macerating, shredding, or otherwise definitively destroying the information contained in the records.

1. Identifying CER Folders for Destruction

VA uses an Internet-based program to identify folders that are ready for destruction, the Web Automated Folder Processing System (WAFPS). To gain access to WAFPS, staff must complete VAF 20-8824e, Common Security Services Access Request Form, and submit it to their local Information Security Officer (ISO). See Appendix O, VA Forms for information on accessing VAFs. Users of WAFPS are notified via email when destruction lists are available for review.

2. Responsibility for CER Folder Destruction

It is the responsibility of the VREO to ensure that the CER folders identified on the WAFPS list meet the criteria for destruction, which is defined as no activity over the past 10 years. The CER folders are then presented to the Records Management Technician (RMT) for destruction.

2.05 VA Forms (VAF)

a. Types of VAFs

Standard forms are used government-wide for a variety of programs and benefits. VA uses standardized forms to ensure continuity and consistency of information. Case managers must use VAFs to document the process and outcome of counseling, evaluation, case management activities, and actions when providing benefits and services. See Appendix O, VA Forms, for information on the location of and access to VAFs.

b. Creating and Revising VAFs

VR&E Service has responsibility for creation of new forms and revising or retiring existing forms as necessary.

c. Maintaining and Accessing Existing VAFs

VAFs are maintained in CWINRS. They can also be found in the VR&E Knowledge Management Portal (KMP) or the Electronic Performance Support System (EPSS), or online at www.va.gov/vaforms/search_action.asp

d. Locally Developed Forms

MP-1, Part II, Chapter 4 and M23-1, Part I, Chapter 18 provide guidelines for the use of locally developed forms and overprinted VAFs.

e. Local Reproduction of VAFs

ROs may reproduce VAFs locally using copiers or computers. Locally generated forms must be VA-authorized forms.

2.06 VA Form Letters

Generally, VR&E discourages the use of form letters to reply to individual inquiries. However, if they are used, VR&E Service develops and provides them to VR&E offices. A case manager must not use form letters when a person requires personalized assistance.

a. Types of VA Form Letters

1. Standard

Standard VA form letters are used by the VR&E case manager to communicate in writing with Veterans, and other eligible persons, about a wide range of situations that arise in the course of their Vocational Rehabilitation program.

2. Locally Generated

Locally generated form letters are developed by the RO for personalized situations that are not covered by a VA form letter.

b. Maintaining and Accessing Existing Form Letters

VA form letters may be accessed in CWINRS or the KMP.

c. Modifying VA Letters Locally

VR&E offices may modify letters to improve the recipient's understanding of the content of the letter, or to meet local administrative needs. Letters may be modified to include reasons for a decision, an office address, directions to reach an office, the name of a case manager, and allowable amounts for payment of travel expenses.

See Appendix AF, VA Letters, for information on the location of and access to VA letters.

2.07 Testing and Testing Supplies

a. Responsibility for Testing Supplies

The VREO or a designee must ensure that sufficient quantities of test materials are available for counseling activities in the RO and its decentralized places of counseling. The VREO is not responsible for testing supplies used by contractors.

b. Securing Test Materials and Used Booklets

The VREO or designee must ensure that all test materials and used booklets are safeguarded. This can be accomplished in many ways, such as keeping the material in a secured room or in a locked cabinet.

c. Disposing of Worn or Unserviceable Test Materials

The VREO or designee must ensure that staff members follow VBA's policy regarding the disposal of Veterans' documents as outlined in M28R.II.A.5.

d. Testing Policies

1. Releasing Test Results

Test results for an identified Veteran must not be disclosed to a person other than one who normally uses the test results in connection with VR&E activities, such as a VA contract case manager or a mental health professional.

When necessary, VR&E staff must obtain a request in writing from the requesting party before releasing any test results.

Test results may be released when the release conforms to the provisions of Freedom of Information Act (FOIA) Regulations found in CFR 1.500-1.527, and one of the conditions listed below:

- Release has been authorized in connection with a research project or study
- The counselee has given his/her written consent to release the information to individuals who may be expected to use such data in the counselee's best interest
- The release of test results falls under one of the routine uses of records permitted under the Privacy Act of 1974 and described in 58

VA 21, 22, 28, Compensation, Pension, Education and Rehabilitation Records-VA published in The Federal Register

- The release of test results falls under the agreement for the exchange of information with state and federal vocational rehabilitation agencies and state employment services

2. Authorizing Test Administration by Other Agencies

If a case manager determines that the Veteran needs testing that is administered by another agency, necessary arrangements will be made for testing. VA and any other institutions concerned should receive copies of the results. Other institutions may include colleges or universities that require test results to determine granting advanced credit or admission to a program. These tests include the following:

(a) GED Test High School Level

Each RO and guidance center should have a copy of the current edition of official GED centers.

(b) College Level Tests

On college level tests, such as College Level Examination Program (CLEP), only colleges and universities may award credit, and the decisions to grant credit based on CLEP are made by the individual institutions. Case managers must be familiar with the policies of the institutions of higher learning in their areas concerning granting of such advanced credit. Information regarding the institutions participating in CLEP in a particular geographic area may be obtained from one of the College Entrance Examination Board (CEEB) regional offices.

(c) Special Admissions Tests

Special admissions tests may be paid for on behalf of the Veteran if the tests are necessary for the Veteran to gain admission to or determine placement into a program of study. When possible, the testing facility should invoice VR&E directly for the cost of special admission tests. However, reimbursement for test administration by other agencies can be made after the Veteran provides evidence of the date the examination was taken and evidence of payment of expenses, such as receipts for testing and fees.

3. Obtaining Prior Test Information from Outside Sources

Use of pertinent test results from other sources is desirable when there is reasonable assurance of their reliability. CEEB and American College Testing (ACT) scores can usually be secured from the high school transcript or from the counselee. Otherwise, scores may be requested from CEEB or ACT.

2.08 Occupational and Educational Information

a. Types of Information

The list below describes the materials that must be made available to VR&E personnel:

1. Occupational Information Reference File

This file should include the Dictionary of Occupational Titles (DOT), the Occupational Information Network (O*NET), Occupational Outlook Handbook (OOH), and any other electronic resources for the purpose of career exploration, labor market trends, transferable skills analysis, and other career planning activities.

2. Professional Publications

Professional publications provide current information on the philosophy, theory, ethics, techniques, and developments in counseling, rehabilitation, and related areas, and may be used as source material for staff development.

3. Comprehensive Educational Information File

This file consists of educational directories and guides, financial aid publications, and school and college catalogs, especially from schools located in the area serviced by the RO. Most of these materials are available via the Internet.

b. Selecting Materials

VREOs must regularly and systematically select and procure publications that are required to meet local needs for counseling and rehabilitation training services, and the professional information needs of the VR&E staff. Selection of materials must be based on usefulness, authoritativeness, appropriateness, comprehensiveness, and currency.

c. Ordering Materials

The guidelines for ordering various types of occupational and educational materials include:

1. Free Materials

Free materials, particularly occupational materials, may be ordered by submitting a request to the appropriate sources.

2. For Purchase Materials

Materials that are not free, such as professional journals, books, and occupational information may be ordered through the Contracting Officer, or using a purchase card if the vendor accepts purchase cards, with the RO Director's approval.

2.09 CWINRS Notes

While CWINRS notes were not initially intended to document case decisions, the VBA Paperless initiative has led VR&E Service in that direction. As such, CWINRS notes are part of the Veteran's claims/benefit permanent record and can be examined by VR&E Central Office, the Government Accountability Office (GAO), the Office of General Counsel (OGC), the Inspector General (IG), courts and congressional entities, if requested.

Additionally, CWINRS notes can be viewed by the Veteran upon request. Although potentially harmful notes can be removed prior to the Veteran reviewing his/her case, it is important that the VRC make only necessary and required documentation in the CWINRS notes section. As such, CWINRS notes:

- Should be used to document the Veteran's progress and problems in achieving the goals of the rehabilitation plan, in addition to actions VA is taking to assist the Veteran in achieving the rehabilitation goal.
- Should not be used by supervisors or managers to document edits or other requested changes to an employee's workload.
- May not be edited after 24 hours. If corrections are needed, a supplementary note should be added that identifies the note that is being corrected and the changes being made.
- Should not be amended or deleted when a new VRC or EC is assigned to the case.

- May not contain reference to personnel issues. Conduct issues and performance of the VR&E employment should never be discussed in a CWINRS note. Similarly, contractor performance issues should be documented separately in the contracting file, not in CWINRS notes.

Chapter 4
ADVISORY COMMITTEES

- 4.01. Introduction
- 4.02. References and Resources
- 4.03. Vocational Rehabilitation Panel (VRP)
 - a. Overview of the VRP
 - b. Purpose of the VRP
 - c. Members of the VRP
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- 4.04. The Field Advisory Committee (FAC)
 - a. Overview of the FAC
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 - a. Overview of VACOR
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Chapter 4 ADVISORY COMMITTEES

4.01 Introduction

Vocational Rehabilitation and Employment (VR&E) Service consults with advisory committees in developing policy, procedures and services. This chapter will discuss three of the most commonly utilized committees to include the Vocational Rehabilitation Panel (VRP), the Field Advisory Committee (FAC), and the Veterans' Advisory Committee on Rehabilitation (VACOR). This chapter contains the following information in regard to each advisory committee:

- Overview
- Purpose
- Members
- Roles and responsibilities

4.02 References and Resources

Laws: 38 U.S. Code (U.S.C.) 529
 38 U.S.C. 3121
 Federal Advisory Committee Act

Regulations: 38 Code of Federal Regulations (CFR) 21.60
 38 CFR 21.62
 38 CFR 21.400
 38 CFR 21.402

4.03 Vocational Rehabilitation Panel (VRP)

a. Overview of the VRP

The VRP serves as a consultative body in rehabilitation planning for Veterans with disability(ies), their dependents, or other complex cases whose circumstances require interdisciplinary consideration, as outlined in 38 CFR 21.60 and 38 CFR 21.62. The VRP assists in the evaluation and planning process by reviewing referred cases and submitting a report with recommendations and information for planning rehabilitation services.

b. Purpose of the VRP

The VRP consults with case managers on the following cases:

- Veterans who have a serious employment handicap (SEH)
- Veterans who may benefit from an Independent Living (IL) program because it is not currently reasonably feasible to pursue suitable employment

VRP recommendations and suggestions are considered expert technical assistance to facilitate the planning and decision-making process. Recommendations and suggestions are not binding, but cannot be disregarded without thorough consideration and documentation.

c. Members of the VRP

The VRP includes a wide range of rehabilitation professionals to assure interdisciplinary expertise is available for the review of each referred case. Membership on the VRP is limited to Department of Veterans Affairs (VA) staff members. The VRP includes, but is not limited to:

- A Vocational Rehabilitation Counselor (VRC), appointed by the VR&E Officer, serves as chairperson for the coordination of meetings, writing of reports, and expert knowledge of VR&E services
- A VRC, who is usually the referring VRC, for expert knowledge of the specific case
- A medical consultant for an expert opinion on medical issues
- A mental health provider for expert opinion on mental health issues

A case may be referred to the VRP by a VRC or the VR&E Officer.

d. Roles and Responsibilities of the VRP

The VRP has the following roles and responsibilities:

- Reviews each referred case in relation to the specific reason for the referral and any other problem area identified in the course of its consideration of the case

- Prepares a written report of recommendations on each case with a summary of the VRP's deliberations and recommendations

4.04 The Field Advisory Committee (FAC)

a. Overview of the FAC

The FAC serves as the primary source through which the Director of VR&E Service solicits input from field staff on a variety of issues impacting the VR&E Program. The overall objective is to improve the quality of service to Veterans.

b. Purpose of the FAC

The FAC functions as a resource for providing feedback to the Director of VR&E Service on barriers to effective service delivery emerging in the field. The scope of activities is generally limited to preparing for and executing action items identified in quarterly meetings. All members of the FAC serve at the discretion of the Director of VR&E Service with approval from the Office of Field Operations.

c. Members of the FAC

The FAC includes two VR&E Officers from the Central, Eastern, Southern and Western Areas. The Director of VR&E Service appoints one member to serve as Chairman, and one VR&E Service employee serves as liaison to the FAC.

d. Roles and Responsibilities of the FAC

The FAC has the following roles and responsibilities:

- Conducts meetings once per quarter
- Provides advice and counsel to the Director of VR&E Service
- Assists in the analysis of issues impacting VR&E
- Provides recommendations on possible solutions to challenges facing the VR&E Program
- Provides to the Director of VR&E Service a verbal briefing and a copy of the meeting minutes to summarize significant discussions, recommendations and action items

- Brings emerging field issues to the attention of VR&E Service Management

4.05 Veterans' Advisory Committee on Rehabilitation (VACOR)

a. Overview of VACOR

VACOR is authorized by 38 U.S.C. 3121 and operates under the provisions of the Federal Advisory Committee Act. VACOR consults with and advises the Secretary of Veterans Affairs on the administration of Veterans' rehabilitation programs under 38 U.S.C. The findings of VACOR are incorporated in the Secretary's annual report submitted to Congress under 38 U.S.C. 529. Further guidance on VACOR is outlined in 38 CFR 21.400 and CFR 21.402.

b. Purpose of VACOR

VACOR submits a yearly report to the Secretary on rehabilitation programs and activities provided to Veterans. The report must include an assessment of the rehabilitation needs of Veterans and a review of programs and activities designed to meet such needs.

c. Members of VACOR

VACOR includes the following members who are appointed by the Secretary:

- A Designated Federal Officer (DFO)
- Veterans with service-connected disabilities
- Experts in the field of rehabilitation medicine
- Experts in the field of vocational guidance
- Experts in the field of vocational rehabilitation
- Experts in the field of employment and training

One member will also be appointed from each the following agencies for their knowledge on the administration of Veterans' rehabilitation programs under 38 U.S.C.:

- VA, Veterans Health Administration

- VA, Veterans Benefits Administration (VBA)
- Department of Education, Rehabilitation Services Administration
- Department of Education, National Institute on Disability and Rehabilitation Research
- Department of Labor, Office of the Assistant Secretary of Veterans Employment and Training Service

d. Roles and Responsibilities of VACOR

VACOR has the following roles and responsibilities:

- Meets two times per year
- Assesses the rehabilitation needs of Veterans
- Reviews VA programs and activities to meet those needs
- Submits a yearly report to the Secretary
- Performs specific projects and assignments as necessary and consistent with its purpose

VBA specifically is responsible for providing support to VACOR. A DFO who is a full-time VA employee will approve the schedule and agenda of VACOR meetings.

Chapter 5
SENSITIVE ACCESS AND
PERSONALLY IDENTIFIABLE INFORMATION

- 5.01 Introduction
- 5.02 References and Resources
- 5.03 Sensitive Access Levels
 - a. Sensitive Access Levels
 - b. Authorization for Access to Sensitive Files
 - c. Deviation From the Policy on Sensitive Access
- 5.04 Confidentiality and Personally Identifiable Information (PII)
 - a. Policy on the Handling and Storage of VR&E Documents and Claims
 - b. Permitted Contents of Desk Drawers, Credenzas, Personal Lockable Cabinets, and Other Personal or Provided Storage Containers
 - c. Employee Accountability in Regard to Disposal of Documents
 - d. Review Process for Document Destruction
 - e. Policy on the Handling and Storage of VR&E Documents and Claims when Working from Home
 - f. Policy on the Handling and Storage of VR&E Documents and Claims When Conducting Off-site and Outreach Activities
 - g. Handling Veterans' Personal Information Including Mock-up Folders Provided to VR&E Contractors

Appendix O. VA Forms

Appendix V. Rules for Taking Files or Information Off-Site

Appendix AD. VR&E Sign-out Log

Chapter 5 SENSITIVE ACCESS AND PERSONALLY IDENTIFIABLE INFORMATION

5.01 Introduction

This chapter provides guidelines to ensure that all Veteran records are access and protected in the proper manner. It also provides procedural guidance for the development, retention, transmission and destruction of personal information by Vocational Rehabilitation and Employment (VR&E) staff and contractors.

5.02 References and Resources

Publications: VBA IRM Handbook No. 5.00.02 HB2
VA Handbook 6500.6

VA Form: VA Form 20-8824e, Common Security Services Access Request Form

5.03 Sensitive Access Levels

a. Sensitive Access Levels

Some VA records require additional security measures to ensure that the privacy of the individual is protected. These records are assigned a sensitivity level, and only employees who have the corresponding level of clearance can access those files. The table below describes this process:

| Level of Sensitivity | VA Records Including Employees, Veterans or Their Beneficiaries | Expiration Date | Level of Access | (a) Authorized Employees |
|----------------------|--|-----------------|-----------------|---|
| 9 | The President/Vice President of the U.S.; Members of the Cabinet; U.S. Senators and Members of Congress; U.S. Supreme Court Justices; VA Secretary; VA Deputy Secretaries; | Indefinite | 9 | Under Secretary for Benefits (USB); Deputy USBs; Service Directors; SIPO Director; Directors and Asst. Directors of facilities having jurisdiction over |

| | | | | |
|---|---|---|---|--|
| | VA Under Secretaries; VA Asst. Secretaries; other high profile individuals; special cases, e.g. witness protection | | | records with a level of sensitivity equal to 9 |
| 8 | VA Senior Executive Service; Directors and Assistant Directors; Regional Counsel; Div. Chiefs or equivalent; persons of national prominence; Governors; Lt. Governors; Attorneys General of states or commonwealths; locally prominent persons or officials | 3 years after leaving public/ government service | 8 | Facility Directors and assistants; Area Directors; VSC Managers and Assistants; all other Division Chiefs |
| 7 | VBA employees; private attorney fee cases | 3 years after leaving public/ government service. The exception is private attorney fee cases. These cases remain level 7 until the Attorney Fee designation for a particular claim no longer exists. | 7 | ISOs and AISO, System Security Officers, Supervisory Accredited VSO reps; Private Attorneys; all VA Supervisors with a business need; and 10% of a VBA entities' non-supervisory staff with a business need. |
| 6 | VA Employees (other than VBA employees); VSO | 3 years after leaving public/ | 6 | Journey level employees having a |

| | | | | |
|--|---|--------------------|--|--|
| | employees, relative of employee; VA work-study/interns employed at a VBA location. At the Director's discretion, this sensitivity level may also be placed on a Veteran's folder for high-profile claims. | government service | | business need on a daily basis, not to exceed 25% of a VBA entities' non-supervisory staff; non-supervisory accredited VSO reps. |
|--|---|--------------------|--|--|

b. Authorization for Access to Sensitive Files

The RO Director or Assistant Director is responsible for authorizing access to sensitive files in BDN. All sensitive level access requests must be submitted in CSEM, or by using VAF 20-8824e for offices not currently using CSEM. Submit VAF 20-8824e to your local Information Security Officer (ISO) to gain sensitive level access. See Appendix O, VA Forms for information on accessing VA Forms.

Levels 8 and 9 may be given to employees with designated positions as listed in the chart above. Level 7 restrictions are limited to a maximum of 10 percent of non-supervisory staff allowed access. Level 6 access is limited to an additional 25 percent of non-supervisory staff, with the stipulation that such access is given only to journey level employees. Therefore, a total of 35 percent of RO employees are entitled to Level 6 access and above, to include VR&E employees. Levels 1-5 are not currently in use. All other employees should remain at level 0.

c. Deviation From the Policy on Sensitive Access

Due to the Benefits Delivery System (BDN) and Common Security System (CSS) restrictions, VR&E Divisions, particularly outbased sites, may experience difficulty in managing certain cases, including those that involve access to sensitive files in BDN and CWINRS, such as Veteran-employee files, VSC employee files, and work-study student files. In order for VR&E staff to effectively manage a case involving one of these types of files, a request for deviation from the policy on sensitive access levels may be needed.

The VR&E Officer must submit a request, in writing, to the RO Director or Assistant Director for a one-time or temporary deviation from the policy on sensitive access levels per Veterans Benefits Administration (VBA) IRM Handbook No. 5.00.02 HB2. These requests can include access to more than one sensitive file. The RO Director or Assistant Director must provide temporary access to the file at the appropriate access level, and must ensure that the temporary access is

rescinded immediately after the necessary action is taken, such as in the event that development is completed and/or the claim is processed, or the Veteran completes or discontinues his/her rehabilitation program. If necessary, the RO Director or Assistant Director can renew sensitive level access requests.

5.04 Confidentiality and Personally Identifiable Information (PII)

a. Policy on the Handling and Storage of VR&E Documents and Claims

1. VR&E employees with permanent office space are authorized to store CER folders, VR&E or Ed/Voc applications, award related documents, contractor or school invoices, correspondence, and other material related to specific claimants. This information may be stored in the following locations:
 - VR&E Division file bank, sensitive file locked file cabinets, and designated secure file storage locations
 - File carts and sorting tables in areas that are restricted from Veteran access
 - Clearly marked holding areas, such as open shelving, tables, or cabinets that are restricted from Veteran access
 - Unlocked above-the-work-surface storage compartments that are part of an individual workstation
 - File cabinets specifically provided to employees for the storage of cases under their jurisdiction
 - Desk, on the top of a work site credenza, or other surface clearly visible to supervisory inspection, but not visible during individual counseling sessions
2. Loose mail or pending award or invoice documents are stored at their individual work site in a clearly marked "Active Mail In-box" on the work surface. However, this information must not be visible during individual counseling sessions.
3. When a case manager is meeting individually with a Veteran, only the Veteran's CER file may be visible on the work surface. All paper records must be stored out of view of the Veteran. The case manager must use privacy screens on computer screens to safeguard electronic information.

4. The VR&E Officer must ensure that all other information is stored in file cabinets or other systems specifically designated. In-boxes or other portable work systems should be located in an area of the VR&E staff member's office that is not visible to the Veteran.
 5. The case manager must ensure that a Veteran will not be left unaccompanied in his/her office, or any area within the VR&E office. The case manager must also ensure that the Veteran is escorted to and from the designated waiting area.
- b. Permitted Contents of Desk Drawers, Credenzas, Personal Lockable Cabinets, and Other Personal or Provided Storage Containers
1. The following items may be stored in the storage containers indicated:
 - Personal items
 - Office supplies
 - Reference materials
 2. Under no circumstances will CER folders, VR&E or Ed/Voc applications, subsistence allowance award and related documents, school or contractor invoices, loose mail, or material containing personal identifying information be stored in any of the above referenced containers. Material being used to develop training courses, such as sample entitlement determinations, must be stored in a lockable cabinet clearly designated for training course material.
 3. Personal storage areas may be locked during work hours, but must be unlocked during non-work hours. All work areas are subject to supervisory inspection to ensure proper storage and safeguarding of records. Inspection of work areas will also be conducted during field oversight visits.
- c. Employee Accountability in Regard to Disposal of Documents

All VBA employees, contractors, co-located employees of other federal and state agencies (e.g., Department of Labor employees), volunteers, and Veterans Service Organization (VSO) staff physically located within facilities under their jurisdiction must comply with VBA policy regarding the disposal of Veterans' records. This policy covers VBA facilities and worksites, regional offices and centers, outbased sites, briefing locations, and approved work-at-home or telecommuting sites.

1. Each employee must be provided a red envelope and box to place material to be shredded. Based on the volume of paper processed by the employees, the appropriate quantity of red envelopes and corrugated storage boxes (6"H x 12"W x 15"L, 10"H x 15"W x 15L or 10"H x 5"W x 24"L or similar sizes) will be purchased by the RO and distributed to employees.
2. Employees must use the red envelopes for claims-related materials only. All red boxes and envelopes will be labeled with the applicable employee's name. The red corrugated boxes are to be reused and will not be destroyed as long as the boxes are in serviceable condition. If a red shred box is deemed unserviceable, it will be replaced immediately. The RO Director is responsible for ensuring that sufficient quantities are readily available to replace unserviceable items.
3. Original copies of legal documents that duplicate records in the Veteran's claims file (birth certificates, marriage certificates, divorce decrees, DD Form 214s, Report of Separation etc.) are not to be destroyed, but returned to the Veteran in accordance with the M21-1-1 MR3.11.3.C.7.
4. Internally generated papers, such as screen or award prints and work papers not appropriate for inclusion in the Veteran's record, do not require signatures, initials, or dating, but must be placed in the employee's red corrugated shred box when submitted for shredding.
5. The following documents require only the employee's signature (or legible initials), before placement in red boxes for shredding:
 - CAPRI records (these records are available electronically if needed for evidence at a later date)
 - Draft rating decisions, notification letters, and MAP-D letters
 - Duplicate rating decisions, notification letters, and MAP-D letters
 - Training materials that include PII
6. The following claims documents require the employee's signature and the supervisor's signature:
 - Claims and evidentiary submissions deemed duplicates submitted by the Veteran or his/her representative
 - Waivers, administrative decisions, formal findings, etc., submitted by

the Veteran or his/her representative that are determined to be duplicate VA documents of evidentiary nature

- Duplicate evidentiary submissions from third parties external to VA

d. Review Process for Document Destruction

1. Employees will perform the following actions in order to ensure the proper destruction of documents that contain PII:

- Bundle documents by beneficiary name
- Sign, date, and annotate single pages indicating the reason for destruction (e.g., "duplicate record")
- Bundle and staple multiple pages together, with the top page signed, dated, and annotated with the reason for destruction
- Place bundles that are too thick to be stapled in regular envelope(s), or fastened together with a rubber band
- Sign, date, and annotate the reason for destruction on the front(s) of the envelope(s), or top sheet, as applicable
- Deliver all claims-related materials, along with the claims folder(s), if needed, for a second signature to supervisor
- Place the two-signature claims-related documents into red envelopes or boxes after return by the supervisor

2. The VR&E Officer or Assistant VR&E Officer will perform the following actions:

- Review claims-related documents submitted by the employees to determine if destruction is appropriate
- Indicate approval by signing and dating the claims-related document(s) and returning the document(s) to the employee
- Review any claims-related documents that were inappropriately submitted for shredding by employee
- Sign and date the claims documents authorizing approval, or instruct that the documents be returned to the claims file

- Notify the employee when a violation has occurred
- e. Policy on the Handling and Storage of VR&E Documents and Claims when Working from Home
1. Employees engaged in work-at-home activities that involve the handling and storage of paper documents may only perform work involving the use of a CER file. Under no circumstances will loose material, not associated with a CER file, be taken to the case manager's home. CER folders may not be kept at the case manager's home for more than seven days. CER folders will be stored only in an approved lockable transporting container or in a locked file cabinet in the home.
 2. Except in conjunction with approved off-site visits, VR&E employees may not take counseling folders and other sensitive information to their homes. Folders must not be left in unattended vehicles. VR&E Officers are responsible for ensuring that staff members understand and comply with this policy. He/she is responsible for purchasing any materials, such as locking briefcases, necessary to carry out this policy.
 3. VR&E employees may take CER folders to a remote work location if the information is transported in a locked briefcase and if other relevant VA policy and regulations are followed during transport and at the remote location.
 4. A signed copy of the rules for taking folders or information off-site (See Appendix V, Rules for Taking Files or Information Off-Site) must be on file with the employee's supervisor before any information is taken off-site. The employee must complete and submit the sign-out log (See Appendix AD, VR&E Sign-out Log) to his/her supervisor each time information is taken off-site and returned.
- f. Policy on the Handling and Storage of VR&E Documents and Claims When Conducting Off-site and Outreach Activities
1. Employees engaged in off-site visits, outreach events, stand-downs, or other locations where VR&E applications and/or related evidence are received, must take the following actions:
 - (a) Employees engaged in off-site activities that involve counseling or case management of Veterans may only perform work involving the use of a CER file. Under no circumstances will loose material not associated with a CER folder, other than blank forms utilized to gather information or complete referrals, be taken to remote locations. CER folders must

be stored only in approved lockable transporting containers.

- (b) Only one file may be out on the work surface at one time.
2. Employees engaged in outreach activities for the purpose of taking claims for VR&E benefits, or who take claims during routine case management activities, including applications and evidentiary information, will take the following actions:
 - (a) Provide the individual for whom evidence or a claim is taken with a dated receipt identifying the evidence received and the name of the employee who received it.
 - (b) Prepare a document receipt register on which the employee will annotate the name and claim number of the individual(s) from whom documents were received. This register must include the date, the general type of evidence received, such as applications, medical evidence, financial evidence, dependency documents, and the name of the employee who received the documents. These registers may be paper or electronic.
 - (c) Secured the information and documents in an approved lockable container for transporting. All information must be hand delivered or mailed to the VR&E Office, together with a copy of the register, within 72 hours.

When applications or evidence is returned to the VR&E office, the employee will provide the documents and the register to their supervisor. A copy of the register will be maintained for six years as defined by the general statute of limitations for civil actions against the United States.

3. When VR&E staff members are meeting individually with Veterans, only the Veteran's CER file may be visible on the work surface and privacy screens will be utilized on computer screens to safeguard electronic information. At no time will a Veteran be left unattended in the temporary space, nor will CER folders or computer equipment be left in an unlocked or unsecured temporary workspace. All Veterans must be escorted to and from designated waiting areas.
4. A signed copy of the rules for taking folders or information off-site (See Appendix V, Rules for Taking Files or Information Off-Site) must be on file with the employee's supervisor before any information may be taken off-site. The employee must complete and submit the sign-out log (See Appendix AD, VR&E Sign-out Log) to the employee's supervisor each time

information is taken off-site and returned.

g. Handling Veterans' Personal Information Including Mock-up Folders Provided to VR&E Contractors

1. All case managers must follow the procedures outlined below regarding the creation, retention, handling, and destroying of documents and mock-up folders provided to contractors:

(a) CER folders will not be released to contractors. Only copies of data and documents necessary for the contractor to conduct the services requested will be placed in the mock-up folders and forwarded to contractors. Types of documents provided to the contractor will vary from case to case depending on the type of services requested and background information required to provide the services.

(b) All documents printed from CWINRS must contain the Veteran's name and the last four digits of his/her social security number. The full social security number will only be visible on computer screens when viewing records.

(c) To ensure that the contractor does not misuse PII, all documents released to the contractor must contain only the Veteran's name and the last four digits of his/her social security number. All documents being released to the contractor containing the Veteran's full social security number must be sanitized to meet this requirement. Any additional PII may be released as long as safeguards are in place to protect the information and it is outlined in the contract (see VA Handbook 6500.6).

(d) Case managers must follow the guidance relating to the protection of privacy and release of information as cited in M28, Part III, Chapter 2, Section A, Paragraph 3, "Protection of Privacy and Release of Information."

(e) Documents containing personal identifying information must be sent according to VBA's prescribed shipping method.

2. Contractors must follow the procedures outlined below regarding Veterans' files and documents:

(a) All documents returned by contractors to the VR&E office will contain the Veteran's name and the last four digits of the social security number.

- (b) As cited in the Federal Acquisition Regulations (FAR), Subpart 4.7, Contractor Records Retention, all contractors are responsible for retaining records, materials, and other evidence relating to cases and services provided to Veterans under VR&E contracts until three years after final payment has been rendered.
- (c) Contractors are required to follow the guidance relating to the privacy and security safeguards of Veterans' information as cited in FAR 52.239-1, Privacy or Security Safeguards; 52.224-1, Privacy Act Notification; and 52.224-2, Privacy Act.
- (d) Upon expiration of the retention date, contractors should provide the VR&E office certification of the destruction of such records. Certification from the contractor should include:
 - Veteran's name
 - Last four digits of Veteran's social security number
 - Type of document(s) and date(s)
 - Date of destruction
 - Means of destruction (preferably shredded)
 - Name and position of individual who destroyed document(s)

Chapter 3 CASE TRANSFERS

3.01 Introduction

3.02 References and Resources

3.03 General Information on Case Transfers

- a. Definitions
- b. Guidelines for Transferring Counseling/Evaluation/Rehabilitation (CER) Folders
- c. Disagreements with Case Transfers

3.04 Procedures for Case Transfers

- a. Coordinating Warm Handoff Prior to Case Transfer
- b. Transferring Office's Responsibilities
- c. Receiving Office's Responsibilities
- d. If Receiving Office Believes Case Transfer is Not Appropriate

3.05 Case Status for Transfers

- a. Case Status Change
- b. Pending Codes

3.06 Veteran's Transfer Expenses

- a. Interregional Transfer at Government Expense
- b. Intraregional Transfer at Government Expense
- c. Attendant Travel

Appendix O. VA Forms

Chapter 3 CASE TRANSFERS

3.01 Introduction

This chapter covers general information related to the proper interregional and intraregional transfer of Vocational Rehabilitation and Employment (VR&E) cases. It provides the guidelines and procedures for transferring a Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3104
38 U.S.C. 3107

Regulations: 38 Code of Federal Regulations (CFR) 3.105
38 CFR 21.94
38 CFR 21.370
38 CFR 21.372
38 CFR 21.410
38 CFR 21.412
38 CFR 21.414
38 CFR 21.430

VA Forms (VAF): FL 28-72, Request to the Other Regional Offices to Accept Transfer of Veterans for Training under Chapter 31, Title 38 U.S.C.
RS-023, Request to Transfer for Vocational Rehabilitation
VAF 119, Report of Contact
VAF 22-8872, Rehabilitation Plan
VAF 22-8872a, Rehabilitation Plan, Continuation Sheet
VAF 3542, Authorization to Report-Voucher
VAF 7216a, Request for and/or Notice of Transfer of Veteran's Record

3.03 General Information on Case Transfers

a. Definitions

1. Interregional Transfer

An interregional transfer is the transfer of a Veteran's CER folder from the jurisdiction of one Regional Office (RO) to another.

2. Intraregional Transfer

An intraregional transfer is the transfer of a Veteran's CER folder within the jurisdiction of an RO.

b. Guidelines for Transferring Counseling/Evaluation/Rehabilitation (CER) Folders

VR&E Officers (VREO) should make every effort to resolve issues related to interregional transfers while keeping in mind the best interests of the Veteran. Proper coordination of interregional transfers should minimize the number of disagreements among ROs regarding the transfer of cases.

1. Finality of Decision

The decisions of the transferring RO concerning entitlement in a given Veteran's case are as follows:

- (a) Final and binding upon all Department of Veteran Affairs (VA) ROs as to conclusions based on evidence on file at that time.
- (b) Not subject to any revision on the same factual basis except by duly constituted appellate authorities or except as provided in 38 CFR 21.410 and 21.414.

2. Revision of Decision

The revision or overturning of a decision based on the following actions is subject to the corresponding regulations below:

- (a) Clear and unmistakable error is 38 CFR 3.105(a).
- (b) Difference of opinion is 38 CFR 3.105(b).
- (c) Character of discharge is 38 CFR 3.105(c).
- (d) Severance of service connection is 38 CFR 3.105(d).
- (e) Reduction to a less than a compensable evaluation is 38 CFR 3.105(e).

3. Coordination Between the Transferring and Receiving Offices

A careful coordination of case transfers between the ROs is expected to result in a warm handoff versus a cold handoff and should result in the following outcomes:

- (a) Enhanced VR&E support to the Veteran.
 - (b) Enhanced communication and coordination between ROs to facilitate acceptance of case transfers.
 - (c) Reduced likelihood of the Veteran losing enrollment status in a training facility.
 - (d) Minimized amount of time for a Veteran to resume vocational rehabilitation services in a different jurisdiction.
4. Conditions for Case Transfers
- (a) Case in Applicant (APP) Status

A Servicemember or Veteran applies for vocational rehabilitation services and relocates to another state before he/she receives initial evaluation.

The CER folder may be transferred to the RO of jurisdiction. The case is maintained in its current status during the transfer and the pending Control Code (CC) 095, 295 or 719 is cancelled (PCAN). The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (b) Case in Evaluation and Planning (EP) Status

- (1) The Servicemember or Veteran initiates a vocational rehabilitation claim and receives initial evaluation, but relocates to another state before entitlement is established.

The CER folder may be transferred to the RO of jurisdiction. The case is maintained in its current status during the transfer and the pending CC 719 is cancelled (PCAN). The receiving office must establish a new CC 719 and the Veteran must be contacted within 10 days of receipt of the CER folder.

- (2) The Servicemember or Veteran begins the evaluation process and is found entitled to services, but relocates to another state.

The CER folder may be transferred to the RO of jurisdiction. The case remains in its current status during the transfer and the pending CC 719 is cleared (PCLR) after he/she is notified of

entitlement. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

(c) Case in Active Status

Active statuses are Extended Evaluation (EE), Rehabilitation To the point of Employability (RTE), Independent Living (IL) or Job Ready (JR) Status.

- (1) The Veteran is actively participating in a plan of services, relocates to another state and agrees to continue with his/her rehabilitation program.

The CER folder may be transferred to the office of jurisdiction and the case is maintained in its current status during the transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (2) The Veteran has not actively participated in a plan of services for an extended period, relocates to another state and remains unresponsive to motivational contact.

The CER folder may not be transferred to the office of jurisdiction until contact has been established with the Veteran and he/she agrees to resume participation in his/her rehabilitation program. Motivational outreach must include telephone calls, letters, emails and inter-agency coordination. Additionally, contacts must be made to all available addresses and telephone numbers of record in the VA system. All contact attempts must be clearly documented in the CER folder.

- (3) Veteran has not actively participated in a plan of services for an extended period, relocates to another state and agrees to continue with his/her rehabilitation program.

The CER folder may be transferred to the office of jurisdiction and current status is maintained during the transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder to reevaluate plan of services.

- (4) A Veteran has been receiving employment services, relocates to another state for employment opportunities and exceeds the 18-month limit for employment services.

The CER folder may not be transferred if employment services have reached or exceed the 18-month limit. The case must be processed for discontinuance and the Veteran must be provided with the appropriate notification of actions and due process prior to case closure. The Veteran must be informed that he/she may reapply and may be eligible for limited employment services only.

- (5) A Veteran completes his/her vocational training and relocates to another state for employment opportunities.

The CER folder may be transferred to the receiving office in its current case status during case transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

(d) Case in Interrupted (INT) Status

- (1) A Veteran currently does not participate in his/her program, but has indicated his/her expected return to the program and relocates to another state.

The CER folder may be transferred to the receiving office in its current case status during case transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (2) A Veteran currently does not participate in his/her program, has not responded to attempted contacts and relocates to another state.

The CER folder may not be transferred to the office of jurisdiction until contact has been established with the Veteran and he/she agrees to resume participation in his/her rehabilitation program.

5. Exceptions

A Veteran who relocates to a foreign country may not continue to receive VR&E services unless he/she has established a legal basis for residing in the foreign country. Refer to M28R.V.C.2 for details on residing in a foreign country. The CER folder may not be transferred until legal residence is established.

6. Other Considerations

(a) Cases with Expired Rehabilitation Plans

Prior to the case transfer, the case manager must take one of the following actions if the case has an expired rehabilitation plan:

- (1) Re-evaluate the Veteran's program and redevelop the plan, as necessary.
- (2) Update the period of services after ensuring that the plan is still appropriate and the Veteran has sufficient amount of entitlement and the plan is within his/her Eligibility Termination Date (ETD).

Note: If the Veteran does not respond to attempted contacts, the case may not be transferred. The case manager must start the process for discontinuance.

(b) Veteran Relocates without Informing the Case Manager

An RO must not automatically transfer the Veteran's case in an active case status to the RO having jurisdiction over the Veteran's new residence. When an RO discovers that a Veteran has relocated to another state, the RO must send the Veteran a letter to verify the change of residence and the Veteran's intent to pursue his/her rehabilitation program.

- (1) If the Veteran does not respond to the notification letter, the RO must ensure that all efforts are taken to contact the Veteran by telephone, email or mail. If the Veteran remains unresponsive to the attempted contacts, the RO may proceed to initiate interruption of services and should send the Veteran a letter of intent to interrupt his/her case with the proper due process.

(2) If the Veteran responds to either the interruption or discontinuance letter indicating a desire to resume his/her program in another jurisdiction, the VREO of the transferring office must contact the VREO at the receiving RO prior to the case transfer. During the discussion, any issues related to the rehabilitation plan, its appropriateness, validity and the availability of previously planned services in the new area must be resolved. The discussion must be clearly documented in the Corporate WINRS Case Management System (CWINRS) Notes.

c. Disagreements with Case Transfers

1. The VREO must make every effort to resolve issues related to interregional transfers keeping in mind the best interest of the Veteran. The following are some instances in which disagreements with case transfers may occur:
 - (a) There is a disagreement with the entitlement determination made by the transferring office. Entitlement decisions rendered by a Vocational Rehabilitation Counselor (VRC) are binding unless there is a clear and unmistakable error in fact or law or if the Veteran's situation changes such that the circumstances upon which the decision was based no longer apply.
 - (b) There is a disagreement in the implementation of the Veteran's rehabilitation plan since the transferring office does not provide the type of services prescribed in the plan. In this case, the receiving office may amend the plan in accordance with 38 CFR 21.94 for specific instances that services are no longer appropriate or the services may not lead to the Veteran's suitable employment or increased independence in daily living.
 - (c) There is a disagreement in the rehabilitation plan for a self-employment plan, an Individualized Independent Living Plan (IILP) or an Individualized Written Rehabilitation Plan (IWRP) with extensive institutional training that is leading to a graduate degree.
 - (d) The Veteran resides within the RO's jurisdiction and is requesting continuation of services initiated by another office.
2. In rare circumstances, when an agreement cannot be reached, the transferring office must take the following actions:
 - (a) Outline the issues regarding the disagreement in a memorandum format. The RO Director signs the memorandum of disagreement.

- (b) Send the memorandum of disagreement with the CER folder to the Director of VR&E Service for review.

VR&E Service will review the case to resolve the disagreements and will advise the transferring RO of the appropriate transfer procedures or next steps.

3.04 Procedures for Case Transfers

a. Coordinating Warm Handoff Prior to Case Transfer

Transfer of a CER folder must be discussed between the VREO, or their designees, of the transferring and receiving offices. This discussion should include the Veteran's present circumstances, last contact with the Veteran and the Veteran's current contact information such as address, telephone number, email address, etc. The information must be clearly documented on VAF 119. The documentation must be filed in the middle side of the Veteran's CER folder or in CWINRS Notes. All email communications regarding the transfer must also be filed in the middle side of the CER folder.

b. Transferring Office's Responsibilities

Subsequent to confirmation that the receiving office is prepared to accept the warm handoff of the file, the transferring office must ensure the following actions are complete:

1. If the case is in EP status and an IWRP is not developed:
 - (a) Review that all collected information is clearly documented in the CER folder.
 - (b) Ensure that the vocational assessment results and documented vocational exploration activities are included for plan development.
2. If the case is in EP Status and an IWRP is developed:
 - (a) Confirm services are appropriate by ensuring that the proposed facility is contacted and rehabilitation services are appropriate.
 - (b) Assist the Veteran with his/her admission to the new facility and ensure information, records and other documents are filed in the Veteran's CER folder.
 - (c) Confirm Veteran's admission with the facility and file a copy of the admission letter in the CER folder. If an admission letter is not available or typically not issued by the facility, the rehabilitation plan should be noted to reflect that admission to the facility has been confirmed.
 - (d) If the Veteran's case remains in EP status or his/her plan needs redevelopment, assist the Veteran in developing a rehabilitation plan. The plan must be comprehensively developed and coordinated with the receiving office. In addition, VA Form 28-8872a (see Appendix O, VA Forms), must be annotated as follows:

"I understand the terms of the attached rehabilitation plan are tentative and subject to modification by another VR&E office. As the Veteran, I understand I may not proceed to the facility or begin a program of services until authorized to do so by the VA."

- (e) The Veteran must sign the supplemental sheet and the plan. The original copies are filed in the Veteran's CER folder once the Veteran has been provided a copy of each.
 - (f) The transferring RO has the responsibility to authorize program expenses and to document authorization of expenditures. This authorization may exceed the level designated to case managers as specified in 38 CFR 21.430. The authorization of expenditures must also be attached to the rehabilitation plan.
- 3. If the case is already in a plan of services (RTE or EE status):
 - (a) If the Veteran has participated in a training program within the transferring RO's jurisdiction, the transferring RO must review the case for outstanding payments such as tuition fees, books, supplies, etc. All outstanding expenses must be paid or settled prior to the case transfer.
 - (b) Ensure the FL 28-72 is completed.
 - (c) Ensure that RS-023 is completed.
 - (d) Transfer the CER folder, including the rehabilitation plan, the itemized anticipated program expenditures and completed RS-023 to the receiving office.
- 4. Prepare VAF 7216a and deliver it to the Administrative Activity (Veteran's Service Center) for the transfer of the claims folder.
- 5. Prepare VAF 3542, if necessary.
- 6. Clear or cancel, as appropriate, all pending issues, future diary and employee controls.
- 7. Change the CER folder location in Benefits Delivery Network (BDN) and in CWINRS.
- c. Receiving Office's Responsibilities
 - 1. Upon receipt of the Veteran's CER folder and all necessary supporting documentation, the VREO must:
 - (a) Review the CER folder and determine if any incomplete actions are required of transferring office.

- (b) Coordinate with the VREO of the transferring office regarding any incomplete items.
 - (c) Assign the case to a local case manager for continuation of plan development or service delivery.
- 2. Once transfer is accepted, the receiving office's assigned case manager must:
 - (a) Send a letter to the Veteran immediately to inform him/her of receipt of his/her CER folder and his/her scheduled appointment.
 - (b) If plan has not been developed, review the vocational assessment results, if any, and conduct vocational exploration with the Veteran.
 - (c) If plan has been developed, review the rehabilitation plan with the Veteran.
 - (d) If necessary, update the estimated costs associated with the Veteran's program for the year or the period for which the Veteran is training within the RO's jurisdiction.
 - (e) Acquire authorization to exceed the program expense limit due to an update in the estimated costs, if necessary.
 - (f) Update the Responsible Employee and CER Folder Location in CWINRS and the Chapter 31 Master Record in BDN. If necessary, establish appropriate controls (see procedures outlined in M28R.III.A.2).
 - (g) Ensure that payment is processed when travel at Government expense has been authorized on VAF 3542.
- d. If Receiving Office Believes Case Transfer is Not Appropriate

The VREO of the receiving office must take the following actions after reviewing the Veteran's CER folder and deciding that the interregional transfer is not acceptable:

1. Immediately notify the VREO of the transferring station.
2. Complete endorsement one on RS-023 to reflect the transfer is not acceptable. The reason(s) for non-acceptance must be outlined in the remarks section of the form.
3. Attach RS-023 to the CER folder and return it to the transferring office.
4. In CWINRS, go to the folder for Case Management. On the dropdown box, select View Pending Case Transfers. Select the case and click Reject. Type in the justification for the action taken. The M35 screen for the CER folder location in BDN is updated after the action is taken.

3.05 Case Status for Transfers

a. Case Status Change

Case status change is not allowed during the process of transferring any CER folders to another jurisdiction. All cases must remain in their current statuses during the case transfer.

b. Pending Codes

All pending CC 095, 295, 719 must be cancelled (PCAN) when a Veteran initiates a claim for vocational rehabilitation services, entitlement has not been established and the Veteran relocates to another jurisdiction.

3.06 Veteran's Transfer Expenses

a. Interregional Transfer at Government Expense

A Veteran may need to transfer from the jurisdiction of one VA facility to another in order to accomplish rehabilitation. Travel is limited to Veteran's transportation and does not include transportation for the Veteran's dependents or for moving personal effects. The case manager must approve the travel prior to authorization. Authorization of travel at government expense is allowed under the following conditions as outlined in 38 CFR 21.372:

1. To enter training in the nearest satisfactory facility.
2. To enter training in the state in which the Veteran has long-standing family and social ties and in which he/she plans to live following rehabilitation.

3. To report to an employer/trainer when all necessary steps have been taken to establish an on-the-job training program.
4. To report to a rehabilitation facility.
5. To return to his/her home from a place of training if training is not available for a period of 30 days or more and travel from his/her home to the place of training or rehabilitation services was at government expense.
6. To return to the place of training or rehabilitation from his/her home when the purpose of travel is to continue training or rehabilitation services and travel to the place of training or rehabilitation services to the Veteran's home was at government expense.
7. To return to the point from which he/she was transferred at government expense upon being assigned to Discontinued (DIS) or INT status for any reason, except abandonment of training by the Veteran without good reason.
8. To report for satisfactory employment or a prearranged employment interview following completion of a program of vocational rehabilitation when there are no satisfactory employment opportunities in the Veteran's jurisdiction and the Veteran has a Serious Employment Handicap (SEH).
9. To return to his/her home, if transferred at government expense to pursue training, when, upon completion of his/her course of study, satisfactory employment is not available.
10. To return to the location from which he/she traveled without authorization because VA did not issue the necessary travel authorization on a timely basis.

b. Intraregional Transfer at Government Expense

A Veteran may need to transfer within the jurisdiction of an RO to accomplish rehabilitation. Travel is limited to Veteran's transportation and does not include transportation for the Veteran's dependents or for moving personal effects.

The case manager must approve the travel prior to authorization. The procedure for travel authorization is the same as authorization for beneficiary travel using VAF 3542. Authorization of travel at government expense is allowed under the following conditions as outlined in 38 CFR 21.370:

1. To report to a prospective employer/trainer for an interview.

2. To report to a school or training facility for a personal interview that is required by the school as a condition for admission.
 3. To report to a rehabilitation facility.
 4. To return home from the training or rehabilitation facility when services are not available for 30 days or more and travel from home to the training or rehabilitation facility was at government expense.
 5. To return to the training or rehabilitation facility from home when the purpose of travel is to continue the rehabilitation program and travel from the training or rehabilitation facility to the Veteran's home was at government expense.
 6. To return to the point from which he/she was transported at government expense upon being assigned to DIS or INT status for any reason, except abandonment of training by the Veteran without good reason.
 7. To report to a place of prearranged employment upon completion of vocational rehabilitation for the purpose of beginning work.
 8. To return home from the place of training following rehabilitation to the point of employability when suitable employment is not available.
 9. To return from the place of training to the Veteran's prior location, when VA could have approved travel to the place of training at government expense, but did not issue the necessary travel authorization.
 10. To report for a scheduled examination required in practicing the trade or profession for which the Veteran has been trained. If there is more than one possible test site, travel is limited to the nearest location.
- c. Attendant Travel

Attendant travel may be authorized when the services of an attendant are necessary due to the severity of the Veteran's disability(s). Attendants may only be used to enable a Veteran to attend appointments for initial evaluation, counseling or intraregional or interregional travel at government expense. Authorization of attendant travel at government expense is allowed under certain conditions as outlined in 38 CFR 21.374:

1. Payment is authorized on the same basis as for the Veteran the attendant is accompanying.

2. Authorization includes transportation (either common carrier or mileage), meal and lodging expenses.
3. Family members, defined as a person who is related to the Veteran by blood or marriage, are not eligible for this benefit.
4. VA may authorize a person who is in the regular civilian employment of the Federal government to act as an attendant. In this situation, he/she is entitled to transportation and expenses or per diem in place of subsistence in accordance with the provisions of the Federal Travel Regulations.
5. If not authorized, then civilian employees of the Federal government who act as attendants are not eligible for this benefit.

Chapter 1
PERFORMING MOTIVATIONAL AND OUTREACH ACTIVITIES

1.01 Introduction

1.02 References and Resources

1.03 Motivational and Outreach Activities

- a. Initial Motivational Contact
- b. Future Control for Veteran Motivational Contact
- c. VR&E Responsibilities
- d. Specialized Outreach Efforts
 - 1. Transition Assistance Program (TAP)
 - 2. Coming Home to Work (CHTW) Program
 - 3. Educational/Vocational Counseling (Chapter 36)
 - 4. Operation Enduring Freedom/Operation Iraqi Freedom and Operation New Dawn (OEF/OIF/OND) Priority Processing
 - 5. Post-Deployment Health Reassessment (PDHRA)
 - 6. Yellow Ribbon Reintegration Program (YRRP)
 - 7. Integrated Disability Evaluation System (IDES)
 - 8. VetSuccess on Campus (VSOC)

1.04 Counseling a Potential Veteran or Servicemember

Appendix O. VA Forms

Appendix K. Signed MOUs

Chapter 1 PERFORMING MOTIVATIONAL AND OUTREACH ACTIVITIES

1.01 Introduction

Vocational Rehabilitation and Employment (VR&E) motivational and outreach activities are designed to ensure that a Veteran with potential eligibility for Chapter 31 benefits and VR&E services is made aware of program services. These activities should provide sufficient understanding to assist the Veteran or Servicemember in making an informed choice to apply for vocational rehabilitation and related services. This chapter is a summary of how VR&E partners with the Compensation Division to identify a Veteran with potential eligibility for VR&E services after receiving a Service-Connected (SC) disability rating; follows up with a Veteran who does not apply for VR&E services after receiving an application for them; counsels Veterans concerning potential Chapter 31 benefits and utilizes specialized outreach efforts and the Department of Veterans Affairs (VA) forms to notify a Veteran who is potentially eligible to receive VR&E benefits.

1.02 References and Resources

| | |
|-----------------|---|
| Law: | 38 United States Code (U.S.C.) 3697 |
| Resources: | SHARE User Guide, Knowledge Management Portal (KMP) VETSNET Operational Report (VOR) Desk Reference, KMP |
| VA Forms (VAF): | VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation VAF 28-8890, Important Information about Vocational Rehabilitation Benefits VAF-119, Report of Contact |
| Websites: | www.pdhealth.mil/dcs/pdhra.asp www.yellowribbon.mil |

1.03 Motivational and Outreach Activities

a. Initial Motivational Contact

The Veterans Service Center (VSC) informs the Veteran of the availability and purpose of the VR&E program when VSC processes an original or reopened claim that results in an initial SC disability rating of 10 percent or greater or an increased combined SC disability rating of 20 percent or greater. VAF 28-1900 and VAF 28-8890 (see Appendix O, VA Forms), are automatically sent to

the Veteran when eligibility for Chapter 31 benefits is established for initial or increased SC disability compensation.

b. Future Control for Veteran Motivational Contact

The VSC uses the 810 diary code in SHARE (a program used by Compensation to establish claim control and to view the Veteran's military, personal, and compensation and pension ratings information) to track follow-up activities for a Veteran identified as seriously disabled and establishes a 30-day future control for a subsequent motivational contact.

c. VR&E Responsibilities

1. VR&E Divisions must check VOR monthly for pending 810 diary codes requiring action. A Veteran with severe disability conditions who has not filed a VAF 28-1900 is reflected on the VOR under the 810 diary code. If a completed VAF 28-1900 is submitted prior to the control date, VR&E must clear the pending 810 diary code in SHARE using the Pending Issue File Cleared (PCLR) command.
2. If a Veteran with a severe disability does not complete and return VAF 28-1900 within 30 days from the date of receipt, VR&E staff must personally contact the Veteran to explain the benefits and services available under the VR&E program and encourage him/her to apply for VR&E services using VAF 28-1900. VR&E must clear the pending 810 diary code in SHARE and document the contact on VAF-119 (see Appendix O, VA Forms) and file the form in the Veteran's Claims File (C-File).
3. VR&E Divisions are required to analyze the effectiveness of their motivational and outreach efforts. VR&E Officers or their designees are required to conduct a Systematic Analysis of Operations (SAO) regarding motivational/outreach activities annually. This analysis should include a review of VSC's compliance with required procedures for providing initial motivational materials when authorizing SC disability compensation awards, the effectiveness of VR&E motivational/outreach activities and whether the type of motivational contact by VR&E is appropriate.

d. Specialized Outreach Efforts

Specialized outreach efforts are required for a transitioning Servicemember, and a hospitalized Servicemember or Veteran. These include the Transition Assistance Program (TAP), Coming Home to Work (CHTW) program, educational and vocational counseling services under Chapter 36, Operation Enduring Freedom/Operation Iraqi Freedom and Operation New Dawn

(OEF/OIF/OND) Priority Processing, Post-Deployment Health Reassessment (PDHRA), Yellow Ribbon Reintegration Program (YRRP), Integrated Disability Evaluation System (IDES) and VetSuccess on Campus (VSOC).

1. Transition Assistance Program (TAP)

TAP was established to meet the needs of a separating Servicemember during their period of transition into civilian life by offering job-search assistance and related services.

The law creating TAP established a partnership among the Departments of Defense, VA, Transportation and the Department of Labor's Veterans' Employment and Training Service (VETS) to give employment and training information to a Servicemember within 180 days of separation or retirement.

TAP helps a Servicemember and his/her spouse make the initial transition from military service to the civilian workplace with less difficulty and at less overall cost to the government. An independent national evaluation of the program estimates that a Servicemember who participates in TAP, on average, finds their first post-military employment opportunity three weeks sooner than those who do not participate in TAP.

TAP consists of comprehensive three-day workshops at selected military installations nationwide. Professionally-trained workshop facilitators from the State Employment Services, military family support services, Benefits Assistance Service, Veterans Health Administration (VHA), National Cemetery Administration, Department of Labor contractors or VETS staff may present at the workshops.

2. Coming Home to Work (CHTW) Program

The CHTW program was created to provide transition assistance to a hospitalized Servicemember at a military treatment facility or VA medical center. For more information regarding the CHTW program, see M28R.III.B.2.

3. Educational/Vocational Counseling (Chapter 36)

VR&E provides educational and vocational counseling services to a transitioning Servicemember who falls under any of the following conditions:

- Is within six months prior to discharge from active duty

- Is within one year following discharge from active duty
- Is a current beneficiaries of educational assistance under Chapters 30, 31, 32, 33, 35, 1606 and/or 1607
- Is a Veteran and a qualified dependent who is eligible for and is entitled to education assistance under Chapters 30, 31, 32, 33, 35, 1606 and/or 1607

Services include the following:

- Counseling to facilitate career decision-making for civilian or military occupations
- Educational and vocational counseling to choose an appropriate civilian occupation and develop a training program
- Academic and adjustment counseling to resolve barriers that impede success in training or employment

For more information on educational and vocational counseling under Chapter 36, see 38 U.S.C. 3697 and M28R.VII.A.1.

4. Operation Enduring Freedom/Operation Iraqi Freedom and Operation New Dawn (OEF/OIF/OND) Priority Processing

VR&E's role is to ensure that priority processing of applications is completed for a Veteran designated as OEF/OIF/OND. Priority processing is geared toward active duty, National Guard or Reserve Veterans who were deployed in the OEF/OIF/OND theaters or in support of these combat operations, as identified by the Department of Defense (DoD). Each Regional Office OEF/OIF/OND manager is responsible for overseeing the OEF/OIF/OND workload and outreach initiatives. These responsibilities include the following:

- Working closely with the National Guard and Reserve to obtain Service Medical Records (SMRs)
- Coordinating with VHA representatives to expedite medical examinations
- Working with the Development Centers in obtaining SMRs or other pertinent data

- Serving as a resource to other employees and groups within VA on issues relating to OEF/OIF/OND claims in their jurisdiction

For more information on OEF/OIF/OND priority processing, see M28R.III.B.3.

5. Post-Deployment Health Reassessment (PDHRA)

DoD launched the PDHRA Program to safeguard the well-being of a Servicemember. While the initial focus of the PDHRA is on returning Reservists and National Guard members who fall within the three- to six-month post-deployment period, the program is also made available to a Servicemember who has returned from deployment since September 11, 2001. PDHRA events focus on reconnecting a Servicemember and his/her family with service providers to ensure that they are aware of and understand the benefits and resources that are available to help them overcome the challenges of reintegration. VR&E's participation in these events facilitates contact with OEF/OIF/OND Reservists and National Guard members and provides them with information regarding VR&E benefits. For more information on the PDHRA Program, see www.pdhealth.mil/dcs/pdhra.asp.

6. Yellow Ribbon Reintegration Program (YRRP)

DoD's YRRP events provide National Guard and Reserve members and their families with information, services and referrals throughout the entire deployment cycle. The goal of the YRRP is to provide reintegration assistance at 30-day, 60-day and 90-day intervals following demobilization. YRRP events focus on reconnecting a Servicemember and his/her family with service providers to ensure that they are aware of and understand the benefits and resources that are available to help them overcome the challenges of reintegration. VR&E's participation in these events facilitates contact with OEF/OIF/OND Reservists and National Guard members, and provides them with information regarding VR&E benefits. For more information on the YRRP, see www.yellowribbon.mil.

Note: VR&E Divisions are encouraged to include PDHRA and YRRP events in their outreach activities. The volume of an exiting Servicemember, frequency and location of events will need to be considered when determining which events are attended.

The duties of VR&E staff attending the events include but are not limited to the following tasks:

- (a) Staffing information tables with Chapter 31 and Chapter 36 benefits information (e.g., Quick Books, VR&E Orientation CDs and VAF 28-1900).
- (b) Addressing a Servicemember's questions and concerns regarding Chapter 31 and Chapter 36 benefits.
- (c) Assisting a Servicemember with completing applications for Chapter 31 or Chapter 36 benefits.
- (d) Submitting a brief summary of PDHRA and YRRP events with the monthly CHTW report, including these items:
 - Date of event
 - Location of event
 - Number of participants
 - Services provided

VR&E staff should review the PDHRA and YRRP websites for upcoming events and coordinate their calendars accordingly. PDHRA and YRRP events are routinely held on weekends at local National Guard or Reserve Command units. Therefore, ROs must consider the availability of overtime funds or the use of compensatory time for employees attending PDHRA and YRRP events.

7. Integrated Disability Evaluation System (IDES)

A national Memorandum of Understanding (MOU) was signed by VA on January 17, 2012, and DoD on February 1, 2012, that provides guidance and responsibilities for stationing VR&E counselors on military installations (see Appendix K, Signed MOUs). Vocational Rehabilitation Counselors (VRCs) provide outreach and transition services to a Servicemember transitioning through the IDES program. VRCs engage the Servicemember early in their recovery, helping them identify the skills they have, the skills they need and opportunities where those skills can be used for future employment.

Services range from a comprehensive rehabilitation evaluation to determine abilities, skills and interests for employment purposes, to support services to obtain and maintain employment. By physically

placing VRCs at IDES locations on military installations, quality and timeliness of benefits delivery is improved by beginning the process of developing a new career that is uniquely appropriate for each individual's desires and abilities during the transition process.

8. VetSuccess on Campus (VSOC)

The VSOC program was designed to serve beneficiaries receiving educational benefits. Veteran students transitioning from active duty service to civilian life face unique challenges entering the college or university setting. They may need special supportive services to deal with issues such as symptoms of Post-Traumatic Stress Disorder, Traumatic Brain Injury or other mental and physical health issues. Under the VSOC program, VRCs are assigned to certain campuses to provide VA benefits, outreach services, support and assistance to ensure the Veteran's health, educational and benefit needs are met.

VRCs assigned to campuses are easily accessible by Veteran students. Counselors are available to respond to quick questions or detailed requests for assistance accessing VA benefits such as life insurance, home loans, VR&E, Post-9/11 GI Bill or other VA education benefits (Chapters 1606, 1607, 30 & 35).

Through the VSOC program, Veteran students can obtain a referral for health services through VA medical facilities and local Veteran Centers, information on submitting a claim for disability compensation, the location of community and campus resources, and employment and resume assistance. The VSOC counselor may also provide assistance and information on application, evaluation and entitlement to VR&E Chapter 31 services.

VSOC counselors also provide supportive guidance to the Veteran and an eligible dependent by assisting in resolving problems that may interfere with their ability to complete their education and enter the civilian workforce in a viable career.

1.04 Counseling a Potential Veteran or Servicemember

VA must give a Veteran with disabilities eligible for Chapter 31 benefits the opportunity to obtain counseling regarding VR&E services and the possible advantages of electing benefits under Chapter 31, regardless of the education benefit actually claimed. A Veteran who may be eligible for VR&E services should be referred to the VR&E Division for motivational contact and counseling even if they have not requested counseling.

Chapter 2
COMING HOME TO WORK INITIATIVE

- 2.01 Introduction
 - 2.02 References and Resources
 - 2.03 Coming Home to Work (CHTW) Initiative
 - a. Framework
 - b. Services
 - c. Staffing
 - 2.04 Expansion of CHTW Through the Integrated Disability Evaluation System (IDES)
 - a. VR&E IDES Counselor
 - b. Roles and Responsibilities of the IDES Counselor
 - c. Scheduling for Evaluation
 - d. Documenting the Evaluation
 - e. Tracking Cases
 - 2.05 Transitioning to VR&E Services
- Appendix K. MOUs
- Appendix O. VA Forms
- Appendix AJ. Instructions for Registering and Accessing Veterans Tracking Information(VTA)

Chapter 2 COMING HOME TO WORK INITIATIVE

2.01 Introduction

The Coming Home to Work (CHTW) program was originally launched as a pilot program at Walter Reed Army Medical Center in 2003 and later expanded by the Office of Human Resources and Administration. The program is a part of the Department of Veterans Affairs (VA) employment initiative. In 2005, the program responsibility was transferred to the Vocational Rehabilitation and Employment (VR&E) Service and is integrated with VR&E's early intervention and outreach efforts to Operation Enduring Freedom/Operation Iraqi Freedom and Operation New Dawn (OEF/OIF/OND) Servicemembers.

2.02 References and Resources

| | |
|-----------------|--|
| Laws: | 38 United States Code (U.S.C.) 3120 38 U.S.C. 3102 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.70 38 CFR 21.76 |
| VA Forms (VAF): | VAF 28-1902b, Counseling Record – Narrative Report VAF 28-1902n, Supplemental Sheet for Counseling Record – Narrative Report |

2.03 CHTW Initiative

a. Framework

The CHTW initiative is a primary early motivational and outreach activity by VR&E for an injured Servicemember pending medical separation. The Servicemember may be hospitalized at major military treatment facilities, VA Medical Center facilities or health care facilities across the country.

b. Services

The services available under CHTW include all early-intervention services provided by VR&E to an eligible Servicemember pending medical separation and to an eligible Veteran receiving treatment at community-based healthcare organizations or VA Medical Center facilities. An eligible Servicemember with a memorandum rating of a least 20 percent is entitled to an evaluation for VR&E benefits regardless of their anticipated date of discharge.

A severely ill or injured Servicemember may also be entitled to vocational rehabilitation services under the provision of the National Defense Authorization Act for Fiscal Year 2008 (NDAA of FY 2008) enacted on January 28, 2008. The provision specifies that, "a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to Veterans of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members." This provision expires on December 31, 2014.

Although a Servicemember cannot participate in the VR&E program until his/her eligibility for Chapter 31 benefits are established, this early outreach activity is critical in identifying a potential participant as soon as possible. Additionally, Chapter 36 services may be provided to a transitioning Servicemember who is within six months of discharge from active duty or within one year following his/her discharge from active duty. Chapter 36 services include career assessment and vocational counseling.

A Servicemember or Veteran who is found entitled to and in need of VR&E services may enter a program of vocational rehabilitation. The VR&E benefits and services for an eligible Servicemember or Veteran may include tuition, fees, books, supplies, adaptive equipment and employment placement assistance. However, a Servicemember may not receive a monthly subsistence allowance or a Revolving Fund Assistance (RFA) under the VR&E program while on active duty.

Additionally, a Servicemember may not receive a program of independent living (IL) services only (38 U.S.C. 3120 (b) and 38 U.S.C. 3102 (1)(A)(i)). However, a Servicemember who qualifies under NDAA of FY 2008 and is found in need of a program of IL services, a program of solely IL services focusing on the transition from military to civilian life may be provided such services while he/she remains on active duty.

In general, IL services may be provided to a Servicemember who is determined to have a serious employment handicap (SEH) under an extended evaluation or as part of a program of services leading to an employment goal (38 CFR 21.76(4)(ii) and (iii)).

c. Staffing

A CHTW Coordinator is assigned to each VR&E regional office. The responsibilities of the CHTW Coordinator are assigned specifically to a

Vocational Rehabilitation Counselor (VRC) who provides early intervention and outreach to an eligible Servicemember or Veteran. Outreach activities include attendance in Job Fairs, Transition Assistance Program (TAP) briefings, Yellow Ribbon events and coordination with Federal Recovery Coordinators (FRC), Warrior Transition Unit (WTU) coordinators and Army Wounded Warrior (AW2) coordinators. These responsibilities may be assigned as primary or auxiliary duties.

2.04 Expansion of CHTW Through the Integrated Disability Evaluation System (IDES)

A Memorandum of Understanding (MOU) between the VA and the Department of Defense (DoD) enhances services to a severely ill or injured Servicemember who is being discharged from active military service through the IDES. See Appendix K, MOUs for a copy of the MOU.

a. VR&E IDES Counselor

An IDES counselor is a VRC who is permanently assigned to a military installation to provide VR&E services to a Servicemember transitioning through IDES or referred by DoD's Education and Employment Initiative (E2I) program.

b. Roles and Responsibilities of the IDES Counselor

The IDES counselor must ensure that appropriate forms for release of information are complete. In addition, the counselor conducts a vocational evaluation with the Servicemember and provides a copy of the assessment results and recommendations to the Servicemember's Recovery Case Coordinator or Chain of Command. The counselor records the date of the assessment in the Veterans Tracking Information (VTA). Should the Servicemember decline a Chapter 31 evaluation, the counselor adds a note in the VR&E portion of the VTA. See Appendix AJ for additional information on VTAs.

c. Scheduling for Evaluation

A Servicemember must be scheduled for a face-to-face initial appointment upon receipt of a referral from IDES, E2I staff or other designated DoD sources. The face-to-face meeting must be held at a convenient location on a military installation.

A Servicemember must be referred to a CHTW Coordinator at the nearest VR&E office when there is no assigned IDES counselor in a military

installation. If the Servicemember is unable to report to a VR&E office, the meeting should be scheduled in an alternate convenient location.

The VA/DoD MOU instructs military commanders to make the initial appointment mandatory for any Servicemember referred to the Physical Evaluation Board (PEB) phase of IDES. The VR&E Officer (VREO) must work with the Physical Evaluation Board Liaison Officers (PEBLO) and military commanders to develop a method of reporting and rescheduling a Servicemember who is unable to report to their initial appointment.

d. Documenting the Evaluation

The counselor documents collected information and determinations during the evaluation on VAF 28-1902b. Follow-up evaluations and vocational exploration are documented on VAF 28-1902n (see Appendix O, VA Forms).

e. Tracking Cases

All VRCs assigned as IDES counselors are granted access rights to VTA. VR&E offices without a full-time IDES counselor have a designated staff member(s) with access to VTA.

VTA is a web-based portal used in tracking and reporting activities for a Servicemember referred to IDES. IDES counselors are responsible for updating VR&E-specific fields on established cases in VTA.

Guidelines for requesting access and user's instructions for VTA are provided in Appendix AJ, Instructions for Registering and Accessing VTA.

2.05 Transitioning to VR&E Services

A Servicemember who is entitled to vocational rehabilitation services may be reassigned to a different VRC for case management. VREOs must ensure that the case transfers from the IDES counselors are conducted with a warm handoff. The IDES counselor must contact the receiving VRC via telephone or email prior to the transfer of a Servicemember's case. Follow-up contacts will be made to ensure that the Servicemember meets with a VRC within 30 days of transfer. These contacts must be clearly documented in the CWINRS Notes.

If the Servicemember relocates and his/her case is transferred to another Regional Office's (RO) jurisdiction, the IDES counselor must coordinate with the VREO of the receiving RO to ensure that the Servicemember meets with a VRC within 30 days of transfer.

Chapter1
OVERVIEW OF RIGHTS AND RESPONSIBILITIES

1.01 Introduction

1.02 References and Resources

1.03 Roles and Responsibilities

- a. Director of VR&E Service
 - 1. Reviews Requests for Equitable Relief
 - 2. Provides Advisory Opinions
 - 3. Conducts Administrative Reviews of Entitlement Decisions
- b. Vocational Rehabilitation and Employment Officer
 - 1. Statement of the Case
 - 2. Notice of Disagreement
 - 3. Administrative Review
- c. VR&E Case Manager
- d. Veteran

1.04 Communicating a Veteran's Rights

1.05 Documentation

Appendix O. VA Forms

Chapter1 OVERVIEW OF RIGHTS AND RESPONSIBILITIES

1.01 Introduction

The scope of this section includes a description of the roles and responsibilities of the Director of Vocational Rehabilitation and Employment (VR&E) Service, VR&E Officer (VREO), case managers and Veterans, and information on how to communicate Veteran's rights. This chapter also contains the statutory and regulatory provisions covering a Veteran's rights and responsibilities.

1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 503
38 U.S.C. 3107

Regulations: 38 Code of Federal Regulations (CFR) 3.103
38 CFR 21.59
38 CFR 21.98
38 CFR 21.420

VA Forms (VAF): VAF 9, Appeal to Board of Veterans' Appeals
VAF 3288, Request for and Consent to Release of
Information from Claimant's Records
VAF 4107, Your Rights to Appeal Our Decision
VAF 28-8739a, Protection of Privacy Information Statement
VAF 21-4138, Statement in Support of Claim
VAF 21-4142, Authorization and Consent to Release
Information to the Department of Veterans Affairs (VA)
VAF 28-0800, Vocational Rehabilitation and Employment
(VR&E) Program Orientation
VAF 28-1902b, Counseling Record-Narrative Report
VAF 28-1902n, Counseling Record-Narrative Report
(Supplemental Sheet)
VAF 28-1905d, Special Report of Training
VAF 28-1905h, Trainee Request for Leave

VA Letters: RS-007, First Time Reduction Based on Course Withdrawal
RS-008, Reduction or Interruption for Course Withdrawal

1.03 Roles and Responsibilities

a. Director of VR&E Service

1. Reviews Requests for Equitable Relief

Relief may be provided to the Veteran, surviving spouse, child of Veteran or other person who is suffering a loss as a consequence of reliance upon a determination by the Department of Veterans Affairs (VA) of eligibility or entitlement to benefits on the part of the federal government or any of its employees. (See 38 U.S.C. 503)

2. Provides Advisory Opinions

An advisory opinion is initiated prior to a formal decision being made. It is designed to resolve doubt as to the correct application of law, regulations, policies or procedures.

3. Conducts Administrative Reviews of Entitlement Decisions

An Administrative Review (AR) upholds or overturns a decision already made. ARs focus on the questions of policy and procedures or the possible misapplication of regulations.

For more information on equitable relief, advisory opinions and ARs, see M28R.III.C.3.

b. VREO

The VREO reviews and approves the following items:

1. Statement of the Case (SOC)

An SOC is a formal response by a Regional Office (RO) to a Veteran's Notice of Disagreement (NOD). The RO issues the SOC after reviewing its unfavorable decision and finding no grounds for reversing it. The SOC summarizes the chronology of significant events leading up to the RO decision, lists all the evidence used to reach the decision, explains the reasons and bases for the decision and cites all applicable law.

2. Notice of Disagreement

An NOD is a written communication from a Veteran or his/her representative expressing dissatisfaction or disagreement with a decision and a desire to contest the result.

3. Administrative Review

The VREO will conduct an AR when the request for an AR involves a decision related to the development of a rehabilitation plan or involves an

adverse action. He/she will forward the AR on entitlement decisions to the RO Director for submission to VA Central Office.

c. VR&E Case Manager

1. Provides general notice of rights and responsibilities to the Veteran.
2. Provides information on how current or future determinations may affect how a Veteran receives benefits and services.
3. Ensures due process (a formal process that a Vocational Rehabilitation Counselor (VRC) follows to advise a Chapter 31-eligible Veteran of decisions made regarding benefits and services). Due process requires the VRC to explain and provide in writing the Veteran's rights and responsibilities. For more information on due process, see 38 CFR 3.103.
4. Informs the Veteran and designated representative of all decisions regarding services and benefits.
5. Forwards a Veteran's request for review of his/her plan to the VREO.
6. Forwards request for AR to VREO for entitlement decisions.
7. Prepares an SOC when a Veteran files an NOD.
8. Assists a Veteran in obtaining relevant evidence to support their claims.

d. Veteran

A Veteran may appeal decisions of the VR&E staff concerning eligibility and entitlement to rehabilitation services to the Board of Veterans Appeals (BVA). However, the Veteran or an accredited representative on his/her behalf may request AR by Central Office prior to filing an appeal to BVA. A case already on appeal to BVA may not be referred to Central Office for AR or advisory opinion.

The Veteran may also request a review of a proposed, original or amended plan when VA and the Veteran do not reach agreement on the terms and conditions of the plan. A Veteran who requests a review of the plan must submit a written statement to the case manager that:

1. Requests a review of the proposed, original or amended plan and
2. Details his/her objections to the terms and conditions of the proposed, original or amended plan.

For more information on appeals or disagreements regarding development of or change in the Veteran's plan, see 38 CFR 21.98.

1.04 Communicating a Veteran's Rights

VR&E is responsible for communicating a Veteran's rights throughout the rehabilitation process. This includes, but is not limited to, the following components:

- Program orientation for new applicants
- Written notification of adverse actions
- The provision of due process

An adverse action, other than an interim action such as a suspension of benefits pending development, can be one of the following:

- Denial of Chapter 31 benefits when such benefits have been requested
- Reduction or other diminishment of benefits being received by the Veteran
- Termination of receipt of benefits for reasons other than scheduled interruptions that are part of the Veteran's plan

Once the case manager decides to take adverse action against the Veteran, he/she will provide the Veteran with VAF 4107 (see Appendix O, VA Forms), which outlines the steps a Veteran needs to take in order to appeal the case manager's decision. For more information on informing the Veteran of findings affecting receipt of benefits and services, see 38 CFR 21.420.

1.05 Documentation

The following table identifies VA forms/letters used for ensuring a Veteran's rights and responsibilities:

| Document | Description |
|---|---|
| VAF 9, Appeal to Board of Veterans' Appeals | Used in the last step to appeal to BVA |
| VAF 3288, Request for and Consent to Release of Information from Claimant's Records | Gives permission to VA to release information from the claimant's records |

| | |
|---|---|
| VAF 4107, Your Rights to Appeal Our Decision | Provides the Veteran with his/her appeal rights when an adverse decision is made |
| VAF 28-8739a, Protection of Privacy Information Statement | Describes the need for and use of personal information by VA |
| VAF 21-4138, Statement in Support of Claim | Provides additional information that supports the individual's claim |
| VAF 21-4142, Authorization and Consent to Release Information to the Department of Veterans Affairs (VA) | Enables VA to request records on behalf of the Veteran |
| VAF 28-0800, Vocational Rehabilitation and Employment (VR&E) Program Orientation | Orients the Veteran to the VR&E program |
| VAF 28-1902b, Counseling Record-Narrative Report; VAF 28-1902n, Counseling Record-Narrative Report (Supplemental Sheet) or CWINRS Notes | Documents and synthesizes all information pertinent to the Veteran's eligibility determination and development or redevelopment of the plan |
| VAF 28-1905d, Special Report of Training or CWINRS Notes | Documents the Veteran's progress and problems in achieving the goals of their rehabilitation plan |
| VAF 28-1905h, Trainee Request for Leave | Provides supporting information needed for approval of a leave of absence request |
| Six-Credit Hour Exclusion Letter | Contains information and notification of the one-time application of the six credit-hour exclusion |
| Subsistence Allowance Reduction Course Withdrawal | Provides notification of reduction in subsistence allowance and requests submission of mitigating circumstances |
| CWINRS Case Notes | Documents the Veteran's progress and what actions VA is taking to assist him/her in achieving his/her rehabilitation goals |

Chapter 3
ADMINISTRATIVE REVIEWS, ADVISORY OPINIONS,
APPEALS AND EQUITABLE RELIEF

- 3.01 Introduction
- 3.02 References and Resources
- 3.03 Notification and Appellate Rights
- 3.04 Advisory Opinion
 - a. Definition
 - b. The Process
 - c. Guidelines for Submission of a Request for an Advisory Opinion
- 3.05 Administrative Review
 - a. Definition
 - b. Timeline for an Administrative Review
 - c. Veteran Notification of the Administrative Review Outcome
 - d. The Process
 - e. Guidelines for Submission of Request for Administrative Review
 - 1. Administrative Review Conducted by the VR&E Officer (VREO)
 - 2. Administrative Review Conducted by the Director of VR&E Service
 - f. Administrative Review Decision Completed
- 3.06 Decisions on Advisory Opinion or Administrative Review
- 3.07 Board of Veterans' Appeal (BVA)
 - a. General Information
 - b. Requirements
 - c. The Appeals Process
 - 1. Receipt of the Notice of Disagreement (NOD)
 - 2. Development of the Statement of the Case (SOC)
 - 3. VR&E Officer's Review of the SOC
 - 4. Sending the SOC to the Claimant and His/Her Representative
 - 5. Claimant Fails to Respond or Responds Late to the SOC
 - 6. Receipt of VA Form (VAF) 9, Appeal to the Board of Veterans' Appeals
 - 7. Claimant's Representative Statement
 - 8. Development of a Supplemental Statement of the Case (SSOC)
 - 9. Claimant's Election to a Formal Hearing
 - 10. Withdrawal of Appeals

- (a) Benefit Sought by Claimant is Fully Granted
 - (b) Benefit Sought by Claimant is Not Fully Granted
 - (c) Claimant Requests to Withdraw Appeal
 - (d) Reactivation of Appeals After Withdrawal
- 11. Submission of Appeal to BVA
 - (a) Certification To BVA
 - (b) Docketing an Appeal
- 12. BVA Decisions
 - (a) Required Actions
 - (b) Effective Dates of BVA Decisions
- 3.08 Veterans Claims Assistance Act (VCAA) of 2000
- 3.09 Veterans Appeals Control and Location System (VACOLS)
 - a. Definition
 - b. Use of VACOLS
 - c. Appeals Coordinator
 - d. Updating VACOLS
- 3.10 Notice of Disagreement (NOD)
 - a. Definition
 - b. Receipt of an NOD
 - c. Timeline for an NOD
- 3.11 Statement of the Case (SOC)
 - a. Definition
 - b. Requirements for an SOC
 - c. Format
 - d. Issues Not to be Disclosed in an SOC
 - e. Sending SOC to the Claimant and Designated Representative
 - 1. No Designated Representative
 - 2. Representative Designated
- 3.12 Development of a Supplemental Statement of the Case (SSOC)
 - a. Format
 - b. Information for an SSOC
 - c. The Process
 - d. Timeline
- 3.13 Board of Veterans' Appeal (BVA) Remands

- a. Definition
- b. Required Actions

3.14 Processing Appeals to Court of Appeals for Veterans Claims (CAVC)

- a. Definition
- b. The Process
- c. Informing the Claimant
- d. Remands from CAVC

3.15 Timeline for Receipt of Substantive Appeal

3.16 Equitable Relief

- a. General Information
- b. Requirements for Issuing Equitable Relief
- c. Development for Equitable Relief
- d. Guidelines for Submission of Request for Equitable Relief
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3.17 Clear and Unmistakable Error

- a. Definition
- b. Determinations
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Appendix O. VA Forms

Chapter 3
ADMINISTRATIVE REVIEWS, ADVISORY OPINIONS,
APPEALS AND EQUITABLE RELIEF

3.01 Introduction

This chapter provides the procedures and processes for when a Servicemember or Veteran disagrees with the decision made on his/her claim for Chapter 31 benefits.

3.02 References and Resources

- Laws: 38 United States Code (U.S.C.) 3102
 38 U.S.C. 5103
 38 U.S.C. 5109
 38 U.S.C. 7105
- Regulations: 38 Code of Federal Regulations (CFR) 21.32
 38 CFR 21.33
 38 CFR 21.58
 38 CFR 21.59
 38 CFR 21.98
 38 CFR 21.412
 38 CFR 21.414
 38 CFR 21.420
- VA Forms (VAF): VAF 8, Certification of Appeal
 VAF 9, Appeal to the Board of Veterans' Appeals
 VAF 21-4138, Statement in Support of Claim
 VAF 28-1943, Counseling Transmittal List
 VAF 646, Statement of the Accredited Representative in the
 Appealed Case
 VAF 4107, Your Rights to Appeal our Decision
 FL 1-25, Cover Letter for the Statement of the Case
- Websites: www.bva.va.gov/How_Do_I_APPEAL.asp
 www.vba.va.gov/bl/21/publicat/Users/Index.htm
 www.va.gov/bl/21/publicat/Users/Index.htm
 www.gpo.gov/fdsys/pkg/PLAW-106publ475/pdf/PLAW-106publ475.pdf

3.03 Notification and Appellate Rights

A Veteran or Servicemember and his/her designated representative must receive notification of their appeal rights whenever a decision is made that denies, reduces or terminates benefits. All final decisions on claims involving benefits that the Department of Veterans Affairs (VA) administers may be subject to the Board of Veterans' Appeals (BVA) review.

3.04 Advisory Opinion

a. Definition

An advisory opinion is initiated prior to a formal decision being made. It seeks to resolve doubt as to the correct interpretation and application of law, regulations, policies or procedures.

b. The Process

A Vocational Rehabilitation and Employment (VR&E) staff member may initiate an advisory opinion with the concurrence of the VR&E Officer (VREO). However, the request for an advisory opinion must be signed and concurred by the Regional Office (RO) Director. The request must be submitted to the Director of VR&E Service who provides the advisory opinion.

c. Guidelines for Submission of a Request for an Advisory Opinion

1. The request must be prepared in a standard letter and must conform to the following format:

(a) Question(s)

State the question(s) clearly. Do not combine multiple issues into one question. Each issue must be stated in a separate question. Each question must be numbered if there is more than one question.

(b) Background

Provide brief statements of pertinent information regarding the Veteran's or Servicemember's identifying data.

(c) Discussion

State the facts pertinent to the decision that is being considered. Explain the details that may impact the decision and the laws, regulations and manual guidelines supporting the proposed decision.

(d) Recommendation

The VREO must provide his/her recommendation or comments on each question presented. The recommendation(s) must be clearly supported by evidence in the Counseling/Evaluation/Rehabilitation (CER) folder and by pertinent laws, regulations and manual guidelines.

2. The request for the advisory opinion must be sent with the Veteran's CER folder to the Director of VR&E Service.
3. The case manager must ensure that VAF 28-1943 is completed. Send the completed form and a copy with the CER folder to VR&E Service and maintain another copy for the office's recordkeeping. See Appendix O, VA Forms, for information on accessing this form, as well as all forms cited in this chapter.
4. The case manager must ensure that the temporary transfer of the Veteran's CER folder is annotated in the Corporate WINRS (CWINRS) case management system Remarks/Notes to ensure that the case is tracked appropriately.

3.05 Administrative Review

a. Definition

An administrative review is initiated after a formal decision is made. The review provides the resolution to uphold or overturn the formal decision. It focuses on questions regarding policy and procedures, application of the laws, regulatory guidelines or directives.

b. Timeline for an Administrative Review

An administrative review must be submitted within one year from the date of the written notification of decision to the Veteran.

The Veteran must be informed of the decision for an administrative review conducted by the Director of VR&E Service or a VREO within 90 days of receipt of request. (38 CFR 21.98)

c. Veteran Notification of the Administrative Review Outcome

The RO notifies the Veteran in writing with the outcome of the administrative review conducted by VR&E Service or the RO.

d. The Process

1. A request for an administrative review must be initiated prior to a Veteran or Servicemember appealing a decision to BVA. Once he/she files a Notice of Disagreement (NOD), any administrative review in progress will be terminated immediately so that appellate procedures may be followed.
2. A request for an administrative review of an RO decision may be initiated by an RO staff member, the Veteran or Servicemember, the Veteran's or Servicemember's representative or by other internal or external sources.

The review is specifically conducted based on the following types of decisions:

- (a) The Director of VR&E Service reviews decisions related to eligibility and entitlement to Chapter 31 benefits and the development of a rehabilitation plan in cases where the VREO is the case manager.
 - (b) The VREO reviews the decisions related to other adverse actions and the development of a rehabilitation plan.
3. If the administrative review upholds the original decision and the Veteran or Servicemember is not satisfied with the decision, then he/she may proceed with his/her appellate rights by filing an NOD.

e. Guidelines for Submission of Request for Administrative Review

1. Administrative Review Conducted by the VREO

- (a) The case manager must prepare the request in a standard memorandum (memo) using the following format:

(1) Decision

State the decision being disputed clearly. Each issue must be stated separately. Each issue must be numbered if there is more than one issue.

(2) Background

Provide brief statements of pertinent information regarding the Veteran or Servicemember's identifying data.

(3) Discussion

State the facts relevant to the decision of the case manager.
Explain the details that led to the decision and the laws, regulations and manual guidelines affecting and supporting the case manager's decision.

- (b) Submit the CER folder with the memo request to the VREO.
- (c) The VREO must provide an explanation on each decision presented. The decision(s) must be clearly supported by evidence in the CER folder, pertinent laws, regulations and manual guidelines. The VREO's decision must be documented in a standard memo and filed in the CER folder.
- (d) The case manager must prepare the letter notifying the Veteran with the decision(s).

2. Administrative Review Conducted by the Director of VR&E Service

- (a) The case manager must prepare the request in a standard memo using the same format outlined above and route it through the VREO to the Director of VR&E Service. The RO Director signs the memo.
- (b) On the Administrative Review document include the VREO's recommendations and comments.
- (c) The case manager must ensure that VAF 28-1943 is complete. Send the completed form and a copy with the CER folder to the VR&E Service and maintain another copy for the office's recordkeeping.
- (d) The case manager must ensure that the temporary transfer of the Veteran's CER folder is annotated in the CWINRS Remarks/Notes to ensure that the case is tracked appropriately.
- (e) The CER folder, together with the required documentation for the administrative review, must be sent via United Parcel Service (UPS) and addressed to the Department of Veterans Affairs, VR&E Service (28), 1800 G Street NW, Suite 501, Washington, DC 20006.
- (f) Upon completion of the review, VR&E Service returns the CER folder to the RO with the memorandum of decision. The RO notifies the Veteran in writing of the outcome of the administrative review.

f. Administrative Review Decision Completed

The Veteran must be informed of the outcome of the administrative review in writing and within 90 days from the receipt of the Veteran's request for an administrative review. In addition, a copy of the decision must be sent to the Veteran's designated representative.

The case manager must take any action to provide further evaluation, obtain evidence or grant benefits as requested.

3.06 Decisions on Advisory Opinion or Administrative Review

The decisions rendered from an advisory opinion or decisions from an administrative review conducted by the Director of VR&E Service are final and binding.

The decisions rendered from an administrative review conducted by a VREO are final and binding.

The BVA may overturn the decisions rendered by the Director of VR&E Services on advisory opinions, administrative reviews or overturn the decisions rendered by a VREO on administrative reviews.

3.07 Board of Veterans' Appeal (BVA)

a. General Information

1. An appeal is a request for review of a VA determination on a claim for benefits rendered by a VA RO or medical center.
2. The BVA, also known as "The Board," is part of VA and located in Washington, D.C. BVA reviews determinations for benefit claims made by local VA offices and makes decisions on appeals on behalf of the Secretary. The Board consists of law judges and attorneys experienced in Veterans law.
3. A plain-language pamphlet, "How Do I Appeal," is available at www.bva.va.gov/How_Do_I_Appeal.asp.

b. Requirements

The VREO must ensure that all appeal actions related to the Statement of the Case (SOC), the Supplemental Statement of the Case (SSOC), decisions, remand responses, etc., as described in this section must be filed in the CER folder and Claims File (C-File).

c. The Appeals Process

A Veteran or Servicemember has one year from the date of the notification of a VA decision to file an appeal. The claimant must file a written NOD with the RO that made the decision. This is a written statement that a claimant disagrees with the VR&E decision.

1. Receipt of the Notice of Disagreement (NOD)

- (a) The NOD must be date-stamped upon receipt and a copy provided to the designated staff in the VA RO who will establish a Veteran's Appeal Control and Location System (VACOLS) record. This record must be established within seven days of receipt of the NOD. The user guide is available at www.va.gov/bl/21/publicat/Users/Index.htm. See 3.09 in this chapter for details on VACOLS.
- (b) The VREO must ensure that the Veterans Claims Assistance Act (VCAA) letter is sent to the Veteran in a timely manner within seven days of receiving the NOD and ensure that the "duty to assist" is met. This letter provides the Veteran 30 days to submit additional evidence related to his/her claim before proceeding to the appeals process. See 3.08 in this chapter for details on VCAA.
- (c) The VREO or his/her designee must review the NOD and the evidence of record to determine if the prior decision is correct and whether any further development or action is needed. The case manager who made the decision may not conduct the review.

2. Development of the Statement of Case (SOC)

- (a) The VREO must ensure that a SOC is prepared if the review does not result in a full grant of the claim for benefit and the claimant or his/her representative is not withdrawing the NOD. See 3.11 in this chapter for details on SOC.
- (b) Generally, the case manager responsible for making the decision upon which the disagreement is made will prepare the SOC.
- (c) The SOC must be completed within 30 days from the time the claim development is completed.

3. VR&E Officer's Review of the SOC

- (a) The case manager must submit a signed copy of the SOC together with the Veteran's CER folder to the VREO for review.
 - (b) The case manager must annotate in CWINRS Remarks/Notes the date the SOC and the CER folder were submitted to the VREO for appropriate tracking.
4. Sending the SOC to the Claimant and His/Her Representative
- (a) Upon completion of the SOC review, the VREO must sign the file copy.
 - (b) The SOC, together with VAF 9 and FL 1-25, Cover Letter for the Statement of the Case, must be sent to the claimant and his/her designated representative.
 - (c) A copy of the SOC must be filed in the claimant's CER folder and the Claims File (C-File).
 - (d) The VREO must ensure that the CWINRS Remarks/Notes is updated to reflect the date the SOC is mailed to the claimant and his/her designated representative.
 - (e) The VREO must also ensure that VACOLS is updated with the date the SOC is mailed to the claimant and his/her designated representative.
5. Claimant Fails to Respond or Responds Late to the SOC
- (a) If the claimant or the designated representative does not respond to the SOC within the 60-day period of receipt of the SOC or one year from the date of claim, whichever is later, no further action is required. See 3.15 in this chapter for more information on Timeline for Receipt of Substantive Appeal.
 - (b) If a response is received after the 60-day period expires, the VREO must ensure that the claimant is provided due process. Further action must be delayed for 60 days to provide the claimant a time to disagree with the decision.
- Note: A claimant may appeal a decision regarding untimely filing of his/her appeal.
- (c) The VREO must ensure that VACOLS is updated to dispatch the appeal, if the claimant withdraws the appeal.

6. Receipt of VA Form (VAF) 9, Appeal to the Board of Veterans' Appeals

The receipt of a properly completed VAF 9 is considered a substantive appeal.

- (a) The VREO must ensure that VACOLS is updated with receipt of the substantive appeal.
- (b) Additionally, the entire record must be reviewed to determine if further development is required.
- (c) If further development is determined not required, the VREO must ensure that one of the following actions is taken:
 - Award the benefit sought
 - Prepare the case for review by the Board of Veterans Appeals (BVA)
 - Determine if the appeal is deficient in specification of errors of fact or law
- (d) If the appeal is deficient, the claimant and the designated representative must be informed in writing about the deficiencies noted. The claimant is allowed 30 days to amend his/her appeal and correct the deficiencies.

If the claimant does not respond to amend his/her appeal, the VREO must ensure that one of the following steps is taken:

- Prepare the case for BVA review
- Prepare an SSOC if the SOC contains an error or is materially deficient
- Gather additional evidence for supplemental development action if indicated

7. Claimant's Representative Statement

- (a) After receipt of a substantive appeal, the VREO must ensure that VA Form 646 is sent to the designated representative prior to certification of VAF 8. A memorandum must be sent with the form notifying the representative that he/she has 10 business days to submit a completed

form. However, VAF 646 may not be sent to the claimant's representative if he/she is a private attorney.

- (b) Upon receipt, the VREO must ensure that VAF 646 is reviewed for any additional evidence in support of the claim to conduct necessary development or to develop an SSOC.
- (c) The VREO must ensure that the appeal is reviewed for any erroneous citations or deficiencies based on court decisions as asserted by the representative.
- (d) If an error or deficiency is found, an SSOC must be developed. However, if the representative offers an argument only, a SSOC will not be developed.

8. Development of an Supplemental Statement of Case (SSOC)

If the claimant properly completes and returns VAF 9 and provides additional evidence in response to the SOC, the VREO or his/her designee must review the appeal and take one of the following actions:

- Prepare an SSOC if the additional evidence does not render a granting of the benefit
- Grant the claim for benefit if the new evidence justifies a positive finding
- Arrange for a hearing or certify the appeal to BVA using VAF 8 if claimant did not provide additional evidence

Note: Refer to 3.12 of this chapter for additional guidance on SSOC.

9. Claimant's Election to a Formal Hearing

A claimant may elect to have a formal hearing anytime after he/she submits a properly completed VAF 9 and makes the request for a hearing on the form. He/she may request that the hearing be arranged in one of the following settings:

- Locally at the RO
- Before the Travel Board section of BVA
- BVA in Washington, D.C.

- Videoconferencing from the RO and BVA in Washington, D.C.

Note: VA does not authorize payment for a claimant's travel expenses for a hearing.

10. Withdrawal of Appeals

(a) Benefit Sought by Claimant is Fully Granted

If a favorable decision is made for a "total grant" of the benefit, the appeal is considered resolved and the claimant and his/her designated representative is notified in writing.

The VREO must ensure that VACOLS is updated accordingly.

(b) Benefit Sought by Claimant is Not Fully Granted

If the decision does not grant all benefits sought, the claimant and his/her designated representative will be notified in writing. The letter must also inform the claimant that he/she may withdraw his/her appeal within 60 days. The claimant must also be informed that if he/she does not respond to the letter, his/her appeal will be certified by the BVA.

In addition, the notification letter must include a self-addressed envelope with a VAF 21-4138.

Note: A claimant's appeal is considered withdrawn if the claimant requests to withdraw his/her appeal in writing.

(c) Claimant Requests to Withdraw Appeal

- (1) If a claimant filed the appeal, he/she may request to withdraw his/her appeal in writing. A designated representative may not withdraw the substantive appeal without a written consent from the claimant.
- (2) If a designated representative filed the appeal, the claimant or the representative may request to withdraw the substantive appeal.
- (3) An NOD may also be withdrawn in a similar manner before a timely substantive appeal is filed.

(d) Reactivation of Appeals After Withdrawal

- (1) The claimant or representative may reactivate an NOD or a substantive appeal if VA receives the request within the remaining period of the appeal. BVA must be contacted to reactivate a withdrawn appeal record. Additionally, the claim must also be reactivated in VACOLS.
- (2) If an NOD or substantive appeal is not reactivated, the decision will be considered as final. Once a decision is final, new material evidence is required in order to reconsider the issue.

11. Submission of Appeal to BVA

(a) Certification to BVA

The VREO must ensure that VAF 8 is certified and sent to BVA.

The appellant must be informed in writing that the appeal is certified to BVA.

Note: The appellant is allowed 90 days from the date of the notification letter or until the BVA decides the case, whichever comes first, to add evidence, request a hearing or select or change his/her representative. After the 90-day period, the appellant must submit a motion or a written request to petition for acceptance of the request. The motion must include an explanation for the late request and must demonstrate the reason that the BVA should accept it.

(b) Docketing an Appeal

An appeal is added to the BVA docket immediately upon receipt of the substantive appeal (VAF 9) at the RO. This automatically occurs when VACOLS is updated.

Note: The CER folder will remain at the RO until VAF 8 is completed. If a VAF 8 is completed, the CER folder and the C-File must be sent to BVA through the RO Appeals Coordinator.

12. BVA Decisions

VA must comply with the decisions made by BVA.

(a) Required Actions

- (1) If the BVA decision changes or reverses an RO's decision, the VREO must review the decision and ensure that the necessary action is taken.
- (2) If the BVA decision maintains or affirms an RO's decision (denial of claim sought), the VREO must review the decision and ensure that the necessary action is taken.
- (3) If the BVA decision vacates or leaves an RO decision without further action because the claim is not well grounded, the VREO must review and annotate the decision to reflect which decisions are affected including the date of the BVA decision. In this instance, the denial of benefits remains in effect and no further action should be taken.

Note: All BVA decisions are final unless overruled by the Court of Appeals for Veterans Claims (CAVC).

(b) Effective Dates of BVA Decisions

- (1) If the BVA decision grants the decision to deny benefit made previously by the RO and/or denies the claim sought, the effective date of the decision is the date of the vacated or original decision made by the RO.
- (2) If the decision is based on a difference of opinion:
 - The effective date is the receipt of request from Applicant or entitlement date, whichever is later
 - The effective date is the favorable BVA decision when reconsideration is awarded solely on VA initiative
- (3) If the decision grants benefits based on new or additional records received, the effective date is the same as the original claim date.

3.08 Veterans Claims Assistance Act (VCAA) of 2000

On November 9, 2000, Public Law (Pub. L.) 106-475 enacted the VCAA which states that VA has the "duty to assist" claimants or any individual applying for or submitting a claim for any benefit under the laws administered by the Secretary.

Duty to assist includes the responsibility for taking all the necessary steps in assisting the claimant in developing the evidence needed to support his/her claim or appeal. A claimant is notified in writing that he/she is allowed 30 days to respond and/or submit additional evidence before VA proceeds with the determination on his/her claim.

Refer to www.gpo.gov/fdsys/pkg/PLAW-106publ475/pdf/PLAW-106publ475.pdf for additional information.

3.09 Veterans Appeals Control and Location System (VACOLS)

a. Definition

VACOLS is a VA system used for recording, updating and locating cases for a Veteran's appeals. It was initially released to the ROs in May 1996 with several updates since then. Veterans Health Administration (VHA) began using this system in December 2001.

b. Use of VACOLS

The User Guide is available at www.va.gov/bl/21/publicat/Users/Index.htm#bmV.

All data must be entered accurately in each field in VACOLS, as some entries cannot be corrected. The BVA Administrative Manager must be notified if any error occurs.

c. Appeals Coordinator

An RO must have a designated Appeals Coordinator to establish a record or update a record in VACOLS for each stage in the process and to keep a log of NODs or appeals in progress. A Veterans Service Center (VSC) Appeals Coordinator is routinely designated as the RO's Appeal Coordinator.

The VR&E case manager must work closely with the VSC Appeals Team or Coordinator.

d. Updating VACOLS

1. VACOLS must be updated when the following instances occur:

- NOD is received
- SOC is mailed to the Veteran and designated representative

- VAF 9 is received
- SSOC is mailed to the Veteran and designated representative
- VAF 8 is completed/certified to BVA
- Remand case is received from BVA
- Withdrawal of NOD or Appeal
- VBA decision is received and required actions are taken

Note: Administrative Reviews or Advisory Opinions are not entered in VACOLS.

2. When updating VACOLS include the Veteran's name, claim number and date of notification of the decision and a brief description of the Veteran's disagreement.

3.10 Notice of Disagreement (NOD)

a. Definition

An NOD is a written statement from a claimant or designated representative advising the VA that he/she disagrees with a decision involving benefits applied for and denied. The statement must include a desire for appellate review. The claimant does not have to make specific allegations or explain the reason for his/her disagreement with a decision. In addition, the NOD must be based on a decision that has been previously made, not on a proposed action.

Generally, an inquiry or a general complaint following an adverse action is not considered an NOD. However, if a verbal complaint appears to be an NOD, a VR&E staff member receiving the complaint must solicit a written, signed statement of the disagreement with the adverse action.

A verbal statement at a personal hearing may be considered as an NOD if it is transcribed in writing.

b. Receipt of an NOD

All NODs must be received in the RO.

If an NOD is received in an out based office, the NOD must be date-stamped and a copy must be faxed, scanned or emailed to the RO for establishment of a VACOLS record. The original copy must be filed in the Veteran's CER folder.

c. Timeline for an NOD

An NOD must be submitted within one year from the date of the written notification of decision to the Veteran.

If a claimant submits an NOD after the one-year period, the VREO must ensure that the claimant is sent a letter stating the untimely submission of the NOD using the standard letter used by VSC.

It is a Veteran's right to appeal a decision regarding timeliness of a response.

3.11 Statement of Case (SOC)

a. Definition

An SOC is a statement provided to the claimant and his/her designated representative that explains the specific reason(s) and the circumstances that led to the decision for the adverse action or denial of the Veteran's claim for benefits. It is a summary of the evidence and applicable laws and regulations used in making the decision.

Additionally, an SOC assists the Veteran in developing his/her arguments for requesting a change in the decision.

b. Requirements for an SOC

An SOC must be prepared if the request for benefit cannot be granted and if the NOD is not withdrawn.

The case manager who makes the adverse decision must prepare the SOC, sign the original copy and forward the SOC to the VREO for review and signature.

The case manager must complete all development as quickly as possible to avoid any undue delays. The SOC must be prepared within 30 days from the time the claim development is completed.

c. Format

The following format is required in writing an SOC:

1. Issue

Explain the issue with which the Veteran has expressed disagreement.

2. Summary of Evidence and Actions

Summarize the evidence used in making the decision. All relevant actions must be stated in chronological order.

3. Pertinent Laws and Regulations

Cite all pertinent laws and regulations and discuss how such laws and regulations support the decision.

4. Decision

State the decision.

5. Reasons for the Decision

Summarize the reasons for the decision and the laws and regulations that support the decision, explain in detail the evidence used and how it supported the decision, address all of the appellant's contentions and provide clarification to ensure that the basis for the decision is fully explained.

6. Signature and Approval

The case manager who prepared the SOC signs and submits it to the VREO for review and approval. The signed SOC must be filed in the Veteran's CER folder and the unsigned copy will be mailed to the claimant and his/her designated representative.

Note: An SOC cover letter is required and must use specific terms. The case manager may coordinate with the VSC Appeals Coordinator to ensure required terms are used.

7. File

The SOC must be saved in a centralized location, such as a shared folder or drive, which allows other staff members access for necessary edits before submission or future related appeals.

d. Issues Not to be Disclosed in an SOC

- Issues considered by responsible medical authority to be injurious to the appellant's health
- References to a prognosis of "poor" or "terminal" or conditions of misconduct unless the specific misconduct is relevant to the issue
- Discussions of evidence that might provoke feelings of hostility, resentment or rejection on the part of the appellant or his/her family

e. Sending SOC to the Claimant and Designated Representative

1. No Designated Representative

If a claimant does not have a designated representative, the VREO must ensure that specific and potentially harmful references in the SOC are eliminated when furnishing a copy to the claimant. The file copy must be annotated with the full statement to show which portions were deleted from the copy to be sent to the claimant.

2. Representative Designated

Two versions of the SOC may be prepared when disclosure to the claimant's designated representative may not be harmful to the claimant but disclosure to the claimant may be. In this case, the VREO must ensure that both copies of the SOC are sent to the representative with annotation of which statements were deleted from the claimant's copy.

3.12 Development of a Supplemental Statement of Case (SSOC)

An SSOC will be developed when new evidence is submitted after an SOC is issued or the SOC contains an error or is materially deficient.

a. Format

The case manager must develop an SSOC using the same format as a SOC.

b. Information for an SSOC

- Include in full the issue the decision reasons and basis for those issues that have undergone change
- Limit the issues to those addressed on the SOC

- Do not introduce a new issue into the appellate process
- Include information from new evidence only
- Limit the information to the changes or additions required to provide the claimant complete information
- Do not include evidence and related laws and regulations previously cited in the SOC

c. The Process

A new VAF 9 must be submitted with the SSOC and the transmittal letter if a substantive appeal has not been filed.

A response to the SSOC is optional if the VAF 9 has already been received in response to the SOC or a prior-related SSOC.

An extension may be granted for a good cause if the request is received in writing before the time limit is expired.

d. Timeline

The claimant is provided 60 days from the date of the SSOC notification letter to respond if he/she has not completed the appeal process or VA has not received a completed VAF 9. He/she may be provided either 60 days or the remainder of the one year period from the date of decision on appeal, whichever is later, to perfect a substantive appeal.

If the Veteran has completed the appeal process, he/she is provided 30 days from the date of the SSOC notification letter to respond before certifying the appeal to BVA.

3.13 Board of Veterans' Appeals (BVA) Remands

a. Definition

A remand is when BVA returns the case for appeal to the RO after review and finds that additional development, due process or reconsideration is required.

BVA may return remanded appeals to VR&E for further action. A case may be remanded for a number of reasons which include, but are not limited to:

- Missing evidence
- Changes in the law
- Completion of other required actions

b. Required Actions

The VREO must ensure that there is strict control in the maintenance of the remanded cases. Additionally, the VREO must ensure that the following steps are taken:

1. Date-stamp the BVA Remand letter immediately upon receipt.
2. Review the case and all pertinent documents immediately.
3. Update VACOL within seven days of receipt in the RO.
4. Complete all development actions expeditiously and sequentially as ordered.
5. Complete any required SSOC within 30 days of receipt of new evidence if the benefit cannot be granted. Return the case to BVA with the documentation of completed actions as required and update VACOLS of the resubmission of the appeal to VBA.
6. If the VBA decision is to grant the benefit sought, take the appropriate actions to grant the benefit, notify the claimant and designated representative in writing and update VACOLS.

Note: If clarification is needed on a BVA remand, the RO must go through the respective Area Director to the Office of Field Operations (OFO) representative who handles such requests through the Appeals Management Center (AMC).

3.14 Processing Appeals to Court of Appeals for Veterans Claims (CAVC)

a. Definition

Effective November 18, 1988, Congress established judicial review of final decisions of VA by creating the United States Court of Veterans Appeals (COVA). However, COVA became known as the CAVC effective March 1, 1999.

b. The Process

If BVA denies a claimant's appeal, the claimant may appeal the BVA decision to CAVC within 120 days of the date of the decision.

CAVC can affirm, reverse or remand BVA's final decision. Decisions of a three-member panel of CAVC are binding precedent for VA unless reversed by the U.S. Court of Appeals for the Federal Circuit or the U.S. Supreme Court.

c. Informing the Claimant

When BVA denies a claim, the claimant is informed of the decision and the right of appeal to CAVC. VR&E is not required to notify the claimant of the BVA decision.

d. Remands from CAVC

CAVC may return remanded appeals to VR&E for further action. In some cases CAVC may issue orders that require VR&E to make a decision, complete some other action by a certain date or provide status reports at certain intervals. The status reports must show that required procedures are being followed without excessive delay.

All ROs must handle all remanded appeals to VA from either BVA or CAVC expeditiously as required by law. See Veterans Benefits Improvement Act of 1994, Public Law 103-446, for additional information on this issue.

3.15 Timeline for Receipt of Substantive Appeal

The claimant has 60 days to respond by submitting VAF 9 or other correspondence that presents specific arguments relating to errors of fact or law in reaching the decision(s) being appealed.

A substantive appeal must be filed within 60 days from the date of the SOC notification letter or within 30 days from the date of the SSOC notification letter or within the remainder of the one-year period from the date of the notification letter of the determination being appealed, whichever is later.

3.16 Equitable Relief

a. General Information

38 U.S.C. 501(a) and (b) grant the Secretary authority to make rules and regulations needed to administer VA benefits. Occasionally, mistakes are

made in applying rules and regulations, which deprive claimants of benefits or cause them to suffer a loss because they relied on an erroneous VA decision. For this reason, Section 503 also provides a means for the Secretary to remedy an injustice to a claimant, which cannot otherwise be justified within the scope of the law. This remedy is called equitable relief. It is governed by either one of the two provisions described below:

1. Section 503(a) gives the Secretary authority to provide whatever relief is determined equitable if the Federal government or any of its employees denies a claimant VA benefits because of an administrative error.
2. Section 503(b) gives the Secretary authority to provide equitable relief if a claimant suffered loss as a result of relying on an erroneous determination by VA.

b. Requirements for Issuing Equitable Relief

The following factors must be examined prior to initiating a request for equitable relief:

- VA made an erroneous decision concerning benefit eligibility and entitlement
- The Veteran acted to his/her detriment based on that erroneous determination
- At the time the Veteran acted to his/her detriment, he/she did not know the VA determination is in error

c. Development for Equitable Relief

The requirements for issuing equitable relief must be met prior to assessing the extent of loss if the evidence indicates that a claimant has suffered loss.

1. The case manager must include a detailed factual determination of loss as follows:
 - (a) If financial loss is claimed, the claimant must furnish a statement listing obligated expenses incurred because the claimant relied on the erroneous determination.
 - (b) If the loss involves injury, damage or some other disadvantages suffered by the claimant, he/she must furnish documentation showing

the extent of loss, which is due to reliance on an erroneous determination of eligibility or determination.

2. The case manager must assist the claimant in obtaining receipts to ensure that the incurred expenses are reimbursed.
- d. Guidelines for Submission of Request for Equitable Relief
1. Equitable relief requests involving VR&E benefits and services are to be submitted to the Director of VR&E Service for review. The RO Director should sign the requests.
 2. VR&E Service will only consider the request if the request is made by, on behalf of a claimant or if the RO believes the relief should be granted.
 3. The request must be prepared in a standard letter and must conform to the following format:
 - (a) Justify the request in clear and concise terms.
 - (b) Include a brief history of events.
 - (c) Cite the VA error.
 - (d) Describe the loss.
 - (e) Discuss the recommendation(s) for the relief.
 4. When submitting the request to VR&E Service, the case manager must ensure that the request letter is attached to the Veteran's CER folder with the full supporting documentation.
- e. Final Decision

After the Director of VR&E Service reviews and concurs with the granting of the request for equitable relief, the request is forwarded to the Secretary for final decision.

3.17 Clear and Unmistakable Error

a. Definition

A decision may be revised on the grounds of clear and unmistakable error, if the error is established by evidence after a redetermination.

b. Determinations

The following decisions may be subject to revision on the grounds for clear and unmistakable error:

1. A determination for Employment Handicap (EH), Serious Employment Handicap (SEH) or eligibility for a program of employment services prior to the Veteran's induction into a program.
2. A redetermination for EH, SEH or eligibility for a program of employment services after the Veteran's induction into a program.
3. Determinations affecting eligibility for training and rehabilitation services or payment of subsistence allowance.

c. The Process

1. The case manager responsible for making the original decision or the claimant may make the request for revision of decision at any time after the decision is made.
 - (a) If the case manager makes the request, the request must be submitted in a memo format with the evidence that establishes the error.
 - (b) If the Veteran makes the request, the case manager must review the request. The case manager makes the recommendations for maintaining or overturning the decision.
 - (c) The request must be submitted to the VREO for review and final decision.
2. A clear and unmistakable error may be identified through the local quality assurance review, appeals review by the VREO, or by the Systematic Technical Accuracy Reviews (STAR). In any of these instances, the case manager must make the request for revision of decision and submit the request to the VREO for concurrence.

d. Effective Date

The effective date of the revision of a decision on grounds of clear and unmistakable error is the same date as the original decision.

e. Action

When a clear and unmistakable error is established, the case manager must take the appropriate action to rectify the error. All associated actions must be clearly documented and filed in the CER folder and the Veteran must be notified of the decision in writing.

If the Veteran submits the request and the decision is unfavorable, he/she must be notified of the decision in writing and provided due process via VAF 4107, Your Rights to Appeal our Decision.

Chapter 4
GENERAL RULES OF EVIDENCE

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Appendix O. VA Forms

Chapter 4 GENERAL RULES OF EVIDENCE

4.01 Introduction

When a Veteran submits a claim for Chapter 31 benefits, the Vocational Rehabilitation Counselor (VRC) makes the determination for entitlement to the benefits. This chapter provides guidance for obtaining evidence necessary to make determinations for entitlement to benefits and services. Additionally, it provides definitions of terms used in applying for Department of Veterans Affairs (VA) benefits and timelines for submission of the required evidence.

4.02 References and Resources

| | |
|-----------------|---|
| Law: | Rehabilitation Act of 1973 (Amended) |
| Regulations: | 38 Code of Federal Regulations (CFR) 3.156 38 CFR 3.400 38 CFR 19.153 38 CFR 19.154 38 CFR 21.30 38 CFR 21.31 38 CFR 21.32 38 CFR 21.420 |
| VA Forms (VAF): | VAF 21-526, Veteran's Application for Compensation or Pension VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation |
| Website: | www.ebenefits.va.gov |

4.03 Definition of Terms

The following are terms that are applicable in understanding the status of claims for Chapter 31 benefits:

a. Claim or Application

A claim or application refers to a formal or informal written communication requesting a determination of entitlement or potential entitlement to Chapter 31 benefits.

b. Formal Claim for Chapter 31

A formal claim for chapter 31 services is a specific claim in the form prescribed by VA to request a program of rehabilitation services or employment assistance.

The form used to establish a formal claim is VAF 28-1900 (see Appendix O, VA Forms). This form may be submitted in the following manner:

- Hard copy via personal or postal delivery
- Hard copy via Veterans Service Center or Vocational Rehabilitation and Employment (VR&E) personnel from a Servicemember awaiting discharge and hospitalized in a military hospital or VA Medical Center (the application must be submitted with VAF 21-526, Veteran's Application for Compensation or Pension)
- Electronically via the Veterans Online Application (VONAPP) website or ebenefits at www.ebenefits.va.gov

c. Informal Claim for Chapter 31

Any written communication indicating intent to apply for rehabilitation services or employment assistance from a Veteran, a duly authorized representative, or a Member of Congress on behalf of a Veteran is considered an informal claim.

d. Original Claim

The first formal application submitted by the claimant is considered to be the original claim.

e. Pending Claim

An application, formal or informal, which is not a finally completed claim as defined below, is called a pending claim.

f. Duty to Assist

Duty to assist refers to the obligation to assist the Veteran obtain relevant records not currently in the custody of a federal department or agency, such as records from state or local governments, private medical providers, current or former employers, and other non-federal government resources. The records are necessary in developing evidence to support the Veteran for benefits when evidence of records is insufficient.

g. Finally Completed Claim

A finally completed claim is a claim that is determined allowed or disallowed by the office of jurisdiction. The decision becomes final one year after the date the Veteran is sent notification of allowance or disallowance if an appeal is not initiated and completed. However, if an appeal is filed timely and completed, the affirmed decision by the office of jurisdiction becomes final the date of the appellate decision.

h. Reopened Claim

Any application for a benefit received after an earlier claim is finally completed and closed is referred to as a reopened claim.

4.04 Duplicate Claims

If an acceptable VAF 28-1900 is filed and a Veteran is determined entitled to services, it is not necessary to file another formal claim to receive Chapter 31 benefits provided the Veteran remains in a VR&E program.

A duplicate application that does not require processing must be marked with "Duplicate Copy" and down-filed on the left side of the Counseling/Evaluation/Rehabilitation (CER) folder.

However, if the Veteran's case is discontinued, a new VAF 28-1900 is required to reopen a claim for Chapter 31 benefits. All reapplications must be forwarded to the VR&E Division for review and processing.

4.05 Routine Procedures When Evidence Must Be Requested from a Claimant

a. Incomplete Claim

If the claim is not complete at the time of original submission, all necessary evidence must be requested simultaneously to avoid delays in developing the claim.

1. Informal Claim

Upon receipt of an informal claim and if a formal claim is not filed, a VAF 28-1900 is sent to the claimant or the application form may be completed by the claimant at the first appointment. The date of receipt of the informal claim will constitute date of receipt of claim if the VAF 28-1900 is received within one year from the date the form is sent to the

claimant (38 CFR 21.31 and 21.32). The claim is not processed until a formal claim is filed.

2. Unsigned Application

If an application is received unsigned, a copy showing the date of receipt is made and retained in the office. The original is returned to the claimant for signature. The file copy is considered an informal claim under 38 CFR 21.31.

b. Period for Submission of Evidence

Generally, evidence is requested from the claimant to be submitted promptly. The period for submission is 30 days from the date of the letter requesting evidence. If requested evidence is not received within the specified period, the claim is not processed and a notification letter is sent to the claimant.

c. Extension of Controls

The 30-day period may be extended within the statutory limit when it is expected that the evidence requested would be difficult to obtain or when the claimant or his/her representative indicates that he/she is making an effort to obtain the requested evidence, but needs an extension.

d. Returned Correspondence

If any correspondence to the claimant is returned undeliverable, the letter is reviewed to determine if the claimant's address is correct. If the address used is not correct, the correspondence is resent.

If a change in the claimant's address is found, the correspondence is sent to the claimant's new address.

If a valid address for the claimant is not available, an extensive search via the Compensation and Pension Records Interchange (CAPRI), Modern Award Processing (MAP-D), must be conducted. If the extensive searches do not yield a valid address, the returned correspondence and the original envelope is filed with the original formal or informal application.

e. Address Unknown

When a request for evidence necessary to establish entitlement is addressed to the claimant's last known address, but is returned undeliverable, the time limit for submitting the evidence is not extended (see 38 CFR 3.109).

f. No Response for Request for Evidence

A claimant's failure to respond to a request for evidence is considered a failure to cooperate in providing essential information. This is adequate reason to deny entitlement or to discontinue or adjust an award of benefits.

1. When action to deny entitlement in an original or reopened claim is required because of failure to furnish evidence, the claim is disallowed and the claimant is notified in writing accordingly.
2. In the case of a running award, when action to adjust or discontinue the award is required, the claimant is furnished a notice of the proposed adverse action if the action is determined to be adverse under the provisions of 38 CFR 21.420. Upon final determination of the adverse action, the claimant is given notice of procedural and appellate rights.

4.06 Reconsideration of Claim Based on Receipt of New and Material Evidence

The claimant is required to provide new and material evidence before VA will reconsider the decision for a Finally Denied claim.

38 CFR 3.156 states that in order to qualify evidence as new, the evidence must be submitted to VA for the first time, whether in documentary, testimonial or in some other form. In addition, the date of receipt of the new evidence from the claimant may be considered as the effective date for granting the benefits (38 CFR 3.400(q)).

A reopened claim is a claim that is previously denied which VA must reconsider because new and material evidence is presented. This claim involves the review of new evidence based on a new application rather than reconsideration of prior decisions.

4.07 Claimant's Right to Appeal a Decision Not to Reopen a Claim

A claimant may appeal VA's decision for not reopening a claim because the evidence he/she submitted is not new and material or relevant to the claim. Thus, VA must provide appellate rights when a claimant is provided with notification of the decision that his/her request for reopening a previously disallowed claim is denied.

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Chapter 5 DELEGATION OF AUTHORITY

5.01 Introduction

The Vocational Rehabilitation and Employment (VR&E) Division is responsible for providing comprehensive vocational services to a Veteran with service-connected disabilities and their eligible dependents and an eligible Servicemember. This chapter covers the authority given to the VR&E Division and Veterans Benefits Administration (VBA) Service Centers by the Secretary of the Department of Veterans Affairs (VA) to make findings and decisions under 38 United States Code (U.S.C.) Chapters 31, 34, 35 and 36 regarding entitlement to vocational rehabilitation benefits.

5.02 References and Resources

Law: 38 U.S.C. 31

Regulations: 38 Code of Federal Regulations (CFR) 2.6
38 CFR 2.76
38 CFR 2.77
38 CFR 2.78
38 CFR 2.82
38 CFR 2.87
38 CFR 3.12
38 CFR 3.451
38 CFR 3.458
38 CFR 3.50 through 3.59
38 CFR 3.6
38 CFR 21.328
38 CFR 21.330
38 CFR 21.410

VA Form: VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation

5.03 Secretary's Delegation of Authority to Certain Officials

a. The Under Secretary for Benefits

The Secretary delegates authority to the Under Secretary for Benefits to make findings and decisions under 38 U.S.C. Chapter 31 and regulations, precedents and instructions that affect vocational rehabilitation services for a Veteran with disabilities (38 CFR 21.410). The Under Secretary for

Benefits may further delegate this authority to supervisory and non-supervisory VR&E and Veteran Service Center (VSC) adjudicative staff to determine entitlement to vocational rehabilitation and employment services for a Veteran with service-connected disabilities, their eligible dependents and an eligible Servicemember (38 CFR 2.6).

b. Director of VR&E Service

The Director of VR&E Service or designee is delegated authority to oversee and ensure that all VR&E Service program activities are implemented according to established laws, regulations and policies. This includes all programs of vocational rehabilitation, education or special restorative training under 38 U.S.C. Chapters 31, 34, 35 and 36.

c. Regional Office Directors

Regional Office (RO) Directors are delegated authority to oversee the divisions that carry out the functions of VBA. These include VR&E, VSC and Finance divisions.

d. Director of the Department of Veteran Affairs' Regional Office (VARO) Manila, Philippines

The Director of VARO Manila, Philippines is delegated authority to exercise the same authorities delegated to directors of ROs in the United States, which are appropriate to the administration in the Republic of the Philippines of the laws administered by the VA (38 CFR 2.6 (9)(b)(2)).

5.04 Veteran Service Center (VSC) Adjudicative Personnel Responsibilities

a. Evidence

The VSC develops the evidence necessary to establish or deny basic eligibility for Chapter 31 benefits.

b. Outreach

As part of the process, the VSC notifies a Veteran of an initial award of compensation or an increase in the evaluation of a service-connected condition. VSC adjudicative personnel must ensure that material concerning Chapter 31, including VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation, is attached to the compensation award letter.

c. Service Determinations

The VSC determines the character and duration of the Veteran's military service based on all the following items:

- Periods of active duty in the military, naval, air or other qualifying service (38 CFR 3.6)
- Character of discharge (38 CFR 3.12)
- Line of duty, to include establishing whether willful misconduct or vicious habits caused the disability

d. Dependency

The VSC establishes dependency for payment of the correct rate of subsistence allowance and determines the correct rate of any apportionment of subsistence allowance granted (38 CFR 3.451, 3.458, 3.50 through 3.59, 21.328 and 21.330).

e. Rating Actions

The VSC adjudicates rating decisions regarding basic eligibility for Chapter 31 benefits.

5.05 VR&E Division Responsibilities

The VR&E Division has the overall responsibility to ensure the successful implementation of the VR&E program, including the following activities:

a. Outreach

The VR&E Division conducts outreach activities with sustained efforts to encourage a potentially eligible Veteran to apply for and enter the VR&E program.

b. Generated Eligibility Determination (GED)/Master Record

The VR&E Division processes the GED upon receipt of application and establishes the Veteran's Benefits Delivery Network (BDN) Chapter 31 Master Record.

c. Evaluation

The VR&E Division provides a comprehensive evaluation of each claimant's abilities, disabilities, interests, skills and personal and work history to determine entitlement to Chapter 31 benefits. As part of this evaluation, VR&E will perform the following actions:

1. Determine whether an employment handicap exists.
2. If an employment handicap exists, determine whether the employment handicap is serious.

d. Period of Eligibility

The VR&E Division confirms the basic 12-year period of eligibility established by the VSC in the Chapter 31 Master Record and authorizes any necessary adjustments to the period.

e. Feasibility

The VR&E Division determines the current, reasonable feasibility of achievement of a vocational goal for each program participant.

f. Independence in Daily Living

The VR&E Division evaluates the ability of the program participant to function independently in his/her family and community.

g. Employment Services

The VR&E Division determines the Veteran's eligibility for employment services.

h. Assistance to an Ineligible Veteran

VR&E staff has a duty to assist a Veteran found not entitled to Chapter 31 benefits with finding alternative vocational, educational and other programs to which he/she may be entitled.

i. Rehabilitation Plan

The VR&E Division develops a rehabilitation plan with the eligible program participant that details the steps necessary to reach the rehabilitation goal and monitors his/her progress toward the goal.

j. Authorization of Awards and Master Record Changes

The VR&E Division prepares and/or authorizes awards, suspensions and terminations of subsistence allowance, as well as the preparation and adjustment of record-purpose awards, other changes to the Chapter 31 payment system and any changes to the BDN Chapter 31 Master Record.

5.06 Delegation to Sign Correspondence for the VR&E Officer

The VR&E Officer (VREO) may delegate authority to sign his/her name to any correspondence relating to the processing of vocational rehabilitation claims.

5.07 Delegation to Prepare and Authorize Awards and Other Authorizations

a. Single-Signature Actions

The VREO, at his/her discretion, may designate specific fully-trained employees for processing Chapter 31 actions. The designated staff's signature will be the only one required for approval except as described below.

b. Actions Requiring Two Signatures

The preparer of an award or authorization must always sign it. The following actions require additional signatures of approval:

1. Apportioned Awards

A senior adjudicator or a higher-level employee must review and sign all apportioned awards.

2. Award Actions for Veteran-Employees

A division chief or a higher-level employee must review and sign all award actions for Veteran-Employees, including work-study students.

3. Administrative Decisions

A division chief or a higher-level employee must review and sign administrative decisions when required by regulation or publication.

4. Trainees

While a staff member is still in initial training, he/she may not be granted single-signature authority for Chapter 31 awards or other authorizations.

A journeyman-level staff member or a higher-level employee must review and sign all Chapter 31 actions prepared by a trainee.

Chapter 6
VETERAN'S CONDUCT AND COOPERATION

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- 6.02 Resources and References
- 6.03 Satisfactory Conduct and Cooperation Responsibilities
 - a. Veteran's Responsibilities
 - b. VR&E Staff Responsibilities
 - c. Monitoring Conduct and Cooperation
 - d. Documenting Conduct and Cooperation
 - e. Filing Documentation
- 6.04 Failure to Maintain Satisfactory Conduct and Cooperation
 - a. Problem Identification
 - b. Corrective Actions and Follow-up
 - c. Actions Following Findings of Unsatisfactory Conduct and/or Cooperation
 - d. Re-entrance Following Discontinuance

Appendix O. VA Forms

Chapter 6 VETERAN'S CONDUCT AND COOPERATION

6.01 Introduction

The rehabilitation process requires teamwork. This means that the Veteran and his/her case manager are active and essential participants in the rehabilitation process. The Veteran is responsible for satisfactory conduct and cooperation while requesting or receiving benefits and/or services under Chapter 31. This chapter contains the statutory and regulatory provisions covering the Veteran's conduct and cooperation while participating in a Chapter 31 rehabilitation plan.

6.02 Resources and References

Law: 38 United States Code (U.S.C.) 3111

Regulations: 38 Code of Federal Regulations (CFR) 21.50(b)
38 CFR 21.58(c)
38 CFR 21.362
38 CFR 21.364
38 CFR 21.420

VA Forms (VAF): VAF 1902b, Counseling Record Narrative Report
VAF 1905d, Special Report of Training
VAF 4107, Your Rights to Appeal Our Decision

6.03 Satisfactory Conduct and Cooperation Responsibilities

a. Veteran's Responsibilities

The Veteran is responsible for the following actions:

- Cooperate with the case manager throughout the rehabilitation process
- Plan ahead to allow time to pursue his/her rehabilitation program
- Seek assistance as needed from Vocational Rehabilitation and Employment (VR&E) staff to resolve problems that may impede his/her ability to pursue the rehabilitation program
- Abide by rules and regulations to ensure successful rehabilitation
- Inform his/her counselor when enrolling in or dropping out of a course

- Inform his/her counselor of change of a rate of pursuit
- Inform his/her counselor if there is a need for a leave of absence
- Inform his/her counselor if there is a need for equipment or supplies to complete the rehabilitation program
- Inform his/her counselor if there is a need for medical care and/or treatment

b. VR&E Staff Responsibilities

The case manager must perform the following responsibilities:

- Inform the Veteran about his/her benefits and services under the program he/she is pursuing
- Discuss the Veteran's responsibilities regarding conduct and cooperation before each phase of the program
- Assist the Veteran in maintaining satisfactory conduct and cooperation in his/her rehabilitation program
- Take timely and corrective action to ensure successful completion of the Veteran's rehabilitation program goals and objectives

c. Monitoring Conduct and Cooperation

Early problem identification provides the best opportunity to avoid unnecessary interruptions in a Veteran's rehabilitation program. The case manager must develop cooperative arrangements with the Veteran, facilities, community resources, the Veterans Administration Medical Center (VAMC) and other service providers to ensure that reasonable effort is made to resolve problems and take preventive measures as needed.

d. Documenting Conduct and Cooperation

The case manager must document all contacts with, or on the behalf of, the Veteran. This includes the Veteran's conduct and cooperation, ongoing assessment of the Veteran's ability to meet the prescribed program criteria, notification to the Veteran concerning problems and the consequences of failure to cooperate. It is the case manager's responsibility to seek conflict resolution and assist the Veteran in achieving his/her rehabilitation goals.

These records must detail the main facts of the situation and provide a basis for later communication with the Veteran or to take subsequent actions.

e. Filing Documentation

The case manager must file documentation in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder using either of the following forms (see Appendix O, VA Forms):

- VAF 1902b, Counseling Record Narrative Report
- VAF 1905d, Special Report of Training

The case manager must also document all contacts with the Veteran in the Corporate WINRS (CWINRS) case management system notes do not need to be printed for the CER folder.

The case manager must ensure that the Veteran's CER folder contains dated copies of all notification letters and other correspondence as documentation of compliance with due process provisions as prescribed in 38 CFR 21.420.

6.04 Failure to Maintain Satisfactory Conduct and/or Cooperation

The case manager is required to help a Veteran in maintaining satisfactory conduct and cooperation throughout his/her rehabilitation program (38 CFR 21.362 and 21.364). When these efforts are unsuccessful, the case manager must ensure the Veteran understands the case manager's assessment of the situation and must work with the Veteran to develop a plan of action or steps needed to remedy the situation.

a. Problem Identification

Failure of the Veteran to meet any one of the following requirements may result in a determination of failure to maintain satisfactory conduct and cooperation:

1. Cooperating with VR&E staff throughout the rehabilitation process.
2. Informing the case manager and seeking assistance as needed to resolve problems that may impede his/her ability to pursue the rehabilitation program.
3. Abiding by rules and regulations set in his/her rehabilitation plan, including compliance with prescribed medical treatment.

4. Conforming to the rules and regulations of the training or rehabilitation facility.

b. Corrective Actions and Follow-up

As soon as a problem or a potential problem is identified, the case manager must take the following actions:

1. Meet with the Veteran to discuss the problem.
2. Coordinate services and assistance to resolve the problem.
3. Amend the rehabilitation plan, if necessary, to include any additional services and assistance.
4. Monitor progress frequently and in a timely manner to determine if the problem is resolved.
5. Document interactions with the Veteran using CWINRS notes or VAF 28-1905d (see Appendix O, VA Forms).

If the Veteran's situation improves adequately, the Veteran's program may continue without interruption.

c. Actions Following Findings of Unsatisfactory Conduct and/or Cooperation

If there is insufficient evidence of substantial improvement following counseling and other corrective actions, the case manager must notify the Veteran in writing of a proposed adverse action. The case manager must take the following steps after he/she identifies unsatisfactory conduct and cooperation by the Veteran.

1. The case manager must send a letter to the Veteran proposing program interruption in 30 days, along with VAF 4107 (see Appendix O, VA Forms). The notification letter will inform the Veteran that VA will interrupt his/her case within 30 days and suspend payment of subsistence allowance, if any, as of the date of interruption.
2. If problems are not resolved during the proposed period before interruption, the case manager will place the Veteran's case in interrupted status in CWINRS and the Benefits Delivery Network (BDN) and send an interruption letter to the Veteran giving him/her a minimum of 30 days to either resolve the problem(s) or contact the counselor to request

additional time and/or assistance to resolve the problem. In the letter, the case manager will advise the Veteran that if he/she does not contact him/her within the 30-day period, his/her case may be discontinued for failure to cooperate (unless mitigating circumstances are found). The case manager will explain the consequences of discontinuance for future entitlement to benefits in the interruption letter.

3. If the case manager determines that mitigating circumstances exist, the case manager must evaluate the Veteran's program and redevelop a new plan of services or place the Veteran back into his/her program as appropriate. Mitigating circumstances include any of the following:
 - The effects of the Veteran's service and non-service-connected condition
 - Family or financial problems which have led the Veteran to unsatisfactory conduct or cooperation
 - Other circumstances beyond the Veteran's control
4. If the problem is resolved during the period of interruption, the case manager must notify the Veteran in writing of the change in status and place the Veteran back into his/her program. The case manager must change the Veteran's status in CWINRS and BDN.
5. If the case manager makes every reasonable effort to assist the Veteran and the problem is not resolved, the case manager will move the case to Discontinued (DIS) status and notify the Veteran in writing of the adverse action. The letter must include a VAF 4107 (see Appendix O, VA Forms). A copy of all notification letters and accompanying VA forms regarding proposed and final adverse actions are sent to the Veteran's designated representative as well. If the case is not discontinued within the 60-day due process period, the case manager must keep the case open and provide the Veteran with another interruption letter.

For more information on satisfactory and unsatisfactory conduct and cooperation, see 38 CFR 21.362 and 38 CFR 21.364.

d. Re-entrance Following Discontinuance

A Veteran may reenter the VR&E program after a re-determination of entitlement is made following discontinuance. However, the case manager must determine that the problem that led to the discontinuance is resolved

and that the problem is not likely to recur (38 CFR 21.58(c)).

Chapter 1 APPLICATION PROCESSING OVERVIEW

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1.02 Reference and Resources

1.03 Roles and Responsibilities

- a. Veteran or Servicemember
- b. VR&E Division
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1.04 Eligibility Criteria

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- b. Character of Service
- c. Service-Connected Disability Status
- d. Servicemember Awaiting Discharge
- e. Prior Chapter 31 Application or Entitlement Determination

1.05 Application Processing Methods

- a. GED
- b. AutoGED

1.06 Claim Types

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- b. Reapplication/Reopened
- c. GED Update

Appendix O. VA Forms

Appendix AE. GED Tear Sheet Sample

Chapter 1 APPLICATION PROCESSING OVERVIEW

1.01 Introduction

This chapter is an overview of how the Department of Veteran Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Division processes applications from Veterans seeking Chapter 31 services. It covers roles and responsibilities, establishment of eligibility, types of claims and the methods used to process a claim. Although a program specialist may be the primary person processing an application, each staff member should have a vested interest in how the application process works. It is ultimately the Vocational Rehabilitation Counselor's (VRC's) responsibility to ensure the accuracy of available benefits and the type and duration of services rendered. Statutory and regulatory references are provided throughout this chapter.

1.02 Reference and Resources

Law: 38 United States Code (U.S.C.) Chapter 11

Regulation: 38 Code of Federal Regulations (CFR) 3.7

VA Form (VAF): VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation

Website: www.ebenefits.va.gov

1.03 Roles and Responsibilities

a. Veteran or Servicemember

Submits VAF 28-1900 Disabled Veterans Application for Vocational Rehabilitation (see Appendix O, VA Forms) either by:

1. Mailing it to his/her closest Regional Office (RO).
2. Submitting it electronically on eBenefits through Veterans On Line Application (VONAPP) at www.ebenefits.va.gov
3. Bringing the form into an RO for processing.

b. VR&E Division

- Ensures applications are processed, and basic eligibility and entitlement determinations are completed accurately and in a timely manner.
- Provides due process when the Veteran does not meet the basic eligibility or entitlement criteria.

c. VR&E Employee

- Receives and processes formal claims and responds to informal claims (see M28R.IV.A.2 for more information on formal and informal claims).
- Obtains disability rating information from the Veteran's claims folder and Share (a Microsoft Windows-based application which is utilized by the Regional Offices (RO) to access the Beneficiary Inquiry Records Locator System (BIRLS), Corporate Record, Pending Issue File (PIF), Payment History File (PHF), Corporate database, Social Security Administration, and COVERS records).
- Obtains additional information from the Veteran, when necessary.
- Verifies disability and memorandum ratings through Share.
- Generates a Chapter 31 Generated Eligibility Determination (GED) printout using Benefits Delivery Network (BDN) (see Appendix AE, GED Tear Sheet Sample). For more information on GED and how to process an application, see M28R.IV.A.2.
- Calculates the period of eligibility.
- Takes into consideration deferrals and extensions; makes basic entitlement determinations as expeditiously as possible.
- Creates the Counseling/Evaluation/Rehabilitation (CER) folder.
- Disallows claims, when applicable.
- Provides procedural and appellate rights to the Veteran, when applicable.
- Enters data into and retrieves information from BDN and Corporate WINRS (CWINRS).

1.04 Eligibility Criteria

When a Veteran files an application for Chapter 31 benefits, VR&E performs a review of the Veteran's eligibility for the program. Before the claim is processed, VR&E needs to know:

a. Qualifying Military Service

The claimant must have served on active duty in the Army, Navy, Air Force, Marine Corps, Coast Guard or other qualifying service specified in 38 CFR 3.7 on or after September 16, 1940.

b. Character of Service

1. He/she must be a Servicemember hospitalized, pending release or discharge from active service.
2. He/she must have been released or discharged unconditionally (having been eligible for complete separation) from active service under conditions other than dishonorable.
3. He/she must have completed a period of obligated service under other than dishonorable conditions despite a subsequent unconditional discharge, which the VA considers to have been issued under dishonorable conditions.

c. Service-Connected Disability Status

A service-connected disability is a disability incurred or aggravated while a Servicemember is serving on active duty in the military for which he/she is monetarily compensated.

d. Servicemember Awaiting Discharge

For a Servicemember hospitalized or recently hospitalized for a service-connected disability who is awaiting separation from service, the VA must determine that the disability is likely to be compensable under 38 U.S.C. Chapter 11. This includes any Servicemember hospitalized under the jurisdiction of a military service secretary in a military, VA or other non-military hospital.

e. Prior Chapter 31 Application or Entitlement Determination

Depending on the type of Generated Eligibility Determination (GED) processed, the program specialist will either create a new Chapter 31 Master Record in BDN or update an existing Chapter 31 Master Record.

1.05 Application Processing Methods

There are two methods used to process an application:

a. GED

GED is the original claims process system that requires the use of BDN.

Characteristics include:

- Requires the use of BDN.
- Does not update CWINRS records.
- Requires 22 steps to process a claim.

b. AutoGED

AutoGED is a claims processing system that requires the use of CWINRS.

Characteristics include:

- Streamlines the GED process by pulling information from Share and BDN to complete a GED.
- Reduces the number of steps to process a claim manually from 22 steps to five steps.

1.06 Claim Types

Review of the Veteran's record will determine the appropriate type of GED processing:

a. Original

A first request to receive Chapter 31 benefits and a Master Record does not exist.

b. Reapplication/Reopened

Veteran had a prior claim for Chapter 31 benefits and already has a Master Record.

c. GED Update

A GED update is used to remove a temporary entitlement decision, memorandum rating or in-service code, recalculate entitlement usage, and add/remove a military retiree code and/or Individual Unemployability (IU) designation and correct mistakes.

Note: For more information on receiving and processing Chapter 31 applications, see M28R.IV.A.2.

Chapter 2 RECEIVING AND PROCESSING CHAPTER 31 APPLICATIONS

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 - 3. Original Claim
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 - b. Submitting an Application for Chapter 31 Benefits
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- 2.04 Receipt of Informal Claims
- 2.05 Receipt of Applications
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- 2.06 Re-applications Following Discontinuance
 - a. Re-application after Disallowance for Failure to Pursue a Claim
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- e. Disallowance Processing for a Memorandum Rating
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2.09 Abbreviations and Acronyms Used for Application Processing

2.10 Generated Eligibility Determination (GED) Processing

- a. Priority Processing
- b. General Information
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 - 3. Basic Period of Eligibility
 - 4. Qualifying Military Service
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- e. Chapter 36 Application Received
- f. Initiating AutoGED Processing
- g. Rating Decisions
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- h. Case Enters 010-Pending Verification Status
- i. Case Moves to 030-Pending CEST 095/295
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- m. Creating CER Folder Location
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2.11 Possible Problems During AutoGED Processing

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2.12 Processing Application for Seriously Ill or Injured Servicemembers

- a. Application and Qualifying Documentation
- b. GED Processing of Application for a Seriously Ill or Injured Servicemember
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2.13 Cancelling and Clearing an Established CC 719

- a. Cancelling CC 719 (PCAN)
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Appendix O. VA Forms

Appendix AT. Military Service Status Referral

Chapter 2 RECEIVING AND PROCESSING CHAPTER 31 APPLICATIONS

2.01 Introduction

A Veteran or Servicemember must file a specific claim to request rehabilitation services or employment assistance under the Chapter 31 program. This chapter provides the specific guidelines and requirements for making a claim. It also includes the necessary steps in processing a Veteran's or Servicemember's application and the procedures for scheduling an applicant for his/her first appointment or initial evaluation.

2.02 References and Resources

Laws: 38 United States Code (U.S.C.) 4304
Public Law (PL) Section, National Defense Authorization Act (NDAA) for Fiscal Year 2008
PL 112-56, VOW to Hire Heroes Act of 2011
PL 110-389, Veterans' Benefits Improvement Act of 2008

Regulations: 38 Code of Federal Regulations (CFR) 3.12
38 CFR 21.30
38 CFR 21.31
38 CFR 21.196
38 CFR 21.198
38 CFR 21.284

VA Forms (VAF): VAF 28-0588, VA Vocational Rehabilitation - Getting Ahead After You Get Out
VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation
VAF 28-1902b, Counseling Record Narrative Report
VAF 28-8832, Education/Vocational Counseling Application

Websites: www.va.gov
www.ebenefits.va.gov

2.03 General Information on Claims for Chapter 31

a. Definitions

1. Claim

A claim is a specific request to receive benefits under the Chapter 31

program.

2. Informal Claim

An informal claim is any communication or action indicating intent to apply for rehabilitation services or employment assistance from a Veteran, a duly appointed representative, or a Member of Congress. Upon receipt of an informal claim, an application form, VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation, will be sent to the Veteran for completion if a formal claim has not been filed.

Note: The date of application is the date of receipt of the informal claim by VA, if the completed VAF 28-1900 is received within one year from the date the original application was sent to the Veteran.

3. Original Claim

An original claim is the first request for Chapter 31 benefits.

4. Application

The application is VA Form 28-1900, Disabled Veterans Application for Vocational Rehabilitation.

5. Reopened Claim

A reopened claim is a subsequent request for Chapter 31 benefits.

6. Pending Claim

A pending claim is any claim for which an eligibility or entitlement or decision has not been rendered.

7. Completed Claim

A completed claim is any claim for which an eligibility or entitlement decision has been rendered.

b. Submitting an Application for Chapter 31 Benefits

1. An application for Chapter 31 benefits may be submitted by one of the following individuals:

(a) A Veteran or a Servicemember.

- (b) A legally recognized guardian or fiduciary.
 - (c) An authorized representative appointed to act on the Veteran's or Servicemember's behalf.
 - (d) A Member of Congress acting on the Veteran's or Servicemember's behalf.
 - (e) An officer or other representative from any of the Veterans' Service Organizations (VSO).
- 2. A Veteran, a hospitalized Servicemember, a Servicemember on medical hold or medical holdover, or a Servicemember who is within six months of separation from active duty must submit VAF 28-1900, to request for Chapter 31 benefits.
 - 3. A VAF 28-1900 may be completed manually and submitted on a paper form, or electronically completed and submitted using the Veterans Online Application (VONAPP) website via the Department of Veterans Affairs (VA) eBenefits website at www.ebenefits.va.gov.
- c. Required Information on VAF 28-1900

The applicant must sign and complete the information on VAF 28-1900 in order to process the application. The required information includes the following:

- Applicant's name
- Social Security Number (SSN) or VA Claim File (C-File) Number
- Current mailing address
- Sufficient information for the VA to verify the claimed service

2.04 Receipt of Informal Claims

- a. Any VA employee may receive an informal claim for Chapter 31 benefits. If an employee outside the Vocational Rehabilitation and Employment (VR&E) Division receives a request for Chapter 31 benefits, he/she should direct the Veteran and/or send the request to the VR&E Division.
- 1. If an informal claim is received in writing, the responsible employee must date stamp the request and send VAF 28-1900 to the claimant.

2. If an informal claim is received over the phone, the responsible employee must either send VAF 28-1900 to the claimant or encourage the claimant to file an electronic application through VONAPP at www.va.gov.
3. If the informal claim is made in person at the VR&E Office, the responsible employee must provide the claimant with VAF 28-1900 and provide assistance as needed.
4. Required Documentation

All informal claims must be documented to include the date of contact, the claimant's name, address, telephone number and the Veteran's statement requesting for Chapter 31 benefits.

(a) If a Counseling/Evaluation/Rehabilitation (CER) folder has been previously established, the folder must be obtained and the request must be filed in the folder.

(b) If a CER folder has not been established, the request must be retained in a holding folder.

- b. Upon receipt of an informal claim for Chapter 31 benefits, the responsible employee must verify if a formal claim has been received previously by reviewing information in the Benefits Delivery Network (BDN) and in Corporate WINRS (CWINRS).
 1. If the Veteran has submitted a completed application (VAF 28-1900), the responsible employee must inform the Veteran of the status of his/her application.
 2. If the Veteran is currently a Chapter 31 participant, the assigned Vocational Rehabilitation Counselor (VRC) must be informed to initiate contact with the Veteran to review his/her program status.

2.05 Receipt of Applications

a. Application Received via Postal Service or in Person

The following actions must be completed when VR&E service receives an application either via the postal service or in person:

1. Date Stamp the Application

All applications must be date stamped immediately upon receipt. A date

stamp must be used to record the date of receipt. A handwritten date stamp must not be used. Applications received by other business lines in VA, must be forwarded directly to the VR&E Division.

The effective date of the Applicant (APP) status is the original date stamp when application was first received in VA, regardless of the office location.

2. Initiating Generated Eligibility Determination (GED) Processing

After the application is date stamped, the application must be forwarded to the responsible employee to complete the GED processing.

b. Application Received via VONAPP

1. Retrieving the VONAPP Application

The VR&E Officer (VREO) must ensure that a designated employee accesses VONAPP regularly to download and print electronic applications.

The information that is automatically printed at the bottom of a VONAPP application includes:

- Applicant's name
- Date the completed application was received in VONAPP
- Confirmation number

The confirmation number on a VONAPP application is a unique number that is automatically assigned to each submitted claim. The confirmation number may be used to track an application and identify printed applications submitted through VONAPP.

2. Verifying Date Stamp

The application is electronically dated on the upper right corner. This date must be used as date of claim. The responsible employee must verify that the date stamp is present.

3. Transferring a VONAPP Application

If a VONAPP application is received and the claimant resides within another Regional Office's (RO's) jurisdiction, the printed copy of the application and a routing slip, which explains the reason for transferring

the application, must be forwarded to the corresponding RO.

Prior to the transfer, the VREO must contact the VREO of the receiving office to notify him/her of the transfer. This ensures timely processing of the application.

4. Claimant Signature

The claimant's signature is not required for an entirely completed application that is filed electronically through VONAPP.

c. Incomplete Applications

If VA receives an incomplete application for benefits, it will notify the claimant of the information necessary to complete the application and will defer assistance until the claimant submits this information.

If the information necessary to complete the application is not received by VA within one year from the date of such notice, VA cannot pay or provide any benefits based on that application.

2.06 Re-applications Following Discontinuance

a. Re-application after Disallowance for Failure to Pursue a Claim

1. A Veteran, who applied for Chapter 31 benefits, but whose case was disallowed for failure to pursue his/her claim, may reapply for Chapter 31 benefits without submitting a new application within one year of the effective date of the discontinuance. A documented contact, either via telephone, mail, or email, is acceptable documentation to process a new claim for benefits.

The Veteran must complete and submit a new application if he/she reapplies after one year from the effective date of the discontinuance.

2. Upon receipt of the application, the Veteran's CER folder must be obtained promptly. The application must be processed immediately upon receipt using AutoGED.
3. The effective begin date of the APP status is the original date stamped on the application, or the date the Veteran requested to reopen his/her claim.

Note: The application and the GED tear sheet must be filed on the left section of the CER folder.

b. Re-application after Discontinuance from a Plan of Services

1. A Veteran who participated in a plan of services and whose case was placed in Discontinued (DIS) status must complete and submit a new VAF 28-1900 to reapply for Chapter 31 benefits.
2. Upon receipt of the application, the Veteran's CER folder must be obtained promptly. The application must be processed immediately upon receipt using AutoGED.
3. The effective date when opening the APP status is the original date stamped on the application or the date the Veteran requested to reopen his/her claim. All reapplications from DIS status will be processed using AutoGED and the case moved to APP status.

Note: The application and the GED tear sheet must be filed on the left section of the CER folder.

c. Removal of Reason(s) for Discontinuance

When the Veteran reports for initial counseling, the VRC will move the case to Evaluation and Planning (EP) status, and explore the reason(s) for prior discontinuance to determine if they have been removed per 38 CFR 21.198(c), as part of the comprehensive evaluation.

The VRC must document this determination on VAF 28-1902b.

1. If the comprehensive evaluation reveals that the reason(s) for discontinuance can be removed and requirements for basic entitlement are met, the VRC will notify the Veteran of the entitlement decision and conduct evaluation and planning activities, if appropriate.
2. If the comprehensive evaluation reveals that the reason(s) for discontinuance cannot be removed, regardless of whether the basic entitlement criteria are met, the VRC will inform the Veteran in writing that he/she is not entitled to additional benefits because the reasons for prior program discontinuance have not been resolved.
3. If a Veteran is not entitled because the reason(s) for discontinuance have not been removed, the VRC will close EP status and open DIS status in CWINRS using Reason Code (RC) 10, No Employment Handicap, and disallow the Control Code (CC) 719. The Veteran must be informed of the decision in writing.

d. Reapplication after Veteran is declared Rehabilitated

1. Submitting an Application

A Veteran who has been declared rehabilitated and whose case was placed in Rehabilitated (REH) status must complete and submit a new application to request for additional services under Chapter 31.

2. Establishing Control Code (CC) 795

On the day of receipt of the application, the responsible employee must:

- (a) Establish End Product (EP) 795 in BDN for tracking purposes.
- (b) Ensure that the case remains in REH status.
- (c) Obtain the Veteran's CER folder and file the application on the left section of the CER folder.

3. Tracking CC 795

- (a) Use the Veterans Service Network (VETSNET) Operations Reports (VOR) 2.0 "Pending Detail" function to track pending EP 795.
- (b) Complete the Pending Full Detail selections.
 - (1) File Date – default date pulls all EPs pending through current date.
 - (2) Station – use drop-down list to highlight/select station.
 - (3) All End Product Description – use drop-down list to highlight/select VR&E.
 - (4) End Product – use Search function to select 795.
 - (5) Report Type – use drop-down list to highlight/select Flash.
 - (6) Description – use drop-down list to highlight/select All Unique.
 - (7) Hit Apply button.
- (c) The resulting report will provide a count of pending EP 795. It will also allow sorting options in Excel (i.e., Veteran; station number; date of claim; number of days pending).

4. Required VRC Determination

A VRC must make a determination whether the previous rehabilitation

decision may be set aside as outlined in 38 CFR 21.284 or CFR 21.196(c). Schedule the Veteran for the determination to reopen his/her claim immediately upon receipt of the application.

The determination must be documented on VAF 28-1902b, Counseling Record - Narrative Report.

5. VR&E Officer's Concurrence

(a) Reapplication Prior to the One-Year Period

VREO concurrence is required prior to reopening a case that has been placed in REH status for less than one year at the time of reapplication.

The concurrence must be documented on VAF-28-1902b and filed on the right section of the Veteran's CER folder.

(b) Reapplication After the One-Year Period

VREO concurrence is not required to reopen a case that has been placed in REH status for one year or longer at the time of reapplication.

6. Application Processing

(a) If the decision is to re-open the claim, the responsible employee must:

- (1) Clear (PCLR) the pending EP 795.
- (2) Process the application through AutoGED.

(b) If the decision is not to re-open the claim, the responsible employee must:

- (1) Clear (PCLR) the pending EP 795.
- (2) Notify the Veteran of the decision in writing and provide him/her with due process.

2.07 Memorandum Rating

a. Definition

A memorandum rating, or "memo" rating, is an anticipated compensable

rating of 20 percent or more that is granted to a Servicemember who is awaiting discharge from active military service and is hospitalized, or receiving outpatient medical care, services, or treatment for service-connected disability condition(s).

A memo rating is established for a Servicemember who applies for Chapter 31 benefits within six months prior to his/her discharge and 12 months after his/her discharge from active military service.

A proposed rating in Virtual VA that has been established by the Department of Defense (DOD) Integrated Disability Evaluation System (IDES) and VA's compensation disability rating system may serve in lieu of a memo rating to establish basic eligibility and entitlement for VR&E. This rating may be used by VR&E to document the anticipated rating for a Servicemember.

b. Request for Memorandum Rating

A Servicemember may request a memorandum rating by completing VAF 28-0588, Vocational Rehabilitation and Employment – Getting Ahead after You Get Out. Refer to Appendix O, VA Forms. This form is submitted to the Veterans Service Center (VSC) for processing.

The VSC establishes the memorandum ratings to document the anticipated rating for VR&E purposes. These ratings are established based on the Servicemembers' available Service Treatment Records (STR) and must be compensable at least 20 percent or more.

Upon receipt of the application, VSC is expected to complete the memorandum rating within three business days. Upon completion, VSC establishes EP 095 and forwards the memo rating and application to the appropriate VR&E Office.

c. Memorandum Rating Established

The VREO must ensure that the Servicemember's claim is immediately processed using the AutoGED when a rating decision indicating that a memo rating has been established for a Servicemember.

d. Memorandum Rating Not Established

The VREO must ensure that the Veteran's claim is immediately processed for disallowance when a rating decision indicating that a memo rating cannot be established for a Servicemember.

e. Disallowance Processing for a Memorandum Rating

1. Update CWINRS case status by closing APP status with RC 01, using the date of the decision and open DIS status using the same date the APP status is closed. BDN 320 screen will be automatically updated.
2. In BDN, use the 'CAST' command and enter 'CADJ' on the last field located on the bottom right of the screen and press ALT/ENTER. On the next screen, CADJ 408, enter "X" on the field for disallowance reason code "AA – Declared Ineligible". At the last field of the 408 screen, enter 501 to authorize the action and press ENTER. Press Y (Yes) to authorize the disallowance processing. This automatically clears the pending CC 095, and generates and prints the Disallowance Tear Sheet.
3. The generated Disallowance Tear Sheet must be filed on the left section of the Veteran's CER folder.

f. Notification of Disallowance

The Servicemember must be notified by letter that all actions on his/her claim have been closed. The date of the notification letter must coincide with the date the claim has been processed for disallowance and the CC 095 is cleared.

The notification letter must contain an explanation that the actions for the Servicemember's claim have been suspended because an anticipated rating of 20 percent or more cannot be established at this time. The letter must also contain a statement that the Servicemember may request to reopen his/her claim at any time by filing a new application.

2.08 Disallowance Processing Based on Ineligibility

When a rating decision is received from VSC that states that a service-connected disability rating cannot be established for a Veteran at the time, the VREO must ensure that the Veteran's claim is immediately processed for disallowance.

- a. Update CWINRS case status by closing APP status with RC 01 using the date of the decision and open DIS status using the same date the APP status is closed. BDN 320 screen will be automatically updated.
- b. In BDN, use the 'CAST' command and enter 'CADJ' on the last field located on the bottom right of the screen and press ALT/ENTER. On the next screen, CADJ 408, enter "X" on the field for disallowance reason code "AA – Declared Ineligible". At the last field of the 408 screen, enter 501 to authorize the

action and press ENTER. Press Y (Yes) to authorize the disallowance processing. This automatically clears the pending CC 095, and generates and prints the Disallowance Tear Sheet.

- c. The generated Disallowance Tear Sheet must be filed on the left section of the Veteran's CER folder.

2.09 Abbreviations and Acronyms Used for Application Processing

The following are abbreviations and acronyms that are regularly used in GED processing:

- BDN – Benefits Delivery System
- BFLD – Beneficiary Folder
- BINQ – BIRLS Inquiry (BDN and Share)
- BIRLS – Beneficiary Identification Records Locator Subsystem (VA database containing records of all beneficiaries including Veterans whose survivors applied for death benefits.)
- C-File – Claims File
- CADJ – Claims Adjudication (BDN)
- CEST – Claims Establishment
- CAUT – Claims Authorization
- EOD – Entrance on Duty
- HON – Honorable
- IRND - Initial Rating Notification
- MINQ – Master Record Inquiry (BDN)
- PINQ – Pending Inquiry (BDN)
- RAD – Release from Active Duty
- Share – VA Information Technology system that interfaces with multiple VETSNET systems

- UHC – Under Honorable Conditions
- VADS – Veterans Assistance Discharge System
- VETSNET – Veterans Service Network
- Virtual VA – VA's document repository
- VOW – Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011

2.10 Generated Eligibility Determination (GED) Processing

a. Priority Processing

All Chapter 31 applications must be given priority and must be processed immediately upon receipt. This includes processing claims from Veterans or Servicemembers who are severely ill or injured and/or have been identified as serving during Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), and/or Operation New Dawn (OND).

b. General Information

AutoGED allows CWINRS users to perform the GED processing in an automated module. The AutoGED platform in CWINRS sends and retrieves data in the background of the application without using BDN.

1. For original GED processing, a Chapter 31 Master Record must be established in CWINRS and BDN environments.
2. For a reopened GED processing, the Chapter 31 Master Record must be updated in CWINRS and BDN environments.

Note: For security purposes, the VA employee who completes the CEST action must not authorize and complete the GED processing. Additional system edits in BDN prevent the employee who originally authorized the GED processing from subsequently authorizing the entitlement disallowance on the same case.

c. Basic Development Steps Prior to AutoGED Processing

Before processing the application, the following data must be reviewed and verified by the responsible employee:

1. Date of Claim Accuracy

(a) VAF 28-1900 or Informal Request

Verify the date of receipt of formal or informal claim. The original date on the application must be stamped by VA. Hand written date is not acceptable. VA offices that may receive applications include any of the following:

- VA Regional Office including outbased and outreach locations
- VA hospital or medical center or community-based clinic
- Vet Center
- National Cemetery Administration (NCA)

Note: The original date stamped on the application or the date of the informal request is the effective date of claim and is the effective begin date in APP status.

(b) Online Application

Verify the date stamp of receipt for any application submitted electronically through the VONAPP. The date stamp of receipt is the effective date of claim and is the effective begin date in APP status.

2. Original or Reopened Claim Status

Verify if the claim is an original or reopened claim by completing the following steps:

- (a) Log on to BDN.
- (b) Enter the MINQ command and 4-digit password at the Ready Screen.
- (c) Enter M35 in Screen Number field, input the Veteran's claim number or SSN, and press Alt/Enter.
- (d) From the M33 screen, obtain the Initial Rating Notification Date (IRND) if Veteran had a previous claim.
 - (1) If the Veteran has an established CH31 Master Record as verified by the M35 screen, process the claim as a reopened claim.
 - (2) If the Veteran has no established CH31 Master Record as verified

by "Record does not exist at Hines" message displayed at the bottom of the Ready screen, process the claim as an original claim.

3. Basic Period of Eligibility

Verify the Veteran's basic period of eligibility. This period begins on the day VA notifies the Veteran of the VA rating determination that he/she has a qualifying compensable service-connected disability. This period ends 12 years from the date of notification.

4. Qualifying Military Service

(a) Log on to BDN.

(b) Enter the BINQ command and 4-digit password at the Ready Screen.

(c) Tab to Veteran's claim number or SSN and press enter to execute the inquiry.

(d) Verify the following information:

- Name
- Claim number or SSN
- Date of birth
- EOD and RAD
- Character of service, either HON or UHC

Note: Questions regarding suitable character of discharge should be referred to the VSC for determination.

5. Qualifying Compensable Service-Connected Disability (SCD)

To verify if the Veteran has a qualifying SCD rating, and obtain the initial rating notification date, complete the following steps:

(a) Log on to Share.

(b) Select Corporate Inquiries and press submit.

(c) Select Awards/Ratings. (Print option is available in Share).

(1) For Compensation Ratings

- Verify the service-connected diagnostic code for each disability condition
- Verify the percent of disability rating for each disability condition
- Verify the combined SCD rating is at least 10 percent for a Veteran

(2) For Memorandum Ratings

- Verify the service-connected diagnostic code for one of more disability
- Verify that the rating is at least 20% for an active duty Servicemember

(d) Select Claims/Denials (Print option is available in Share.)

(1) Highlight the Initial claim for compensation. A new screen will appear with the life cycle details for the Initial claim.

(2) Verify the IRND. The closed date is the date, upon which the initial compensation claim was closed, authorized, or promulgated. The IRND is the date upon which action to award compensation benefits and to notify the Veteran, in writing, of the outcome of the disability claim.

(e) Repeat the process of finding the IRND if the original rating granted is less than 10 percent. The alternate sources of IRND are:

- Virtual VA (rating decision and letter)
- Claims Folder
- VSC

d. Seriously Ill or Injured Servicemembers

Eligibility and entitlement is granted without regard to a VA SCD rating for a Servicemember who applied under the National Defense Authorization Act (NDAA). Basic eligibility is based on documentation from military service rather than on the establishment of a VA disability rating or memorandum

rating. Entitlement to Chapter 31 services is automatically established without the requirement that an employment handicap must exist.

In order for the Servicemember to meet the requirement for automatic entitlement, he/she must complete the following actions:

1. Complete and submit VAF 28-1900.
2. Provide supporting documentation that establishes his/her eligibility under NDAA.
3. Report for his/her first scheduled appointment.

Note: Refer to section 2.12 of this chapter for application processing for seriously ill or injured servicemembers.

e. Chapter 36 Application Received

1. The responsible employee must verify in CWINRS if the Servicemember or Veteran has a previous or current application, VAF 28-8832, Education/Vocational Counseling Application.
 - (a) If a prior Chapter 36 record exists, the Chapter 36 folder must be obtained and the information from the folder must be incorporated in the CER folder.
 - (b) If an application for Chapter 31 services is received while a Veteran or Servicemember has an open application for Chapter 36, the responsible employee must take actions outlined below.
2. Verify Basic Eligibility Criteria for Chapter 31 by completing the following:
 - (a) Review CWINRS for prior Chapter 31 record.
 - (b) Review the record to determine if the applicant meets basic eligibility criteria, including:
 - Qualifying military service
 - Character of service
 - SCD status, memorandum rating, or NDAA-eligibility
3. Process the Application.

- (a) If the applicant meets basic eligibility criteria, the responsible employee must process the Chapter 31 application using AutoGED and proceed with Chapter 31 evaluation and entitlement processing. CWINRS will incorporate the Chapter 36 record into the Chapter 31 record, and the History screen will be annotated with "Counseling Completed in Chapter 31."

In addition, the Chapter 36 folder must be obtained and the information from the folder must be incorporated in the CER folder.

- (b) If the applicant does not meet basic eligibility criteria for Chapter 31, proceed with Chapter 36 application processing before disallowing the Chapter 31 claim.
- (c) After processing the application, schedule the applicant for vocational counseling.
- If the applicant reports for the scheduled appointment and completes his/her vocational counseling, the Chapter 36 case may be closed as "Completed with Counseling" in CWINRS.
 - If the applicant does not report for the scheduled appointment and does not complete his/her vocational counseling, the Chapter 36 case may be closed as "Completed without Counseling" in CWINRS.

f. Initiating AutoGED Processing

1. From the CWINRS Navigator, click on GED PROCESSING button with AutoGED Processing showing in the drop-down field as the default selection.
2. Sort by date or status, and click OK.
3. From the processing options buttons, click ADD.
4. Enter C-File Number, and click OK. AutoGED will now check the corporate environment to ensure the claimant is a Veteran. If the message "There is no BIRLS record on file" appears, then the claimant is not a Veteran.
5. Complete the Form Entries:
 - (a) Enter STUB NAME.
 - (b) Enter APP RECEIVED DATE. This automatically formats the dates and

advances to the next field. This date must reflect the date stamp when VA first received the application.

(c) Enter TELEPHONE NUMBER.

(d) Enter EDUCATION LEVEL using two digits to indicate the NUMBER OF YEARS:

- 00-11 indicates the number of years of elementary to secondary education completed
- 12 indicates a high school diploma or equivalent
- 13 indicates at least 30 semester or 45 quarter hours of undergraduate study successfully completed
- 14 indicates at least 60 semester or 90 quarter hours of undergraduate study successfully completed
- 15 indicates at least 90 semester or 135 quarter hours of undergraduate study successfully completed
- 16 indicates the receipt of a Bachelor's Degree
- 17 indicates the completion of at least one year of graduate study
- 18 and above indicate an unknown level of education

(e) Enter IRND or DATE OF MEMORANDUM RATING.

(f) Enter ADDRESS.

Note: Do not enter the Veteran's name in address. If name is entered, the Veteran's name will appear twice in the address in CWINRS and Share.

(g) In the field, CASE READY TO BE PROCESSED, perform the following actions:

(1) Enter NO, if a memorandum rating is required or other delay occurs, and then enter description of the reason in the User Remarks field.

(2) If this is an NDAA case, check the box. AutoGED will automatically

enter 5555 under DIAG 1 code.

(h) In the field, TEMPORARY ENTITLEMENT, do not check the box for RE-OPENED application. The IRND will be on the M33 screen if claim is a re-opened claim.

(i) If the Veteran is classified as OEF/OIF/OND, you may check GWOT (optional). The indicator will be attached to the pending EP, which allows traceability using the end product codes.

(j) Enter the site-within the station and location, and click OK.

6. Click OK.

g. Rating Decisions

1. Actual Rating

If the Veteran has a rating, AutoGED will find it through the corporate applications.

If left blank and it does not pick up an actual rating, AutoGED will return the record for a disallowance.

2. Memorandum Rating

If the Veteran has a memorandum rating, enter the 4-digit diagnostic code in the Memo Rating box. AutoGED will not disallow for absence of a compensation rating. It will set the claim up as a memorandum rating and move on to the point of authorization.

The memorandum rating from Compensation must be on hand to ensure that the date of the rating and diagnostic code(s) are entered correctly.

h. Case Enters 010-Pending Verification Status

1. Certain fields are still editable at this point, before the record moves on to the CEST command.

If the Date of Claim is incorrect, it can be changed before it gets to the 030 CEST status.

If CEST is successful, the date of claim is no longer editable. It is now committed to the record.

2. Cases can only be processed individually when in the ALL RECORDS grid view.
3. Cases can be processed in batches by status through 030-040 (CEST):
 - (a) Choose the specific processing status.
 - (b) Select all (when selecting a group; certain functions cannot be used as when working on an individual case).
 - (c) Click the PROCESS button once, which will take records through the CEST and CADJ processes.
 - (d) Click PROCESS.
- i. Case Moves to 030-Pending CEST 095/295

Address and date of claim is committed. This field is no longer editable.

 1. Select case and click PROCESS. End product is established in Corporate and BDN.
 2. Verify end product in Share and/or BDN using the PINQ command.
- j. Case Moves to 050-PENDING GED/Disallowance (CADJ)
 1. Select the individual case and click PROCESS.
 2. Ensure there are no pending corrections.
- k. Case Moves to 070-Pending Authorization (CAUT)

The case is now ready for CAUT 070 Processing Status.

Note: The employee who established (CEST) the claim cannot authorize (CAUT) the claim. The authorizer must have an equal or higher authority to CAUT than the employee who completed the CEST/CADJ work processes.

The authorizer must process each case individually, not in batches.
- l. Case Moves to 110-Pending Complete Status
- m. Creating CER Folder Location

Establish a CER folder location in BIRLS in order to update the PROCESSING tab within the record.

1. On the BDN Ready Screen enter BFLD command, then enter 4-digit "Ready Screen" password.

Note: Process BFLD for an original GED after the GED is authorized.
Process BFLD for transfer-in before the EP is established.

2. Enter LOC in Screen field (optional).

- (a) Enter the Veteran's claim number or SSN in Veteran's Claim Number field.

- (b) Press Tab to Payee Code and enter 00.

- (c) Enter CH31 in Benefit Type field.

- (d) Enter stub name using the following format: first initial of first name, press SPACE, first initial of middle name, press SPACE, first five letters of last name.

- (e) Enter name in the Name fields as follows: First name, press TAB, first initial of middle name, press TAB, Last name, press TAB suffix (II, III, Jr. Sr.).

- (f) Press Enter.

3. On the LOC screen, press TAB.

- (a) Enter X before Establish.

- (b) Enter CER before Folder.

- (c) Press Alt/Enter.

n. Reviewing Entered Data

Upon completion of the BFLD command, return to MINQ/M35 to confirm that the CER location field on the M35 screen contains the correct RO number.

o. Verifying CER Folder Location

Enter verification of CER folder location in CWINRS under the PROCESSING

tab within the record. History screen is complete.

p. Printing Tear Sheet

Place Tear sheet on the left side of the CER folder. The Tear sheet shows who completed the CEST, CADJ, and CAUT commands and when the date of those actions was taken.

q. Completing GED Claim Processing

To complete the GED claim processing, close AutoGED and return to CWINRS, paste the Tear sheet content into the CWINRS notes (optional).

The case is now ready to be assigned to a VRC for scheduling of the initial evaluation.

2.11 Possible Problems During AutoGED Processing

a. Resolving Identified Issues

Refer any case related technical questions using either one of the following:

1. Submitting a Trouble-ticket

If a problem is identified in during the AutoGED processing and cannot be resolved locally, the responsible employee must submit a trouble-ticket at the National Service Desk by calling (855)-673-4957 (NSD-HELP).

The RO Information Resource Management (IRM) may also assist with submitting a trouble-ticket.

2. Contacting Designated Field Liaison

Alternately, the responsible employee may submit the details of the identified issue to their designated Field Liaison to obtain assistance.

b. Discrepancy in Data in BDN and BIRLS

A discrepancy in the record data in BDN or BIRLS will stop the AutoGED processing. The processing can be resumed once the record data discrepancy is fixed.

c. Reopening Claims

1. BDN restricts case status movement on a Ch31 Master Record that has a

last status date greater than 25 years ago. This means that the standard method of moving a case from REH or DIS status to APP status will not work and a re-opened GED will fail.

2. Special processing is necessary to allow the BDN Ch31 Master Record to accept GED processing in these instances. Review the CER folder location on the M35 screen to ensure that the record is located within the VR&E Office's jurisdiction. Use the CAST command directly from the BDN 320 screen to adjust the effective date of the last case status. The adjusted dates must be calculated appropriately.

(a) Re-opening a Case in Rehabilitated (REH) Status

For a case in REH status, adjust the end date of Job Ready status and the beginning date of REH status, entering the dates as less than 25 years. Do not change the RC entries.

(b) Re-opening a Case in Discontinued (DIS) Status

For a case in DIS status, adjust the end date of Interrupted status and the beginning date of DIS status, entering the dates as less than 25 years. Do not change the RC entries.

3. CWINRS AutoGED will process the GED as a "New", or first time, processing transaction. However, it will reopen the BDN as the reapplication or reopened transaction.

2.12 Processing Application for Seriously Ill or Injured Servicemembers

On January 28, 2008, section 1631(b)(1) of NDAA was enacted. It provides that a seriously ill or injured Servicemember is automatically entitled to vocational rehabilitation services, without regard to a SCD rating or determination of employment handicap.

a. Application and Qualifying Documentation

A seriously ill or injured Servicemember is considered automatically entitled to Chapter 31 services upon the receipt of a completed VAF 28-1900 and qualifying information related to the Servicemember's military service.

Acceptable qualifying information includes referral to a military Physical Evaluation Board (PEB) or a completed Military Service Status Referral (MSSR). (Refer to Appendix AT, Military Service Status Referral.) DOD personnel may complete the MSSR to refer a seriously ill or injured

Servicemember who is participating in the Education and Employment Initiative (E2I), has not been referred to a PEB, or is not enrolled in IDES. The Physical Evaluation Board Liaison Officers (PEBLO), community based health care organization, E2I personnel, and other referral sources may submit the application and qualifying information. Service treatment records are not necessary to establish entitlement for VR&E services if the Servicemember is enrolled in IDES or a copy of the PEB referral or MSSR is received by VR&E.

b. GED Processing of Application for a Seriously Ill or Injured Servicemember

1. Upon receipt of a completed VAF 28-1900 and a copy of the PEB referral or MSSR, and when the Servicemember reports for the first appointment, the VR&E Office must initiate GED processing.
2. When creating a record in CWINRS, choose NDAA as the benefit type. This will allow cases to be filtered by benefit type and facilitate tracking and review of accuracy in the provision of services.
3. The employee must manually complete an "in-service" GED in BDN by placing an "X" in the corresponding field of the 431 screen, and entering the 4-digit diagnostic code "5555" in the corresponding field of the 433 screen. This diagnostic code is used for all eligible participants under NDAA.
4. Another employee must authorize the GED, which establishes the EP 719 with the same effective date of receipt of the application.
5. The employee then establishes a CER folder for the case. The CER folder must have "CH31/NDAA" written in bold, red marker on the front cover.

c. Scheduling First Appointment

1. Within one business day of receiving the case, the assigned VRC must attempt to contact the Servicemember by phone and offer an initial appointment within five business days of the phone contact.
2. If the Servicemember cannot be reached by phone, he/she must be scheduled within 10 business days of the attempted phone contact. The appointment letter is mailed the same day to the Servicemember.
3. A Servicemember who is unable to report to a VR&E Office must be scheduled in a convenient location. Coordination with military treatment facilities and other DOD sites must be developed through VA military

service coordinators, IDES counselors, Coming Home to Work (CHTW) coordinators, and other available contacts.

4. If the Servicemember is not able to attend the scheduled appointment, the VRC must reschedule the appointment as soon as possible, based on the Servicemember's availability. An existing appointment should not be rescheduled more than once, if possible.

2.13 Cancelling and Clearing an Established CC 719

a. Cancelling CC 719 (PCAN)

An established CC 719 may only be cancelled when either one of the two conditions exists:

1. When CC 719 was established in error.
2. When a case with an established CC 719 is to be transferred to RO's jurisdiction before the entitlement determination is made due to the Veteran's relocation.

b. Clearing CC 719 (PCLR)

A CC 719 may be cleared after the Veteran's entitlement to Chapter 31 benefits has been determined and the Veteran has been informed of the entitlement decision.

2.14 Required Actions After GED Processing

a. Eligibility and Appointment Notification

Upon establishment of EP 719, the Veteran or Servicemember must be notified immediately of his/her eligibility and must be scheduled for initial evaluation appointment.

b. Notification Letters

Refer to M28R.III.A.1, for information on how to develop the required appointment notification letter.

Chapter 3
PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

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Appendix O. VA Forms

Chapter 3
PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

3.01 Introduction

Employment services are a primary component of most vocational rehabilitation programs. Effective employment planning begins during the initial comprehensive evaluation. The results of the comprehensive evaluation are incorporated into vocational exploration activities. These activities lead to identification of suitable vocational goals and planning of services and other assistance necessary to enable the Veteran to reach his/her employment goal. Title 38, United States Code (U.S.C.) 3104(a)(5) authorizes the Department of Veterans Affairs (VA) to furnish services necessary to assist eligible Veterans to prepare for, obtain and maintain suitable employment.

This chapter contains guidance and requirements for employment planning, direct services, support services, monitoring the Veteran's progress in employment services, monitoring contractual services and advocacy. Additionally, statutory and regulatory references are provided throughout this chapter.

3.02 References and Resources

| | |
|-----------------|---|
| Law: | 38 U.S.C. 3104 Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.154 38 CFR 21.210-21.224 38 CFR 21.252 38 CFR 21.254 38 CFR 21.268 38 CFR 21.282 38 CFR 21.370-21.376 |
| Directive: | VHA Directive 2010-022, dated May 14, 2010 |
| Resource: | Job Accommodation Network (JAN) |
| Website: | www.askjan.org |
| VA Forms (VAF): | VAF 119, Report of Contact VAF 28-0846, Employment Adjustment Allowance Authorization |

VAF 28-8872, Rehabilitation Plan
VAF 28-1905d, Special Report of Training

3.03 Employment Planning

a. Role of Employment Planning in the Rehabilitation Process

1. General Information

The goal of the VA Vocational Rehabilitation and Employment (VR&E) Program (except in the cases where the program goal is to increase independence in daily living) is for the Veteran to obtain and maintain suitable employment based on his/her interests, aptitudes and abilities. The Individualized Employment Assistance Plan (IEAP) should clearly state a specific vocational goal and outline specific employment activities necessary for the Veteran to achieve his/her vocational goal. Among these employment activities, the IEAP might include:

- Registering with the college or university placement office
- Registering with the state employment office
- Joining a local professional organization

2. Early and Thorough Employment Planning

Detailed planning is essential to the provision of effective employment services. In effect, planning for employment begins with the evaluation process. The key to a successful employment plan is addressing employment barriers (e.g. lack of experience or training in the chosen field) and developing strategies to overcome those barriers at the onset of the counseling relationship.

b. Responsibilities During Employment Planning

1. Veteran

A Veteran participating in the employment planning process assists the case manager in identifying his/her employment needs and goals. It is imperative that the Veteran openly and candidly discusses personal strengths, goals, obstacles to goal attainment, and other pertinent information during counseling sessions with the Vocational Rehabilitation Counselor (VRC) or Employment Coordinator (EC).

2. VR&E

VRCs and ECs are responsible for establishing positive counseling relationships with the Veteran to ensure, to the maximum extent possible, that he/she receives quality services. This includes, but is not limited to, the following concepts:

- (a) The Veteran and his/her case manager are equal partners in the employment planning process.
- (b) The Veteran's perceptions regarding employment planning and vocational goal attainment must be addressed early and throughout the process. This is critical to attaining a successful employment outcome.
- (c) The identification of a suitable vocational goal is the foundation of a successful employment plan. Case managers assist the Veteran in identifying that goal by utilizing a variety of resources. These resources may include any combination of the following:
 - Veteran's self-report
 - Record of past training, employment, volunteer activities and educational experiences
 - Descriptive occupational literature and various web-based resources
 - Information-seeking interviews with prospective employers or those who are currently working in the field
 - Career and aptitude testing designed to identify the Veteran's interests, aptitude and abilities
 - Reviewing labor market information to determine if the vocational goal is viable in that area
 - Information about the Veteran's disability, including any functional limitations and capacities

c. Development of the IEAP

The IEAP guides Veterans through their program of employment services designed to lead to suitable employment. Case managers prepare the IEAP

on VAF 28-8872 (see Appendix O, VA forms, for information on how to access this form), Rehabilitation Plan. By signing this plan, the case manager and the Veteran mutually agree to complete specific activities intended to result in the Veteran obtaining and maintaining suitable employment. The IEAP outlines and ranks the tasks in terms of preferred sequence of completion. The IEAP will be developed:

- No later than 60 days prior to the projected end of the period of training and/or other rehabilitation services as outlined in the rehabilitation plan
- If employment services constitute the Veteran's sole plan of services, as determined by the evaluation

d. Selection of Services and Categories

The case manager's assessment of a Veteran's employment assistance needs should include a review of the following important considerations:

1. What are the Veteran's personal strengths that support attainment of the program goal?
2. What additional support does the Veteran need to achieve his/her program goal?

3.04 Direct Services

The case manager works closely with the Veteran to develop a list of value-added services to promote attainment of the vocational goal. Direct Services may include the following:

a. Skill Development Needs

The Veteran may need to develop or improve his/her employment-seeking skills, to include:

- Interviewing techniques
- Resume preparation
- Grooming and hygiene habits
- Personal marketing skills
- Communication skills

- Networking skills

The case manager will provide the necessary assistance to enable the Veteran to achieve these skills, either through direct assistance or with the support of additional resources as defined below.

b. Information Development Needs

The case manager and the Veteran need to work together to acquire factual and realistic data about the job market. Case managers assist the Veteran not only in the development of a suitable vocational goal, but also in the development of a clear understanding of his/her perceptions of that goal, and what he/she may anticipate following the achievement of the goal in terms of salary and benefits.

c. Resources and Referrals

In addition to providing direct services, case managers utilize the following resources to ensure that the Veteran has every opportunity to achieve his/her vocational goal:

1. Department of Labor (DOL)

DOL employs Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) to work as Veterans' employment liaisons. DVOP specialists and LVERs assist Veterans in securing temporary employment, internships and placement into suitable employment. Case managers encourage Veterans to work closely with their DVOP specialist and LVER.

2. VA Medical Facilities

Veterans Health Administration (VHA) facilities provide therapy and other medical treatment options to Veterans with disabilities participating in the VA VR&E Program. For more information on the scope of these services, refer to VHA Directive 210-022, dated May 14, 2010.

3. Community Resources

Community resources may include placement services at the Veteran's technical school, college or university, state vocational rehabilitation agencies and other locally based not-for-profit facilities.

3.05 Employment Adjustment Allowance

An Employment Adjustment Allowance (EAA) is an allowance consisting of a two-month payment at the full-time rate of subsistence allowance for the Veteran's type of training.

a. Eligibility Criteria

In order to be eligible to receive EAA, all of the following actions must occur:

- A Veteran's case must have progressed through Rehabilitation to the Point of Employability (RTE) status to Job Ready (JR) status following the provision of services under an Individualized Written Rehabilitation Plan (IWRP).
- Training must have been provided at a VA approved facility during RTE status, except as specified in 38 CFR 21.268(c). This includes short-term training, such as resume preparation, job seeking and interview skills, designed to enable the Veteran to become job ready.
- There must be documented declaration of job-readiness by the VR&E case manager in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in JR status.
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before the first payment of EAA may be authorized, and participate for an additional 30 days before a second payment is authorized (38 CFR 21.268).

If authorized, EAA will be processed at the full-time rate for the type of program the Veteran was last pursuing. This includes authorization of EAA at the Post 9/11 subsistence allowance rate, if the Veteran had been paid at that rate during the most recent training for which he/she was paid a subsistence allowance.

b. Natural and Other Disasters Impact on EAA

If a Veteran lives in an area where a natural disaster is declared by the Governor and/or the President of the United States, then he/she may qualify for two additional months of EAA payments.

1. Eligibility Requirements

To qualify for this benefit, all of the following eligibility requirements must be met:

- The Veteran must meet all eligibility criteria to receive EAA payments, as outlined above in 3.05a.
- The Veteran must be satisfactorily following a program of employment services at the time of the disaster.

This benefit is applicable to Veterans who have been displaced by a natural or other disaster occurring after August 5, 2012, as long as the Veteran meets the eligibility criteria. The additional payments of EAA can be processed beginning August 6, 2013.

2. Procedures for Authorization and Payment

The payment process for the additional two months of EAA as a result of a natural or other disaster remains the same. However, the VR&E case manager must identify the additional payments as a benefit payable under Public Law 112-154 and document the impact of the disaster by:

- Completing VA Form 28-0846, Employment Adjustment Allowance Authorization.
- Noting on VA Form 28-0846 that the EAA payment is the 1st or 2nd additional payment per Public Law 112-154. The Public Law must be cited on the form.
- Documenting the natural disaster and the impact on the Veteran. This documentation can be made in Corporate WINRS (CWINRS) notes, or on VA Form 119, Report of Contact.
- Submitting this information to the VR&E Officer, or designee, for approval.
- Providing a list of the number of additional EAA payments to VA Central Office and the Office of Field Operations on a monthly basis. This information must be submitted no later than the 10th of the month following the month EAA was paid.

3.06 Supportive Services

a. General Information

Case managers authorize a broad range of supportive services for Veterans seeking employment. Supportive services may include, but are not limited to, the following:

- Medical treatment, care and services
- Supplies
- Payment for licenses, certifications and other fees
- Special services for individuals who are blind and/or deaf
- Transportation assistance
- Services to the Veteran's family
- EAA

b. Responsibilities

Case managers carefully evaluate the Veteran's need for supportive services, and coordinate provision of services in a timely manner.

c. Types of Supportive Services

1. Supplies

Supplies may be provided to a Veteran who is receiving employment services under the provision of 38 CFR 21.210-21.224.

2. Job Accommodations

A job accommodation is any modification or adjustment to a job or the work environment that will enable a qualified Veteran with a disability to participate in the application process or to perform essential job functions. Case managers may authorize the purchase of equipment or payment for an assistive technology specialist to travel to the Veteran's workplace and assess his/her worksite to ensure it is ergonomically correct and meets the Veteran's needs (38 CFR 21.254(a)). For more information on how to provide workplace accommodations visit www.askjan.org, Job Accommodation Network (JAN).

3. Travel

Case managers can pay for intraregional and interregional travel (but not moving expenses) to the place of employment under certain conditions (38 CFR 21.370-21.376). Payment for this travel is limited to the Veteran's transportation costs and does not include the costs associated with the travel of dependents or possessions. Prior to authorization, the case manager must determine that the travel at government expense is necessary for the Veteran to obtain and maintain suitable employment.

(a) Limited Travel for Interviews

Case managers may authorize intraregional travel (travel within the jurisdiction of the regional office) for a Veteran to report to a prospective employer-trainer (for on-the-job training) for an interview prior to induction into training. There must be a definite assurance in advance of approving the travel that, upon the interview, the employer will start the Veteran in training, if the employer finds the Veteran acceptable (38 CFR 21.370, (b)(2)(ii)). Case managers may also authorize interregional travel (travel outside the jurisdiction of the regional office) when the Veteran needs to report to the chosen school for a personal interview prior to induction into training when the school requires the interview as a condition of admission. There must be assurance before the travel is approved that the Veteran's records (school, counseling, etc.) show that he/she meets all the basic requirements for induction under 38 CFR 21.282, and that the Veteran submits a transcript of his/her high school credits and a transcript from any school he/she attended following high school to the school (38 CFR 21.370, (b)(2)(iii)(A-C)).

(b) Travel to Report for Work

Case managers may approve intraregional and/or interregional travel at government expense for a Veteran to report to a place of prearranged satisfactory employment upon completion of his/her program of vocational rehabilitation for the purpose of beginning work (38 CFR 21.370 and 21.372).

(c) Special Transportation Assistance

A case manager may authorize a special travel allowance to cover the extraordinary costs of transportation the Veteran incurs while he/ she is receiving employment services. The case manager will determine the need for a transportation allowance with the assistance of a medical consultant to determine the need for special transportation assistance and to develop transportation arrangements that do not

unduly tax the Veteran's ability to travel and pursue a rehabilitation program. Transportation assistance includes mileage, parking fees, a reasonable fee for a driver, transportation furnished by a rehabilitation facility or transitional employment facility, and other reasonable expenses that may be incurred in local travel. For more information on how to authorize special transportation assistance, see 38 CFR 21.154.

4. Payment For Licenses, Certifications and Fees

The case manager may authorize payment for a license, certificate or fee when an employer requires it to fulfill the occupational or professional qualifications of the Veteran's employment goal. The case manager may approve it either while the Veteran is in JRS or after he/she becomes employed as a condition of the employment. Payment may include the cost of examinations required to obtain the license, permit or certificate. The Veteran must meet all prerequisites for taking the examination, such as successful completion of training, prior to the VA authorizing payment (38 CFR 21.254(a)).

d. Excluded Services

The following services may not be provided to a Veteran during a period or program of employment services (38 CFR Part 21.254(b)):

- Subsistence allowance, or payment of an allowance at the educational assistance rate paid under Chapter 30 for similar training, except for EAA
- Education and training services, other than brief courses, such as review courses necessary for licensure
- Revolving Fund Loan
- Work-study allowance

3.07 Monitoring Veteran's Progress in Employment Services

The case manager must monitor the Veteran's participation in employment services within 30 days after the Veteran is declared job-ready, and at least monthly until the Veteran is declared rehabilitated. Monitoring may include a face-to-face or videoconference meeting with the Veteran. Services must be adapted according to the Veteran's needs and must be immediately provided to assist in the Veteran's ability to obtain and maintain employment.

If the Veteran has no special needs or no barriers are identified, other methods such as telephone or email may be used to determine the Veteran's progress. Additionally, a DVOP specialist, LVER or a VA contractor can assist the case manager by making the required contacts.

All contacts or meetings with the Veteran must be clearly documented on VAF 28-1905d, Special Report of Training or in CWINRS notes and should include the following topics for discussion:

- a. Is the Veteran following the employment-seeking actions outlined in the IEAP?
- b. Is the Veteran receiving the appropriate level of assistance or is more assistance needed?
- c. Do circumstances require modification of the IEAP, including changes in services or service providers? If the plan requires modification, the case manager must redevelop the IEAP with the Veteran using a comprehensive evaluation.
- d. Is the Veteran employed? If so, does the job meet his/her needs?

3.08 Contracting for Employment Services

a. Areas Appropriate for Contract Services

Provision of effective employment services is generally a labor-intensive activity requiring specialized skills. The case manager and the Veteran must identify the specialized employment services needed, such as:

- Resume preparation
- Interviewing techniques
- Marketing, such as conducting informational interviews with employers
- Networking
- Job search techniques

Once the case manager and the Veteran have identified the services, three factors affect the decision whether or not to contract for these services:

1. Does VR&E have the resources to provide the services directly?

2. Is the impact of the Veteran's disability such that specialized placement assistance would be beneficial?
3. Are there available resources, including public and private agencies, that can provide adequate assistance on a no-charge basis?

b. Selection of Service Providers

Contracts are awarded at a national level. Authority from VR&E Service is required in order to develop local contracts. VR&E Service may contract with for-profit entities if the VA determines comparable services from non-profit or public-sector agencies are not available in the Veteran's community, but services by for-profit agencies are available locally. Examples include:

- The Veteran needs highly individualized services which are not available from public-sector or not-for-profit agencies
- Receiving the services from a public-sector or not-for-profit agency would constitute a hardship for the Veteran
- The VA cannot obtain comparable services cost-effectively from other sources, such as public-sector or not-for-profit agencies

c. Monitoring Contractual Services

When using contractual services, case managers must make sure it is clear that the VRC/EC is accountable for ensuring the Veteran receives these services. The VRC/EC is also responsible for the provision of employment services to ensure that the Veteran's progress is monitored regularly and that services are provided appropriately and in a timely manner.

In addition, the case manager must address all employment needs that the VA contractor identifies and coordinate the necessary services, to include amending the IEAP if necessary.

3.09 Advocacy Responsibility

Case managers ensure that Veterans receiving Chapter 31 employment services benefit from all applicable provisions of the laws and regulations providing for special consideration, emphasis, or preference in placement or training (38 CFR 21.252(c)). To advocate for the Veteran, case managers perform, but are not limited to, the following activities:

- Encouraging prospective employers to recognize that Veterans with disabilities are excellent workers and hiring Veterans with disabilities is consistent with good business practices
- Creating a more favorable climate for job-seeking Veterans with disabilities through public awareness programs to educate employers on the advantages of hiring Veterans with disabilities through the use of outreach programs
- Working closely with hiring managers to identify and develop job modifications to accommodate Veterans with disabilities
- Supplying technical assistance for the modification of jobs, facilities, and equipment when assistance is necessary for a Veteran to obtain and maintain suitable employment
- Providing post-placement assistance to Veterans to aid in job orientation, how to address unexpected problems, and provide other services to ensure a suitable adjustment to employment
- Assisting the Veteran with filing a complaint if the Veteran believes the employer has discriminated against him/her or has not carried out affirmative action obligations
-

Chapter 4 eBENEFITS

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- 4.02 References and Resources
- 4.03 General Information
- 4.04 Types of eBenefits Accounts
 - a. Basic Account
 - b. Premium Account
 - c. eBenefits Account Comparison
- 4.05 Registering for an eBenefits Account
 - a. CAC
 - b. Defense Finance and Accounting Service (DFAS) Account
 - c. Defense Enrollment Eligibility Reporting System (DEERS)
- 4.06 VR&E and eBenefits
 - a. Apply for Benefits
 - b. Benefits Explorer
 - c. VR&E

Chapter 4 eBENEFITS

4.01 Introduction

The President's Commission on Care for America's Returning Wounded Warriors established in March 2007 recommended the creation of a "My eBenefits" web portal that would provide Servicemembers, Veterans, their families and authorized caregivers with a single sign-on, central access point to clinical and benefit data. This chapter contains general information on eBenefits, how to register for an eBenefits account, and how to apply for chapter 31 benefits using the eBenefits Explorer feature.

4.02 References and Resources

Website: www.ebenefits.va.gov

4.03 General Information

eBenefits is a portal; a central location for Veterans, Servicemembers, and their family members to research, find, access, and manage their benefits and personal information. It offers:

- A personalized workspace called "my personal DASHBOARD" that provides quick access to eBenefits tools. When using eBenefits tools, the user can complete various tasks, such as applying for benefits, downloading military records, and viewing their benefits status. This workspace is available to the Veteran, Servicemember or family member once the user creates an eBenefits account.
- A catalog of links to other sites that provide information about military and Veteran benefits.

For a comprehensive tutorial on how to navigate eBenefits, click on "eBenefits Site Tour" under "How to Register & Use eBenefits" on the portal home page.

4.04 Types of eBenefits Accounts

The Department of Defense (DoD) Self-Service Logon (DS Logon) is a secure, logon ID that allows DoD and Department of Veterans Affairs (VA) affiliates to access several websites using a single username and password. A DS logon supports the Personnel Identity Protection (PIP) Directive and National Institute of Standards and Technology (NIST) e-Authentication guidance. In addition, a DS logon provides a high level of authentication assurance in situations where Common Access Card (CAC) authentication is not available.

There are currently two types of DS logon accounts available. Each provides varying access to information depending on the application being accessed.

a. Basic Account

A DS logon basic account is simpler to obtain, but provides limited access to website features. The user can apply for a basic account online without having his/her identity verified in person. This account allows limited access to self-entered information, such as email address and state of residence. It allows the user to review information on benefits for Veterans, Servicemembers or other categories of beneficiary. However, the user cannot see personal information located in VA or DoD systems.

The main advantage of a basic account is that it enables the user to upgrade more quickly to a premium account when he/she goes in person to a VA regional office or TRICARE service center.

b. Premium Account

A DS logon premium account gives the user the highest level of access to website features. The user must verify identity in person to get a premium account. This account lets the user view personal data located in VA and DoD systems, apply for benefits online, check the status of claims, update address records, and much more.

c. eBenefits Account Comparison

The following table provides a comparison of eBenefit accounts.

| | No Account | Basic Account | Premium Account |
|--|------------|---------------|-----------------|
| Apply for VA benefits through Veteran's Online Application (VONAPP), which requires a VONAPP account | √ | √ | √ |
| Check eligibility for VA health benefits | √ | √ | √ |
| Use Move!23 Health Questionnaire | √ | √ | √ |
| Request state VA benefits information | | √ | √ |
| Apply for VA benefits (other than through VONAPP) | | | √ |
| Check VA Compensation and Pension claims status | | | √ |
| Check VA payment history | | | √ |
| Get a VA Home Loan Certificate of Eligibility | | √ | √ |
| View TRICARE health information | | | √ |
| Obtain Civil Service Preference Letter, | | | √ |

| | | | |
|---|--|--|---|
| Service Verification Letter, and more | | | |
| Check Veteran's appeal status | | | √ |
| Transfer Post 9-11 GI Bill education benefits | | | √ |
| Share personal health records | | | √ |
| Obtain DD214 and other military records | | | √ |

4.05 Registering for an eBenefits Account

From the eBenefits homepage, www.ebenefits.va.gov, the user begins the registration process by clicking on the "Register" button on top, right side of the page. The user is directed to the DS LOGON registration page and is provided three methods to register:

a. CAC

The user can register using a CAC with an accessible card reader. A CAC is a hard token credential most commonly known as a "smart ID card" that is issued to active duty military personnel, selected reserve and DoD civilian employees.

b. Defense Finance and Accounting Service (DFAS) Account

The user can register via DFAS myPay account information. A DFAS myPay accounts allows active duty military, civilian employees, and military retirees to access and manage pay information, leave and earnings statements and other financial information online.

c. Defense Enrollment Eligibility Reporting System (DEERS)

The user can register via DEERS account information. DEERS is a master data repository containing the identities of individuals currently or previously affiliated with DoD.

The user chooses a method to register and selects "Continue" to complete the registration process.

4.06 VR&E and eBenefits

a. Apply for Benefits

When the user logs into their eBenefits account, they are greeted with a "Welcome (first and last name of the user)." To apply for benefits, the user clicks on the icon at the top left hand side that says "apply for BENEFITS". On the next page, the user clicks on "Apply for Veterans Benefits via VONAPP". The user is directed to the VONAPP website.

VONAPP is a VA website that enables Servicemembers, Veterans and their beneficiaries to apply for Compensation, Pension, Education, Burial and/or VR&E (Chapter 31 only) online. VA is transitioning from VONAPP to a new online VA claim service known as VONAPP Direct Connect (VDC) for all Compensation claims, which is currently available for use in eBenefits.

b. Benefits Explorer

On the “Apply for Benefits” page, the user must click “Benefits Explorer” under the “General” tab. On the Benefits Explorer page, the user fills out his/her profile on the left side of the page and clicks “Show Benefits” icon at the bottom of the profile. eBenefits uses this information to identify some of the benefits the user may be eligible for based on what information he/she puts in his/her profile.

The benefits listed on the Benefits Explorer page are based on the user’s settings and do not guarantee that the user is eligible for the specific benefits listed on the page. In addition, the information listed on the Benefits Explorer page is not comprehensive, and the user may be entitled to other benefits not listed on the page. The user is invited to visit the websites linked in each section to find more information on specific VA business lines, to include:

- Education
- Healthcare
- Home Loan
- Insurance
- Transition
- Vocational Rehabilitation and Employment

c. VR&E

The VR&E section contains information on the chapter 31 program, and may or may not contain information on other services offered under VR&E, such as information on Educational/Vocational counseling services provided under chapter 36 of the United States Code. The choice of benefits offered to the user is based on what he/she puts on his/her profile.

On the right side of the VR&E section, the user will find information on how to:

- Apply online
- Apply by mail
- Locate VR&E offices
- Find training and employment resources at VetSuccess.gov
- Download an application for vocational and educational counseling

Chapter 1
INITIAL EVALUATION OVERVIEW

- 1.01 Introduction
- 1.02 General Information
- 1.03 Evaluation and Planning Determinations
- 1.04 Resources and Tools for Initial Evaluation
- 1.05 Vocational Exploration
- 1.06 Outcome of the Initial Evaluation

Chapter 1 INITIAL EVALUATION AND ENTITLEMENT OVERVIEW

1.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Division provides a comprehensive initial evaluation for any Veteran or Servicemember who applies for Chapter 31 benefits and meets the basic eligibility criteria. The evaluation is necessary to determine whether the Veteran or Servicemember is entitled to receive services under the Chapter 31 program. This chapter contains an overview of the initial evaluation and entitlement process, evaluation and planning determinations, information on the resources and tools used during the initial evaluation and entitlement process, vocational exploration and how to process the outcome of the evaluation.

1.02 General Information

The purpose of the initial evaluation is to develop information to make accurate entitlement decisions, assist the Veteran or Servicemember to understand his/her assets for vocational and career achievement or independent living needs and develop realistic and effective rehabilitation plans.

The comprehensive initial evaluation serves as the basis to determine entitlement, identify and clarify rehabilitation issues, develop solutions, develop employment or independent living options, establish a rehabilitation goal and intermediate goals and objectives for entitled Veterans or Servicemembers and identify and refer non-entitled Veterans or Servicemembers to other resources and programs for which they may qualify.

1.03 Evaluation and Planning Determinations

Before a Veteran or Servicemember can receive Chapter 31 services, a Vocational Rehabilitation Counselor (VRC) makes a determination as to whether or not the Veteran or Servicemember is entitled to services based on a comprehensive initial evaluation. Once the VRC determines the Veteran or Servicemember is entitled to services, the VRC is required to determine whether or not it is currently feasible for the Veteran or Servicemember to obtain and maintain suitable employment. For more information on evaluation and planning determinations, see M28R.IV.B.2.

1.04 Resources and Tools for Initial Evaluation

The VRC uses a variety of resources and tools during the initial evaluation. The Resources and Tools for Initial Evaluation chapter covers the use of medical consultants, tests and measurements and the use of contractor services during

the initial evaluation. For more information on resources and tools for initial evaluation, see M28R.IV.B.3.

1.05 Vocational Exploration

The goal of vocational exploration is for the Veteran or Servicemember and VRC to select a suitable vocational objective that is consistent with the Veteran's or Servicemember's abilities, aptitudes and interests, and that does not aggravate the Veteran's disability(ies). For more information on vocational exploration, see M28R.IV.B.4.

1.06 Outcome of the Initial Evaluation

Every initial evaluation has an outcome. The Outcome of the Initial Evaluation chapter contains the statutory and regulatory provisions covering the steps to take based on whether or not the Veteran is found entitled to services, and how to close the Veteran's or Servicemember's case if the Veteran or Servicemember is found not entitled to Chapter 31 services. For more information on initial evaluation outcomes, see M28R.IV.B.5.

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Chapter 2 EVALUATION AND PLANNING DETERMINATIONS

2.01 Introduction

Before a Veteran or Servicemember can receive Vocational Rehabilitation and Employment (VR&E) services, a Vocational Rehabilitation Counselor (VRC) makes a determination as to whether or not he/she is entitled to services (see 38 United States Code (U.S.C.) 3102 and 38 Code of Federal Regulations (CFR) 21.40) based on a comprehensive initial evaluation. Once the VRC makes the determination, the VRC is required to determine whether or not it is currently feasible for the Veteran or Servicemember to obtain and maintain suitable employment (38 U.S.C. 3101). This chapter contains the statutory and regulatory provisions regarding the evaluation and planning determination process.

2.02 References and Resources

- Laws:
- 38 U.S.C. 3101
 - 38 U.S.C. 3102
 - 38 U.S.C. 3106
 - 38 U.S.C. 3109
 - 38 U.S.C. Chapter 11
 - Public Law (Pub. L.) 110-181, National Defense Authorization Act (NDAA)
 - Pub. L. 112-56, Vow to Hire Heroes Act
- Regulations:
- 38 CFR 3.105
 - 38 CFR 21.33
 - 38 CFR 21.40
 - 38 CFR 21.44
 - 38 CFR 21.48
 - 38 CFR 21.50
 - 38 CFR 21.51
 - 38 CFR 21.53
 - 38 CFR 21.57
 - 38 CFR 21.78
- VA Forms (VAF):
- VAF 28-1902b, Counseling Record - Narrative Report
 - VAF 28-1902i, Counseling Record - Medical Information and Related Findings
 - VAF 28-1902w, Rehabilitation Needs Inventory (RNI)
 - VAF 3288, Request for and Consent to Release of Information from Claimant's Records

VAF 28-0800, Vocational Rehabilitation and Employment (VR&E) Program Orientation
VAF 28-8606, Notes from Counseling and Next Steps
VAF 3542, Authorization to Report – Voucher for Mileage Allowance

2.03 Roles and Responsibilities During an Initial Evaluation

a. Vocational Rehabilitation and Employment Officer (VREO)

The VREO is responsible for the management of all VR&E initial evaluation activities which includes providing guidance and direction to VR&E staff and oversight of VR&E decisions for entitlement to services.

b. Vocational Rehabilitation Counselor (VRC)

The VRC facilitates the Veteran or Servicemember's full participation and understanding of the initial evaluation process through the use of a comprehensive one-on-one initial interview. To do this, the VRC:

1. Obtains information needed to make the entitlement determination including Employment Handicap (EH) (see section 2.11 in this chapter for information on EH); Serious Employment Handicap (SEH) (see section 2.12 in this chapter for information on SEH) and current feasibility for achievement of an employment goal (see section 2.13 in this chapter) using VAF 28-1902w, Rehabilitation Needs Inventory (RNI) (provided by the Veteran or Servicemember), and other information obtained from medical, intake interview, etc;
2. Conducts and/or coordinates vocational evaluations;
3. Conducts and/or coordinates extended evaluations when appropriate;
4. Conducts and/or coordinates evaluation of independent living needs;
5. Documents and justifies the decision making process and documents justification in the Corporate WINRS Case Management System (CWINRS) (updates Claim Processing tab, Updates Disposition and Entitlement Determination fields) and on VAF 28-1902b, Counseling Record - Narrative Report (see section 2.10 in this chapter for information on how to fill out the VAF 28-1902b).

c. Contract Counselor

The VRC may use a contract counselor for some elements of the comprehensive initial evaluation in order to expedite the process. The contract counselor conducts activities relating to initial or vocational evaluations under the direction of the VREO, Assistant VREO (AVREO) or VRC. The primary role of the contract counselor is to develop information necessary in making the entitlement determination and rehabilitation planning. However, the VRC is ultimately responsible for all decisions and for managing the case.

d. Employment Coordinator (EC)

The EC assists the VRC and the Veteran in the development of the Individualized Employment Assistance Plan (IEAP) by providing labor market information, employment and salary information, job specific information and other information related to the successful hiring of the Chapter 31 program participants. In addition, the EC assists Veterans and Servicemembers in the use of the Job Resource Lab (JRL). See M28R.IV.B.5 for information on using the JRL.

e. Program Support Specialist (PSS)

The PSS is a member of the administrative staff. He/she processes the Chapter 31 application through the Generated Eligibility Determination (GED) by obtaining the Veteran or Servicemember's prior training information. The PSS may also verify the Veteran or Servicemember's Service-Connected Disability (SCD) rating or National Defense Authorization Act (NDAA) eligibility. He/she needs this information to calculate the amount of entitlement (number of months the Veteran has in order to participate in the Chapter 31 program), and to determine the period of entitlement by establishing the Veteran's Eligibility Termination Date (ETD).

f. Veteran or Servicemember

The Veteran or Servicemember cooperates with the VRC in completing the initial evaluation, attends the Chapter 31 orientation and participates in the evaluation process and all entitlement determination and rehabilitation planning.

2.04 Criteria for Providing a Comprehensive Initial Evaluation

A comprehensive initial evaluation must be provided to all eligible Veterans or Servicemembers who file an application for vocational rehabilitation services and who meet the following criteria per 38 CFR 21.50 and 38 CFR 21.40:

a. Veterans with a SCD

Veterans with a SCD under 38 U.S.C. Chapter 11 who incurred or aggravated the disability(ies) in active military, naval or air service on or after September 16, 1940.

b. Servicemember Awaiting Discharge

Servicemembers awaiting discharge who, while waiting for discharge from the active military, naval or air service, are hospitalized or receiving outpatient medical care, services or treatment for a disability that the Department of VA will likely determine to be an SCD. In addition, VA must have determined that the hospital or other medical facility providing the hospitalization, care, service or treatment is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary of VA or the Secretary concerned.

c. Individual with a Disability

An individual who has a disability or combination of disabilities that will likely be:

- At least 10 percent compensable under 38 U.S.C. Chapter 11 and he/she originally applied for assistance under 38 U.S.C. Chapter 31 after March 31, 1981 and before November 1, 1990
- At least 20 percent compensable under 38 U.S.C. Chapter 11 and he/she originally applied for assistance under 38 U.S.C. Chapter 31 on or after November 1, 1990

Note: Whenever possible, hospitalized Veterans or Servicemembers should be provided an evaluation at the facility where they are receiving medical treatment.

d. Entitlement Under NDAA

As a result of the enactment of Pub. L. 110-181 (NDAA) and the extension provided under Pub. L. 112-56, (Vow to Hire Heroes Act), a Servicemember who incurs a serious illness or injury that may render him/her unable to perform his/her military duties is determined eligible and entitled to Chapter 31 services without regard to a VA SCD rating, Memorandum Rating or a determination of EH. VR&E will provide the Servicemember with a comprehensive initial evaluation. The VRC will document the determination of EH, SEH and/or the feasibility of achieving a vocational goal on VAF 28-1902b (see section 2.10 in this chapter for information on how to fill out the

VAF 28-1902b). The results of the initial evaluation are necessary to help determine the type and extent of services available to the individual.

2.05 Comprehensive Approach to the Initial Evaluation

Only a VRC may conduct a Veteran or Servicemember's comprehensive initial evaluation. An initial evaluation must provide a thorough and extensive approach for collecting, reviewing and analyzing the extent and effects of a Veteran or Servicemember's SCD or Non-Service-Connected Disability (NSCD) condition(s) indicated in his/her life history data, such as work history, education, training, family and community adjustment. If available, the VRC may use:

- Previous evaluation of abilities, aptitudes and interests
- Results of vocational/psychological assessments
- Results of evaluations and reevaluations by a medical consultant
- Information garnered from the Vocational Rehabilitation Panel (VRP)
- Information garnered from VA Health Administration (VHA) medical records
- Information garnered from the Veteran's private medical records
- Information garnered from State vocational rehabilitation counselors
- Current RNI

If a Veteran or Servicemember is a previous Chapter 31 program participant, the VRC must ensure that he/she obtains the individual's previous Counseling/Evaluation/Rehabilitation (CER) folder and checks Benefits Delivery Network (BDN), CWINRS, and Share for historical information.

Written authorization must be obtained from the Veteran or guardian prior to requesting information on previous training and medical background from sources other than the Veteran, Servicemember or VA. The correct form to use is VAF 3288, Request for and Consent to Release of Information from Claimant's Records.

2.06 Use of the Initial Evaluation

A comprehensive initial evaluation for a Veteran or Servicemember must include, but is not limited to, the following:

- Development and analysis of information necessary to obtain a general understanding of the whole individual
- Determination of the effect(s) of his/her SCD and NSCD condition(s) on obtaining employment
- Assessment of other life circumstances
- Evaluation of his/her capacity for suitable employment and/or independence in daily living (38 U.S.C. 3109)
- Entitlement determination to Vocational Rehabilitation Services, and if he/she meets the criteria for EH or SEH (38 U.S.C. 3106)
- Discussion of his/her vocational skills and needs
- Identification of barriers that may impact his/her employability
- If he/she is determined not entitled to vocational rehabilitation services, a referral to other resources and programs for which he/she may qualify

2.07 Counseling as Part of the Initial Evaluation Process

Professional counseling services are crucial to the entire rehabilitation process and indispensable to the proper choice, provision and use of rehabilitation services. The VRC must use counseling methods to thoroughly understand the Veteran or Servicemember's situation, to help in properly addressing barriers which may impact successful program participation and completion and to identify the services he/she needs to overcome these barriers.

2.08 Severance of Service-Connection or Reduction to a Non-Compensable Degree

If a Veteran who has applied for VR&E receives a rating action which proposes severance of service-connection or reduction to a non-compensable degree or zero percent and his/her initial evaluation has not begun or is in process, all processes relating to the determination of entitlement or induction into training must be immediately suspended. If the proposed rating action becomes final, his/her application must be denied as specified in 38 CFR 21.48 and 38 CFR 3.105.

2.09 Initial Evaluation for a Veteran VA Employee

All applicants requesting Chapter 31 benefits, including Veteran VA employees working in a Regional Office (RO), are required to meet with a VRC to complete a comprehensive initial evaluation. Due to the sensitive nature of the counseling

process, these evaluations must not be completed at the RO where the Veteran applicant is employed.

The policy for completing an initial evaluation for a Veteran VA employee is as follows:

A comprehensive evaluation will be conducted in person and an entitlement decision will be made at the RO's designated "sister station" (see Appendix T for list of RO sister stations). When temporarily transferring cases to sister stations, consideration should be given to required travel and other factors that could delay or disrupt the evaluation process.

If the Veteran VA employee is unable to make the trip to the sister station due to his/her disability or other life circumstances, the employing RO could contract out a comprehensive assessment to a contract counselor and then send the file with the contracted assessment to the sister station. A VRC at the sister station could then meet with the Veteran by video conferencing for the entitlement decision. If there is no VetSuccess contract in place, the RO would locally procure this service, with the assistance of the contract specialist responsible for that RO. If a VetSuccess contract exists, the employing RO would use it to procure the contracted services.

After the Veteran VA employee's evaluation and entitlement decision is completed at the sister station, the CER folder will be transferred back to the initiating RO. If the Veteran VA employee is found entitled to services, a VRC will be assigned to develop and implement the rehabilitation plan. The CER folder will be maintained in locked files.

2.10 Satisfactory Conduct and Cooperation

It is essential that the Veteran or Servicemember cooperates and maintains satisfactory conduct during the evaluation process. The VRC must apply sound counseling principles to secure and sustain the Veteran or Servicemember's cooperation. The VRC must look at underlying issues that may be affecting the Veteran's ability or desire to cooperate in the initial evaluation. The VRC should thoroughly review the Veteran or Servicemember's medical records and information garnered at the initial evaluation appointment if available to help him/her to understand the source of the Veteran or Servicemember's noncooperation. If the VRC is not able to ascertain why the Veteran or Servicemember is not cooperating after reviewing his/her records and discussing it with him/her, the VRC must inform the Veteran or Servicemember in writing of a possible discontinuance of services due to his/her non-cooperation and unsatisfactory conduct.

If after the written notification, the Veteran or Servicemember's non-cooperation continues, the initial evaluation will be suspended and the VRC must inform the Veteran or Servicemember of the suspension in writing (because VR&E policy requires that VRCs no longer move cases from Evaluation and Planning (EP) status to Interrupt (INT) status, but rather keeps the claimant in their current status). The letter must:

- Provide the decision
- Provide justification for the decision
- Outline steps necessary to resume the evaluation process

2.11 Employment Handicap (EH)

a. Definitions

1. EH

An EH is defined as an impairment resulting in substantial part from an SCD, that affects the Veteran's ability to prepare for, obtain or maintain suitable employment that is consistent with his/her pattern of measured and/or demonstrated abilities, aptitudes and interests.

2. Reasonably Developed Job Skills

The term reasonably developed job skills refers to a recognized grouping of skills, knowledge and abilities that are transferable among related occupations and acquired through training and experience.

3. Stable and Continuous Employment

Stable and continuous employment is defined as employment in one position, or a series of similar positions, for periods of three to five years with no or few breaks. It is further defined as current work, other than temporary employment (unless the work characteristically involves temporary but continuous assignments). Employment alone is not evidence of stable and continuous employment.

4. Suitable Employment

- Employment which is consistent with the Veteran's expressed interests, aptitudes and abilities that can be measured and/or demonstrated

- Does not aggravate the Veteran or Servicemember's disability(ies)
- Is stable and continuing
- Requires reasonably developed skills

b. Existence of a Vocational Impairment

The term vocational impairment refers to restrictions on employability caused by one or more of the following factors:

- The effects of the Veteran or Servicemember's SCD(s) or NSCD(s)
- Deficiencies in education and training
- The potential impact of employers' negative perceptions about the Veteran or Servicemember's disability(ies)
- Other pertinent factors that result in restrictions on employability such as a lack of stable, continuing and suitable employment

c. Vocational Impairment Assessment

The answers to the following questions can assist the VRC in determining the presence of a vocational impairment:

- Is the Veteran or Servicemember employable in suitable occupations for which persons without a disability can compete and qualify?
- Does the Veteran or Servicemember possess training and/or education that qualifies him/her for suitable employment?
- Does the Veteran lack job seeking skills?
- Does the SCD/NSCD result in any limitations which may preclude certain types of employment?
- Is there a clear potential for negative attitudes toward the Veteran or Servicemember because of disabilities or other reasons?
- Did the Veteran or Servicemember's comprehensive evaluation identify restrictions on employment, which would result in the absence of stable, continuing and suitable employment?

If the VRC determines that the Veteran or Servicemember does not have a vocational impairment, the individual is not entitled to services.

d. Duty to Assist

The VRC has a legal duty to assist the Veteran or Servicemember in developing evidence to support his/her claim for vocational rehabilitation benefits and services when evidence of record is insufficient. Examples of evidence include: medical treatment records, employer evaluations and records of prior training. For more information on duty to assist, see 38 CFR 21.33.

e. Potential Sources of Information for Determining the Existence of a Vocational Impairment

The following sources of information may be used when determining that a vocational impairment exists:

- RNI
- VHA and/or private medical records
- Rating Decisions
- Labor Market Information
- Academic records or transcripts
- Prior counseling documentation
- VRC knowledge of limitations associated with the disability(ies) and if not, consult a medical reference
- History of employment and earnings, including resume, performance appraisals, position descriptions, attendance records, consultation with other service providers/professionals and the Veteran or Servicemember's self-report

f. Potential Impairments

The following factors must be considered in determining if a vocational impairment exists:

- Physical limitations
- Psychosocial limitations
- Cognitive limitations
- Mobility limitations

- Sensory limitations
- Chronic pain
- Deficiencies in education and/or training, including civilian certifications or licensure
- Employer bias against persons with disabilities, including issues such as anticipated poor work performance and the need for accommodation
- Lack of reliable transportation
- History of unstable work
- History of incarceration(s)
- Stigma associated with employees having a mental illness perceived to be unable to cope with typical stress inherent in the work place

g. Contribution of the SCD to the Vocational Impairment

The SCD must contribute in a substantial part to the vocational impairment. The effects must be identifiable, measurable and/or observable. When evaluating evidence that the vocational impairment results in substantial part from the SCD(s), the VRC must clearly show how the SCD impacts the Veteran or Servicemember's ability to prepare for, obtain and maintain employment consistent with his/her abilities, aptitudes and interests. The SCD need not be the sole cause of the vocational impairment, but must contribute to the vocational impairment in more than a trivial or technical manner.

Note: The NSCD may compound the effects of the SCD on the impairment of employability; however, a NSCD alone can never be the sole basis of entitlement.

h. Overcoming the Effects of the Vocational Impairment

The individual has not overcome the effects of the impairment of employability through employment in or qualifying for employment in an occupation consistent with his/her abilities, aptitudes and interests. This situation includes an individual who qualifies for a suitable job, but who does not obtain or maintain the job for reasons beyond his/her control (38 U.S.C. 3102 and 38 CFR 21.51).

- i. Evaluating Employed Veterans or Servicemembers for Overcoming the Impairment
 - 1. If the Veteran or Servicemember is not prepared and/or qualified for employment in a suitable occupation, or the individual is prepared and/or qualified for employment in a suitable occupation but has failed to obtain or retain employment for reasons beyond his/her control, the individual has not overcome the effects of the impairment.
 - 2. If the individual is prepared and/or qualified for employment in a suitable occupation, but has failed to obtain or retain employment for reasons within his/her control, he/she has overcome the effects of the impairment. This determination will be made on a case-by-case basis and will be based on the preponderance of evidence that leads the VRC to believe that the Veteran chooses not to be employed.

j. EH Determination

An EH is present when all of the following exist:

- The Veteran or Servicemember has a vocational impairment
- The Veteran or Servicemember's SCD contributes in substantial part to the impairment
- The Veteran has not overcome the effects of his/her impairment of employability through employment in, or qualifying for employment in an occupation consistent with his/her abilities, aptitudes and interests. This includes an individual who qualifies for a suitable job, but does not obtain or keep the job for reasons beyond his/her control (38 U.S.C. 3102 and 38 CFR 21.51)

k. Prompt Notification of the Determination

The VRC must promptly provide the Veteran or Servicemember with a verbal and written notification explaining the determination of a vocational impairment indicating that he/she is or is not entitled to services. As a general rule, whenever possible, provide notification within 45 days from the date of the application and immediately after the entitlement decision is made.

2.12 Serious Employment Handicap (SEH)

a. Definitions

1. SEH

SEH is defined as a significant impairment of an individual's ability to prepare for, obtain or retain employment consistent with his/her abilities, aptitudes and interests.

2. Significant Impairment

Significant restrictions caused by SCD and NSCD disabilities, deficiencies in education and training, negative attitudes toward the disabled and other pertinent factors

Note: Significant impairment is assessed in terms of the magnitude of the vocational impairment as it relates to the difficulty projected for the individual to achieve rehabilitation.

b. Factors for Determining SEH

Factors to consider in determining if a Veteran or Servicemember has an SEH include, but are not limited to:

- Number of disabling conditions
- Severity of disabling condition(s)
- Existence of a neuropsychiatric condition
- Deficiencies in education and training for suitable employment
- Negative attitudes toward the disabled
- Long or substantial period of unemployment or unstable work history
- A pattern of reliance on government support programs, such as welfare, SCD compensation, SCD pension, Workers' Compensation, Social Security Disability Insurance, etc.
- Withdrawal from society
- Extent and complexity of needed rehabilitation services and other evidence of significant restrictions on employability, e.g., high

unemployment, age, race, sexual orientation and gender discrimination issues, etc.

- Other factors that relate to preparing for, obtaining or maintaining employment consistent with the individual's abilities, aptitudes and interests (38 U.S.C. 3102 and 3106)

c. When Determining SEH is Required for Entitlement to Services

A finding of a significant vocational impairment and SEH is required for entitlement to VR&E services if the Veteran or Servicemember's SCD is 10 percent and his/her ETD is expired or months of remaining entitlement are exhausted and cannot be extended on the basis of an EH (see 38 CFR 21.44 and 38 CFR 21.78).

d. Additional Benefits Available to Veterans or Servicemembers with an SEH

Veterans with an SEH are eligible for additional benefits, which may not be provided to Veterans who do not have an SEH (see 38 CFR 21.57). Benefits include:

- Possible extension of the 12-year period of eligibility
- Possible extension of the duration of a rehabilitation program beyond 48 months, if required to complete the program
- Extended evaluation services
- Possible independent living services
- More extensive supplies and services for Veterans approved to pursue self-employment (see M28R.VI.A.9)

e. SEH Determination

1. If the VRC determines that a significant vocational impairment and an SEH exists, the VRC must find the Veteran entitled to a program of VR&E services and provide assistance consistent with additional VR&E benefits available to Veterans with an SEH.
2. If the VRC determines that an SEH does not exist, the Veteran has a 10 percent SCD rating, the ETD has expired and/or the Veteran has no entitlement remaining, the VRC will deny entitlement to Chapter 31 services.

f. Prompt Notification of the Determination

The VRC must promptly provide the Veteran with a verbal and written notification explaining the determination of a vocational impairment indicating that he/she is or is not entitled to services. As a general rule, whenever possible, provide notification within 45 days from the date of the application and immediately after the entitlement decision is made.

2.13 Feasibility of Achieving a Vocational Goal

In every case where a VRC has determined that an EH exists, the VRC must also determine whether achievement of a vocational goal is currently reasonably feasible (38 CFR 21.53).

a. Definitions

1. Vocational Goal

The term vocational goal is defined as gainful employment status consistent with the Veteran's abilities, aptitudes and interests.

2. Current Reasonable Feasibility

Achievement of a vocational goal is currently reasonably feasible when the following conditions exist:

- One or more vocational goals have been identified
- The Veteran's physical, psychological and cognitive functioning permits training for the goals to begin within a reasonable period of time
- The Veteran either has the educational skills and background to pursue the vocational goal or will receive services through VA to develop these skills as part of his/her rehabilitation program

3. Gainful Employment

- Employment that is income-producing, either on a full or part-time basis, or self-employment
- Employment in a special situation, such as a rehabilitation facility (consider employment in a rehabilitation facility as gainful employment if it is the least restrictive employment environment based on the Veteran's functional ability). For example, a rehabilitation facility may be appropriate for a Veteran with a severe traumatic brain injury

4. Non-Gainful Employment

- Employment is therapeutic in nature (e.g. Compensated Work Therapy [CWT]) or work performed while the Veteran participates in an Individual Extended Evaluation Plan (IEEP). Employment therapeutic in nature usually pays below the established minimum wage. For more information on IEEPs, see M28R.IV.C.3
- Temporary in nature and the occupational field is not normally characterized by temporary job assignments (e.g., union electrician work)

5. Reduced Work Tolerance

A limitation of the rate of pursuit of a rehabilitation program due to the impact of disability(ies) for a Veteran for whom the achievement of a vocational goal is otherwise feasible.

Note: When the question of reduced work tolerance arises, the VRC will request a medical opinion from a VA treatment provider (38 CFR 21.312 e). The VRC needs to be very clear in his/her request as to what the Veteran's functional limitations and/or capabilities are in regard to the chosen employment goal. Using information garnered from the medical opinion, the VRC can establish the rate of pursuit the VA will consider for either full or part-time program participation. For information on how to request a medical opinion, see M28R.IV.B.4.

b. Considerations for a Feasibility Determination

A feasibility determination is made in order to determine whether or not the Veteran has the potential to profit from rehabilitation services and achieve a vocational goal. The determination should be made as soon as possible, but only after reviewing the circumstances under which current reasonable feasibility may or may not be found to exist.

c. When a Feasibility Determination Cannot be Made

If, as the result of an evaluation, the VRC cannot resolve the issue of current reasonable feasibility, the VRC may authorize an extended evaluation for Veterans with an SEH.

d. Actions Following a Feasibility Determination

The following actions should be taken following each of the feasibility determinations listed below:

1. If the VRC determines that achievement of a vocational goal is currently reasonably feasible, the VRC will proceed with the rehabilitation process to the development of a viable vocational goal.
 2. If the VRC cannot determine if achievement of a vocational goal is currently reasonably feasible and the Veteran has an SEH, the VRC will proceed with the rehabilitation process and develop an IEEP.
 3. If the VRC cannot determine if achievement of a vocational goal is currently reasonably feasible or determines that the achievement of a vocational goal is not reasonably feasible and the Veteran does not have an SEH, the VRC will determine that the Veteran is not entitled to services and close the case. If the VRC expects the Veteran's condition to improve within 12 months from the date of the determination, the VRC will diary the case at six and 12-month intervals to ascertain if the Veteran's condition has improved, and the achievement of a vocational goal is feasible.
 4. If the VRC determines that achievement of a vocational goal is not currently reasonably feasible, and the Veteran has an SEH, the VRC will evaluate the Veteran for an Individual Independent Living Plan (IILP). For more information on how to develop and administer an IILP, see M28R.IV.C.9.
 5. If the VRC determines that achievement of a vocational goal is not currently reasonably feasible and the individual is a Servicemember, the Servicemember can receive IL services under Pub. L. 110-181, NDAA.
- e. Required Documentation to Veterans Service Center (VSC)

The VRC must provide the VSC with a copy of the VAF 28-1902b when the Veteran or Servicemember's SCD is less than 100 percent. The VSC rating board will reconsider the Veteran or Servicemember's rating if the infeasibility finding is based on factors associated with the SCD.

Note: The Veteran or Servicemember may also request a letter from the VRC stating that a determination has been made that the achievement of a vocational goal is not currently reasonably feasible. After receipt, the Veteran may choose to submit the letter to the VSC.

f. Reviews of Infeasibility

The determination of current reasonable feasibility is subject to ongoing review throughout the Veteran or Servicemember's rehabilitation program.

Changes in circumstances may require a reconsideration of the vocational goal and, if necessary, a reevaluation of that goal. The VR&E Division will review determinations of infeasibility as warranted by the facts of each case and either retain or change the determination, as appropriate. A review of EH cases should be ongoing to determine whether or not a Veteran or Servicemember's situation changes warranting an SEH.

2.14 Narrative Synthesis

The narrative synthesis provides the following:

- The basis for counseling and assistance throughout the rehabilitation process
- Allows the VRC to revisit and review the information in order to clarify his/her understanding and implications for providing additional services
- Must contain reasoning which is clear to professionals and nonprofessionals
- Must logically support legal determinations, including EH, SEH, current, reasonable feasibility for achieving a vocational goal and how the services included in the plan will lead to rehabilitation

2.15 VAF 28-1902b, Counseling Record-Narrative Report

VAF 28-1902b includes information necessary to develop a comprehensive evaluation of the Veteran's abilities, aptitudes, and interests, and provides the foundation for plan development. VAF 28-1902b is composed of two parts:

a. Part I-Certification of Entitlement/Current Feasibility

Select the appropriate boxes to document the results of the determinations in Part II based on the following:

- If the Veteran or Servicemember has a vocational impairment, then continue evaluating the Veteran for services.
- If the Veteran or Servicemember does not have a vocational impairment, then the Veteran is not entitled to services.
- If the Veteran or Servicemember's SCD contributes in substantial part to the vocational impairment, then continue evaluating the Veteran or Servicemember for services.

- If the Veteran or Servicemember's SCD does not contribute in substantial part to the vocational impairment, then the Veteran or Servicemember is not entitled to services.
- If the Veteran or Servicemember has overcome the effects of the vocational impairment, then he/she is not entitled to services.
- If the individual has not overcome the effects of the vocational impairment, then continue evaluating him/her for services.
- If the Veteran or Servicemember has an EH, an SCD rating of at least 20 percent and is within his/her ETD, then continue evaluating him/her for services.
- If the individual does not have an EH, then he/she is not entitled to services.
- If the Veteran or Servicemember has an SEH, then continue evaluating him/her for services.
- If the individual does not have an SEH but has an EH, then continue evaluating him/her for services.
- If the achievement of a vocational goal is currently reasonable and the individual has either an EH or SEH, then continue evaluating for services.
- If the achievement of a vocational goal is not currently reasonable and the individual has an SEH, then evaluate him/her for independent living services.
- If the achievement of a vocational goal cannot currently be determined and the Veteran or Servicemember has an SEH, an IEEP is required. For more information on IEEPs, see M28R.IV.C.3.

b. Part II-Counseling Narrative

Provide a narrative summary of the initial evaluation and entitlement determination under the following headings in the following order:

1. Eligibility and Entitlement Data

Some demographic data will be merged from CWINRS. CWINRS should be refreshed to ensure accuracy. This section should contain basic demographic information and any pertinent information that would be taken into consideration during the entitlement process and/or will affect

the types of services VR&E will provide for the Veteran or Servicemember's particular situation, i.e. civilian work history, military history, past wages, reasons for leaving employment. Sources of information include, but are not limited to:

- Medical records/rating decision
- RNI
- Academic records
- Employment and earnings records
- Counseling consultation
- Prior Chapter 31 records
- Other information provided by the Veteran

2. Assessment of Interests, Aptitudes and Abilities

This section lists the Veteran or Servicemember's overall pattern of interests, aptitudes and abilities and includes transferable skills and discusses the implications of the assessment results for rehabilitation planning. If vocational testing is not completed, a justification is documented with an explanation of how the interests, aptitudes and abilities were assessed.

3. Vocational Impairment

This section describes the impairments or functional limitations resulting from both the Veteran's SCD/NSCD conditions and residual capacities.

Areas to explore include, but are not limited to:

- Physical
- Psychosocial
- Cognitive
- Mobility
- Sensory limitations

- Chronic pain
- Deficits in education and/or training
- Lack of transportation
- Unstable work history
- Incarcerations
- Housing
- Financial issues, etc.

Sources of information include, but are not limited to:

- Medical records/rating decision
- Employment records or evaluations
- Records of prior training
- RNI
- Labor Market Information
- Veteran's Self-Report
- VAF 28-1902i, Counseling Record - Medical Information and Related Findings

Note: VA has a legal duty to assist the Veteran in developing evidence for entitlement.

4. Contribution of the SCD(s) to Vocational Impairment

This section explains how the effects from only the SCD condition substantially contributes in an identifiable, measurable and observable manner on the overall vocational impairment.

Note: The contribution from the SCDs conditions need not be the sole or primary cause of an EH.

5. Overcoming the Effects of Impairment

This section explains whether the Veteran has/has not overcome the effects of any presented impairment to employment.

If the Veteran is employed, address employment stability, compatibility with Veteran's disability conditions and consistency with Veteran's pattern of interests, aptitudes and abilities.

If the Veteran is unemployed, address qualifications for suitable employment, efforts to seek employment and whether the unemployment is outside of the Veteran's control. Significant justification is required if the Veteran is not employed, yet found to have overcome the impairment.

6. EH

Taking into consideration the vocational impairment, contribution of the SCD(s) to the impairment, whether or not the Veteran has overcome the impairment and the results of vocational testing, choose the situation which explains the determination of whether or not the criteria for an EH exists.

7. SEH

For all individuals found to have an EH, an SEH determination must be made and explained before plan development.

Below are some examples of possible significant impairments of the Veteran's ability to prepare for, obtain or retain employment:

- Number of disabling conditions
- Severity of disabling condition(s)
- Negative attitudes towards the disabled
- Unstable work history
- Long or substantial periods of unemployment or unstable work history
- Extent and complexity of needed rehabilitation services
- A pattern of reliance on government support programs (e.g., welfare, Workers' Compensation, Social Security, etc.)

- Other evidence of significant restrictions on employability (e.g., high unemployment, age, race, sexual orientation, and gender discrimination issues, etc.)
- Record of or current neuropsychiatric condition(s)
- Alcohol/Substance abuse
- Frequent hospitalizations
- Chronic pain
- Withdrawal from society
- Insufficient education/training for suitable employment
- Difficulties with communicating
- Criminal record

Explain how each factor identified contributes significantly to the impairment of employability. If there is evidence of multiple or significant factors without a decision of SEH, clear and comprehensive explain why the criteria of SEH were not met.

8. Entitlement Determination

Select the entitlement determination that resulted from a compilation of the above information and indicates the date the Veteran was notified of the entitlement decision.

Note: The VRC must promptly provide the individual with a verbal and written notification explaining the determination indicating that they are:

- Entitled
- Not Entitled: No EH
- Not Entitled: No SEH – 10 percent SCD
- Not Entitled: No SEH - ETD expired

9. Feasibility Determination

Whether achievement of a vocational goal is/is not considered to be reasonably feasible. Areas to address include:

- Is the Veteran physically and mentally stable?
- Have suitable vocational goals been identified?
- Has or will the Veteran receive educational skills to pursue a vocational goal?
- Will use of reduced work tolerance enable completion of a program?

In every case when a VRC has determined that an EH exists, the VRC must also determine whether achievement of a vocational goal is currently reasonably feasible.

If the decision is deferred for additional evaluation, it must be documented on a VAF 28-1902b once the feasibility determination is made.

If current reasonable feasibility cannot be determined and the Veteran meets the criteria for an SEH, an IEEP must be developed.

If not currently reasonably feasible and the Veteran meets the criteria for an SEH, there must be compelling evidence that establishes infeasibility beyond any reasonable doubt. Document the infeasibility determination and evaluate for independent living services.

The VREO or designee must review the decision to overturn a prior declaration of rehabilitation.

10. Next Steps

Indicate the next steps in the plan development process on the VAF 28-8606, Notes from Counseling and Next Steps prior to the conclusion of the initial interview.

Review the entitlement, feasibility determination and next steps with the Veteran.

Sign and date Part II and place the form on the right side of the CER folder.

2.16 Entitlement Determination Documentation in Corporate WINRS (CWINRS)

- a. If the Veteran is entitled (38 CFR 21.40), complete the CWINRS Claims Disposition tab – date Veteran was notified of entitlement. The operator will access the Case Status Command Button and check off the 719 Control Code.
- b. If Veteran is not entitled, the operator will update the case status in CWINRS using the following procedure:

- Close in Applicant or Evaluation and Planning status with the appropriate reason code and open Discontinued case status
- Open the Chapter 31 Master Record in BDN and complete the disallowance process
- Using the Claims Adjudication (CADJ) command, access the 408 screen and enter an "X" corresponding to the reason for disallowance:

65 - Entitlement Exhausted (no SEH)

66 - Beyond ETD (no SEH)

AA - Declared Ineligible (SCD rating reduced to 0 percent or severed prior to Chapter31 entitlement determination)

BB - Not Entitled (no EH)

CC - Failure to pursue (from applicant or evaluation and planning prior to an entitlement determination)

DD - Other (requires entry in Remarks section)

- In the Next Screen field on the 408 screen, enter 501 to access the Authorization functions on the 501 screen (Note: The employee who authorized the GED may not authorize a Disallowance on the same record)
- Enter "Y" in the Authorize field to authorize the disallowance transaction
- Enter "N" in the Authorize field to reset the transaction if an error was made on the 408 screen. When "N" is entered on the 501 screen, the operator must make entries on the S99 "Disposition" screen - enter VRC in the location field and "N" in the folder with claim field. The same or new

employee may make the corrections on the 408 screen and resume disallowance processing

- The Authorizer will sign the generated tear sheet and file it in the CER folder

c. Pre-Chapter 31 Salary Documentation for Servicemembers

The VRC will document the Servicemember's pre-Chapter 31 salary on VAF 28-1902b, BDN and CWINRS. Document his/her current rank/pay grade (example: Sergeant First Class, E-7) and his/her pre-Chapter 31 salary as \$0. In BDN and CWINRS, use 0000 in the Pre-Chapter 31 salary field to document the Servicemember's Pre-Chapter 31 salary. For more information on documenting information in BDN and CWINRS, see M28R.III.A.2.

2.17 Documents Used to Conduct an Initial Evaluation

Documentation serves numerous purposes, including:

- Provides the rationale and justification for legal determinations which approve or deny rehabilitation services
- Serves as a safeguard to prevent waste, fraud or abuse
- Serves as a record of activities, actions and decisions throughout the rehabilitation process
- Provides a historical record that the VRC can use to clarify his/her understanding of the individual's case
- Contains information that may be used in additional evaluation, counseling and planning activities
- Serves as the basis for reviews to assess the quality of the services provided
- Provides the basis for rehabilitation planning

Note: VAFs are located in Appendix O, VAFs, and CWINRS letters are located in Appendix AF, VA Letters. VRCs may use a CWINRS note in lieu of a VA form as long as the information in the CWINRS note contains all the information requested in the VA form. A VRC may not use a CWINRS note in lieu of a VA form that requires a signature.

a. VA Forms

| Document | Description | Requirement |
|--|---|--|
| VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation | Serves as a formal claim for Chapter 31 benefits and services | Mandatory - must be signed and filed in the CER folder |
| VAF 28-1902w, Rehabilitation Needs Inventory (RNI) | Used to collect information about the eligible individual | Mandatory – must be signed and filed in the CER folder |
| VAF 29-8739a, Protection of Privacy Information | Explains processes, rights and responsibilities under the Privacy Act | Mandatory - must be signed and filed in the CER folder |
| VAF 21-4142, Authorization for Release of Information | Required to request records from a non-VA source | Mandatory (when needed) - must be signed and filed in the CER folder |
| VAF 28-1902c, Counseling Record-Test Results | May be used to record test results | Optional - must be signed and filed in the CER folder |
| VAF 28-1902i, Counseling Record-Medical Information and Related Findings | May be used to record disability limitations, request a medical opinion and document need for reduced work tolerance | Optional – must be signed and filed in the CER folder |
| VAF 28-1902b, Counseling Record-Narrative Report | Documents information developed during the initial evaluation to explain the entitlement determination and rehabilitation needs | Mandatory - must be signed and filed in CER folder |
| VAF 28-8606, Notes from Counseling and Next Steps | Used to document tasks to be completed and the next appointment | Mandatory - must be signed, a copy given to the Veteran and original filed in CER folder |
| VAF 4107, Your Right to Appeal Our Decision | Informs Veteran or Servicemember of his/her appellate rights following an adverse action | Mandatory - must be provided to the Veteran and a copy filed in the CER folder |
| VAF 28-0800, Vocational Rehabilitation and Employment (VR&E) Program Orientation | Provides the Veteran or Servicemember with a written orientation/overview of the VR&E program | Mandatory – must be signed and filed in the CER folder |

| | | |
|---|--|--|
| VAF 28-1902n, Counseling Record-Narrative Report (Supplemental Sheet) | Supplementary documentation for VAF 28-1902b, Counseling Record – Narrative Report, which is used to record vocational exploration actions | Mandatory or VRC may document the required information in a CWINRS case note |
|---|--|--|

Note: In addition to using VAF 28-0800, the “VetSuccess for Life” orientation DVD and VetSuccess PowerPoint must be used in all orientation sessions with Veterans and Servicemembers.

b. CWINRS Letters

| CWINRS Letter | Description |
|--|--|
| Initial Evaluation Appointment with VRC | Provides initial appointment information |
| Disallowance - No EH | Required to explain the denial of benefits and services following a determination that the Veteran or Servicemember does not have an EH |
| Disallowance – No SEH | Required to explain the denial of benefits and services following the determination that the Veteran or Servicemember does not have a SEH |
| Disallowance - No EH | Required to explain the denial of benefits and services following the determination that the Veteran is suitably employed |
| 10-Day Letter or Stop Action – Missed Eval | Required to advise the Veteran or Servicemember that “no showed” for his/her initial evaluation appointment, that he/she has 10 days from the date of the letter to contact VR&E |

Chapter 3
RESOURCES AND TOOLS FOR INITIAL EVALUATIONS

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- 3.02 References and Resources
- 3.03 Medical Treatment, Care and Services to Veterans and Servicemembers by VHA
- 3.04 Role of the Medical Consultant
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 - a. Requesting a Medical Opinion Related to Functional Limitations
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Appendix O. VA Forms

Chapter 3 RESOURCES AND TOOLS FOR INITIAL EVALUATIONS

3.01 Introduction

Vocational Rehabilitation Counselors (VRCs) use a variety of resources and tools to aid them during the initial evaluation (38 Code of Federal Regulations (CFR) 21.50). This chapter covers the use of medical consultants, medical opinions on functional limitations and capabilities, assessments and measurements and the use of contractor services during the initial evaluation. Statutory and regulatory references are provided throughout the chapter.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3104

Regulations: 38 CFR 21.50
38 CFR 21.240
38 CFR 21.242

Resource: Veterans Health Administration (VHA) Directive 2010-022,
Vocational Rehabilitation: Chapter 31 Benefits Timely Access
to Health Care Services

Website: www.occupationalinfo.org

VA Forms (VAF): VAF 21-4142, Authorization And Consent To Release
Information To The Department Of Veterans Affairs (VA)
VAF 28-1902b, Counseling Record – Narrative Report
VAF 28-1902i, Counseling Record-Medical Information-
Related Findings
VAF 28-1902n, Counseling Record – Narrative Report
(Supplemental Sheet)
VAF 28-8861, Request for Medical Services – Chapter 31

3.03 Medical Treatment, Care and Services to Veterans and Servicemembers by VHA

In accordance with 38 CFR 21.240(a), a Veteran or Servicemember shall be furnished medical treatment, care and services which VA determines are necessary to develop, carry out and complete the Veteran's rehabilitation plan. 38 CFR 21.242(a) states that Veteran Administration Medical Centers (VAMCs) are the primary resources for the provision of medical treatment, care and services for Veterans and Servicemembers. 38 CFR 21.242(b) further specifies that hospital care and medical services provided under Chapter 31 shall only be furnished in facilities over which VA has direct jurisdiction, except as authorized

on a contract or fee basis under the provisions of Part 17 of this Title. Veterans Health Administration (VHA) Directive 2010-022 indicates that it is VHA's policy to provide timely access to VHA health care services for Veterans participating in the Vocational Rehabilitation and Employment (VR&E) program (38 U.S.C. 3104). For more information on medical treatment and services, see M28R.V.A.5.

Note: VR&E cannot pay VHA for any necessary medical services provided to Veterans and Servicemembers by a VAMC or other VHA facility.

3.04 Role of the Medical Consultant

a. When to Use a Medical Consultant

During the initial evaluation, the VRC may request a VAMC medical consultation to obtain information and recommendations about the extent of the disability, the extent and nature of the limitations, medical impact of the fields of work under consideration, the possible need for adjustment or modification to a program of services and other issues of concern. The VR&E Officer (VREO) must ensure access to a medical consultant when the VRC determines that one is needed.

b. How the Medical Consultant May Provide Services

The medical consultant may provide services in a variety of ways including discussions with the VRC regarding the Veteran's limitations, treatment plans, prognosis, reviews of the Veteran's records and the Veteran's overall physical and mental health. Scheduling an examination or records review should not delay completion of the initial evaluation unless the VRC believes that the exam or records review is critical and must be performed as part of the initial evaluation.

c. Referrals for Medical Consultation

Referrals for medical consultations should provide adequate information to allow the consultant to address the referral issue. Referrals should contain information related to the Veteran's service and non-service-connected disabilities, the reason for the referral, contact information and any other pertinent information. VAF 28-8861, Request for Medical Services – Chapter 31, is used for a VHA medical consultant referral. VA forms are available at Appendix O, VA Forms.

d. Documenting the Medical Consultation

The case manager must use one or more of the following methods to document the need and results for a medical consultation:

- VAF 28-8861, Request for Medical Services-Chapter 31
 - Electronic medical notes, such as Compensation and Pension Records Interchange (CAPRI)
 - VAF 28-1902i, Counseling Record-Medical Information-Related Findings
 - Corporate WINRS (CWINRS) notes
- e. Consideration of the Medical Consultant's Recommendations

The VRC must review and carefully consider the recommendations of the medical consultant, but the VRC has ultimate responsibility for making the entitlement decision. The VRC will consider the information obtained through medical consultation in conjunction with all other information obtained throughout the evaluation to make sound decisions regarding the Veteran's rehabilitation.

3.05 Requesting a Medical Opinion Related to Functional Limitations and Capabilities

The VRC will occasionally need additional medical information to determine the extent of functional capabilities and/or limitations. Additionally, medical support for an individual's ability to perform certain essential duties of a particular occupation may be needed as part of vocational exploration and rehabilitation planning.

a. Requesting a Medical Opinion Related to Functional Limitations

VRCs have professional knowledge of disability conditions which equip them with the ability to ascertain functional limitation information required of the initial evaluation by reviewing the Veteran's medical records and/or disability rating. However, in the event that the VRC is unable to determine the extent of the functional limitations related to a disability condition or multiple conditions, a medical consultation may be required with the Veteran's or Servicemember's treating physician. This may be a VA or non-VA physician, although the Veteran's or Servicemember's consent is needed for non-VA physicians.

VRCs have professional knowledge of disability conditions which equip them with the ability to ascertain functional limitation information required of the initial evaluation by reviewing the Veteran's medical records and/or disability rating. However, in the event that the VRC is unable to determine the extent of the functional limitations related to a disability condition or multiple conditions, a medical consultation may be required with the Veteran's or Servicemember's treating physician. This may be a VA or non-VA physician,

although the Veteran's or Servicemember's consent is needed for non-VA physicians.

b. Requesting a Medical Opinion Related to Specific Capabilities

VRCs may need an additional assessment of a Veteran's specific capabilities related to the essential duties of an occupation being considered as part of rehabilitation planning. Alternatively, if the Veteran's specific capabilities are unclear with regards to cognitive or physical functioning, the VRC may need general information about the Veteran's capabilities to determine which types of occupations will be suitable based on the Veteran's abilities.

When asking a treatment provider for this information, VAF 28-8861 is used. The VAF 21-4142, signed by the Veteran, is used when requesting information from a non-VA provider. In the Comments section of VAF 21-4142 or VAF-28-8861, only information specifically needed in the evaluation is requested, but VRCs should not specify the means by which the treatment provider will assess the Veteran for the needed information. In some cases, treatment providers will be able to provide the requested information based on existing medical treatment records. In other cases, the treatment provider may conduct an assessment or refer out to a specialist for specific assessments.

When requesting general information about capabilities, the VRC should be clear about the need. If a specific concern is present, the VRC should indicate what the identified concern is and ask the treatment provider for specific information and recommendations.

Examples of the type of information a VRC may request in a medical opinion include:

- Functional limitations and capabilities that need to be identified as they relate to a specific employment goal
- Whether the proposed employment goal is unrealistic due to physical or cognitive limitations
- Any physical disabilities that may impact desired employment opportunities
- Any necessary workplace accommodations
- Whether the individual meets or exceeds the physical requirements of the occupation. Information on occupational physical requirements may be found in the Directory of Occupation Titles (DOT) and at M28R.IV.B.4.03.i

- Whether the individual is fit to return to work based on his/her current physical or cognitive limitations
- Whether the individual is currently engaged in treatment that is expected to improve his/her functional capacity
- Whether the individual may have reduced work tolerance and thus, requires a reduced attendance requirement, which may only be authorized by a VA physician

c. Sources of Information to Define Occupational Requirements

When requesting information about specific capabilities related to an occupation being explored during the evaluation, the VRC should indicate what the specific physical requirements are and whether the Veteran can perform those physical requirements. Occupational requirements outlining the functional requirements of the occupation should be obtained from a documented source such as the Occupational Outlook Handbook (OOH), DOT, Occupational Information Network (O*NET), etc. (see M28R.IV.B.4.03.i). This information should be cited on the request.

If the position has many physical requirements, a list of those requirements (which may be obtained in the OOH, DOT, and/or O*Net) should be provided to the treatment provider, with space for him/her to indicate if the Veteran can perform, cannot perform or can perform with assistive devices. Alternatively, if the VRC and Veteran are considering several occupations with differing requirements, the VRC may ask the treatment provider what level of functioning the Veteran can perform in a certain category. For example, if asking about a Veteran's ability to lift, the VRC may ask the treatment provider if the Veteran is able to lift light, medium or heavy weight defined in pounds. For more information on strength ratings, see www.occupationalinfo.org.

d. Specialized Assessments

In some cases, treatment providers may refer out for specialized assessments such as neuropsychological assessments or functional capacity assessments. In these cases, the treatment provider may refer to a provider within the VHA system or refer to a private provider under the VHA fee basis program. Note that a VRC may not request such a specialized assessment, as it is within the purview of the medical provider to determine when such specialized assessments are necessary to address the VRC's specific concerns or questions.

3.06 Assessments and Measurements

a. CareerScope Skills Assessment Portal

CareerScope provides Veterans and Servicemembers online access to aptitude and interest assessment instruments used during the initial comprehensive evaluation. Use of CareerScope is mandatory by VR&E staff, and it replaces all tests and measurement tools formally used by VR&E. CareerScope may only be used by VR&E staff, as the VetSuccess contract requires contractors to supply their own testing materials for use in working with Veterans or Servicemembers referred for assessment services.

In the event that the CareerScope assessment cannot meet the needs of a Veteran or Servicemember due to specific disability limitations, the VRC should request assistance from VHA. For example, specialized testing may be required for a Veteran or Servicemember with a significant visual impairment. In this case, the VRC would refer him/her to VHA's Blind Rehabilitation Services Division for specialized services.

VR&E staff may also refer the Veteran or Servicemember to a VetSuccess contractor or use other community resources to obtain necessary specialized testing. If the services are not available from VHA or a VetSuccess contractor, specialized testing may be procured with the assistance of a VA contract specialist. Specialized testing may be procured only after a VR&E staff member has certified that the CareerScope assessment is insufficient and that specialized testing is required for that specific Veteran or Servicemember due to his/her disability or other needs.

The CareerScope administrator is chosen by the Regional Office (RO), and he/she manages the CareerScope portal. The VRC requests log-in instructions for Veterans and Servicemembers from the administrator, and then provides him/her with a CareerScope portal link, username and password. Veterans or Servicemembers may access CareerScope from the RO Job Resource Lab (JRL), his/her home computer or any other computer with direct access to the Internet.

Once the Veteran or Servicemember has completed the self-administered assessment, it is analyzed and the VRC receives an email notification prompting him/her to download the CareerScope report. After interpreting the results of the assessment, the VRC will meet with the Veteran or Servicemember and clearly explain the results of each assessment, to include its purpose, and provide a thorough explanation of the individual's scores in context with norms, not raw numbers. During this discussion, the VRC should determine if the Veteran or Servicemember agrees with the results of the assessment. If the individual does not agree with the assessment, the

VRC should consider factors or circumstances that might have impacted the accuracy of the results.

b. Importance of Assessments and Measurements

Assessments and measurements are used to provide further information regarding an individual's aptitudes, interests, abilities, temperament and personality and current level of psychological functioning.

c. Purpose of Standardized Assessments

Results of standardized assessments provide, in combination with other information, a foundation for vocational exploration, determination of the suitability of current employment or a proposed vocational goal and the identification of rehabilitation needs.

Note: If the individual has taken a battery of tests within the last two to three years, when possible/permissible, the VRC should obtain and use these results instead of administering a new assessment. The VRC will need to ensure that no major changes or events have occurred that would require a new assessment. An example of a major change or event would be a Traumatic Brain Injury (TBI) or a stroke.

d. Use of Assessments and Measurements

When assessing interests, abilities and aptitudes, it is generally accepted that past performance and demonstrated interests are the best predictors of future performance. However, when existing information is insufficient and/or contradictory, the VRC should use standardized assessments of aptitude or ability to ensure the evaluation is comprehensive.

e. Assessment Selection

The VREO will ensure that the instruments selected are appropriate for use in a given situation or with a particular individual, sufficient referral information is furnished to third party providers to ensure that appropriate assessments are utilized, assessments are appropriate for use with persons with a disability(ies) or culturally diverse individuals and the norm group on which selected assessments have been standardized includes members of the population to which the individual belongs.

f. Documenting Assessment Results

All assessment results are documented, including those from other sources, using VAF 28-1902b, Counseling Record – Narrative Report and VAF 28-1902n, Counseling Record – Narrative Report (Supplemental Sheet). The

VRC will describe the assessment(s) used, perform a transferable skills analysis, note the results of the assessment(s) and the vocational significance of the results. If no assessment(s) are administered, the VRC should explain the rationale and the alternative information used to assess abilities, aptitudes and interests. For example, school transcripts may be used in lieu of standardized tests to assess a Veteran's aptitudes and abilities.

3.07 Contractor Services

In order to expedite the initial evaluation process, the VRC may use the services of a contractor. The VRC must contact the applicant prior to any contractor involvement to inform the individual that he/she is being referred to a specific contractor and the purpose for referral.

The VRC should ensure that referrals for specific services are made to contractors with expertise in the needed area. Services should not be requested which are outside the scope of the contract.

For more information on contracting activities, see M28R.V.B.4.

Chapter 4 VOCATIONAL EXPLORATION

4.01 Introduction

4.02 References and Resources

4.03 Vocational Exploration

- a. Vocational Rehabilitation and Employment Responsibilities
- b. Vocational Exploration and Informed Choice
- c. Documenting Vocational Exploration
 - 1. Vocational Exploration
 - 2. Suitability of Selected Vocational Goal
 - 3. Type of Plan Developed
 - 4. Justification for Selected Type of Plan
 - 5. Description of How Vocational Goal Will Be Achieved and Planned Services
 - 6. Retroactive Induction
 - 7. Program Charges and Costs
 - 8. Level of Approval
 - 9. Level of Case Management Justification
 - 10. Other Considerations
- d. CareerScope Skills Assessment Portal
- e. Other Sources of Information
- f. Vocational Exploration Activities Support
- g. Role of the Employment Coordinator (EC)
- h. Using the Job Resource Lab (JRL)
- i. Occupational Outlook Handbook (OOH)
- j. Occupational Information Network (O*NET)
- k. Dictionary of Occupational Titles (DOT)
- l. Social Networking
 - 1. In-Person
 - 2. Online
- m. USAJOBS
- n. Conducting Information Interviews
- o. Labor Market Information

4.04 Fast Track Planning

- a. Advantages of Fast Track Planning
- b. Fast Track Planning Procedures
- c. Fast Track Planning Limitations
- d. Data Requirements

Appendix O. VA Forms

Chapter 4 VOCATIONAL EXPLORATION

4.01 Introduction

The goal of vocational exploration is to help the Veteran and Servicemember select a suitable vocational objective that is consistent with his/her abilities, aptitudes and interests, and does not aggravate his/her disability(ies). This chapter contains guidance on how to assist the Veteran or Servicemember in his/her vocational exploration and outlines support systems available to him/her to make a suitable career choice. Statutory and regulatory references are provided throughout the chapter.

4.02 References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 21.78
 38 CFR 21.84
 38 CFR 21.86
 38 CFR 21.180
 38 CFR 21.430

VA Form (VAF): VAF 28-1902n, Counseling Record-Narrative Report
 (Supplemental Sheet)

Websites: www.bls.gov/ooh
 www.onetonline.org
 www.occupationalinfo.org
 www.bls.gov
 www.usajobs.gov

4.03 Vocational Exploration

a. Vocational Rehabilitation and Employment Responsibilities

Department of Veteran Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Division is responsible for assisting a Veteran or Servicemember with a Service-Connected Disability(ies) (SCD) prepare for, obtain and maintain suitable employment. Before a Veteran or Servicemember enters into an Individual Written Rehabilitation Plan (IWRP) or Individual Employment Assistance Plan (IEAP), or during the redevelopment of an IWRP or IEAP, he/she needs to know what his/her options are in regard to identifying a suitable career. If the Veteran or Servicemember has transferable skills, training or experience in a suitable occupation, the same or a similar occupation should be considered prior to exploration of occupations requiring additional training.

b. Vocational Exploration and Informed Choice

Vocational exploration counseling must be provided to every participant in the Chapter 31 program, even if the Veteran or Servicemember already “knows” or has already chosen his/her career. Using vocational exploration tools, resources and a systematic method to explore different careers with the Veteran or Servicemember will ensure he/she makes an informed choice when choosing a suitable career.

c. Documenting Vocational Exploration

VAF 28-1902n, Counseling Record-Narrative Report (Supplemental Sheet), is used to document vocational exploration and planning following the determination that a Veteran or Servicemember is entitled to VR&E services and achievement of a vocational goal is currently reasonably feasible. The goal or outcome of vocational exploration activities is to select a suitable vocational goal that is consistent with the individual's abilities, aptitudes and interests, and does not aggravate the individual's disability(ies). The following information provides guidance for the completion of the form:

1. Vocational Exploration

The activities, assignments and results of the vocational exploration activities are documented. This may include, but is not limited to:

- Research findings, including labor market and information from OOH, O*Net and/or DOT
- Informational interviews
- Vocational goals considered
- Results of any evaluations (medical, vocational, etc.) and resulting vocational considerations

2. Suitability of Selected Vocational Goal

The selected vocational goal is stated and the suitability of the occupation/field is justified and documented. This may include, but is not limited to, information pertaining to aptitudes, interests, abilities, employment outlook, sufficient training entitlement, transferable skills and the potential for gainful employment that will not aggravate the Veteran's or Servicemember's disabilities.

3. Type of Plan Developed

The type of plan to be developed is selected.

4. Justification for Selected Type of Plan

An explanation for the reason and basis for selecting the type of plan is provided.

5. Description of How Vocational Goal Will Be Achieved and Planned Services

A description of how VR&E services will assist the Veteran or Servicemember in achieving the selected vocational goal is prepared. The description will include any accommodations and/or supports that will be needed or considered throughout the program. This could comprise supports outside the realm of VR&E Service, such as: Veterans Administration Medical Centers (VAMCs), Vet Centers, State vocational rehabilitation offices, independent living centers, and other community supports.

The services necessary to assist the Veteran or Servicemember in reaching the selected occupational goal are identified. The plan should include all services that are required to reach employability in the selected vocational goal. This may include, but is not limited to, services such as:

- Training, supplies and/or equipment
- Independent living services
- Certifications or licensures
- Job modifications or accommodations
- Medical and mental health maintenance
- Preparation for employment
- Collaboration with other agencies or programs

In accordance with 38 CFR 21.84(b)(3), the plan should contain an objective for counseling/mental health treatment and/or medical treatment for a Veteran or Servicemember with a Serious Employment Handicap (SEH).

6. Retroactive Induction

The consideration for retroactive induction to vocational rehabilitation and any related information are documented. The Vocational Rehabilitation and Employment Officer (VREO) must provide concurrence prior to approval of retroactive induction.

7. Program Charges and Costs

As part of program planning (38 CFR 21.430), the Vocational Rehabilitation Counselor (VRC) must estimate the program charges and costs (excluding subsistence allowance and Revolving Fund Advances) during a calendar year based on the services necessary to carry out the Veteran's or Servicemember's rehabilitation plan and the total cost of Self-Employment (SE) and Individual Independent Living Plans (ILLP).

8. Level of Approval

The appropriate level of authority required to approve the program costs is selected. If the level of authority exceeds the VRC's level, a description of the program charges and costs, with a justification for exceeding the VRC's level of approval, is prepared.

9. Level of Case Management Justification

The appropriate level of required case management (38 CFR 21.180) is selected and justification for the selection is provided. The selection should be based on the type of program being pursued and the Veteran's or Servicemember's circumstances.

10. Other Considerations

Other pertinent considerations for vocational planning or service provision, such as reduced work tolerance, calendar year costs of services (including the need for any special authorization or concurrence, such as cost approval for independent living construction needs) and anticipated entitlement needed and/or need for extension of entitlement are documented. The concurrence of the case manager or Employment Coordinator (EC) receiving the case is documented in Corporate WINRS Case Management System (CWINRS) if it is being transferred post-plan development.

d. CareerScope Skills Assessment Portal

Results from tests and measurements are a starting point for vocational exploration and assist in identifying appropriate vocational goals and training needed to achieve them. Regional Offices (ROs) use a skills assessment national portal called CareerScope.

CareerScope provides the Veteran or Servicemember online access to aptitude and interest assessment instruments. CareerScope is for use by VA staff only and may not be used by contractors. The VetSuccess contract requires contractors to supply their own testing for use in working with the Veteran or Servicemember referred for assessment services.

In the event that the CareerScope assessment cannot meet the needs of a Veteran or Servicemember due to specific disability limitations, the VRC should request assistance from Veterans Health Administration (VHA). For example, specialized testing may be required for a Veteran or Servicemember with significant visual impairment. In this case, the VRC would refer him/her to VHA's Blind Rehabilitation Services division for specialized services. VR&E staff may also refer the Veteran or Servicemember to a VetSuccess contractor or use other community resources to obtain necessary specialized testing. If the services are not available from VHA or a VetSuccess contractor, specialized testing may be procured with the assistance of a VA contract specialist only after VR&E staff have certified that the CareerScope assessment is insufficient and that specialized testing is required for that specific Veteran or Servicemember due to his/her disability or other needs.

The RO CareerScope administrator manages the CareerScope portal. The VRC receives the Veteran's or Servicemember's log-in instructions from the administrator, and then provides the Veteran or Servicemember with a CareerScope portal link, username and password. The Veteran or Servicemember may access CareerScope from the RO Job Resource Lab (JRL), his/her home computer, or any other computer with direct access to the Internet. Once the Veteran or Servicemember has completed the self-administered assessment, the VRC receives an email notification prompting him/her to download the Veteran's or Servicemember's CareerScope report.

e. Other Sources of Information

In addition to using CareerScope assessment results, many life activities reveal evidence of a Veteran's or Servicemember's pattern of abilities, aptitudes and interests, including:

- Use of leisure time
- Pursuit of education

- Volunteer activities
- Previous employment
- Life experiences

The case manager should use this information to assist the Veteran or Servicemember in the development of a vocational exploration strategy.

f. Vocational Exploration Activities Support

Vocational exploration activities can be conducted during counseling sessions, independently, or in the RO JRL. The following individuals or activities may assist in vocational exploration activities:

- VRC
- EC
- Disabled Veterans' Outreach Program (DVOP) specialist
- Local Veterans' Employment Representative (LVER)
- Contract counselors
- College or university career exploration, planning and placement representatives
- Librarians in military, college or local libraries
- Attendance at traditional and/or virtual job fairs
- Veteran reading the daily employment or job section of his/her local newspaper or electronic job boards to identify companies coming to or leaving an area where the Veteran desires employment

g. Role of the Employment Coordinator (EC)

During vocational exploration, the EC serves as the expert in employment information and can provide the following services:

- Labor market information for a specific geographic area
- Wage information for a specific geographic area

- Traditional and virtual job fair information
- Assistance in the JRL researching various occupations

h. Using the Job Resource Lab (JRL)

The following services are available to the Veteran or Servicemember in the JRL:

- Access to and instruction on how to utilize the VetSuccess.gov website
- Access to and instruction on how to use vocational exploration tools, such as the Occupational Outlook Handbook (OOH), Occupational Information Network (O*NET), Dictionary of Occupational Titles (DOT), social networking websites and the Federal jobs website
- Access to job vacancy announcements and employer contact information
- Printed material geared to assist the Veteran or Servicemember in exploring various career opportunities

i. Occupational Outlook Handbook (OOH)

The OOH is a nationally recognized source of career information designed to provide valuable assistance to job seekers making decisions about their future work lives. The Handbook is revised every two years. The OOH provides the following career information:

- Training, other qualifications and advancement
- Average earnings
- Employment outlook
- Job outlook
- Typical duties performed
- Projected employment data
- Working conditions
- Related occupations

- Sources of additional information
- Nature of the work

For more information on the OOH, go to www.bls.gov/oco.

j. Occupational Information Network (O*NET)

O*NET is a comprehensive database of worker attributes and job characteristics. Using a code system, the database contains information about Knowledge, Skills and Abilities (KSAs), interests, general work activities and work context. The following is a summary of information available on O*NET:

- Tasks
- Tools & Technology
- Knowledge
- Skills
- Abilities
- Work Activities
- Work Context
- Job Zone
- Education
- Interests
- Work Styles
- Work Values
- Related Occupations
- Wages & Employment
- Sources of Additional Information

For more information on O*Net, go to www.onetonline.org.

k. Dictionary of Occupational Titles (DOT)

From 1938 to the 1990s, vocational lists and employment matching offered by the Federal government were available through the Dictionary of Occupational Titles (DOT). The DOT was first published in hard copy in 1938 and emerged in an industrial economy that emphasized blue-collar jobs. Updated periodically, the DOT provided useful occupational information for many years. But its usefulness waned as the economy shifted toward information and services and away from heavy industry occupations. With the shift in the economy, plans developed to replace the book format of the DOT with an online database. A limited use, preliminary version was released in December 1997, followed by a public edition in December 1998. The O*NET thus, superseded the DOT with current information that can be accessed online or through a variety of public and private sector career and labor market information systems. However, VRCs and ECs are still required to put a DOT code on every IWRP, IEAP and Individual Extended Evaluation Plan (IEEP). When a vocational goal needs to be deferred, the VRC may use DOT code 999 on an IWRP or an IEEP, but never on an IEAP.

Every occupation is assigned a nine-digit code in the DOT. In groups of three, the digits are defined as follows:

- The first three digits identify a particular occupational group
- The middle three digits are the worker function ratings for data, people and things
- The last three digits are used to differentiate occupations within related clusters

For more information on the DOT, go to www.occupationalinfo.org.

l. Social Networking

Networking being the key word, there are two types of social networking methods available to explore vocations:

1. In-Person

The Veteran or Servicemember informs his/her family members, friends, former colleagues and neighbors that he/she is researching different career options and looking for assistance in identifying what might be a good career fit.

2. Online

Prospective employees use websites such as Facebook, Twitter and LinkedIn to research companies and find out what employers are looking for in a candidate. A Veteran or Servicemember exploring vocations should consider using both methods.

m. USAJOBS

The website www.usajobs.gov (USAJOBS) is the Federal government's one-stop clearinghouse for civil service job opportunities with Federal agencies. The site is operated by the Office of Personnel Management (OPM). Although the website is primarily used for job seekers, it is also a good source for vocational exploration because it indicates labor market trends, positions available, position requirements, required education, travel requirements, salary and the locations of the Federal government positions.

n. Conducting Information Interviews

The purpose of an information interview is to obtain firsthand knowledge about an occupation from someone who works in the field. Interviews may either be in person or over the telephone depending on the arrangement the Veteran or Servicemember makes with interviewee. If the Veteran or Servicemember is able to meet with the interviewee in person, then he/she should dress professionally and be prepared to ask questions about the occupation such as:

- How does a person become qualified for work in this field?
- What does a typical workday entail?
- What is the potential for growth in this field?
- How can the likelihood of obtaining employment in this field be improved?
- What is the salary range?
- What are the cognitive and physical demands of the job?
- Is it temporary or permanent employment?
- What are the job duties?

o. Labor Market Information

The U.S. Department of Labor's Bureau of Labor Statistics (BLS) provides labor market information online. Included in the information are the following factors within a specific geographical area:

- Highest and lowest paying jobs
- Fastest and slowest growing jobs
- Which jobs have the highest and lowest employment rates

Local labor market information can be obtained through coordination with the EC, DVOP specialist, LVER or by visiting the Bureau's website at www.bls.gov.

4.04 Fast Track Planning

Fast Track planning is a process designed to provide expedited services to the Veteran or Servicemember by allowing the VRC to defer identification of a specific vocational goal in order to allow the Veteran or Servicemember to begin rehabilitation services more quickly. It is called "Fast Track" planning because the movement from Evaluation and Planning (EP) status to Rehabilitation to the Point of Employability (RTE) status is accelerated by allowing vocational exploration and planning activities, historically completed during EP status, to be completed in RTE status. As a result, plan development and the initiation of services begin earlier in the rehabilitation process. This process ensures a seamless transition with no delay in service to the Veteran or Servicemember who is transferring to Chapter 31 from Chapter 33 and who is already receiving education services through the VA, but has not decided upon a vocational goal. Additionally, this process allows the Veteran or Servicemember to start a rehabilitation plan during their transition period, while concurrently researching the labor market in which they will be seeking employment following discharge in order to ultimately select the most appropriate vocational goal.

a. Advantages of Fast Track Planning

The two advantages to Fast Track planning include:

- Expedited services to the Veteran or Servicemember
- Expanded time for the thorough exploration of potential occupational goals

b. Fast Track Planning Procedures

Fast Track planning allows for the identification of a specific vocational goal to be deferred during the development of a rehabilitation plan by allowing the

use of DOT code 999 in an IWRP and an IEEP. The following procedures outline the use of Fast Track planning when developing, implementing and administering rehabilitation plans:

1. The rehabilitation plan is developed using DOT code 999-Deferred, as regulated in 38 CFR 21.84 for the development of an IWRP, and 38 CFR 21.86 for the development of an IEEP.
2. The following issues are addressed in the rehabilitation plan:
 - (a) The identification of a suitable vocational objective should include various tasks to assist the Veteran or Servicemember with vocational exploration, similar to what would be expected in EP status. It may also include other potential evaluations or information to determine if a potential vocational goal is suitable, such as a background check, medical evaluations or labor market research.
 - (b) Training objectives will address any needed remedial training and/or general education coursework or a similar training path that allows the Veteran or Servicemember to engage in training and make progress toward the completion of training while exploring a suitable vocational objective.
 - (c) Coordination of services objectives should address medical, psychological and related services, as appropriate, to ensure the Veteran's or Servicemember's needs are addressed and met.
 - (d) Case management objectives must be defined as at least Level 2, meaning a face-to-face meeting is required once per term, or at least three times per year for non-standard terms. It must be noted on the rehabilitation plan that additional meetings may be required to guide the Veteran or Servicemember through the vocational exploration process.
3. The case status is updated in CWINRS:
 - (a) If an IWRP is developed, the case status changes from EP to RTE status.
 - (b) If an IEEP is developed, the case status changes from EP to Extended Evaluation (EE) status. It is important to note that EE status may only be utilized when feasibility for employment cannot be determined.
4. The objectives of the plan are administered while continuing to advise and guide the Veteran's or Servicemember's vocational exploration process. It is important to note that additional counseling meetings may be

required during this process to ensure the Veteran has adequate guidance and input from the VRC.

5. When a suitable and/or feasible vocational goal has been identified, the rehabilitation plan is converted from DOT code 999 to the specific identified DOT code. The redevelopment of the rehabilitation plan no longer requires case status movement back to EP status; this action can occur in EE or RTE status.
6. If the Veteran or Servicemember does not follow through with services, elects to discontinue participation or is not accepted into a training program to continue training toward an appropriate vocational goal, the case moves to Interrupted (INT) status utilizing Reason Code (RC) 16. While in INT, counseling services are continuously provided to assist the Veteran in determining the appropriate next steps.

c. Fast Track Planning Limitations

The goal of Fast Track planning is to expedite services to the Veteran or Servicemember, while providing a longer period for vocational exploration. This is accomplished by utilizing DOT code 999 on the rehabilitation plan. However, it is necessary to limit the use of DOT code 999 to ensure the Veteran or Servicemember participates in vocational counseling and identifies a vocational goal within a reasonable time period and achieves maximum use of his/her benefits. As such, the use of DOT code 999 is limited to the following criteria:

1. Training is limited to the completion of remedial and/or general education coursework.
2. The maximum duration for a fast track IWRP is 12 months or three consecutive terms, whichever is longer. The VR&E Officer (VREO) can approve an extension up to six months or two consecutive terms of training, whichever is longer, if it is determined that this extended period is needed and will result in the identification of a vocational goal.
3. The maximum duration for a fast track IEEP is 12 months, but may not exceed one term of training. The VREO can approve an extension up to six months or one additional term of training, whichever is longer, if it is determined that this extended period will result in both the identification of a vocational goal and the determination of feasibility to achieve a vocational goal.

4. The Veteran or Servicemember must have at least 12 months of Chapter 31 entitlement remaining or be eligible to receive an extension beyond 48 months per 38 CFR 21.78.
5. Retroactive induction for any prior training cannot be approved until:
 - (a) A vocational goal is identified.
 - (b) An IWRP with a DOT code other than 999 is developed.
 - (c) It is determined that prior training advances the selected vocational goal.

d. Data Requirements

Each RO will be required to monitor Fast Track participants in RTE status to ensure that the Veteran or Servicemember is not remaining in these temporary plans for longer than the allowable time frame, and that vocational counseling is moving forward as planned. For those Veterans in an IWRP, tracking can be accomplished via Intranet Reports by:

1. Filtering the report to "DOT Categories of All Trainees"
2. Sorting cases by RTE status under DOT code 999

Chapter 5 OUTCOME OF INITIAL EVALUATION

5.01 Introduction

5.02 References and Resources

5.03 Initial Evaluation Outcomes

- a. Steps to Determine Initial Evaluation Outcome
- b. Potential Sources of Assistance Following Denial
- c. Documenting the Entitlement Determination
- d. Election of Another VA Benefit

Appendix O. VA Forms

Chapter 5 OUTCOME OF INITIAL EVALUATION

5.01 Introduction

Every initial evaluation has an outcome and steps to take based on the entitlement decision. This section contains the steps to take if the Veteran or Servicemember is found entitled to services and how to close the case if he/she is found not entitled to Chapter 31 services.

5.02 References and Resources

Laws: National Defense Authorization Act (NDAA), as Extended by Public Law (Pub. L.) 112-56, VOW to Hire Heroes Act

VA Forms (VAF): VAF 28-1902b, Counseling Record-Narrative Report
VAF 4107, Your Rights to Appeal our Decision

5.03 Initial Evaluation Outcomes

a. Steps to Determine Initial Evaluation Outcome

The following chart provides guidance on possible initial evaluation outcomes, and how to process claims properly.

It is important to note that the case manager must PCLR the 719 End Product Code while the case is in Evaluation and Planning (EP) Status after the Veteran has been informed of a positive entitlement decision. The case manager must keep EP status open while conducting vocational exploration and follow-up counseling activities for items 1 through 6 listed below.

| Possible Initial Evaluation Outcomes | Case Manager Activity Required |
|--|---|
| 1. Evaluation is completed. The Veteran is entitled to Chapter 31 benefits, but he/she does not pursue claim by developing a rehabilitation plan, or he/she declined services, including when the Veteran elects to use his/her Chapter 33 benefits. | Send the Veteran a notification letter with 30-day due process before taking the adverse action. Do not move case to Interrupted (INT) Status during due process period. If Veteran does not respond after the 30-day period, close EP status with Reason Code (RC) 03 using the date of the decision and open Discontinued (DIS) Status using the same date the |

| | |
|---|---|
| | <p>EP status is closed.</p> <p>A Detailed Reason Code (DRC) must be selected to provide the reason for using RC 03.</p> <p>Notify applicant of the discontinuance in writing and provide VAF 4107.</p> |
| 2. Individualized Written Rehabilitation Plan (IWRP) is developed and signed by the Vocational Rehabilitation Counselor (VRC) and the Veteran. | <p>Close EP status with RC 05 using the date the IWRP is signed by both parties, and open Rehabilitation to the point of Employability (RTE) Status using the same date EP status is closed.</p> <p>The Corporate WINRS (CWINRS) Claims Disposition tab must be updated prior to case status movement.</p> <p>The close and open date procedures are the same in cases involving retroactive subsistence allowance payments. Therefore, the Master Record may reflect a pay status, which is earlier than the "close" or "open" case status date.</p> |
| 3. Individualized Extended Evaluation Plan (IEEP) is developed and signed by the VRC and the Veteran. | <p>Close EP status with RC 06 using the date the IEEP is signed by both parties and open Extended Evaluation (EE) Status using the same date EP status is closed.</p> <p>The CWINRS Claims Disposition tab must be updated prior to case status movement.</p> |
| 4. Individualized Employment Assistance Plan (IEAP) is developed and signed by the VRC and the Veteran. This option is only available when the Veteran qualifies for employment assistance under 38 U.S.C 3117. | <p>Close EP status with RC 07 using the date the IEAP is signed by both parties and open Job Ready (JR) status using the same date EP status is closed. This is the only time a case will go directly from EP status to JR status.</p> <p>If the Veteran requires services in order to become job ready, develop IWRP/IEAP combination plan. See case</p> |

| | |
|--|---|
| | <p>status movement instructions for IWRP above.</p> <p>The CWINRS Claims Disposition tab must be updated prior to case status movement.</p> |
| <p>5. Individualized Independent Living Plan (IILP) developed, approved by Vocational Rehabilitation and Employment (VR&E) Officer, and signed by the VRC and the Veteran.</p> | <p>Case remains in EP status pending approvals, including all required approvals by the Director of VR&E Service.</p> <p>Close EP status with RC 08 using the date the IILP and approval documents are signed by both parties and open Independent Living (IL) Status using the same date the EP status is closed.</p> <p>The CWINRS Claims Disposition tab must be updated prior to case status movement.</p> |
| <p>6. Veteran's achievement of a vocational goal is determined not currently reasonably feasible and he/she does not need, is not eligible for, or cannot participate in a plan of IL services at this time.</p> | <p>Notify the Veteran of the adverse action in writing and provide VAF 4107. Case must remain in EP status during due process period.</p> <p>VR&E Officer approval is required prior to closure of case. After 30 days, close status with RC 09 using the date of the decision and open DIS status using the same date the EP status is closed.</p> <p>After discontinuance, provide Veteran with the required follow up at 6 months and 12 months to evaluate if their circumstances have changed sufficiently to warrant a re-evaluation of feasibility. Follow-up can be done via phone or letter and documented in a CWINRS note.</p> |

| | |
|---|--|
| <p>7. Veteran is determined to have no employment handicap (EH).</p> | <p>Close EP status with RC 10 using the date of the decision and open DIS status using the same date EP status is closed.</p> <p>Disallow the claim in Benefits Delivery Network (BDN) using CC 719 with CADJ 408 and authorize disallowance using CAUT 501. Use BB – Not Entitled. This process will automatically clear the pending CC 719.</p> <p>Notify the Veteran of the discontinuance in writing and provide VAF 4107.</p> |
| <p>8. Veteran is determined to have an EH, but no serious employment handicap (SEH) and his/her 48-month entitlement has been exhausted.</p> | <p>Close EP status with RC 11 using the date of the decision and open DIS status using the same date EP status is closed.</p> <p>Disallow claim in BDN using CC 719 with CADJ 408 and authorize disallowance using CAUT 501. Use BB – Not Entitled. This process will automatically clear the pending CC 719.</p> <p>Notify the Veteran of the discontinuance and provide VAF 4107.</p> |
| <p>9. Veteran is determined to have an EH, but no SEH and his/her 12-year eligibility period has expired.</p> <p>Or, Veteran has been granted 10% combined SCD rating, but he/she does not meet the criteria for SEH.</p> | <p>Close EP status with RC 12 using the date of the decision and open DIS status using the same date EP status is closed.</p> <p>Disallow claim in BDN using CC 719 with CADJ 408 and authorize disallowance using CAUT 501. Use BB – Not Entitled. This process will automatically clear the pending CC 719.</p> <p>Notify Veteran of the discontinuance in writing and provide VAF 4107.</p> |

| | |
|--|--|
| 10. Veteran's SCD rating is reduced to a non-compensable level, or severed, or Veteran is found to otherwise be ineligible such as in the event that the GED processing incorrectly granted eligibility. | Close EP status with RC 39 using effective date of the severance of service-connection and open DIS status using the same date EP status is closed. Notify the Veteran of the discontinuance in writing and provide VAF 4107. |
| 11. Veteran's death is confirmed, and date of death appears on the M32 screen. | Close EP status with RC 99 using date the Veteran's death is verified and open DIS status using the same date the EP status is closed. |

b. Potential Sources of Assistance Following Denial

When entitlement to VR&E services is denied, the VRC and Veteran or Servicemember should explore alternative resources, such as job placement assistance through the Disabled Veteran's Outreach Program (DVOP) or Local Veterans' Employment Representative (LVER) staff, educational assistance through other Department of Veterans Affairs (VA) programs, educational assistance through grant and scholarship programs and rehabilitation or related assistance through State agencies.

c. Documenting the Entitlement Determination

The VRC documents the entitlement determination using VAF 28-1902b, Counseling Record – Narrative Report, (see Appendix O, VA Forms).

d. Election of Another VA Benefit

If eligible, an individual may choose to train under another VA program. The VRC will provide the individual with information to assist him/her in the decision making process

Chapter 1 REHABILITATION PLAN DEVELOPMENT OVERVIEW

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- 1.03 Purpose and Scope
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- 1.05 Rehabilitation Plan Types and Requirements
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Appendix O. VA Forms

Chapter 1 REHABILITATION PLAN DEVELOPMENT OVERVIEW

1.01 Introduction

The foundation of a successful rehabilitation program is a well-developed plan of action. The development of a rehabilitation plan is required for any individual who is entitled to and receiving chapter 31 services per Title 38 of the Code of Federal Regulations (CFR) section 21.80. The rehabilitation plan must be based on the results of a comprehensive evaluation, including the required determinations and assessment of factors identified in 38 CFR 21.50. The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program utilizes a variety of rehabilitation plans to provide services that can optimize an individual's potential to overcome potential barriers to success. This chapter will provide an overview of those rehabilitation plans. In addition, it will provide the statutory and regulatory guidance that governs the process, purpose and scope of plan development, as well as defining the roles and responsibilities of each stakeholder in the process of developing the rehabilitation plan.

1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3107
Public Law 110-389, the Veterans Benefits Improvement Act of 2008

Regulations: 38 CFR 21.50
38 CFR 21.70
38 CFR 21.74
38 CFR 21.76
38 CFR 21.78
38 CFR 21.80
38 CFR 21.84
38 CFR 21.86
38 CFR 21.88
38 CFR 21.90
38 CFR 21.92
38 CFR 21.94
38 CFR 21.96
38 CFR 21.98
38 CFR 21.258
38 CFR 21.430

VA Forms (VAF): VAF 28-8872, Rehabilitation Plan
VAF 28-8872a, Rehabilitation Plan-Continuation Sheet

1.03 Purpose and Scope

a. Purpose of Plan Development

The purpose of rehabilitation plan development is to structure individualized services that will enable the individual to obtain and maintain suitable employment, and/or to maximize independence in daily living. The structure of the plan allows the counselor and the individual to translate the findings of the initial evaluation into specific rehabilitation goals and objectives.

b. Scope of Plan Development

The scope of plan development includes the services needed to accomplish the goal of the rehabilitation plan. Counseling services must be included in every rehabilitation plan per 38 U.S.C. 3107. Additional services may include medical, social, psychological, independent living, economic, educational, vocational, and employment services per 38 CFR 21.70. The services must be outlined on the rehabilitation plan in observable, measurable objectives designed to meet the overall goal of the rehabilitation plan.

1.04 Roles and Responsibilities

There are several stakeholders involved in the development, administration and implementation of a rehabilitation plan. Each stakeholder has clearly defined roles and responsibilities to ensure that the plan is successful.

a. Individual

VR&E provides rehabilitation services to a number of individuals, to include Veterans, Servicemembers, dependents and individuals with certain types of birth defects. The term individual will be used throughout this section to include each of these populations. The individual is the most important stakeholder in the development of the rehabilitation plan. For the plan to be a success, the individual must be an active participant in the development of the rehabilitation plan. The individual must agree to the plan before services are provided per 38 CFR 21.92.

b. Vocational Rehabilitation Counselor

The Vocational Rehabilitation Counselor (VRC) guides the individual in the selection of an appropriate rehabilitation goal. The VRC's primary role is to assist the individual in making an informed decision based upon the individual's functional abilities, interests and aptitudes. If employment is the goal of the rehabilitation plan, the VRC will also help the individual understand the labor market to ensure that the chosen vocational goal is suitable and viable. The VRC can approve rehabilitation plans with an annual

cost of up to \$25,000, with the exception of self-employment plans and construction costs associated with independent living plans. See below for additional information on the cost approval limits for those exceptions.

c. Employment Coordinator

The Employment Coordinator (EC) works closely with the VRC and the individual to ensure that the chosen vocational goal is viable in the labor market in which the individual will be seeking employment.

d. VR&E Officer

The VR&E Officer (VREO) conducts administrative reviews in an effort to resolve disagreements related to plan development or implementation. The VREO must provide approval for the following activities related to plan development:

- Self-employment plans with a total cost up to \$25,000 per 38 CFR 21.258
- Rehabilitation plans with annual cost of \$25,000 to \$75,000
- Independent living (IL) plans that do not contain construction with annual cost up to \$75,000
- IL plans that contain construction costs up to \$2,000
- Retroactive inductions
- Extended evaluations beyond 12 months per 38 CFR 21.74
- IL plans beyond 24, but not to exceed 36, months in duration per Public Law 110-389
- Extension of entitlement beyond 48 months, except when the extension is for a period of employment assistance only per 38 CFR 21.78

Note: Per 38 CFR 21.430, the VREO may not delegate the responsibility to review program costs associated with extended evaluations, independent living, and self-employment plans.

e. Director, Regional Office

The Director of the regional office must approve the following:

- Rehabilitation plans with an annual cost of \$75,000-\$100,000

- IL plans that do not contain construction with an annual cost of \$75,000-\$100,000.
- IL plans that contain construction costs between \$2,000 and \$25,000

f. Director, VR&E Service

The Director of VR&E Service conducts administrative reviews when the request involves a disagreement related to a rehabilitation plan developed by a VREO, and/or when a disagreement related to rehabilitation plan development cannot be resolved by the VREO. The Director of VR&E Service must approve the following:

- Rehabilitation plans when the annual cost of services exceeds \$100,000
- Self-employment plans when the total cost of the program exceeds \$25,000
- IL plans when construction costs exceed \$25,000
- IL plans exceeding 36 months in duration

1.05 Rehabilitation Plan Types and Requirements

Rehabilitation Plans are developed in CWINRS and documented on VAF 28-8872, Rehabilitation Plan, and VAF 28-8872a, Rehabilitation Plan-Continuation Sheet. See Appendix O, VA Forms, for information on how to access this form. The type of plan is dependent upon the needs of the individual, as well as the overall goal of the program of service. However, each plan has required elements that must be addressed.

a. Types of Rehabilitation Plans

1. Individualized Extended Evaluation Plan (IEEP)

IEEPs are used when feasibility to achieve a vocational goal cannot reasonably be determined during the initial evaluation process per 38 CFR 21.86. See M28R.IV.C.3 for additional information and guidelines on the administration of extended evaluation programs.

2. Individualized Written Rehabilitation Plan (IWRP)

IWRPs are used when the individual is pursuing a rehabilitation plan with an ultimate goal of employment and requires services to develop the skills

necessary to achieve that goal. See 38 CFR 21.84 for statutory guidance on IWRPs.

3. Individualized Employment Assistance Plan (IEAP)

IEAPs are used when the individual has the skills necessary to obtain and maintain employment. It outlines the employment services that will be provided to the individual to assist with achieving the employment goal. See 38 CFR 21.88 for additional information on the governance of IEAPs.

4. Individualized Independent Living Plan (IILP)

IILPs are used to help an individual achieve maximum independence in daily living when the achievement of a vocational goal is not currently reasonably feasible. IILPs are governed by 38 CFR 21.90. See M28R.IV.C.9 for additional information on the administration of IILPs.

b. Required Elements of Rehabilitation Plans

- Program goal
- Objectives designed to meet the goal
- Anticipated completion dates
- Services to be provided
- Duration of services
- Service providers
- Evaluation criteria
- Evaluation schedule of at least once every 12 months per 38 CFR 21.96
- Counseling, which is required in all cases per 38 U.S.C. 3107

1.06 Amending the Rehabilitation Plan

The individual and/or the VR&E case manager can request a change to the rehabilitation plan at any time. 38 CFR 21.94 outlines the process of amending the rehabilitation plan:

a. Changes to the Rehabilitation Plan

A change to the rehabilitation may require a reevaluation of the individual's rehabilitation program. This is necessary if the change is major and requires the redevelopment of the vocational objective. However, if the change is necessary to meet the overall goal, then a reevaluation of the program is not necessary. The VRC must work closely with the individual to incorporate the change, and the individual must concur with the change to his/her plan.

b. Disagreement Regarding Changes to the Rehabilitation Plan

If the VRC determines that a change is necessary, and the individual does not concur with the change, then the individual can appeal the proposed change to the plan. 38 CFR 21.98 outlines the appeal process:

1. The individual requests a review of the proposed, original, or amended plan by providing a detailed account of his/her specific concerns.
2. The VREO will review the plan, the individual's concerns, the VR&E case manager's comments regarding the change, as well as any other relevant information in an effort to resolve the disagreement. The VREO has 90 days to inform the individual of the outcome of the review. If the VREO is the case manager, the case must be submitted to the Director, VR&E Service for review.
3. If the individual does not concur with the VREO's decision, or if the VREO is the case manager, then he/she can request a review from the Director of VR&E Service.
4. The individual may appeal an adverse decision of the VREO or the Director of VR&E Service to the Board of Veterans Appeals.

See M28R.III.C.3 for a complete description of the appeals process.

Chapter 2
CONSIDERATIONS FOR THE DEVELOPMENT AND
ADMINISTRATION OF THE REHABILITATION PLAN

- 2.01 Introduction
- 2.02 References and Resources
- 2.03 Vocational Rehabilitation Panel's (VRP) Role in Plan Development
 - a. VRP Referral
 - b. Roles and Responsibilities
 - c. VRP Summary Case Review
 - d. Integrating VRP Findings
- 2.04 Determining Program Participation Rates
 - a. Full-Time Participation
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 - d. Participation for Working Veterans
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Appendix O. VA Forms

Chapter 2

CONSIDERATIONS FOR THE DEVELOPMENT AND ADMINISTRATION OF THE REHABILITATION PLAN

2.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program provides services to assist Veterans with disabilities to obtain and maintain suitable employment, and/or to obtain the skills to live as independently as possible. The services to be provided are outlined in a rehabilitation plan. When developing the plan, the Vocational Rehabilitation Counselor (VRC) must work closely with the Veteran to identify and address several factors that will impact the development and administration of the plan. This chapter will outline a number of those factors and provide regulatory and procedural guidance that will enable the VRC and the Veteran to make informed decisions during the development and administration of the rehabilitation plan.

2.02 References and Resources

| | |
|-----------------|--|
| Laws: | 38 United States Code (U.S.C.) 3103 38 U.S.C. 3104 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.41-21.44 38 CFR 21.60-21.62 38 CFR 21.260 38 CFR 21.282 38 CFR 21.310 38 CFR 21.312 |
| VA Forms (VAF): | VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet) VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status VAF 28-8861, Request for Medical Services |

2.03 Vocational Rehabilitation Panel's (VRP) Role in Plan Development

VRP plays a vital role in the development of some rehabilitation plans by providing expert opinions and guidance on complex issues. The following information outlines the process for referral to the VRP, the responsibilities of the parties involved, identifies the required elements of the case review summary and discusses integrating the VRP's recommendations into the rehabilitation plan.

a. VRP Referral

1. Referral for Employment Plans

The VRC must prepare a written referral when seeking the assistance of the VRP. If the VRC is seeking guidance for an employment plan, then the referral must contain the following information:

- Reason for the referral, to include a precise statement of what action or information is requested
- Summary of the Veteran's medical history, to include a clear description of his/her present functional abilities and limitations
- Copies of pertinent medical records
- Additional facts, observations or information deemed useful

2. Referral for an Independent Living (IL) Plan

If the VRC is seeking guidance for an IL plan, then the referral must contain the following information:

- Statement describing the basis for the VRC's determination that the pursuit of a vocational goal is not feasible at this time
- Statement describing the Veteran's IL needs
- Specific IL objectives to be achieved by participation in the plan
- Selected services that will assist the Veteran in achieving the objectives
- Brief assessment of the Veteran's motivation to achieve the objectives

b. Roles and Responsibilities

1. Vocational Rehabilitation Counselor (VRC)

The VRC is responsible for the following:

- Preparing the referral
- Filing the referral in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder
- Routing the referral to the VR&E Officer for review

- Presenting the case to the VRP
- Filing the VRP's case review in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder and centralized VRP file
- Informing the Veteran of the VRP's recommendations
- Integrating the VRP's recommendations into the rehabilitation plan as applicable

2. VR&E Officer

The VR&E Officer is responsible for the following:

- Reviewing the referral to ensure that the information is adequate for VRP review
- Advising the Regional Office (RO) Director when other non-medical specialists are needed for the panel to adequately address the issues to be considered
- Presenting the case to the VRP if the VRC is not available

3. VRP Members and Consultants

The VRP members and consultants are responsible for the following:

- Discussing the physical, social and emotional aspects of the Veteran's situation within the scope of the referral
- Developing recommendations
- Seeking additional information when needed to develop recommendations

4. VRP Chairperson

The VRP chairperson, which in many instances is the VR&E Officer, is responsible for the following:

- Scheduling the VRP meeting

- Sending the meeting agenda and referral information to all members of the VRP
- Notifying the Veteran's accredited representative if the representative holds power of attorney in the management of the Veteran's case
- Ensuring the consensus of the panel's recommendations are identified and documented in a signed and dated summary case review
- Submitting the VRP's case review to the referring case manager

5. VA Medical Center Consultant (VAMC)

The VAMC consultant will advise the VR&E Officer when other medical specialists are needed as a part of the VRP.

c. VRP Summary Case Review

The VRP chairperson will document and compile the VRP's findings and recommendations into a summary case review that includes the following information:

- Name and title of the chairperson
- Names of the attending VRP members
- Name of the RO handling the case
- Veteran's name, date of birth and Social Security Number (SSN) or claim number
- Concise summary of the VRP's recommendations and conclusions
- Any other pertinent information

d. Integrating VRP Findings

Once the VRC and the Veteran have discussed the findings and recommendations made by the VRP, the VRC must integrate those recommendations into the rehabilitation plan as appropriate.

See M28R.II.A.4, 38 U.S.C. 3104 and 38 CFR 21.60-21.62 for additional information on the VRP.

2.04 Determining Program Participation Rates

a. Full-Time Participation

Participation in a rehabilitation plan should be full time, if possible.

b. Less than Full-Time Participation

The goal of full-time participation may not be possible based on the Veteran's circumstances. Pursuit at less than full time may be approved after careful consideration of all relevant factors, including, but not limited to:

- Effects of the disability(ies)
- Family responsibilities
- Economic circumstances
- Determination of reduced work tolerance
- Veteran's employment status
- Other situational factors

c. Less than Half-Time Participation

Participation at less than half-time may be approved on a temporary basis if it is specifically identified in the plan and/or a determination of reduced work tolerance has been made. The VRC must determine whether the rate of pursuit can be increased to at least half-time upon the completion of the term. It is important to note that per 38 CFR 21.260, subsistence allowance is not payable when pursuing a plan at less than half-time unless a determination of reduced work tolerance has been made or unless one-quarter time is allowable under an Individualized Extended Evaluation Plan (IEEP).

d. Participation for Working Veterans

The rehabilitation plan may be developed to enable the Veteran to pursue training on a part-time basis if the Veteran is working, or intends to work, on a full-time basis. The VRC must determine the rate of pursuit based on the following factors:

- Employment status, to include shift work and its impact on the Veteran's ability to participate in the plan
- Financial needs

- Remaining entitlement and eligibility termination date
- Anticipated program completion date

e. Reduced Work Tolerance

Reduced work tolerance occurs when a Veteran's functional limitations, as a result of a disability(ies), impacts his/her ability to participate in a rehabilitation plan on a full-time basis. 38 CFR 21.312 provides regulatory guidance on reduced work tolerance.

1. Factors to Consider with Reduced Work Tolerance

- (a) Reduced work tolerance must be determined by a VA physician based on the impact of the Veteran's service and non-service connected disabilities.
- (b) Reduced work tolerance must be evaluated annually.
- (c) Subsistence allowance is paid at the full-time rate for the type of program being pursued.
- (d) The VRC must ensure that the rehabilitation plan provides for completion of the program within the Veteran's remaining entitlement or an extension of entitlement.
- (e) Reduced work tolerance may be appropriate when participating in one of the following rehabilitation plans when the achievement of the program goal is reasonably feasible:
 - IEEP
 - Individualized Written Rehabilitation Plan (IWRP)

2. Referral for Reduced Work Tolerance Determination

The VRC must make a referral to a VAMC for the determination of reduced work tolerance. The referral is made on VAF 28-8861, Request for Medical Services or in a Corporate WINRS Case Management System (CWINRS) case note. See Appendix O, VA Forms for information on how to access this form. The referral must include a request for the following information:

- (a) Does the Veteran qualify for reduced work tolerance?
- (b) What is the maximum amount of time the Veteran may devote to the following:
 - Training, as expressed in credit or clock hours
 - Travel related to training
 - Preparation or practice of training

The VRC must forward the referral to the VAMC for determination of reduced work tolerance.

3. Determination of Reduced Work Tolerance

Upon completion of an examination, assessment or review of the medical record, the VA documents the findings in the Veteran's medical record and informs the VRC of his/her findings.

4. Communicating the Determination of Reduced Work Tolerance

Upon the determination of reduced work tolerance, the VRC must discuss the determination and its impact on the rehabilitation plan with the Veteran. This communication should be done in person or via telephone, with a follow-up letter to the Veteran to ensure a complete understanding if the VRC determines this additional step would be helpful. The VRC must convey the following information to the Veteran:

- The amount of time the Veteran will be expected to train, travel, prepare and practice for training to be considered full time, and
- An explanation that the subsistence allowance is payable at the full-time rate as long as the Veteran participates at the rate identified by the VA physician. Participation at a lower rate requires a redetermination of reduced work tolerance by a VA physician. For example, the VA physician determines the Veteran can participate in six credit hours per semester, which includes the amount of time to travel, prepare and practice for training. If the Veteran registers for six credit hours, then subsistence allowance is payable at the full-time rate. However, if the Veteran pursues any rate less than six credit hours, subsistence allowance is not payable, and a redetermination of reduced work tolerance must be completed, and

- An explanation that other activities, such as employment, are prohibited as a result of the determination of reduced work tolerance because it would further reduce the Veteran's ability to participate in training.

The VRC must document this communication in either a CWINRS case note or by filing a copy of the letter sent to the Veteran, which explains the determination of reduced work tolerance, on the right side of the CER folder.

See 38 CFR 21.310 for additional information on determining the rate of pursuit in a rehabilitation program.

2.05 Case Management Appointments

The Veteran's rehabilitation plan must include an identified case management level and a schedule for frequency of case management visits.

a. Definitions

1. Case Management Appointments

Case management appointments are defined as face-to-face meetings with the Chapter 31 participant that cover vocational, medical, financial, academic and any other issues impacting progress.

It is preferred that case management appointments be conducted at the training facility. However, appointments may be scheduled at the VA or an alternate location under certain circumstances, such as when requested by the Veteran or when meeting space is not available at the facility. "No shows" will be re-scheduled at the VA's convenience. At the minimum, the case manager should conduct at least one site visit per year at the school facility to meet with the certifying official, bookstore officials, finance office, disability office and any other relevant staff.

2. Contacts

Contacts are defined as follow-up on issues identified through the case management appointment or other case management activities. These contacts may be made by face-to-face interaction or other methods, such as:

- Telephone
- FAX

- Email
- Letter

b. Case Management Level

Each Veteran must be assigned a case management level in CWINRS under the Rehabilitation tab. The level must also be documented on VAF 28-1902n or in a CWINRS case note. The level is also noted on the rehabilitation plan. See Appendix O, VA Forms for information on how to access VAFs.

The levels of case management and a description of each are provided in the chart below:

| LEVEL OF CASE MANAGEMENT | DESCRIPTION |
|--------------------------|--|
| Level 1 | <p>One annual face-to-face case management visit is required. Additionally, one case management follow-up by telephone or in-person is required during each of the other terms or three times per year if non-standard terms or training is non-academic.</p> <p>The Veteran exhibits independent, goal-oriented behavior and needs minimal contact from the case manager to stay on track. The Veteran may demonstrate the following characteristics:</p> <p>Stable medical conditions Minimum requirement for support services History of self-motivated achievement Exceeds criteria for satisfactory progress Independence in problem solving Absence of Level 2 and Level 3 criteria</p> |
| Level 2 | <p>Face-to-face case management meetings are required once per term attended or at least three times per year for non-standard terms. For non-academic programs, required face-to-face meetings are conducted once per month for the first three months, then quarterly.</p> <p>The Veteran needs guidance and structure, but is able to follow through and stay on track. The</p> |

| LEVEL OF CASE MANAGEMENT | DESCRIPTION |
|--------------------------|---|
| | <p>Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:</p> <p>Requires remedial instruction to prepare for post-secondary educational placement tests</p> <p>Circumstances that interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns</p> |
| Level 3 | <p>Face-to-face case management visits are required once per month, with the exception of those Veterans participating in an Individualized Employment Assistance Plan (IEAP) or Individual Independent Living Plan (IILP). See note below on those types of plans.</p> <p>The Veteran requires an intensive level of services. Veteran needs frequent contact and/or has multiple rehabilitation needs. Examples of circumstances that may require this level of service are:</p> <p>IL, Rehabilitation Workshops, Special Rehabilitation Facilities or Chapter 35 Special Restorative Training</p> <p>Chronic, inappropriate conduct and cooperation</p> <p>Behavior in violation of training establishment policies</p> <p>Severe impairments due to a medical or neuropsychological condition(s)</p> <p>Substance abuse issues</p> <p>Homelessness</p> <p>Incarceration or threatened incarceration</p> |

c. Frequency of Case Management Appointments

The frequency of appointments is determined by the type of program as indicated in the chart below. It is important to note that all programs, with the exception of those receiving training in an institution of higher learning or a non-college degree program, require an initial case management appointment within 30 days of plan development. For those Veterans receiving training in an institution of higher learning or a non-college degree

program, the initial case management appointment is required within 60 days.

| PROGRAM TYPE | LEVEL AND FREQUENCY OF CASE MANAGEMENT APPOINTMENTS |
|--|---|
| Institution of Higher Learning or Non-College Degree Program | <p>Level 1, 2 or 3 as required by the Veteran's needs and individual circumstances.</p> <p>Assigned level may be adjusted during the rehabilitation program and should be reviewed at least annually. Only highly achieving Veterans or those in advanced degree programs should be Level 1. Veterans receiving non-punitive or punitive grades or experiencing any barriers to success should be provided active case management that is in accordance with his/her needs.</p> |
| On-the-Job Training (OJT), Apprenticeship, Federal Paid and Unpaid OJT, Non-Paid Work Experience | <p>Level 2 or 3 as required by the Veteran's need and individual circumstances.</p> <p>Due to the nature of OJT placements, on-site follow-up with the employer is required at the time the OJT is established and at least one time during the course of the training program.</p> |
| Farm Cooperative | <p>Level 2</p> <p>One of every three case management appointments with the Veteran must be made at the school, with at least one of the other two being made at the farm training site.</p> |
| Homebound/ Independent Instructor | <p>Level 2 or 3 as required by the Veteran's need and individual circumstances.</p> <p>The independent instructor must be present at one of every three case management meetings.</p> |

| PROGRAM TYPE | LEVEL AND FREQUENCY OF CASE MANAGEMENT APPOINTMENTS |
|---|--|
| Employment | <p>Level 3 with allowance for monthly contacts in place of face-to-face visits if no special needs or barriers are identified. Contacts may be made by Disabled Veterans Outreach Program (DVOP) Specialists or by Local Veteran Employment Representatives (LVERs).</p> <p>Services must be tailored to the Veteran's needs and must be actively provided to assist the Veteran in obtaining and maintaining employment.</p> <p>After obtaining employment:</p> <p>Contacts may be made by DVOP/LVER Face-to-face is not needed if no special needs or barriers are identified Telephone and email contacts that demonstrate active assistance in accordance with the Veteran's needs are allowed</p> |
| Self-Employment | Level 2 or 3 as required by the Veteran's needs and individual circumstances. |
| <p>Special rehabilitation programs, including</p> <p>Special Rehabilitation Facilities IL Rehabilitation Workshops Chapter 35</p> | <p>Level 3 with allowance for monthly contacts in place of face-to-face visits for periods of up to three months while waiting for cost approvals, coordination of construction or other administrative delays in active service provision.</p> <p>Case management meetings should be conducted at Veteran's home or a location most convenient in accordance with type of program.</p> <p>Supplemental contacts between required visits may be by telephone if most convenient for the Veteran.</p> |
| <p>Other, including:</p> <p>Extended Evaluation, Chapter 18 Independent Study Programs</p> | Level 2 or 3 as required by the Veteran's need and individual circumstances. |

2.06 Retroactive Induction

VA may authorize payment for tuition, fees, and other verifiable expenses that a Veteran incurred, as well as establish payment of a subsistence allowance for a period of training, when it is determined that those services and training are consistent with the Veteran's approved rehabilitation plan.

a. Criteria for Retroactive Induction

A program of rehabilitation and assistance may be approved retroactively when the following conditions are met, per 38 CFR 21.282:

1. The period for which retroactive induction is requested is within the Veteran's basic period of eligibility or extended eligibility as provided in 38 U.S.C. 3103 and 38 CFR 21.41 through 21.44.
2. The Veteran:
 - Is entitled to disability compensation during the period for which retroactive induction is requested
 - Meets the criteria of entitlement to Vocational Rehabilitation and employment services for the requested period
 - Is determined to have pursued training suitable for achieving his/her vocational goal during the requested period

b. Roles and Responsibilities

1. Veteran

The Veteran must complete the following activities when requesting a retroactive induction:

- Submit a written request that outlines the period for which reimbursement is requested.
- Submit a written justification and a completed VAF 28-1905m, Request for and Receipt of Supplies, for all supplies and equipment for which reimbursement is requested.
- Provide an itemized receipt with proof of purchase, or an itemized list of items with bank or credit card statements to substantiate cost and proof of purchase. The bank or credit card account number must be redacted prior to submission to the VA.

2. VRC

The VRC must complete the following activities when processing a retroactive induction:

- (a) Verify that the Veteran meets the criteria for retroactive induction as specified in 2.06a.
- (b) Obtain transcripts of the training for which the Veteran is requesting retroactive induction to verify that the classes are consistent with Veteran's rehabilitation plan.
- (c) Request the training facility complete VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status, for the period of training for which the Veteran is requesting reimbursement. It is important to note the VA should be billed only for the program of education after the application of:
 - Any waiver of, or reduction in, tuition and fees, and
 - Any scholarship, or other Federal, State, institutional, or employer-based aid or assistance that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a).
- (d) Obtain receipts, either directly from the Veteran, vendor or training facility.
- (e) Obtain a letter from the facility or vendor which identifies the cost of items at the time training was completed if receipts are not available.
- (f) Prepare a memorandum for review and an approval by the VR&E Officer (VREO) that includes the following information:
 - Specific dates of retroactive training
 - Requested date of induction
 - Number of months of remaining entitlement
 - Entitlement Termination Date (ETD)
 - Disability rating information

- Vocational goal
- Documentation of other VA educational benefits used during the retroactive period
- Information about the Veteran's cooperation during the counseling process

3. VREO

The VREO must concur with the retroactive induction prior to the processing of payment. This concurrence must be documented in the Veteran's CER folder.

c. Completing the Retroactive Induction

Once the VR&E Officer has approved the retroactive induction, the VRC must:

- Authorize services and assistance consistent with achievement of the Veteran's vocational goal
- Arrange the termination of any other VA education benefit that may have been used during the retroactive period
- Coordinate collection of any overpayment of other VA education benefits created by the retroactive induction
- Establish a subsistence allowance award for the period covered by the approved retroactive induction plan
- Directly reimburse the Veteran for all applicable expenses incurred during the retroactive period
- Authorize any related payments to service providers which are due and payable or which become payable in the future under the rehabilitation plan

To process a direct reimbursement, VR&E staff must enter reimbursement information correctly in Corporate WINRS (CWINRS). This information must reflect the requested dates for retroactive induction and invoice information. Refer to the CWINRS User Guide, Chapter 7.5.2, for instructions on entering direct reimbursement information in the Add/Edit/View Direct Reimbursement Payment screen.

The VRC must be sent all documentation, to include receipts, to Finance activity at the regional office for processing. Finance activity will process the payment directly to the Veteran through the Financial Management System (FMS). Finance uses the Veteran's claim number or Social Security Number (SSN) to access direct reimbursements and adds the code of WINVET to indicate to Treasury that the payment is not taxable and should not be added to personal income. The method used to submit forms to finance is varied and dependent upon local guidelines.

d. Limitations

Retroactive induction is prohibited in the following situations:

1. For rehabilitation plans of service consisting solely of Independent Living services
2. During periods of extended evaluation
3. When the Veteran is requesting a transfer from Chapter 33, the Post 9/11 GI Bill, to the VR&E program

Chapter 3
GUIDELINES FOR THE DEVELOPMENT AND
ADMINISTRATION OF AN EXTENDED EVALUATION PLAN

3.01 Introduction

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3.03 Extended Evaluation Overview

- a. Definitions
- b. Purpose
- c. Duration
- d. Services

3.04 Extended Evaluation Plan Development and Implementation

- a. Analyses of the Veteran's Needs
- b. Individualized Extended Evaluation Plan (IEEP)
- c. Levels of Case Management
- d. Corporate WINRS (CWINRS) Activity
- e. Complete the Orientation Process
- f. Documentation of the Planning and Orientation Process
- g. Implementation of the IEEP

3.05 Outcomes of Extended Evaluation Plans

- a. The Achievement of a Vocational Goal is Reasonably Feasible
- b. The Achievement of a Vocational Goal is Not Currently Reasonably Feasible
- c. It is Not Clear if the Achievement of a Vocational Goal is Currently Reasonably Feasible

3.06 Informing the Veteran

Appendix O. VA Forms

Chapter 3

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF AN EXTENDED EVALUATION PLAN

3.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program provides all applicants with an initial evaluation to determine entitlement to services and to identify the services necessary for the applicant to reach his/her goal. In instances where it is not immediately clear if the achievement of a vocational goal is currently reasonably feasible, VR&E provides a period of extended evaluation. During this period, the Vocational Rehabilitation Counselor (VRC) and Veteran develop a plan of services designed to determine feasibility. This chapter will provide information on the laws and regulations that govern the delivery of extended evaluation plans, an overview of the extended evaluation process, steps in the development and administration of an extended evaluation plan and procedural guidance on the delivery of rehabilitation services.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3101
 38 U.S.C. 3104
 38 U.S.C. 3105
 38 U.S.C. 3106
 38 U.S.C. 3111

Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.53
 38 CFR 21.57
 38 CFR 21.74
 38 CFR 21.86
 38 CFR 21.188
 38 CFR 21.266
 38 CFR 21.362
 38 CFR 21.364
 38 CFR 21.420

VA Forms (VAF): VAF 119, Report of Contact
 VAF 28-0957, Vocational Rehabilitation Guidelines and
 Debt Prevention
 VAF 28-1902b, Counseling Record - Narrative Report
 VAF 28-1902n, Counseling Record - Narrative Report
 (Supplement Sheet)

VAF 28-8872, Rehabilitation Plan
VAF 28-8872a, Rehabilitation Plan - Continuation Sheet
VAF 4107, Your Right to Appeal Our Decision

3.03 Extended Evaluation Overview

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in the VR&E program. The terms most commonly used in the delivery of an extended evaluation plan are:

1. Serious Employment Handicap (SEH)

SEH is defined as a significant impairment of a Veteran's ability to prepare for, obtain or retain employment consistent with his/her abilities, interests and aptitudes.

2. Vocational Goal

A vocational goal is defined as gainful employment that is consistent with the Veteran's abilities, aptitudes and interests.

3. Achievement of a Vocational Goal

The VRC must determine if the achievement of a vocational goal is feasible based on the findings from the initial evaluation. There are two possible outcomes:

- (a) The achievement of a vocational goal is reasonably feasible when the effects of the Veteran's disability(ies), both service and non-service-connected, do not prevent the Veteran from pursuing a Vocational Rehabilitation program and becoming gainfully employed in a suitable occupation.
- (b) The achievement of a vocational goal is not currently reasonably feasible when the effects of the Veteran's disability(ies), both service and non-service-connected, prevent the Veteran from pursuing a vocational goal, or the effects of the disability(ies) are expected to worsen within the period needed to achieve a vocational goal.

b. Purpose

38 CFR 21.57 states that the purpose of an extended evaluation is to determine whether it is currently reasonably feasible for a Veteran with an SEH to achieve a vocational goal. The VRC makes the determination that a period of extended evaluation is necessary when feasibility cannot readily be determined based on the information obtained in the initial evaluation.

c. Duration

Per 38 U.S.C. 3105 and 38 CFR 21.74, extended evaluations must be at least two weeks long, but may not exceed 12 months unless a longer period is necessary to determine whether achievement of a vocational goal is reasonably feasible. The VRC can approve the initial 12-month extended evaluation period, but the VR&E Officer must approve any extensions of that period. Up to two additional six-month periods of extended evaluation may be approved if there is reasonable certainty that the feasibility of achieving a vocational goal can be determined during this period. Any request for an extension beyond the basic period of 12 months must be justified by a discussion of the Veteran's circumstances and the issues related to the feasibility of achieving a vocational goal. This justification must be documented in narrative form on VAF 28-1902b, Counseling Record - Narrative Report, or VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet) and placed on the right side of the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder. See Appendix O, VA Forms, for information on how to access VAFs.

It is important to note that Veterans who served during Operation Iraqi Freedom (OIF) and/or Operation Enduring Freedom (OEF) can be provided with an initial extended evaluation plan of 18 months if the severity of the Veteran's disabilities warrants additional time to make the determination of feasibility. VR&E Officer concurrence is required. These types of plans require that the following information be documented on VAF 28-1902b or VAF 28-1902n and placed on the right side of the CER folder:

- Veteran's Name and Social Security Number (SSN)
- Station Number
- Case Manager Number
- Date the Individualized Extended Evaluation Plan (IEEP) is signed
- Number of months of planned service under the IEEP
- All independent living (IL) services as a part of the IEEP

- Was the individual on active duty when the IEEP was signed
- Was the individual hospitalized at a military treatment facility when the IEEP was signed

d. Services

Services approved under an extended evaluation plan must logically contribute to determining whether the Veteran meets the conditions of feasibility. 38 U.S.C. 3104 outlines the services provided during a rehabilitation program administered by VR&E. A variety of services are available for use during an extended evaluation, to include:

1. Diagnostic and Evaluative Services

- Assessment of physical limitations and abilities
- Assessment of cognitive limitations and abilities
- Aptitude testing
- Mental health services
- Assistive technology assessment

2. Services to Improve the Veteran's Ability to Attain a Vocational Goal

- Situational assessments
- Work hardening
- VA work-study
- Volunteer activities
- Compensated Work Therapy (CWT)

3. Services to Improve the Veteran's Ability to Achieve Maximum Independence in Daily Living

- Occupational therapy
- Physical therapy

- IL needs assessment
- Assistive technology assessment

4. Academic Programs

Academic coursework may be an appropriate part of an extended evaluation plan, but services cannot consist solely of academic programs. In general, the IEEP should consist of no more than one term of academic coursework. However, one additional academic term may be approved if the reason for the additional term is not solely for the purpose of determining academic potential. When considering if an additional academic term is appropriate, the VRC must:

- Determine that additional diagnostic and/or evaluative services are needed
- Ensure that the second academic term is authorized in conjunction with these additional diagnostic and/or evaluative services
- Address all feasibility concerns during the second academic term
- Submit written documentation regarding the need for additional services that specifies how the additional services will assist in the determination of feasibility
- Obtain concurrence from the VR&E Officer

5. Subsistence Allowance

Per 38 CFR 21.266, a Veteran participating in an extended evaluation program can receive a subsistence allowance. The allowance is paid in accordance to 38 CFR 21.260.

6. Supplies

Supplies are furnished to enable an individual to pursue rehabilitation and achieve the goals of his/her program. Supplies include books, tools and other supplies and equipment which VA determines are necessary for the completion of the rehabilitation program. See 38 CFR 21.210 and M28R.V.A.4 for additional information on furnishing supplies.

3.04 Extended Evaluation Plan Development and Implementation

The following information outlines the development of an extended evaluation plan.

a. Analyses of the Veteran's Needs

Using information gathered during the initial evaluation, and in collaboration with other service providers, analyses of the following factors are conducted to determine the services needed to assist with the determination of feasibility:

- Functional capacity/limitations
- Work tolerance
- IL needs
- Education/training needs

b. Individualized Extended Evaluation Plan (IEEP)

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IEEP are:

1. Program Goal

Per 38 CFR 21.86, the program goal for an IEEP is to determine if the achievement of a vocational goal is currently reasonably feasible. If possible, a specific occupational goal or occupational cluster and a three-digit Dictionary of Occupational Titles (DOT) code are included. However, if the VRC is utilizing a fast track IEEP, the use of DOT code 999 is permissible.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. Per 38 CFR 21.86, the intermediate objectives for an IEEP must relate to the issues/questions that have to be resolved for the VA to determine the current reasonable feasibility of achieving a vocational goal. The VRC must ensure that each objective:

- Is clear and easily understood

- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs the VRC and the Veteran of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IEEP. See section 3.03d of this chapter for examples of these services.

The description of documented services must be:

- Specific and detailed
- Clear and unmistakable as to their relationship to a particular intermediate objective

5. Duration of Services

Duration of services specifies a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include:

- VR&E
- Veterans Health Administration (VHA)
- Rehabilitation facilities
- IL Centers
- Medical personnel
- Education/training facilities

The rehabilitation plan must list the contact information of the individual(s) providing services and include the following information:

- Name
- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process and provides an evaluation schedule. The following sources may be used to establish the evaluation criteria:

- College transcripts
- Training progress reports
- Medical records
- Self-report by the Veteran and/or the Veteran's family
- Other sources as appropriate

This section outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and Veteran must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the Veteran in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court, with proper jurisdiction, has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian.

c. Levels of Case Management

There are three levels of case management based on the individual's needs. For those Veterans participating in an IEEP, the case management level must be either:

1. Level 2

Level 2 indicates that the Veteran needs guidance and structure but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term or at least three times per year for non-standard academic terms. For non-academic programs, face-to-face meetings are required once per month for the first three months, then quarterly.

2. Level 3

Level 3 indicates that the Veteran requires an intensive level of service to address multiple rehabilitation needs and will require frequent contact. Examples of circumstances that may require Level 3 case management are:

- Participation or placement in IL, rehabilitation workshops, special rehabilitation facilities, or Chapter 35 Special Restorative Training
- Chronic, inappropriate conduct and cooperation
- Behavior in violation of training establishment policies
- Severe impairments due to medical or neuropsychological condition(s)

- Substance abuse issues
- Homelessness
- Incarceration or threatened incarceration

Level 3 requires monthly, face-to-face case management visits.

d. Corporate WINRS (CWINRS) Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the Individualized Written Rehabilitation Plan (IWRP). This is accomplished through the following steps:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" by using the Update Disposition function on the Claim Processing tab
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran agree upon the services to be provided during the IEEP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS, performing the following steps:

1. On the Rehab Tab, select Add Plan to enable the Plan functionality.
2. Select program plan IEEP.
3. Select Employment Through Long-Term Services from the track selection drop-down option.
4. Set program cost limit.
5. Enter the annual review date.

6. Enter the Plan Modified date.
 7. Chose "no" under self-employment (SE) goal.
 8. Set level of case management, which is listed as Supervision Level in CWINRS (Level 2 or 3).
 9. Enter the DOT code.
 10. Enter the program goal.
 11. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
 12. Click OK to save.
 13. Click Print Plan to print VAF 28-8882, Rehabilitation Plan, and VAF 28-8872, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 14. Prepare High Cost Memo as needed based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 15. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
 16. Update CWINRS case status to extended evaluation (see 38 CFR 21.188 for additional information on extended evaluation status). This action will automatically update the Benefits Delivery Network (BDN) with the DOT code.
- e. Complete the Orientation Process

The VRC must provide an orientation to ensure the Veteran understands the VRC's role and his/her role in the plan and to answer any questions the Veteran may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide the orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation
- Requirement to report immediately changes in dependency, contact information, performance and rate of participation

- Process for obtaining supplies, medical treatment and other services outlined in the plan

Following orientation, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. The originals are placed in the right side of the CER folder, and copies are provided to the Veteran.

f. Documentation of the Planning and Orientation Process

The VRC must document the planning and orientation process and all decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Retroactive Induction
- Program Charges and Costs
- Level of Case Management
- Other Considerations

g. Implementation of the IEEP

After these actions are complete, implement the services identified in the plan. Document all case activity in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VA Forms.

See M28R, Part V, Section A for detailed information on plan implementation.

3.05 Outcomes of Extended Evaluation Plans

There are three possible outcomes of an IEEP.

a. The Achievement of a Vocational Goal is Reasonably Feasible

38 CFR 21.53 states that the achievement of a vocational goal is reasonably feasible when the following conditions are met:

1. A vocational goal has been identified, and
2. The Veteran's physical and mental conditions permit training for the goal to begin within a reasonable period, and
3. The Veteran possesses the skills to pursue the vocational goal, or VR&E will provide the training necessary to achieve the goal.

When the outcome of the IEEP indicates that the achievement of a vocational goal is reasonably feasible, the VRC and Veteran will work together to develop an appropriate rehabilitation plan with a goal of employment.

b. The Achievement of a Vocational Goal is Not Currently Reasonably Feasible

When the outcome of the IEEP indicates that the achievement of a vocational goal is not currently reasonably feasible, the VRC must consider the need for IL services and develop a program of IL services if appropriate.

If it is determined that IL services are not warranted, then the VRC must:

- Obtain VR&E Officer's concurrence on the decision that IL services are not warranted, and
- Prepare a memo to the service center explaining the facts of the case (if the Veteran has a disability rating of less than 100%), and
- Begin the discontinuance process (see M28R.V.A.7 for detailed information on how to discontinue a case)

It is important to note that finding that the achievement of a vocational goal is infeasible without a period of extended evaluation requires compelling evidence which establishes infeasibility beyond any reasonable doubt.

c. It is Not Clear if the Achievement of a Vocational Goal is Currently Reasonably Feasible

In rare instances, the services provided during the period of extended evaluation do not lead to a definitive determination of feasibility. In this situation, 38 U.S.C. 3106 states that VR&E must resolve any reasonable doubt in the Veteran's favor by determining that achievement is currently reasonably feasible.

3.06 Informing the Veteran

The determination of reasonable feasibility of achieving a vocational goal must be made at the earliest time possible during the extended evaluation program but no later than the end of the extended evaluation period or an extension of that period. This notification must be made to the Veteran and his/her representative, if applicable, in writing per 38 CFR 21.420. If possible, also provide notice in person.

The notification must include the following information:

- Decision or findings
- Reasons supporting the decision, including all facts, laws and regulations considered
- Effective date of the decision
- Appeal rights via VAF 4107, Your Right to Appeal our Decision, when appropriate (see Appendix O, VA Forms, for information on how to access VA Forms)

It is important to note that finding that the achievement of a vocational goal is not currently reasonably feasible is not considered an adverse action and, therefore, does not require the delivery of appeal rights. However, a determination that IL services are not warranted following a finding that achievement of a vocational goal is not currently reasonable feasible is considered an adverse action and does require the delivery of appeal rights. In this situation, the Veteran must be provided due process, including a notice of proposed adverse action, before the rehabilitation program is discontinued. The Veteran has the right to an administrative review or appeal under 38 CFR 21.59 regarding issues of eligibility or entitlement.

Chapter 4 FIVE TRACKS TO EMPLOYMENT

4.01 Introduction

4.02 References and Resources

4.03 Employment Resources for Track Selection

- a. Triage
- b. Job Resource Lab (JRL)
- c. State Veterans' Employment Representatives
- d. Employment Coordinator (EC)
- e. VetSuccess.gov

4.04 Five Tracks to Employment Defined

- a. Re-Employment
- b. Rapid Access to Employment
- c. Employment Through Long-Term Services
- d. Self-Employment
- e. Independent Living

4.05 Plans Based on Track Selection

- a. Re-Employment
- b. Rapid Access to Employment
- c. Employment Through Long-Term Services
- d. Self-Employment
- e. Independent Living

Appendix O. VA Forms

Chapter 4 FIVE TRACKS TO EMPLOYMENT

4.01 Introduction

Five Tracks to Employment provides greater emphasis on exploring employment options early in the rehabilitation planning process, greater informed choice for the Veteran regarding occupational and employment options, faster access to employment for Veterans who have identifiable and transferable skills for direct placement into suitable employment and an option for Veterans who are not able to work, but need assistance to lead a more independent life. This chapter identifies and defines each of the tracks, and suggests the type of rehabilitation plan to use with each track. The chapter also contains statutory and regulatory provisions governing Five Tracks to Employment.

4.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3107
 38 U.S.C. 3108
 38 U.S.C. 3120
 38 U.S.C. 4301 – 4335, The Uniformed Services
 Employment and Reemployment Rights Act of 1994
 (USERRA)

Websites: www.osc.gov/userra.htm
 www.vetsuccess.gov
 www.sba.gov/
 www.score.org/

VA Forms (VAF): VAF 10-0103, Home Improvement and Structural
 Alterations (HISA)
 VAF 26-4555, Specially Adapted Housing (SAH)

4.03 Employment Resources for Track Selection

The transition from comprehensive evaluation to planning and provision of rehabilitation services includes the use of the following resources to facilitate track selection:

a. Triage

Triage is used to evaluate a Veteran's job placement priorities, arrive at a preliminary track selection, identify appropriate resources, and coordinate services with other Vocational Rehabilitation and Employment (VR&E) team members.

b. Job Resource Lab (JRL)

The JRL features state-of-the-art career services designed to help Veterans with disabilities prepare and distribute their resumes, and use the Internet to research employment opportunities. These resources include:

- Career exploration
- Job readiness (resume development)
- Job search capabilities

The JRL expands a Veteran's ability to actively prepare for a vocational rehabilitation program and carry out the essential functions of job readiness to achieve suitable employment.

c. State Veterans' Employment Representatives

The Disabled Veterans' Outreach Program (DVOP) specialist and/or Local Veterans' Employment Representative (LVER) provide local and/or regional labor market information; act as liaison with other state and local resources; evaluate the Veteran's job readiness, job seeking and interviewing skills; conduct job development and job placement activities; and advise on reemployment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other uniformed services are not disadvantaged in their civilian careers because of their service; and are promptly reemployed in their civilian jobs upon their return from duty.

d. Employment Coordinator (EC)

VR&E ECs provide employment assistance to job-ready Veterans with disabilities; oversee the activities of job readiness, to include job seeking services, job development/job placement, and labor market information gathering; develop employer partnerships; network with other agencies; and consult with other VR&E staff members.

e. VetSuccess.gov

VetSuccess.gov is a specialized job bank that provides access to millions of jobs, job resource tools, a resume builder, interviewing skills training, and career resources. It also enables users to access the following information:

- VetSuccess program overview

- Orientation to Five Tracks to Employment
- VR&E application procedures
- Online self-help
- Small business resources
- Vocational educational counseling
- Employer and other working partnerships
- Expert vocational and career advice
- Employment resources
- Integrated Labor Market Information
- Links to other VA benefits and services

4.04 Five Tracks to Employment Defined

The Five Tracks to Employment are as follows:

a. Re-Employment

This employment track is for Veterans who served on active military service or in the National Guard or Reserves, and are now returning to employers for whom they worked prior to going on active duty. Protected under USERRA, after the Veteran completes a comprehensive initial evaluation and selects this track, services may include, but are not limited to, the following:

- Job abilities assessment
- Special needs and accommodations assessment
- Recommendation and provision of necessary assistive technologies
- Short-term training or certification
- Development of reassignment options if necessary
- Medical/psychological treatment referrals
- Follow-up with employer and Veteran to ensure maintenance of employment
- Personalized case management support
- Job accommodations
- Job modifications
- Work adjustment assistance

- Consultation with employer

b. Rapid Access to Employment

This employment track is for Veterans who express a desire to obtain employment as soon as possible and already have the necessary skills to qualify for competitive employment in a suitable career. After completion of a comprehensive initial evaluation and selection of this track, services may include, but are not limited to, the following:

- Job skills assessment
- Veteran preference documentation
- Employment readiness preparation (resume writing and interview skills training)
- Short-term training or certification
- Self-directed/assisted job search
- Use of specialized employment resources/career centers
- Career counseling
- Medical/psychological treatment referrals
- Post-employment consultation and assistance

c. Employment Through Long-Term Services

This employment track is targeted to Veterans who need long-term services, such as remedial or refresher courses, specialized training, and/or post-secondary education, to obtain and maintain suitable employment. After completion of a comprehensive initial evaluation and selection of this track, services may include, but are not limited to, the following:

- Traditional vocational assessment
- Specialized testing and evaluation
- Career guidance
- Labor market analysis
- Medical/psychological treatment referrals
- Career development and skills acquisition
- Training and education (tuition, fees, books, tools, supplies)

- Employment assistance
- Post-employment follow-up and evaluation
- Apprenticeships
- On-the-job training
- Non-paid work experience
- Subsistence allowance

d. Self-Employment

This employment track is targeted to Veterans who have limited access to traditional employment, need flexible work schedules, or need a more accommodating work environment due to their disabling conditions or other life circumstances. To ensure success, Veterans must have the interest, financial resources and aptitude to pursue self-employment. After completion of a comprehensive initial evaluation and selection of this track, services are determined by the severity of the disability and limitations to employability.

e. Independent Living

This track is for Veterans where the pursuit of a vocational goal is determined not currently reasonably feasible due to the effects of their disability, and services are needed to improve their independence in daily living. After completion of a comprehensive initial evaluation and selection of this track, services may include, but are not limited to, the following:

- Independent living needs assessment
- Housing referral assistance
- Assistance with filling out applications for grants, such as Specially Adapted Housing (SAH), VAF 26-4555, and/or Home Improvement and Structural Alterations (HISA), VAF 10-0103 (See Appendix O, VA Forms, for information on how to access VA forms)
- Home health aide (referral from physician required)
- Transportation
- Assistive technology
- Independent living skills training
- Medical/psychological treatment referrals

- Linkage to community services
- Follow up to consider employment services, and/or redevelopment of a vocational goal

4.05 Plans Based on Track Selection

Following track selection, further assessment of specific needs is conducted, a rehabilitation plan is developed, and services leading to rehabilitation are provided. A determination regarding the current reasonable feasibility for achieving a vocational goal must be made before track selection.

Use the following information to determine which rehabilitation plan to use with the selected track:

a. Re-Employment

The Re-Employment track utilizes an Individualized Written Rehabilitation Plan (IWRP) or a combined IWRP/Individualized Employment Assistance Plan (IEAP). For more information on how to develop rehabilitation plans for this track, see M28R.IV.C.5.

b. Rapid Access to Employment

The Rapid Access to Employment track utilizes an IWRP or a combined IWRP/IEAP. For more information on how to develop rehabilitation plans for this track, see M28R.IV.C.6.

c. Employment Through Long-Term Services

Develop an IWRP when providing employment through long-term services. For more information on how to develop an IWRP for this track, see M28R.IV.C.7.

d. Self-Employment

The Self-Employment track utilizes an IWRP or a combined IWRP/IEAP. For more information on how to develop rehabilitation plans for this track, see M28R.IV.C.8.

e. Independent Living

Develop an Individualized Independent Living Plan (IILP) when providing IL services. For more information on how to develop an IL plan, see M28R.IV.9.

Chapter 5
GUIDELINES FOR THE DEVELOPMENT AND
ADMINISTRATION OF A REEMPLOYMENT PLAN

5.01 Introduction

5.02 References and Resources

5.03 Reemployment Overview

- a. Definitions
- b. Purpose
- c. Duration
- d. Services
- e. Limited and Specifically Defined Employment Assistance for Certain Previous Participants who are Employable

5.04 Reemployment Plan Development

- a. Conduct an Analysis of the Veteran's Needs
- b. Develop the Reemployment Plan
- c. Determine Case Management Level
- d. Corporate WINRS Activity
- e. Complete the Orientation Process
- f. Document the Planning and Orientation Process
- g. Administer the Plan

5.05 Outcomes of Reemployment Plans

- a. Rehabilitated
- b. Interrupted

Appendix O. VA Forms

Chapter 5

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF A REEMPLOYMENT PLAN

5.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program uses a variety of rehabilitation plans in an effort to provide individualized services. Veterans who would like to return to work in the job held prior to entering active duty may benefit from a reemployment rehabilitation plan. This chapter will outline the services available in a reemployment plan; discuss how to develop and administer reemployment plans; and provide regulatory and procedural guidance on this type of plan. In addition, it will also discuss protections provided under the law to ensure the Veteran's employment rights are enforced to ensure a successful return to work.

5.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3101
 38 U.S.C. 3104
 38 U.S.C. 3107
 38 U.S.C. 3111
 38 U.S.C. 3117
 38 U.S.C. 4301-4335, The Uniformed Services Employment
 and Re-Employment Rights Act of 1994

Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.47
 38 CFR 21.73
 38 CFR 21.120
 38 CFR 21.250
 38 CFR 21.252
 38 CFR 21.254
 38 CFR 21.268
 38 CFR 21.283
 38 CFR 21.362
 38 CFR 21.364

VA Forms (VAF): VAF 28-0957, Vocational Rehabilitation Guidelines and
 Debt Prevention
 VAF 28-8872, Rehabilitation Plan
 VAF 28-8872a, Rehabilitation Plan-Continuation Sheet

Websites: <http://askjan.org>

5.03 Reemployment Overview

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in VR&E. The most commonly used terms in a reemployment plan are:

1. Rehabilitated to the Point of Employability

Rehabilitated to the point of employability (RTE) means that the individual is employable in an occupation for which a vocational rehabilitation program has been provided by VA's VR&E program.

2. Employable

38 CFR 21.250 defines employable as being able to secure and maintain suitable employment in the competitive labor market or in a sheltered workshop/rehabilitation facility, or other special situation at the minimum wage.

3. Vocational Goal

A vocational goal means gainful employment that is consistent with the individual's abilities, aptitudes and interests.

4. Program of Employment Services

A program of employment services includes counseling, medical, social, and other placement and post-placement services provided to an individual under the Chapter 31 program to assist the with obtaining and/or maintaining suitable employment.

5. Suitably Employed

38 CFR 21.283 defines suitably employed as employment in the competitive labor market, sheltered situations, or on a no-pay basis which is consistent with the individual's abilities, aptitudes, and interests.

b. Purpose

The purpose of a reemployment rehabilitation plan is to provide the services necessary for the individual to return to work in the job held prior to entering active duty. It is not uncommon for the individual to require some short term training or the opportunity to refresh his/her skills prior to the delivery of

employment focused services. Therefore, the rehabilitation plan is developed as either an Individualized Written Rehabilitation Plan (IWRP) or a combined IWRP/Individualized Employment Assistance Plan (IEAP).

c. Duration

Per 38 CFR 21.70, vocational rehabilitation programs cannot exceed 48 months, or the part-time equivalent, except as indicated in 38 CFR 21.78. Extensions are based on the Veteran's employment handicap classification and require VR&E Officer concurrence. 38 CFR 21.78 provides the following guidance on extensions beyond 48 months based on the classification of:

1. Employment Handicap

A rehabilitation program for a Veteran with an employment handicap may be extended beyond 48 months when:

- (a) The Veteran previously completed training for a suitable occupation, but the Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which training had been provided, and a period of training in the same or different field is required. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (b) The occupation in which the Veteran previously completed training is found to be unsuitable because of the Veteran's abilities and employment handicap. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (c) The Veteran previously used education benefit entitlement under other programs administered by VA, and the additional period of assistance to be provided under Chapter 31 which the Veteran needs to become employable will result in more than 48 months being used under all VA education programs. Under these conditions, the number of months necessary to complete the program may be authorized under Chapter 31 provided that the length of the extension will not result in authorization of more than 48 months under Chapter 31 alone.
- (d) A Veteran in an approved Chapter 31 program has elected payment at the Chapter 30 educational assistance rate. The 48 month limitation may be exceeded only:
 - To the extent that the entitlement in excess of 48 months does not exceed the entitlement previously used by the Veteran in a course at the secondary school level before December 31, 1989, or

- If the Veteran is in a course on a term, quarter, or semester basis which began before the 36 month limitation on Chapter 30 entitlement was reached, and completion of the course will be possible by permitting the Veteran to complete the training under Chapter 31.

(e) The assistance to be provided in excess of 48 months consists solely of employment assistance.

2. Serious Employment Handicap

The duration of a rehabilitation program for a Veteran with a serious employment handicap may be extended beyond 48 months under Chapter 31 for the number of months necessary to complete a rehabilitation program under the following conditions:

- (a) To enable the Veteran to complete a period of rehabilitation to the point of employability.
- (b) To provide an extended evaluation in cases in which the total period needed for an extended evaluation and for rehabilitation to the point of employability would exceed 48 months.
- (c) To provide a program of independent living services, including cases in which achievement of a vocational goal becomes feasible during or following a program of independent living services.
- (d) The assistance provided in excess of 48 months consists solely of employment assistance.
- (e) Following rehabilitation to the point of employability:
 - (1) The Veteran has been unable to secure employment in the occupation for which training was provided despite intensive efforts on the part of the VA and the Veteran, and a period of retraining or additional training is needed.
 - (2) The skills which the Veteran developed in training for an occupation in which he/she was employed are no longer adequate to maintain employment in that field and a period of retraining is needed.
 - (3) The Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation

for which the Veteran has been trained, and a period of training in the same or different field is required.

- (4) The occupation in which the Veteran previously completed training is found to be unsuitable due to the Veteran's abilities and employment handicap.

See M28R.IV.C.2 for additional information on extension requests.

d. Services

The services offered by the VR&E program are governed by 38 U.S.C. 3104. In reemployment planning, services are individualized and designed to assist the individual in returning to work in the job held prior to entering active duty. A variety of services are available to assist in meeting this goal, to include:

1. Short-term Training or Certificate Completion

The plan can include short-term training to enhance employment skills and/or obtain professional certification if the VRC determines that these skills/certifications are necessary for the individual to obtain and maintain suitable employment per 38 CFR 21.120. If training is included as part of the plan, the plan can be develop as an IWRP or a combined IWRP/IEAP.

2. Subsistence Allowance

Subsistence allowance is permissible when training is part of a combined IWRP/IEAP.

3. Revolving Fund Loan

Advances from the revolving fund are permissible in a combined IWRP/IEAP. Per 38 CFR 21.254, revolving fund loans are prohibited during a program that consists solely of employment services, i.e. an IEAP.

4. Work-Study Allowance

Participation in the work study program is appropriate in a combined IWRP/IEAP. However, if the individual is participating in a program of employment services only, then he/she will not meet the eligibility criteria for participation in the work-study program.

5. Career Counseling

The VRC or Employment Coordinator (EC) assigned to provide case management services continually provides career counseling to ensure the individual has the skills necessary to make an informed decision regarding his/her vocational goal.

6. Reemployment Rights Advice

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects civilian job rights and benefits for Veterans and members of the active and Reserve components of the U.S. armed forces. USERRA provides that returning Servicemembers must be promptly re-employed in the same position that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

USERRA establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to five years (the previous law provided four years of active duty, plus an additional year if it was for the convenience of the Government). There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.

USERRA provides protection for Veterans with disabilities, requiring employers to make reasonable efforts to accommodate the disability. Servicemembers convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

The period an individual has to make application for re-employment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the Servicemember must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the Servicemember must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

USERRA also requires that Servicemembers provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. Additionally, Servicemembers are able (but are not required) to use accrued vacation or annual leave while performing military duty.

If a Veteran or Servicemember believes his/her re-employment rights are being violated, the case manager must coordinate services by referring him/her to the Department of Labor (DOL) Veterans' Employment and Training Service (VETS). VETS provide assistance to all persons having claims under USERRA, including Federal and Postal Service employees.

7. Job Placement Services

Job placement services are focused on returning the Veteran to the position he/she held prior to active duty. Therefore, the case manager must work complete an occupational analysis to ensure that the vocational goal is suitable and the Veteran has the functional ability to return to the position prior to providing job placement services. See M28R.VI.A.4 and 38 CFR 21.252 for additional information on job development and placement services.

8. Job Accommodations

The case manager will work closely with the individual to identify and address any needed job accommodations, and provide training on how to request accommodations in the work setting. The Job Accommodation Network (JAN) is an excellent resource for identifying accommodations that may be beneficial based on the disabling condition.

For more information on JAN, go to <http://askjan.org>.

9. Medical and Mental Health Services

The case manager will coordinate medical and mental health services as needed with the Veterans Health Administration (VHA) to ensure the individual's health conditions are treated and stabilized to the maximum extent possible.

10. Employment Adjustment Allowance

The following actions must occur before the Veteran is entitled to receive an employment adjustment allowance (EAA):

- The Veteran must be within the 12-year eligibility period, or extension of that period
- The Veteran's case must have progressed through Rehabilitation to the Point of Employability status
- There must be a documented declaration of job-readiness by the case manager in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in Job Ready status
- An IEAP must be developed either as part of the IWRP or prior to assignment to Job Ready status
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before a payment of EAA may be authorized

See 38 CFR 21.268 and M28R.V.B.10 for more information on how to process and pay EAA.

11. Post-Employment Consultation and Assistance

The case manager will monitor the Veteran's progress for a minimum of 60 days post-employment to ensure that all barriers, issues, and questions have been addressed and the employment is stable.

e. Limited and Specifically Defined Employment Assistance for Certain Previous Participants who are Employable

Veterans, who previously participated in a vocational rehabilitation program under Chapter 31, or a similar program under a State vocational rehabilitation program, may receive employment assistance to obtain employment consistent with their abilities, aptitudes, and interests. Such Veterans must have a service-connected disability rated at 10 percent or more and be determined to be employable in an occupation consistent with their abilities, aptitudes, and interests. VA can provide the assistance described in this section regardless of current entitlement to a program of vocational rehabilitation. However, these services are subject to the 18-month employment services entitlement limitation.

1. Services

The following limited employment assistance can be provided per 38 U.S.C. 3117:

- Direct placement in employment
- Referral to a Disabled Veterans Outreach Program (DVOP) specialist or a Local Veterans Employment Representative (LVER)
- Use of job development and placement specialists at a State or Federal rehabilitation agency, State Employment Service and the Veterans' Employment and Training Service of the Department of Labor, Office of personnel Management, or any other public or nonprofit organization with placement services
- Any for-profit entity, if otherwise cost-effective and comparably effective services from the entities above are unavailable

2. Required Determination

To provide this limited assistance, the VRC must conduct an initial evaluation and determine that the Veteran is employable in an occupation consistent with his/her abilities, aptitudes, and interests. Determinations of employment handicap, serious employment handicap, and current reasonable feasibility are not applicable, unless the evaluation indicates that the Veteran is not employable in a suitable occupation, in which case entitlement to other Chapter 31 services and assistance must be determined.

5.04 Reemployment Plan Development

The following information outlines the development of a reemployment plan.

a. Conduct an Analysis of the Veteran's Needs

Using information gathered during the initial evaluation, and in collaboration with other service providers, conduct an analysis of the following factors to determine the services needed to assist rapid placement in employment:

- Functional capacity/limitations
- Job accommodations
- Independent living needs, if appropriate
- Education/training needs

b. Develop the Reemployment Plan

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IWRP or combined IWRP/IEAP are:

1. Program Goal

The rehabilitation plan must include a specific occupational goal or occupational cluster and 3 digit *Dictionary of Occupational Titles* (DOT) code.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. The VRC must ensure that each objective:

- Is clear and easily understood
- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs both the VRC and the Veteran of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IWRP or combined IWRP/IEAP. See section 5.03d of this chapter for examples of those services.

When documenting services, ensure that the description is:

- Specific and detailed, and
- Clear and unmistakable as to its relationship to a specific intermediate objective

5. Duration of Services

Duration of services indicates a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include VR&E, VHA, medical personnel, and education/training facilities

The rehabilitation plan must list the contact information of who will be providing services, including the following:

- Name
- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process, and provides an evaluation schedule.

This section also outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and individual must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the individual in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court with proper jurisdiction has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian

c. Determine Case Management Level

There are three levels of case management based on the individual's needs. For those Veterans participating in an IWRP or combined IWRP/IEAP, the case management level must be either:

1. Level 1

Level 1 indicates that the Veteran exhibits independent, goal-oriented behavior and needs minimal contact from the VRC to stay on track. The Veteran may demonstrate the following characteristics:

- Stable medical conditions
- Minimum requirement for support services
- History of self-motivated achievement
- Exceeds criteria for satisfactory progress
- Independence in problem solving
- Absence of Level 2 and Level 3 criteria

Level 1 requires one annual face-to-face case management visit. Additionally, one case management follow-up by telephone or in-person is required during each of the other terms, or three times per year if non-standard terms or training is non-academic.

2. Level 2

If the Veteran is participating in a combined IWRP/IEAP, then Level 2 case management is appropriate during the delivery of academic services. Level 2 indicates that the Veteran needs guidance and structure, but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances that may interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial, or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term, or at least three times per year for non-standard academic

terms. For non-academic programs, face-to-face meetings are required once per month for the first three months, then quarterly.

3. Level 3

If the Veteran is participating in an IEAP, then Level 3 case management is required. Level 3 generally requires monthly face-to-face case management, but it is permissible to utilize monthly contacts in place of face-to-face visits if no special needs or barriers are identified. Contacts may be made by DVOP/LVER when appropriate.

d. Corporate WINRS Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the IWRP. This is accomplished by:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" or "No" as applicable by using the Update Disposition function on the Claim Processing tab.
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran have agreed upon the services to be provided during the IWRP or combined IWRP/IEAP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS by completing the following steps:

1. On the Rehab Tab, select Add Plan to enable the Plan functionality.
2. Select program plan IWRP on the CWINRS Rehab Tab for an IWRP or a combined IWRP/IEAP (Note: when developing a combined IWRP/IEAP, the Add Plan function on the Employment Tab, steps 1 through 10 below, must also be completed to ensure the occupational code of the Chapter 31 program is included in Performance Analysis and Integrity (PA&I) Intranet reports).

3. Select Reemployment from the track selection drop-down option.
 4. Set Program Cost Limit from the drop-down option.
 5. Enter the annual review date.
 6. Enter the Plan Modified date.
 7. Choose "no" under self-employment (SE) goal
 8. Set level of case management, indicated in CWINRS as Supervision Level.
 9. Enter the DOT code.
 10. Enter the program goal.
 11. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
 12. Click OK to save.
 13. Click Print Plan to print VAF 28-8882, Rehabilitation Plan, and VAF 28-8872, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 14. Prepare High Cost Memo as needed based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 15. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
 16. Update CWINRS case status to Rehabilitation to Employment. This action will automatically update BDN with the DOT code.
- e. Complete the Orientation Process

The VRC must provide an orientation to ensure the Veteran understands both the VRC's role and his/her role, as well as answer any questions the Veteran may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide this orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation

- Requirement to report changes in dependency, contact information, performance and rate of participation immediately
- Process for obtaining supplies, medical treatment and other services outlined in the plan

Following orientation, both the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. Place the original on the right side of the CER folder and provide the Veteran with a copy.

f. Document the Planning and Orientation Process

It is imperative that the VRC document the planning and orientation process, as well as the decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note and filed on the right side of the CER folder:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Retroactive Induction
- Program Charges and Costs
- Level of Case Management
- Other Considerations

g. Administer the Plan

After these actions are complete, implement the services identified in the plan. Document all case activity in CWINRS notes or on VAF 119, Report of Contact, and file in the center section of the CER folder. See Appendix O, VA Forms for information on accessing VA Forms.

See M28R, Part V, Section A for detailed information on plan implementation.

5.05 Outcomes of Reemployment Plans

a. Rehabilitated

The intent of Chapter 31 is to enable individuals, to the maximum extent possible, to become employable and to obtain and maintain suitable employment. Per 38 CFR 21.283, the VRC may move the case to rehabilitated status when the Veteran has:

- Successfully completed the reemployment program goals, and
- Maintained suitable employment for at least 60 days

See M28R.V.A.7 for detailed information on how to complete the rehabilitation process.

b. Interrupted

If the individual does not meet the goals of the rehabilitation plan, or is not able to complete the plan, the VRC must reassess the plan and determine appropriate next steps. If the VRC estimates that this process will be lengthy and time-consuming, placing the case in "Interrupted" status may be the most appropriate action. Interrupted status enables the VRC and the individual to determine next steps without utilizing time limited services, such as employment assistance.

c. Discontinued

If the individual decides not to pursue services, or does not respond to attempts by the VRC to participate in the rehabilitation plan, then it may be necessary to discontinue the case. See M28R.V.A.7 for information on the discontinuation process.

Chapter 6
GUIDELINES FOR THE DEVELOPMENT AND
ADMINISTRATION OF A RAPID ACCESS TO EMPLOYMENT PLAN

6.01 Introduction

6.02 References and Resources

6.03 Rapid Access to Employment Overview

- a. Definitions
- b. Purpose
- c. Eligibility
- d. Duration
- e. Services
- f. Limited and Specifically Defined Employment Assistance for Certain Previous Participants who are Employable

6.04 Rapid Access to Employment Plan Development

- a. Conduct an Analysis of the Veteran's Needs
- b. Develop the Rapid Access to Employment Plan
- c. Determine Case Management Level
- d. Corporate WINRS (CWINRS) Activity
- e. Complete the Orientation Process
- f. Document the Planning and Orientation Process
- g. Administer the Plan

6.05 Outcomes of Rapid Access to Employment Plans

- a. Rehabilitated
- b. Interrupted
- c. Discontinued

Appendix O. VA Forms

Chapter 6

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF A RAPID ACCESS TO EMPLOYMENT PLAN

6.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program uses a variety of rehabilitation plans in an effort to provide individualized services. Veterans who are ready to seek employment and have some or all of the skills necessary to be competitive in the labor market in a suitable occupation, may benefit from a rapid access to employment rehabilitation plan. This chapter will outline the services available in a rapid access to employment plan, discuss how to develop and administer rapid access to employment plans and provide regulatory and procedural guidance on this type of plan.

6.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3101
 38 U.S.C. 3104
 38 U.S.C. 3111
 38 U.S.C. 3117

Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.47
 38 CFR 21.73
 38 CFR 21.120
 38 CFR 21.250
 38 CFR 21.252
 38 CFR 21.254
 38 CFR 21.268
 38 CFR 21.283
 38 CFR 21.362
 38 CFR 21.364

VA Forms (VAF): VAF 28-0957, Vocational Rehabilitation Guidelines and
 Debt Prevention
 VAF 28-8872, Rehabilitation Plan
 VAF 28-8872a, Rehabilitation Plan - Continuation Sheet

Website: www.askjan.org/media/adhd.html

6.03 Rapid Access to Employment Overview

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in VR&E. The most commonly used terms in a rapid access to employment plan are:

1. Rehabilitated to the Point of Employability (RTE)

RTE means that the Veteran is employable in an occupation for which a Vocational Rehabilitation program has been provided by VA's VR&E program.

2. Employable

38 CFR 21.250 defines employable as being able to secure and maintain suitable employment in the competitive labor market or in a sheltered workshop/rehabilitation facility or other special situation at the minimum wage.

3. Vocational Goal

A vocational goal means gainful employment that is consistent with the Veteran's abilities, aptitudes and interests.

4. Program of Employment Services

A program of employment services includes counseling, medical, social and other placement and post-placement services provided to a Veteran under the Chapter 31 program to assist the Veteran with obtaining and/or maintaining suitable employment.

5. Suitably Employed

38 CFR 21.283 defines suitably employed as employment in the competitive labor market, sheltered situations or on a no-pay basis which is consistent with the Veteran's abilities, aptitudes and interests.

b. Purpose

The purpose of a rapid access to employment rehabilitation plan is to provide the services necessary for the Veteran to obtain and maintain employment as quickly as possible. It is not uncommon for the Veteran to require some short term training or the opportunity to refresh his/her skills prior to the delivery of employment focused services. Therefore, the rehabilitation plan is

developed as a either an Individualized Written Rehabilitation Plan (IWRP) or a combined IWRP/Individualized Employment Assistance Plan (IEAP).

c. Eligibility

Per 38 CFR 21.47, all Veterans found eligible and entitled to participate in a rehabilitation program under Chapter 31 and in need of employment services, may receive employment services.

In addition, previous participants of the VR&E program, or a similar program provided under the Rehabilitation Act of 1973, may receive employment services even if the criteria for eligibility are not met.

d. Duration

Per 38 CFR 21.70, Vocational Rehabilitation programs cannot exceed 48 months, or the part-time equivalent, except as indicated in 38 CFR 21.78. Extensions are based on the Veteran's employment handicap (EH) classification and require VR&E Officer concurrence. 38 CFR 21.78 provides the following guidance on extensions beyond 48 months based on the classification of:

1. Employment Handicap (EH)

A rehabilitation program for a Veteran with an EH may be extended beyond 48 months when:

- (a) The Veteran previously completed training for a suitable occupation, but the Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which training had been provided, and a period of training in the same or different field is required. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (b) The occupation in which the Veteran previously completed training is found to be unsuitable because of the Veteran's abilities and EH. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (c) The Veteran previously used education benefit entitlement under other programs administered by VA, and the additional period of assistance to be provided under Chapter 31, which the Veteran needs to become employable, will result in more than 48 months being used under all VA education programs. Under these conditions, the number of

months necessary to complete the program may be authorized under Chapter 31 provided that the length of the extension will not result in authorization of more than 48 months under Chapter 31 alone.

(d) A Veteran in an approved Chapter 31 program has elected payment at the Chapter 30 educational assistance rate. The 48-month limitation may be exceeded only:

- To the extent that the entitlement in excess of 48 months does not exceed the entitlement previously used by the Veteran in a course at the secondary school level before December 31, 1989
- If the Veteran is in a course on a term, quarter, or semester basis which began before the 36 month limitation on Chapter 30 entitlement was reached, and completion of the course will be possible by permitting the Veteran to complete the training under Chapter 31

(e) The assistance to be provided in excess of 48 months consists solely of employment assistance.

2. Serious Employment Handicap (SEH)

The duration of a rehabilitation program for a Veteran with an SEH may be extended beyond 48 months under Chapter 31 for the number of months necessary to complete a rehabilitation program under the following conditions:

- (a) To enable the Veteran to complete a period of RTE.
- (b) To provide an extended evaluation in cases in which the total period needed for an extended evaluation and for RTE would exceed 48 months.
- (c) To provide a program of Independent Living (IL) services, including cases in which achievement of a vocational goal becomes feasible during or following a program of IL services.
- (d) The assistance provided in excess of 48 months consists solely of employment assistance.
- (e) Following RTE:

- (1) The Veteran has been unable to secure employment in the occupation for which training was provided despite intensive efforts on the part of the VA and the Veteran, and a period of retraining or additional training is needed.
- (2) The skills which the Veteran developed in training for an occupation in which he/she was employed are no longer adequate to maintain employment in that field, and a period of retraining is needed.
- (3) The Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which the Veteran has been trained, and a period of training in the same or different field is required.
- (4) The occupation in which the Veteran previously completed training is found to be unsuitable due to the Veteran's abilities and EH.

See M28R.IV.C.2 for additional information on extension requests.

e. Services

The services offered by the VR&E program are governed by 38 U.S.C. 3104. In rapid access to employment planning, services are individualized and designed to assist the Veteran in obtaining suitable employment as quickly as possible. A variety of services are available to assist in meeting this goal.

1. Short-term Training or Certificate Completion

The plan can include short-term training to enhance employment skills and/or obtain professional certification if the VRC determines that these skills/certifications are necessary for the Veteran to obtain and maintain suitable employment per 38 CFR 21.120. If training is included as part of the plan, the plan can be developed as an IWRP or a combined IWRP/IEAP.

2. Subsistence Allowance

Subsistence allowance is permissible when training is part of a combined IWRP/IEAP.

3. Revolving Fund Loan

Advances from the revolving fund are permissible in a combined IWRP/IEAP. Per 38 CFR 21.254, revolving fund loans are prohibited

during a program that consists solely of employment services, i.e. an IEAP.

4. Work-Study Allowance

Participation in the work-study program is appropriate in a combined IWRP/IEAP. However, if the Veteran is participating in a program of employment services only, then he/she will not meet the eligibility criteria for participation in the work-study program.

5. Career Counseling

The VRC or Employment Coordinator (EC) assigned to provide case management services continually provides career counseling to ensure the Veteran has the skills necessary to make an informed decision regarding his/her vocational goal.

6. Job Development and Placement Services

The case manager will work closely with the Veteran to ensure that he/she is ready to obtain and maintain employment. This is accomplished by providing training on how to conduct a job search, providing job leads and arranging opportunities for on-the-job training or other assistance with job placement. In addition, the case manager can utilize the services of the Department of Labor's (DOL) Disabled Veterans' Outreach Program (DVOP) specialist and/or Local Veterans' Employment Representative (LVER) when appropriate. See M28R.VI.A.4 and 38 CFR 21.252 for additional information on job development and placement services.

7. Resume Development

Resume development is a key component to a successful job search. The case manager assists in the development of a resume that converts military experience into civilian terms, clearly defines training and experience and meets the expectations of a civilian labor market.

8. Job Accommodations

The case manager will work closely with the Veteran to identify and address any needed job accommodations and provide training on how to request accommodations in the work setting. The Job Accommodation Network (JAN) is an excellent resource for identifying accommodations that may be beneficial based on the disabling condition. For more information on JAN, go to www.askjan.org/media/adhd.html.

9. Medical and Mental Health Services

The case manager will coordinate medical and mental health services as needed with the Veterans Health Administration (VHA) to ensure the Veteran's health conditions are treated and stabilized to the maximum extent possible.

10. Employment Adjustment Allowance (EAA)

The following actions must occur before the Veteran is entitled to receive EAA:

- The Veteran must be within the 12-year eligibility period or extension of that period
- The Veteran's case must have progressed through RTE status
- There must be a documented declaration of job-readiness by the case manager in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in Job Ready status
- An IEAP must be developed either as part of the IWRP or prior to the assignment to Job Ready status
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before a payment of EAA may be authorized

See 38 CFR 21.268 and M28R.V.B.10 for more information on how to process and pay EAA.

11. Post-Employment Consultation and Assistance

The case manager will monitor the Veteran's progress for a minimum of 60 days post-employment to ensure that all barriers, issues and questions have been addressed, and the employment is stable.

f. Limited and Specifically Defined Employment Assistance for Certain Previous Participants who are Employable

Veterans, who previously participated in a Vocational Rehabilitation program under Chapter 31, or a similar program under a State Vocational Rehabilitation program, may receive employment assistance to obtain

employment consistent with their abilities, aptitudes and interests. Such Veterans must have a service-connected disability rated at 10 percent or more and be determined to be employable in an occupation consistent with their abilities, aptitudes and interests. VA can provide the assistance described in this section regardless of current entitlement to a program of Vocational Rehabilitation. Additionally, these services are not subject to the 18-month employment services entitlement limitation or the 12-year eligibility period.

1. Services

The following limited employment assistance can be provided per 38 U.S.C. 3117:

- Direct placement in employment
- Referral to a DVOP specialist or an LVER
- Use of job development and placement specialists at a State or Federal rehabilitation agency, State Employment Service and the Veterans' Employment and Training Service (VETS) of U.S. Department of Labor (USDOL), Office of Personnel Management (OPM) or any other public or nonprofit organization with placement services
- Any for-profit entity, if cost-effective and comparably successful, when services from the entities above are unavailable

2. Required Determination

To provide this limited assistance, the VRC must conduct an initial evaluation and determine that the Veteran is employable in an occupation consistent with his/her abilities, aptitudes and interests. Determinations of EH, SEH and current reasonable feasibility are not applicable, unless the evaluation indicates that the Veteran is not employable in a suitable occupation, in which case entitlement to other Chapter 31 services and assistance must be determined. An IEAP is developed to guide the delivery of services.

6.04 Rapid Access to Employment Plan Development

The following information outlines the development of a rapid access to employment plan:

a. Conduct an Analysis of the Veteran's Needs

Using information gathered during the initial evaluation, and in collaboration with other service providers, conduct an analysis of the following factors to determine the services needed to assist with rapid placement in employment:

- Functional capacity/limitations
- Job accommodations
- IL needs, if appropriate
- Education/training needs

b. Develop the Rapid Access to Employment Plan

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IWRP or combined IWRP/IEAP are:

1. Program Goal

The rehabilitation plan must include a specific occupational goal or occupational cluster and three-digit Dictionary of Occupational Titles (DOT) code.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. The VRC must ensure that each objective:

- Is clear and easily understood
- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs the VRC and the Veteran of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IWRP or combined IWRP/IEAP. See section 6.03 of this chapter for examples of these services.

The description of documented services must be:

- Specific and detailed
- Clear and unmistakable as to their relationship to a particular intermediate objective

5. Duration of Services

Duration of services specifies a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include:

- VR&E
- VHA
- Medical personnel
- Education/training facilities

The rehabilitation plan must list the contact information of the individual(s) providing services and include the following information:

- Name
- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process and provides an evaluation schedule.

This section outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and Veteran must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the Veteran in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court, with proper jurisdiction, has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian.

c. Determine Case Management Level

There are three levels of case management based on the Veteran's needs. For those Veterans participating in an IWRP or combined IWRP/IEAP, the case management level must be either:

1. Level 2

If the Veteran is participating in a combined IWRP/IEAP, then Level 2 case management is appropriate during the delivery of academic services. Level 2 indicates that the Veteran needs guidance and structure but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term or at least three times per year for non-standard academic terms. For non-academic programs, face-to-face meetings are required once per month for the first three months, then quarterly.

2. Level 3

If the Veteran is participating in an IEAP, then Level 3 case management is required. Level 3 generally requires monthly face-to-face case management visits, but it is permissible to utilize monthly contacts in place of face-to-face visits if no special needs or barriers are identified. Contacts may be made by a DVOP/LVER when appropriate.

d. Corporate WINRS (CWINRS) Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the IWRP. This is accomplished through the following steps:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" or "No" as applicable by using the Update Disposition function on the Claim Processing tab.
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran agree upon the services to be provided during the IWRP or combined IWRP/IEAP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS, performing the following steps:

1. On the Rehab Tab, select Add Plan to enable the Plan functionality.
2. Select program plan IWRP on the CWINRS Rehab Tab for a combined IWRP/IEAP (Note: when developing a combined IWRP/IEAP, the Add Plan

function on the Employment Tab must also be completed to ensure the occupational code of the Chapter 31 program is included in Performance Analysis and Integrity (PA&I) Intranet reports).

3. Select Employment Through Long-Term Services from the track selection drop-down option if using an IWRP or a combined IWRP/IEAP.
 4. Set Program Cost Limit from the drop-down option.
 5. Enter the annual review date.
 6. Enter the Plan Modified date.
 7. Chose "no" under self-employment (SE) goal
 8. Set level of case management, indicated in CWINRS as Supervision Level.
 9. Enter the DOT code.
 10. Enter the program goal.
 11. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
 12. Click OK to save.
 13. Click Print Plan to print VAF 28-8872, Rehabilitation Plan, and VAF 28-8872a, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 14. Prepare High Cost Memo, as needed, based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 15. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
 16. Update CWINRS case status to Job Ready if utilizing an IEAP; Rehabilitation to Employment if utilizing an IWRP/IEAP. This action will automatically update the Benefits Delivery Network (BDN) with the DOT code.
- e. Complete the Orientation Process

The VRC must provide an orientation to ensure the Veteran understands the VRC's role and his/her role in the plan and to answer any questions the

Veteran may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide this orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation
- Requirement to report changes in dependency, contact information, performance and rate of participation immediately
- Process for obtaining supplies, medical treatment and other services outlined in the plan

Following orientation, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. Place the original on the right side of the CER folder and provide the Veteran with a copy.

f. Document the Planning and Orientation Process

The VRC must document the planning and orientation process and all decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Retroactive Induction
- Program Charges and Costs
- Level of Case Management
- Other Considerations

g. Administer the Plan

Once these actions are completed, services identified in the plan are implemented. All case activities are documented in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VAFs.

See M28R, Part V, Section A for detailed information on plan implementation.

6.05 Outcomes of Rapid Access to Employment Plans

a. Rehabilitated

The intent of Chapter 31 is to enable the Veteran, to the maximum extent possible, to become employable and to obtain and maintain suitable employment. Per 38 CFR 21.283, the VRC may move the case to Rehabilitated status when the Veteran has:

- Successfully completed the rapid access to employment program goals
- Maintained suitable employment for at least 60 days

See M28R.V.A.10 for detailed information on how to complete the rehabilitation process.

b. Interrupted

If the Veteran does not meet the goals of the rehabilitation plan or is not able to complete the plan, the VRC must reassess the plan and determine the appropriate next steps. If the VRC estimates that this process will be lengthy and time-consuming, placing the case in “Interrupted” status may be the most appropriate action. Interrupted status enables the VRC and the Veteran to determine the next steps without utilizing time limited services, such as employment assistance.

c. Discontinued

If the Veteran decides not to pursue services or does not respond to attempts by the VRC to participate in the rehabilitation plan, then it may be necessary to discontinue the case. See M28R.V.A.10 for information on the discontinuation process.

Chapter 7
GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION
OF AN EMPLOYMENT THROUGH LONG-TERM SERVICES PLAN

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- 7.02 References and Resources
- 7.03 Employment through Long-Term Services Overview
 - a. Definitions
 - b. Purpose
 - c. Duration
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- 7.04 Employment through Long-Term Services Plan Development
 - a. Conduct an Analysis of the Veteran's Needs
 - b. Develop the Employment through Long-Term Services Plan
 - c. Determine Case Management Level
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 - e. Complete the Orientation Process
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 - h. Evaluate and Amend the Plan
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- 7.05 Outcomes of Employment through Long-Term Services Plans
 - a. Rehabilitated
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Appendix O. VA Forms

Chapter 7

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF AN EMPLOYMENT THROUGH LONG-TERM SERVICES PLAN

7.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program uses a variety of rehabilitation plans in an effort to provide individualized services. Veterans who require an extended period of rehabilitation services before seeking employment may benefit from an employment through long-term services rehabilitation plan. This chapter will outline the services available in an employment through long-term services plan, discuss how to develop and administer employment through long-term services plans and provide regulatory and procedural guidance on this type of plan.

7.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3101
 38 U.S.C. 3104
 38 U.S.C. 3107
 38 U.S.C. 3111

Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.70
 38 CFR 21.78
 38 CFR 21.84
 38 CFR 21.283
 38 CFR 21.362
 38 CFR 21.364

VA Forms (VAF): VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention
 VAF 28-8872, Rehabilitation Plan
 VAF 28-8872a, Rehabilitation Plan - Continuation Sheet

Website: www.askjan.org

7.03 Employment through Long-Term Services Overview

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in VR&E. The most commonly used terms in an employment through long-term services rehabilitation plan are:

1. Rehabilitated to the Point of Employability (RTE)

RTE means that the Veteran is employable in an occupation for which a Vocational Rehabilitation program has been provided by VA's VR&E program.

2. Employable

38 CFR 21.250 defines employable as being able to secure and maintain suitable employment in the competitive labor market, in a sheltered workshop/rehabilitation facility or other special situation at the minimum wage.

3. Vocational Goal

A vocational goal means gainful employment that is consistent with the Veteran's abilities, aptitudes and interests.

4. Training Establishment

A training establishment is any public or private school, secondary school, vocational school, correspondence school, business school, junior college, college, normal school, professional school, university or technical institution or other institution furnishing education for adults.

5. Suitably Employed

38 CFR 21.283 defines suitably employed as employment in the competitive labor market, sheltered situations, or on a no-pay basis which is consistent with the Veteran's abilities, aptitudes and interests.

- b. Purpose

The purpose of an employment through long-term services rehabilitation plan is to provide an extended period of training and rehabilitation services to ensure the Veteran has the skills necessary to obtain and maintain suitable employment.

- c. Duration

Per 38 CFR 21.70, Vocational Rehabilitation programs cannot exceed 48 months, or the part-time equivalent, except as indicated in 38 CFR 21.78. Extensions are based on the Veteran's employment handicap (EH)

classification and require VR&E Officer concurrence. 38 CFR 21.78 provides the following guidance on extensions beyond 48 months based on the classification of:

1. EH

A rehabilitation program for a Veteran with an EH may be extended beyond 48 months when:

- (a) The Veteran previously completed training for a suitable occupation, but the Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which training had been provided, and a period of training in the same or different field is required. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (b) The occupation in which the Veteran previously completed training is found to be unsuitable because of the Veteran's abilities and EH. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (c) The Veteran previously used education benefit entitlement under other programs administered by VA, and the additional period of assistance to be provided under Chapter 31, which the Veteran needs to become employable, will result in more than 48 months being used under all VA education programs. Under these conditions, the number of months necessary to complete the program may be authorized under Chapter 31 provided that the length of the extension will not result in authorization of more than 48 months under Chapter 31 alone.
- (d) A Veteran in an approved Chapter 31 program has elected payment at the Chapter 30 educational assistance rate. The 48 month limitation may be exceeded only:
 - To the extent that the entitlement in excess of 48 months does not exceed the entitlement previously used by the Veteran in a course at the secondary school level before December 31, 1989
 - If the Veteran is in a course on a term, quarter or semester basis which began before the 36 month limitation on Chapter 30 entitlement was reached, and completion of the course will be possible by permitting the Veteran to complete the training under Chapter 31

- (e) The assistance to be provided in excess of 48 months consists solely of employment assistance.

2. Serious Employment Handicap (SEH)

The duration of a rehabilitation program for a Veteran with an SEH may be extended beyond 48 months under Chapter 31 for the number of months necessary to complete a rehabilitation program under the following conditions:

- (a) To enable the Veteran to complete a period of RTE
- (b) To provide an extended evaluation in cases in which the total period needed for an extended evaluation and for RTE would exceed 48 months
- (c) To provide a program of independent living (IL) services, including cases in which achievement of a vocational goal becomes feasible during or following a program of IL services
- (d) The assistance provided in excess of 48 months consists solely of employment assistance.
- (e) Following RTE:
 - (1) The Veteran has been unable to secure employment in the occupation for which training was provided despite intensive efforts on the part of the VA and the Veteran, and a period of retraining or additional training is needed.
 - (2) The skills which the Veteran developed in training for an occupation in which he/she was employed are no longer adequate to maintain employment in that field, and a period of retraining is needed.
 - (3) The Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which the Veteran has been trained, and a period of training in the same or different field is required.
 - (4) The occupation in which the Veteran previously completed training is found to be unsuitable due to the Veteran's abilities and EH.

See M28R.IV.C.2 for additional information on extension requests.

d. Services

The services offered by the VR&E program are governed by 38 U.S.C. 3104. In employment through long-term services planning, services are individualized and designed to assist the Veteran in obtaining suitable employment. A variety of services are available to assist in meeting this goal, to include:

1. Academic Coursework

Academic coursework is a key component of most employment through long-term services plans. It is provided to assist the Veteran in obtaining the skills and education necessary to obtain and maintain suitable employment.

2. Subsistence Allowance

Subsistence allowance is a common aspect of employment through long-term services rehabilitation plans. It is paid in accordance to 38 CFR 21.260. See M28R.V.A.3 for procedural guidance on payment of subsistence allowance.

3. Revolving Fund Loan

Advances from the revolving fund are permissible while participating in an Individualized Written Rehabilitation Plan (IWRP). See M28R.V.B.9 for procedural guidance on advances from the revolving fund.

4. Work-Study Allowance

Participation in the work-study program is appropriate while participating in an IWRP. See M28R.V.A.3 for procedural guidance on the implementation of the work-study program.

5. Counseling

Per 38 U.S.C. 3107, all rehabilitation plans must include counseling services. The Vocational Rehabilitation Counselor (VRC) provides counseling services to assist the Veteran in utilizing his/her VA benefits in the most advantageous manner, make informed decisions, resolve adjustment issues and address aspects of disability on activities of daily living and any other areas of concern.

6. Medical and Mental Health Services

The VRC will coordinate medical and mental health services as needed with the Veterans Health Administration (VHA) to ensure the Veteran's health conditions are treated and stabilized to the maximum extent possible.

7. Employment Assistance

It is important to maintain a focus on employment throughout an employment through long-term services rehabilitation plan to ensure that the services provided will lead to employment in a suitable occupation. To achieve this goal, the VRC can provide employment assistance services from the onset of the IWRP. Examples of employment assistance include, but are not limited to:

- Resume development
- Interviewing skills training
- Job-readiness training
- Registration with career services office on campus
- Participation in professional organizations/groups

8. Job Accommodations

The VRC will work closely with the Veteran to identify and address any needed job accommodations and provide training on how to request accommodations in the work setting. The Job Accommodation Network (JAN) is an excellent resource for identifying accommodations that may be beneficial based on the disabling condition. For more information on JAN, go to www.askjan.org/media/adhd.html.

9. Employment Adjustment Allowance (EAA)

The following actions must occur before the Veteran is entitled to receive EAA:

- The Veteran must be within the 12-year eligibility period or extension of that period

- The Veteran's case must have progressed through RTE status to Job Ready (JR) status following the provision of services under an IWRP or combined IWRP/Individualized Employment Assistance Plan (IEAP)
- There must be a documented declaration of job-readiness by the VRC in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in JR status
- An IEAP must be developed either as part of the IWRP or prior to assignment to JR status
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before a payment of EAA may be authorized

See 38 CFR 21.268 and M28R.V.B.10 for more information on how to process and pay EAA.

10. Post-Employment Consultation and Assistance

The VRC will monitor the Veteran's progress for a minimum of 60 days post-employment to ensure that all barriers, issues and questions have been addressed and the employment is stable.

7.04 Employment through Long-Term Services Plan Development

The following information outlines the development of an employment through long-term service plan:

a. Conduct an Analysis of the Veteran's Needs

Using information gathered during the initial evaluation, and in collaboration with other service providers, conduct an analysis of the following factors to determine the services needed:

- Functional capacity/limitations
- Job accommodations
- IL needs, if appropriate
- Education/training needs

b. Develop the Employment through Long-Term Services Plan

Employment through long-term services rehabilitation plans are developed and documented in an IWRP format, which is governed by 38 CFR 21.84. All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IWRP are:

1. Program Goal

The rehabilitation plan must include a specific occupational goal or occupational cluster and three-digit Dictionary of Occupational Titles (DOT) code, unless the VRC is utilizing a Fast Track plan. Fast Track planning allows for the use of DOT code 999 during a brief period in which services are provided while the Veteran continues to research occupational goals. See M28R.IV.C.2 for additional information and procedural guidance on Fast Track planning.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. The VRC must ensure that each objective:

- Is clear and easily understood
- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs the VRC and the Veteran of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IWRP. See section 7.03 of this chapter for examples of these services.

The description of documented services must be:

- Specific and detailed
- Clear and unmistakable as to its relationship to a particular intermediate objective

5. Duration of Services

Duration of services specifies a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include:

- VR&E
- VHA
- Medical personnel
- Education/training facilities

The rehabilitation plan must list the contact information of the individual(s) providing services and include the following information:

- Name
- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process and provides an evaluation schedule. The following sources may be used to establish evaluation criteria:

- College transcripts
- Training progress reports

- Medical records
- Self-report by the Veteran and/or the Veteran's family
- Other sources as appropriate

This section outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and the Veteran must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the Veteran in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court, with proper jurisdiction, has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian.

c. Determine Case Management Level

There are three levels of case management based on the Veteran's needs. For those Veterans participating in an IWRP, the case management level must be either:

1. Level 1

Level 1 indicates that the Veteran exhibits independent, goal-oriented behavior and needs minimal contact from the VRC to stay on track. The Veteran may demonstrate the following characteristics:

- Stable medical conditions
- Minimum requirement for support services
- History of self-motivated achievement
- Exceeds criteria for satisfactory progress

- Independence in problem solving
- Absence of Level 2 and Level 3 criteria

Level 1 requires one annual face-to-face case management visit. Additionally, one case management follow-up by telephone or in-person is required during each of the other terms, or three times per year if non-standard terms or training is non-academic.

2. Level 2

Level 2 indicates that the Veteran needs guidance and structure but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term or at least three times per year for non-standard academic terms. For non-academic programs, face-to-face meetings are required once per month for the first three months, then quarterly.

3. Level 3

Level 3 indicates that the Veteran requires an intensive level of service to address multiple rehabilitation needs and will require frequent contact. Examples of circumstances that may require Level 3 case management are:

- Rehabilitation programs that include special rehabilitation facilities, Chapter 35 Special Restorative Training and/or services to address IL needs
- Chronic, inappropriate conduct and cooperation
- Behavior in violation of training establishment policies
- Severe impairments due to medical or neuropsychological condition(s)

- Substance abuse issues
- Homelessness
- Incarceration or threatened incarceration

Level 3 requires monthly, face-to-face case management visits.

d. Corporate WINRS (CWINRS) Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the IWRP. This is accomplished through the following steps:

- Ensuring that the SEH Handicap indicator is set to "Yes" or "No" as applicable by using the Update Disposition function on the Claim Processing tab.
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran agree upon the services to be provided during the IWRP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS, performing the following steps:

1. On the Rehab Tab, select Add Plan to enable the Plan functionality.
2. Select program plan IWRP.
3. Select Employment Through Long-Term Services from the track selection drop-down option.
4. Set Program Cost Limit form the drop-down option.
5. Enter the annual review date.

6. Enter the Plan Modified date.
 7. Chose "no" under self-employment goal.
 8. Set case management level, referred to as Supervision Level in CWINRS, from the drop-down option.
 9. Enter the DOT code.
 10. Enter the program goal.
 11. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
 12. Click OK to save.
 13. Click Print Plan to print VAF 28-8872, Rehabilitation Plan, and VAF 28-8872a, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 14. Prepare High Cost Memo, as needed, based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 15. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
 16. Update CWINRS case status to Rehabilitation to Employment. This action will automatically update the Benefits Delivery Network (BDN) with the DOT code.
- e. Complete the Orientation Process

The VRC must provide an orientation to ensure the Veteran understands the VRC's role and his/her role in the plan and to answer any questions the Veteran may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide this orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation
- Requirement to report changes in dependency, contact information, performance and rate of participation immediately

- Process for obtaining supplies, medical treatment and other services outlined in the plan

Following orientation, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. Place the original on the right side of the CER folder and provide the Veteran with a copy.

f. Document the Planning and Orientation Process

The VRC must document the planning and orientation process and all decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Retroactive Induction
- Program Charges and Costs
- Level of Case Management
- Other Considerations

g. Administer the Plan

Once these actions are complete, services identified in the plan are implemented. All case activities are documented in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VAFs.

See M28R, Part V, Section A for detailed information on plan implementation.

h. Evaluate and Amend the Plan

It is necessary to review and evaluate the individual's progress toward completion of the objectives of the rehabilitation plan. If additional, or different, services are needed to achieve the objectives of the plan, then amend the plan as appropriate.

i. Develop the Individualized Employment Assistance Plan (IEAP)

If the individual has achieved the objectives of the IWRP and is considered to be job ready, then develop the IEAP and change the case status to job ready. Ensure that all the objectives of the IEAP specifically address identified needs to obtain and maintain suitable employment. After a joint review of the plan, the VRC and Veteran must sign the plan. Provide a copy of the signed plan to the Veteran, and file the original on the right side of the CER folder.

Determine if the Veteran is entitled to an employment adjustment allowance (EAA) and administer as appropriate. Authorize EAA only if the Veteran has received some services under an IWRP and is declared job ready. A total of two months of EAA may be authorized. Each month of EAA may be authorized following 30 days of documented satisfactory participation in job search or employment activities while in Job Ready/Employment Services status. See M28R.V.B.10 for additional information on the payment and processing of EAA.

7.05 Outcomes of Employment through Long-Term Services Plans

a. Rehabilitated

The intent of Chapter 31 is to enable Veterans, to the maximum extent possible, to become employable and to obtain and maintain suitable employment. Per 38 CFR 21.283, the VRC may move the case to Rehabilitated status when the Veteran has:

- Successfully completed the rapid access to employment program goals, and
- Maintained suitable employment for at least 60 days.

See M28R.V.A.10 for detailed information on how to complete the rehabilitation process.

b. Interrupted

If the Veteran does not meet the goals of the rehabilitation plan, or is not able to complete the plan, the VRC must reassess the plan and determine the appropriate next steps. If the VRC estimates that this process will be lengthy and time-consuming, placing the case in "Interrupted" status may be the most appropriate action. Interrupted status enables the VRC and the Veteran

to determine the next steps without utilizing time limited services, such as employment assistance.

c. Discontinued

If the Veteran decides not to pursue services or does not respond to attempts by the VRC to participate in the rehabilitation plan, discontinuation of the case may be necessary. See M28R.V.A.10 for information on the discontinuation process.

Chapter 8
GUIDELINES FOR THE DEVELOPMENT AND
ADMINISTRATION OF A SELF-EMPLOYMENT PLAN

8.01 Introduction

8.02 References and Resources

8.03 Self-Employment Plan Overview

- a. Definitions
- b. Purpose
- c. Duration
- d. Services
- e. Provision of Service

8.04 Self-Employment Planning Process

- a. Preliminary Self-Employment Evaluation Process
- b. Preliminary Self-Employment Evaluation Findings
- c. Category Assignment

8.05 Develop a Proposed Business Plan

- a. Business Plan Development
- b. Review and Analysis of Business Plan
- c. Summation of Business Plan Analysis

8.06 Self-Employment Plan Development

- a. Conduct an Analysis of the Proposed Business Plan
- b. Develop the Self-Employment Plan
- c. Determine Case Management Level
- d. Corporate WINRS (CWINRS) Activity
- e. Self-Employment Plan Concurrence
- f. Complete the Orientation Process
- g. Document the Planning and Orientation Process
- h. Administer the Plan
- i. Evaluate and Amend the Plan
- j. Develop the Individualized Employment Assistance Plan (IEAP)

8.07 Outcomes of Self-Employment Plans

- a. Rehabilitated
- b. Interrupted
- c. Discontinued

Appendix O. VA Forms

Chapter 8

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF A SELF-EMPLOYMENT PLAN

8.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program uses a variety of rehabilitation plans in an effort to provide individualized services. Veterans who have the skills and interest to start a business may benefit from a self-employment plan. This chapter will outline the services available in a self-employment plan, discuss how to develop and administer a self-employment plan and provide regulatory and procedural guidance on this type of plan.

8.02 References and Resources

- Laws:
- Small Business Act of 1953
 - 38 United States Code (U.S.C.) 3101
 - 38 U.S.C. 3104
 - 38 U.S.C. 3107
 - 38 U.S.C. 3111
 - 38 U.S.C. 3117
- Regulations:
- 38 Code of Federal Regulations (CFR) 21.35
 - 38 CFR 21.70
 - 38 CFR 21.78
 - 38 CFR 21.84
 - 38 CFR 21.88
 - 38 CFR 21.98
 - 38 CFR 21.120
 - 38 CFR 21.214
 - 38 CFR 21.250
 - 38 CFR 21.252
 - 38 CFR 21.254
 - 38 CFR 21.257
 - 38 CFR 21.258
 - 38 CFR 21.260
 - 38 CFR 21.268
 - 38 CFR 21.282
 - 38 CFR 21.283
 - 38 CFR 21.362
 - 38 CFR 21.364
- VA Forms (VAF):
- VAF 119, Report of Contact

VAF 28-0794, Self-Employment Plan Approval Request
VAF 28-0795, Business Plan Review Guide
VAF 28-0957, Vocational Rehabilitation Guidelines and
Debt Prevention
VAF 28-1902b, Counseling Record - Narrative Report
VAF 28-1902n, Counseling Record - Narrative Report
(Supplemental Sheet)
VAF 28-8872, Rehabilitation Plan
VAF 28-8872a, Rehabilitation Plan - Continuation Sheet

Websites: www.sba.gov
www.vetbiz.gov
www.askjan.org

8.03 Self-Employment Plan Overview

Self-employment is a viable rehabilitation objective for many Veterans. The conditions under which VR&E can furnish self-employment services are outlined in 38 CFR 21.257. VR&E encourages self-employment as an objective for Veterans who are unlikely to achieve rehabilitation through employment with existing companies, agencies or organizations.

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in VR&E. The most commonly used terms in a self-employment rehabilitation plan are:

1. Veterans with the Most Severe Service-Connected Disabilities who Require Self-Employment

38 CFR 21.257 states that this term refers to Veterans who have been determined by VA to have limitations affecting employability arising from the effects of the Veteran's service-connected disability(ies), which are so severe as to necessitate selection of self-employment as the only reasonably feasible vocational goal for the Veteran.

2. Rehabilitated To the Point of Employability (RTE)

RTE means that the Veteran is employable in an occupation for which a Vocational Rehabilitation program has been provided by VA's VR&E program.

3. Employable

38 CFR 21.250 defines employable as being able to secure and maintain suitable employment in the competitive labor market, in a sheltered workshop/rehabilitation facility or other special situation at the minimum wage.

4. Vocational Goal

A vocational goal means gainful employment that is consistent with the Veteran's abilities, aptitudes and interests.

5. Suitably Employed

38 CFR 21.283 defines suitably employed as employment in the competitive labor market, sheltered situations or on a no-pay basis which is consistent with the Veteran's abilities, aptitudes and interests.

b. Purpose

The purpose of the self-employment track is to provide services for Veterans who have the necessary job skills to start a business. Self-employment may also be the right track for Veterans who have limited access to traditional employment or require a more accommodating work environment due to the effects of a disability.

c. Duration

Per 38 CFR 21.70, Vocational Rehabilitation programs cannot exceed 48 months, or the part-time equivalent, except as indicated in 38 CFR 21.78. Extensions are based on the Veteran's employment handicap (EH) classification and require VR&E Officer (VREO) concurrence. 38 CFR 21.78 provides the following guidance on extensions beyond 48 months based on the classification of:

1. Employment Handicap (EH)

A rehabilitation program for a Veteran with an EH may be extended beyond 48 months when:

- (a) The Veteran previously completed training for a suitable occupation, but the Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which training had been provided, and a period of training in the same

or different field is required. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.

- (b) The occupation in which the Veteran previously completed training is found to be unsuitable because of the Veteran's abilities and EH. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (c) The Veteran previously used education benefit entitlement under other programs administered by VA, and the additional period of assistance to be provided under Chapter 31, which the Veteran needs to become employable, will result in more than 48 months being used under all VA education programs. Under these conditions, the number of months necessary to complete the program may be authorized under Chapter 31 provided that the length of the extension will not result in authorization of more than 48 months under Chapter 31 alone.
- (d) A Veteran in an approved Chapter 31 program has elected payment at the Chapter 30 educational assistance rate. The 48 month limitation may be exceeded only if one or both of the following occur:
 - To the extent that the entitlement in excess of 48 months does not exceed the entitlement previously used by the Veteran in a course at the secondary school level before December 31, 1989
 - If the Veteran is in a course on a term, quarter or semester basis which began before the 36 month limitation on Chapter 30 entitlement was reached, and completion of the course will be possible by permitting the Veteran to complete the training under Chapter 31
- (e) The assistance to be provided in excess of 48 months consists solely of employment assistance.

2. Serious Employment Handicap (SEH)

The duration of a rehabilitation program for a Veteran with an SEH may be extended beyond 48 months under Chapter 31 for the number of months necessary to complete a rehabilitation program under the following conditions:

- (a) To enable the Veteran to complete a period of RTE.

- (b) To provide an extended evaluation in cases in which the total period needed for an extended evaluation and for RTE would exceed 48 months.
- (c) To provide a program of Independent Living (IL) services, including cases in which achievement of a vocational goal becomes feasible during or following a program of IL services.
- (d) The assistance provided in excess of 48 months consists solely of employment assistance.
- (e) Following RTE:
 - (1) The Veteran has been unable to secure employment in the occupation for which training was provided despite intensive efforts on the part of the VA and the Veteran, and a period of retraining or additional training is needed.
 - (2) The skills which the Veteran developed in training for an occupation in which he/she was employed are no longer adequate to maintain employment in that field, and a period of retraining is needed.
 - (3) The Veteran's service-connected disability has worsened to the point that he/she is unable to perform the duties of the occupation for which the Veteran has been trained, and a period of training in the same or different field is required.
 - (4) The occupation in which the Veteran previously completed training is found to be unsuitable due to the Veteran's abilities and EH.

See M28R.IV.C.2 for additional information on extension requests.

d. Services

The services offered by the VR&E program are governed by 38 U.S.C. 3104. In self-employment planning, services are individualized and designed to assist the Veteran in starting a business. A variety of services are available to assist in meeting this goal, to include:

1. Short-term Training or Certificate Completion

The plan can include short-term training to enhance employment skills and/or obtain professional certification if the Vocational Rehabilitation Counselor (VRC) determines that these skills/certifications are necessary

for the Veteran to obtain and maintain suitable employment per 38 CFR 21.120. If training is included as part of the plan, the plan can be developed as an Individualized Written Rehabilitation Plan (IWRP) or a combined IWRP/Individualized Employment Assistance Plan (IEAP).

2. Subsistence Allowance

Subsistence allowance is permissible when training is part of the rehabilitation plan, and all criteria outlined in 38 CFR 21.260 are met.

3. Revolving Fund Loan

Advances from the revolving fund are permissible in either an IWRP or a combined IWRP/IEAP. Per 38 CFR 21.254, revolving fund loans are prohibited during a program that consists solely of employment services, i.e., an IEAP.

4. Work-Study Allowance

Participation in the work-study program is appropriate while participating in either an IWRP or a combined IWRP/IEAP. However, if the Veteran is participating in a program of employment services only, then he/she will not meet the eligibility criteria for participation in the work-study program.

5. Career Counseling

The VRC or Employment Coordinator (EC) assigned to provide case management services continually provides career counseling to ensure the Veteran has the skills necessary to make an informed decision regarding his/her vocational goal.

6. Job Accommodations

The case manager will work closely with the Veteran to identify and address any needed job accommodations. The Job Accommodation Network (JAN) is an excellent resource for identifying accommodations that may be beneficial based on the disabling condition. For more information on JAN, go to www.askjan.org/media/adhd.html.

7. Medical and Mental Health Services

The case manager will coordinate medical and mental health services as needed with the Veterans Health Administration (VHA) to ensure the

Veteran's health conditions are treated and stabilized to the maximum extent possible.

8. Employment Adjustment Allowance (EAA)

The following actions must occur before the Veteran is entitled to receive EAA:

- The Veteran must be within the 12-year eligibility period or extension of that period
- The Veteran's case must have progressed through RTE status to Job Ready (JR) status following the provision of services under an IWRP or combined IWRP/IEAP
- There must be a documented declaration of job-readiness by the case manager in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in JR status
- An IEAP must be developed either as part of the IWRP or prior to assignment to JR status
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before a payment of EAA may be authorized

See 38 CFR 21.268 and M28R.V.B.10 for more information on how to process and pay EAA.

9. Post-Employment Consultation and Assistance

The case manager will monitor the Veteran's progress for one year post-employment to ensure that all barriers, issues and questions have been addressed, and the business is stable and viable before proceeding with the closure of the case. 38 U.S.C. 3117 governs the delivery of employment assistance services.

e. Provision of Service

The provision of service is based on category assignment. See 8.04 of this chapter for information on the assignment of categories.

1. Services Available to Veterans Classified as Category I

VR&E may provide the following level of special services and assistance to Veterans assigned to Category I:

- (a) Comprehensive training in the vocational goal and in the operation of a small business.
- (b) Minimum stocks of materials such as an inventory of salable merchandise or goods.
- (c) Expendable items required for day-to-day operations and items which are consumed on the premises.
- (d) Essential equipment, including machinery, occupational fixtures, accessories and appliances.
- (e) Incidental services such as business license fees.
- (f) If the Veteran incurred costs for training or other rehabilitation services and the VRC determines that the training and/or other rehabilitation services were reasonably needed to achieve the goals of the rehabilitation plan, then these costs can be reimbursed per 38 CFR 21.282(c).

2. Services Available to Veterans Classified as Category II

VR&E may provide the following level of special services and assistance to Veterans assigned to Category II:

- (a) Comprehensive training in the vocational goal.
- (b) Incidental training in the management of a small business.
- (c) License or other fees required for employment.
- (d) Personal tools and supplies that are required of all individuals to begin employment in the approved occupational field.
- (e) If the Veteran incurred costs for training or other rehabilitation services, and the VRC determines that the training and/or other rehabilitation services are reasonably needed to achieve the goals of the rehabilitation plan, then these costs can be reimbursed per 38 CFR 21.282(c).

3. Services and assistance VA may not authorize

Certain discrete services may not be provided to Veterans participating in the self-employment track. VA must not authorize any of the following:

- (a) Full or partial payment to purchase land or buildings
- (b) Lease or rental payments
- (c) Purchase or rentals of cars, trucks or other vehicles
- (d) Stocking either a farm for animal husbandry operations or a fishery

8.04 Self-Employment Planning Process

Self-employment rehabilitation plans require a number of pre-plan development activities to ensure that the proposed business is viable. The following activities must be completed prior to plan development:

a. Preliminary Self-Employment Evaluation Process

The following questions provide structure for VRCs when gathering information to determine the Veteran's suitability and readiness to start a business:

- What business would the Veteran like to start?
- Will the Veteran's disability pose any barriers to operating the business? If yes, what reasonable accommodations can be developed to address these barriers?
- What qualifications does the Veteran possess to ensure he/she has the ability to start and operate a business?
- What skills and/or knowledge will the Veteran need to acquire to operate this business?
- Why does the Veteran want to start this type of business?
- Where will the business be located?
- What hours and days will the business operate?
- Who will use the Veteran's service and/or buy the product(s)?

- Where are the Veteran's business/customers located?
- If you were a potential customer, why would you use this business? What would keep you coming back to this business?
- Is there another business like the one the Veteran proposes operating in the same area? If so, is it successful? Why or why not?
- How will the Veteran advertise his/her business?
- How many customers does the Veteran estimate he/she will have during the first and second year?
- How much money will be required to start the business? What are the likely sources for securing the start-up funds?
- How much money does the Veteran estimate he/she will earn during the first and second year?
- Will the Veteran hire employees? If so, how much will the Veteran pay the employees?
- Who will do the ordering, customer contact and bookkeeping?
- What equipment will be needed? How will the Veteran acquire this equipment?

b. Preliminary Self-Employment Evaluation Findings

The preliminary self-employment evaluation findings will assist the VRC in determining if either of the following applies:

1. Self-employment is warranted. If so, then the VRC will assist the Veteran in the development of a business plan.
2. Self-employment is not warranted at this time. If so, then the VRC will consider alternative rehabilitation services.

NOTE: The VRC may use a contract counselor to complete this process if contractual agreements are in place for the use of for-profit entities.

c. Category Assignment

The VRC must assign a Veteran to one of two categories of services when the self-employment track is elected. The category assignment is based on information obtained from the initial entitlement orientation and the preliminary evaluation for self-employment services. The provision of services is dependent on the category assignment and governed by 38 CFR 21.214, 21.252 and 21.257.

1. Category I

Veterans designated as Category I must meet the following four conditions:

- (a) SEH
- (b) Most-severe service-connected disabilities
- (c) Employability limitations so severe that self-employment is the only option to achieve the rehabilitation goal
- (d) All other reasonable employment goals are unsuitable due to the severity of the Veteran's service-connected disability(ies).

2. Category II

Veterans designated as Category II must have one of the following:

- (a) EH
- (b) SEH, but the service-connected disability(ies) is not considered most severe

8.05 Develop a Proposed Business Plan

The next step in the process is to develop a proposed business plan, which is a multi-step process as follows:

a. Business Plan Development

1. Responsibilities

The VRC coordinates services and assists the Veteran with developing a proposed business plan. The proposed business plan will address all items identified on VAF 28-0795, Business Plan Review Guide. See Appendix O, VA Forms, for information on accessing VAFs. For existing

businesses, the business plan must address barriers that exist that make the business unsuitable. The Veteran is responsible for developing the written business plan for VR&E's consideration. The VRC will ensure that the Veteran works with a professional business consultant, either on a voluntary or contractual basis, as a guide in this process. The business consultant may:

- Recommend potential funding resources
- Assist in developing a funding package
- Suggest marketing strategies
- Conduct a feasibility analysis of the business plan
- Recommend actions to increase the viability of the business plan

2. Resources

The following resources are available to assist in the development of a business plan:

(a) U.S. Small Business Administration (SBA)

The SBA is a government agency designed to provide counseling, advice and information on starting a business. SBA has district offices located around the country that provide these services through a variety of programs, including the following:

- (1) Service Corps of Retired Executives (SCORE) is a non-profit association of volunteer business counselors trained to serve as advisors and mentors to people who are attempting to start a business.
- (2) Small Business Development Centers (SBDC) are partnerships primarily between the government and colleges/universities. SBDCs provide education services to people who are attempting to start a business. SBDC services include assisting small businesses with financial, marketing, production, organization, engineering and technical issues and feasibility studies.
- (3) Veterans Business Outreach Centers (VBOCs) are designed to provide entrepreneurial development services, such as business training, counseling and mentoring services. VBOCs provide pre-

business plan workshops, concept assessments, business plan preparations and comprehensive feasibility analysis.

These services are free and community based. See www.sba.gov for additional information on programs administered, and services offered, by the SBA.

(b) Center for Veterans Enterprise (CVE)

CVE assists Veterans who own or want to start a business by providing counseling services to meet their financial, management and technical needs. CVE also helps VA Contracting Officers identify Veteran-owned small businesses, which have priority in the award process in certain government contracting situations. See www.vetbiz.gov for additional information on CVE.

(c) Other

Public or private small business consulting agencies, such as universities, colleges and business development centers, provide services to assist with the development of business plans.

b. Review and Analysis of Business Plan

1. Addressing Viability and Feasibility

The VRC must review and analyze the Veteran's business plan to ensure that it is viable and the proposed vocational goal is feasible. In the case of an existing business, the VRC must ensure that the barriers that existed to make the business unsuitable have been addressed. All proposed and formal business plans should address the following areas in order for the VRC to conduct a thorough analysis of the plan:

- (a) The location, and if applicable, the cost of the site selected for the business.
- (b) A financial statement describing the availability of non-VA financing, including the Veteran's financial resources.
- (c) A study of the economic viability of the proposed business plan, which must discuss the following issues:
 - Business location in relation to the geographic distribution of the population that the business would serve

- Population traffic patterns, which would bring business to the Veteran's proposed site of operation
 - Probability that the business could serve as a subcontractor to larger organizations
 - Probability that the business could provide contract goods or services to VA or other federal agencies
 - Competition the Veteran would face from similar businesses in the market area
 - Comparison of the operational expenses and projected growth in gross and net income from the business over the first five years of operation
 - The Veteran's ability to absorb losses in the early years of operation until the business develops an adequate market share
- (d) A cost analysis specifying the types, amounts and estimated costs of services, initial stocks and other supplies.
- (e) A working outline for developing a market strategy for the business' services or products.
- (f) A detailed description of the business' operation plan.
- (g) A schedule of the training needed for successful operation of the business.
- (h) Results of contacts with the SBA to secure consideration under Section 8 of the Small Business Act of 1953, as Amended.

The VRC should provide this information to the Veteran in advance of his/her meeting with the agency who will be assisting in the development of the business plan. This will ensure that all questions are addressed initially, reducing the likelihood that the Veteran will propose an incomplete business plan.

2. Responsibilities

The VRC must ensure the following events occur:

- (a) Assessment of the economic viability of the proposed business plan is conducted, arranged or contracted.
- (b) Arrangement of professional consultations on either a voluntary or contractual basis to assist with the development and assessment of the business plan.
- (c) Determination that the Veteran's business plan addresses all items in the Business Plan Review Guide, VAF 28-0795.

3. Resources for Business Plan Analysis

To assist with the analysis of the business plan, VRCs may consult with a variety of organizations and entities, including, but not limited to:

- Business associations
- Economic development corporations
- College business programs

c. Summation of Business Plan Analysis

VRCs must complete a summation of the business plan analysis. This summation answers the questions outlined in the Business Plan Review Guide and any additional supporting documentation relevant to the Veteran's request for self-employment services. The summation should clearly identify the viability of the business plan and rehabilitation services needed. The VRC must:

1. Summarize information from the business plan analysis into a written report, either in a VAF 28-1902b, VAF 28-1902n or in a Corporate WINRS (CWINRS) case note. See Appendix O, VA Forms, for information on how to access these forms.
2. Obtain a written report from the contractor/vendor who assisted in completing the evaluation of feasibility for a proposed business plan, if applicable. A copy of this report is included in the Veteran's CER folder.

8.06 Self-Employment Plan Development

The following information outlines the development of a self-employment plan.

a. Conduct an Analysis of the Proposed Business Plan

The VRC and Veteran will discuss the findings of the business plan review and feasibility assessment to determine if an IWRP or a combined IWRP/IEAP is needed. The plan must clearly outline the Veteran's goals and objectives and the criteria for measuring the success of these goals and objectives. The VRC must ensure that the objectives of the plan specifically address all identified needs to prepare for, obtain and maintain self-employment as outlined in 38 CFR 21.84 and 38 CFR 21.88, including:

- Allocation of resources
- Purchasing of equipment, inventory and supplies
- Training needs
- Required licenses and permits
- Funding needs
- For existing businesses, all barriers that make the business unsuitable must be clearly addressed

b. Develop the Self-Employment Plan

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IWRP or combined IWRP/IEAP are:

1. Program Goal

The rehabilitation plan must include a specific occupational goal or occupational cluster and three-digit Dictionary of Occupational Titles (DOT) code.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. The VRC must ensure that each objective:

- Is clear and easily understood
- Relates to achieving the goal

- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs the VRC and the Veteran of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IWRP or combined IWRP/IEAP. See section 8.03 of this chapter for examples of these services.

The description of documented services must be:

- Specific and detailed
- Clear and unmistakable as to its relationship to a particular intermediate objective

5. Duration of Services

Duration of services specifies a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include:

- VR&E
- VHA
- Medical personnel
- Education/training facilities

The rehabilitation plan must list the contact information of the individual(s) providing services and include the following:

- Name

- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process and provides an evaluation schedule. The following sources may be used to establish evaluation criteria:

- College transcripts
- Training progress reports
- Medical records
- Self-report by the Veteran and/or the Veteran's family
- Other sources as appropriate

This section outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and the Veteran must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the Veteran in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court, with proper jurisdiction, has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian.

c. Determine Case Management Level

There are three levels of case management based on the Veteran's needs. For those Veterans participating in a self-employment plan, either through an IWRP or combined IWRP/IEAP, the case management level must be either:

1. Level 2

If the Veteran is participating in a combined IWRP/IEAP, then Level 2 is appropriate during the delivery of academic services. Level 2 indicates that the Veteran needs guidance and structure, but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term or at least three times per year for non-standard academic terms. For non-academic programs, face-to-face meetings are required once per month for the first three months, then quarterly.

2. Level 3

If the Veteran is participating in an IEAP, then Level 3 case management is required. Level 3 generally requires monthly face-to-face case management visits, but it is permissible to utilize monthly contacts in place of face-to-face visits if no special needs or barriers are identified. Contacts may be made by Disabled Veterans Outreach Program (DVOP) specialist/Local Veterans Employment Representative (LVER) when appropriate.

d. Corporate WINRS (CWINRS) Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the rehabilitation plan. This is accomplished through the following steps:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" or "No" as applicable by using the Update Disposition function on the Claim Processing tab

- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran agree upon the services to be provided during the IWRP or combined IWRP/IEAP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS, performing the following steps:

1. If using a combined IWRP/IEAP, select Add Plan on the REHAB Tab to enable IWRP/IEAP functionality.
2. Select Self-Employment from the track selection drop-down options.
3. Set Program Cost Limit from the drop-down option.
4. Enter the annual review date.
5. Enter the Plan Modified date.
6. Chose "yes" under self-employment goal.
7. Set case management level, referred to as Supervision Level in CWINRS, from the drop-down option (Level 2 or 3).
8. Enter the DOT code.
9. Enter the program goal.
10. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
11. Click OK to save.

12. Click Print Plan to print VAF 28-8872, Rehabilitation Plan, and VAF 28-8872a, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
13. Prepare High Cost Memo, as needed, based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
14. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
15. Update CWINRS case status to self-employment (when the VR&E Officer approves the plan). This action will automatically update the Benefits Delivery Network (BDN) with the DOT code.

e. Self-Employment Plan Concurrence

Per 38 CFR 21.258, the VREO must approve all self-employment plans with an estimated or actual cost of up to \$25,000 for the total cost of the plan. The VR&E Service Director must approve a self-employment plan with an estimated or actual cost of \$25,000 or more. The VRC must submit the self-employment plan and VAF 28-0794, Self-Employment Plan Approval Request, to the VREO for approval before obtaining the Veteran's signature or authorizing any service.

If the VREO does not approve the self-employment plan, then the VRC must perform one of the following tasks:

1. The recommended corrective action(s) for approval of a revised self-employment plan is taken.
2. Alternative rehabilitation options are considered if revision will not result in approval.

If the VREO does not approve the self-employment plan and efforts by the VRC do not meet the Veteran's expectations or request for service, the Veteran can appeal the disagreement over the development of the plan per 38 U.S.C. 3107 and 38 CFR 21.98. In this situation, the Veteran must submit a written statement to the VRC requesting a review of the proposed plan and detailing his/her objections to the terms and conditions of the proposed plan.

f. Complete the Orientation Process

When the VREO approves the self-employment plan, the VRC must provide an orientation to ensure the Veteran understands the VRC's role and his/her

role in the plan and to answer any questions the Veteran may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide this orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation
- Requirement to report changes in dependency, contact information, performance and rate of participation immediately
- Process for obtaining supplies, medical treatment and other services outlined in the plan

Following orientation, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. Place the original on the right side of the CER folder, and provide the Veteran with a copy.

g. Document the Planning and Orientation Process

The VRC must document the planning and orientation process and all decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Retroactive Induction
- Program Charges and Costs
- Level of Case Management
- Other Considerations

h. Administer the Plan

Once these actions are complete, services identified in the plan are implemented. All case activities are documented in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VAFs.

The VRC provides case management services to ensure that the objectives and goals of the rehabilitation plan are addressed and met. In addition, the VRC will discuss concerns with the Veteran and take appropriate action(s) to address those concerns, ensuring that the Veteran has every opportunity to succeed.

See M28R, Part V, Section A for detailed information on plan implementation.

i. Evaluate and Amend the Plan

The Veteran's progress toward completion of the objectives of the rehabilitation plan are reviewed and evaluated. If additional or different services are needed to achieve the objectives of the plan, then the VRC must amend the plan accordingly.

j. Develop the Individualized Employment Assistance Plan (IEAP)

Once the Veteran has achieved the objectives of the IWRP and is considered to be job ready, an IEAP is developed, and the case status is changed to Job Ready. The objectives of the IEAP must specifically address all identified needs for self-employment. Following a joint review of the plan, the case manager and Veteran must sign the plan. Provide a copy of the signed plan to the Veteran, and file the original on the right side of the CER folder.

Determine if the Veteran is entitled to an EAA and administer as appropriate. Authorize EAA only if the Veteran has received services under an IWRP and is declared job ready. A total of two months of EAA may be authorized. Each month of EAA is authorized upon the completion of 30 days of documented satisfactory participation in job search or employment activities while in Job Ready/Employment Services status. See M28R.V.B.10 for additional information on the payment and processing of EAA.

8.07 Outcomes of Self-Employment Plans

a. Rehabilitated

The intent of Chapter 31 is to enable Veterans, to the maximum extent possible, to become employable and to obtain and maintain suitable employment. Per 38 CFR 21.283, the VRC may move the case to Rehabilitated status when the Veteran has:

- Successfully completed all employment program goals, and
- Maintained suitable and successful self-employment for at least one year.

See M28R.V.A.10 for detailed information on how to complete the rehabilitation process.

b. Interrupted

If the Veteran does not meet the goals of the rehabilitation plan, or is not able to complete the plan, the VRC must reassess the plan and determine the appropriate next steps. If the VRC estimates that this process will be lengthy and time-consuming, placing the case in “Interrupted” status may be the most appropriate action. Interrupted status enables the VRC and the Veteran to determine the next steps without utilizing time limited services, such as employment assistance.

c. Discontinued

If the Veteran decides not to pursue services or does not respond to attempts by the VRC to participate in the rehabilitation plan, discontinuation of the case may be necessary. See M28R.V.A.10 for information on the discontinuation process.

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9.08 Outcomes of Independent Living Plans

- a. Rehabilitated
- b. Interrupted
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Appendix O. VA Forms

Chapter 9

GUIDELINES FOR THE DEVELOPMENT AND ADMINISTRATION OF AN INDEPENDENT LIVING PLAN

9.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program uses a variety of rehabilitation plans in an effort to provide individualized services to individuals with disabilities. Individuals who cannot pursue an employment or vocational goal due to the limitations of a service connected disability (ies) and require assistance with activities of daily living may benefit from an Individualized Independent Living Plan (IILP). This chapter provides an overview of Independent Living (IL) processes; discusses how to develop and administer an IILP; and provides guidance on possible outcomes of IILPs. In addition, it includes a section specific to the home modification process in relation to the development of an IILP. Statutory and regulatory references are provided throughout the chapter. The term individual will be used throughout this chapter as a general term to refer to both Servicemembers and Veterans where appropriate.

9.02 References and Resources

- Laws:
- 38 United States Code (U.S.C.) 3101
 - 38 U.S.C. 3103
 - 38 U.S.C. 3104
 - 38 U.S.C. 3105
 - 38 U.S.C. 3109
 - 38 U.S.C. 3120
- Regulations:
- 38 Code of Federal Regulations (CFR) 21.35
 - 38 CFR 21.52
 - 38 CFR 21.53
 - 38 CFR 21.60
 - 38 CFR 21.62
 - 38 CFR 21.76
 - 38 CFR 21.94
 - 38 CFR 21.98
 - 38 CFR 21.120
 - 38 CFR 21.160
 - 38 CFR 21.162
 - 38 CFR 21.216
 - 38 CFR 21.260
 - 38 CFR 21.266
 - 38 CFR 21.274
 - 38 CFR 21.283

38 CFR 21.362
38 CFR 21.364

VA Forms (VAF): FL 28-521, Request for Independent Living Extension
VAF 119, Report of Contact
VAF 4107, Your Rights to Appeal our Decision
VAF 10-0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations
VAF 26-4555, Veterans Application in Acquiring Specially Adapted Housing or Special Home Adaption Grant
VAF 28-0791, Preliminary Independent Living Assessment
VAF 28-0814, Checklist for Independent Living Plan Approval
VAF 28-0852, Case Support Checklist
VAF 28-0947, Independent Living-Specially Adapted Housing Coordination Checklist
VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention
VAF 28-1902b, Counseling Record-Narrative Report
VAF 28-1902n, Counseling Record-Narrative Report (Supplemental Sheet)
VAF 28-8861, Request for Medical Services-Chapter 31
VAF 28-8872, Rehabilitation Plan
VAF 28-8872a, Rehabilitation Plan-Continuation Sheet

Websites: <http://www.benefits.va.gov/homeloans/adaptedhousing.asp>
<http://www.prosthetics.va.gov/HISA2.asp>
<http://benefits.va.gov/BENEFITS/factsheets.asp>
<http://www.ebenefits.va.gov/>
http://www.benefits.va.gov/HOMELOANS/contact_agents.asp

9.03 Independent Living Plan Overview

Independent living plans are designed to enable an individual to achieve maximum independence in daily living and, whenever possible, increase the individual's ability to participate in an extended evaluation to explore the potential to return to work. This section provides definitions of key terms; describes the purpose of independent living services; outlines entitlement criteria; discusses the duration of services; provides a list of services available to individuals who are participating in an IILP; and discusses limitations when providing independent living services.

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in VR&E. The most commonly used terms in an IILP are:

1. Independence in Daily Living

Independence in daily living refers to the ability of an individual, without the service of others, or with a reduced level of service from others, to live and function within his/her family and community.

2. Serious Employment Handicap

A serious employment handicap means a significant impairment of the individual's ability to prepare for, obtain, or retain employment consistent with his/her abilities, aptitudes and interests. See 38 CFR 21.52 for additional information on the classification of serious employment handicap.

3. Vocational Goal

A vocational goal means gainful employment that is consistent with the individual's abilities, aptitudes and interests.

4. Achievement of a Vocational Goal is not Currently Reasonably Feasible

This phrase means that the effects of the individual's disability, when considered in relation to his/her circumstance at the time of the determination, indicates that the achievement of a vocational goal would not be feasible at this time; or the effects are expected to worsen within the period needed to achieve a vocational goal, therefore making the achievement not reasonably feasible. See 38 CFR 21.53 for additional information if needed.

b. Purpose

The purpose of independent living services is to enable the individual, to the maximum extent possible, to live independently and participate in family and community life. Independent living services are also provided to increase the individual's potential to return to work by providing services designed to lessen or accommodate the effects of the disability (ies).

c. Entitlement Criteria

38 U.S.C. 3102, 38 U.S.C. 3103, 38 U.S.C. 3109, 38 U.S.C. 3120, and 38 CFR 21.162 provide the statutory and regulatory guidance for the provision of a program of independent living services. The following criteria must be met to provide a program of independent living services:

1. The individual must have a service connected disability (SCD) rating of at least 20%.
2. The individual must have a serious employment handicap resulting in substantial part from the SCD(s).
3. The Vocational Rehabilitation Counselor (VRC) must determine that the achievement of a vocational goal is not currently reasonably feasible.
4. The individual must have limitations in activities of daily living that impact his/her level of independence.
5. There must be a reasonable likelihood that the services provided will increase the individual's level of independence.
6. There must be a reasonable likelihood that the gains in independence will continue following completion of the program of independent living services.

d. Duration

Per 38 U.S.C. 3105 and 38 CFR 21.76, a program of independent living services cannot exceed 24 months unless the following criteria are met:

1. The VRC determines that a longer period is necessary and likely to result in a substantial increase in the individual's level of independence in daily living. In this situation, an extension of up to six months is possible.
2. If the individual served on active duty during the Post 9/11 Global Operations period and has a severe disability incurred or aggravated in such service, the VRC may request an extension of up to two six-month periods if the additional period(s) will result in a substantial increase in the individual's level of independence in daily living.
3. VR&E Officer concurrence is required for any request for an extension of IL services beyond 24 months. The VRC must document the extension request on FL 28-521, Request for IL Extension. See Appendix O, VA Forms, for information on how to access this form.
4. The Vocational Rehabilitation Panel (VRP) must review requests for extensions of IL services beyond 24 months and make recommendations on whether this action is consistent with the needs of the individual. The request for an extension beyond 24 months is a required referral to the VRP. See M28R.IV.C.2 for additional information on the VRP.

5. The Director of VR&E Service must approve extensions of IL services beyond 36 months.

e. Services

The services offered by the VR&E program are governed by 38 U.S.C. 3104. Independent living services are outlined in 38 CFR 21.160. In independent living planning, services are individualized and designed to assist the individual achieve the maximum level of independence possible, and when feasible, to increase the individual's potential to return to work. The need for any supplies or equipment being considered to address an independent living need must be substantiated by results of both the preliminary and comprehensive independent living assessments. A variety of services are available to assist in meeting the individual's IL needs, to include:

1. Short-term Training or Certificate Completion

The IILP can include short-term training or the completion of a certificate program to enhance independent living skills per 38 CFR 21.120.

2. Subsistence Allowance

Subsistence allowance is permissible when training is part of the rehabilitation plan and all criteria outlined in 38 CFR 21.260 and 38 CFR 21.266 are met.

3. Revolving Fund Loan

Advances from the revolving fund are permissible in an IILP per 38 CFR 21.274.

4. Assistive Technology Assessment

The VRC may consider an assistive technology (AT) assessment to determine if independence could be improved through the use of AT.

5. Medical and Mental Health Services

The VRC must coordinate medical and mental health services as needed with the Veterans Health Administration (VHA) to ensure the individual's health conditions are treated and stabilized to the maximum extent possible. This includes services designed to address personal adjustment issues the individual or family may be experiencing as a result of the effects of the disability (ies). See 38 CFR 21.155 for guidance on the delivery of services to an individual's family.

6. Identifying Appropriate Housing Accommodations

VR&E must work closely with other entities within VA to identify appropriate housing accommodations when indicated to ensure that the accommodations are necessary, feasible, and provided in an appropriate manner. See section 9.06 for additional information on housing modifications/accommodations.

7. Coordination with Community-Based Resources

The VRC must coordinate the delivery of services with community based resources when these services are required to address IL services.

f. Limitations

1. Number of New Independent Living Cases

Congress currently limits the number of new independent living cases that can be initiated each year. The current limit is 2,700 new cases per year. VR&E Service monitors new programs of independent living services by tracking the number of individuals entering independent living case status each year and notifying the field of any necessary action if/when the statutory limit is being approached.

It is important to note that new IL cases that are a result of the individual being displaced by a natural or other disaster do not count in the overall limit of new IL cases per year.

See 38 U.S.C. 3120(e) for additional information on the limitation of new IL cases.

2. Retroactive Induction and Payments

Retroactive inductions and payments are not permitted when providing a program of independent living services.

3. Mobility Aids

If the preliminary or comprehensive independent living needs assessment indicates that the individual would benefit from a mobility device, such as a wheelchair or mobility scooter, the VRC must send a medical referral to the prosthetics staff at the VA medical center and request a mobility assessment. The referral is made via VAF 28-8861, Request for Medical Services-Chapter 31. See Appendix O, VA Forms, for information on how to access this form. The VA medical center staff will determine what type

of mobility device the individual may need and decide whether it can be provided by VHA. The VA physician must concur on the need for a mobility device to ensure that the device is a medical need and not a desired want of the individual.

If the VA physician agrees that the mobility device is needed and arrangements cannot be made to provide the device through the VHA, VR&E may provide the device as part of an IILP. However, in no circumstance, should a tractor, mower, or similar equipment be identified as a mobility device or as a solution to an independent living need, and authorized as part of an IILP.

4. Avocational Needs

The preliminary independent living assessment investigates the impact of the individual's disability on avocational pursuits. The delivery of services to address avocational needs is limited. See section 9.05 for detailed information on the provision of services designed to address avocational pursuits.

5. Independent Living Services to Servicemembers

It is important to note that Servicemembers who are entitled to independent living services under Public Law 110-181, National Defense Authorization Act of 2008 as extended by Public Law 112-56, Vow to Hire Heroes Act, can only receive independent living services that focus on the transition to civilian life, not retention in the military. Many areas of need, such as assisting the transitioning Servicemember with integrating into the home community or identifying appropriate non-military housing resources, can be addressed under the IL plan. Services provided under Chapter 31 should not duplicate the efforts of any Department of Defense or VHA programs per 38 U.S.C. 3101(2).

6. Long Term Training

Long term training, such as college degree programs, is not permitted as part of an IILP. Training is limited to short term training programs that are specifically focused on improving one's independence in daily living.

9.04 Independent Living Planning Process

Independent living rehabilitation plans require a number of pre-plan development activities to ensure that the proposed plan is feasible, viable, and addresses the individual's needs. The following activities must be completed prior to plan development.

a. Preliminary Independent Living Assessment

The Preliminary Independent Living Assessment, VAF 28-0791, is designed to determine if the individual has any impairments to activities of daily living. The questionnaire focuses on 25 specific activities of daily living and is designed to ascertain in which of those activities the individual's independence is limited. In addition, the individual's housing, emotional spiritual, leisure and avocational needs are discussed to ensure that all aspects of the individual's needs are addressed. See Appendix O, VA Forms, for information on how to access this form.

1. Preliminary Independent Living Assessment Findings

The preliminary independent living assessment findings will assist the VRC in determining if either of the following applies:

(a) Independent Living Services are Warranted

The preliminary assessment indicates that IL needs are present and appropriate IL goals are determined to be feasible. If so, then the VRC will schedule a comprehensive evaluation.

(b) Independent Living Services are Not Warranted

If no IL needs are identified and/or no appropriate IL goals are determined to be feasible, the VRC must obtain VR&E Officer (VREO) concurrence of the decision prior to taking action to close the case. If the VREO concurs that no services are needed, then the VRC must notify the individual of the adverse action in writing and provide the individual a VAF 4107, Your Rights to Appeal our Decision. See Appendix O, VA Forms, for information on how to access this form. The case remains in Evaluation and Planning status during the due process period. After 30 days, the VRC can close the case using Reason Code (RC) 09 using the date of the decision.

2. Document the Findings of the Preliminary Needs Assessment

The VRC must document the findings of the preliminary needs assessment into a written report, either on a VAF 28-1902b, VAF 28-1902n, or in a Corporate WINRS (CWINRS) case note. See Appendix O, VA Forms, for information on how to access these forms.

b. Comprehensive Evaluation

If the preliminary independent living assessment indicates that the individual has impairments in activities of daily living, the VRC must coordinate the completion of a comprehensive evaluation. It is imperative that the evaluation be completed by a person who is trained to evaluate independent living needs. 38 U.S.C. 3120 and 38 CFR 21.294 reiterate this point by stating that the person or facility that is conducting the evaluation must have a “demonstrated capability” in provision of independent living services. This is customarily evidenced by specialized IL experience and/or training.

The comprehensive evaluation is designed to delve deeper into the issues identified on the preliminary assessment, as well as any other issues that were not identified during the assessment process. It is designed to identify issues that may cause potential barriers to living independently. Where feasible, the comprehensive evaluation should also address issues that could increase the potential for the individual to obtain and maintain suitable employment. This assessment is generally conducted in the individual’s home.

1. Relevant Information for the Comprehensive Evaluation

The comprehensive evaluation requires the analysis of information from a variety of other sources, such as:

- Medical records
- Functional capacity testing
- Consultations with medical providers
- Social service evaluations/reports
- Home based healthcare reports
- Specialized independent living assessments, such as occupational therapy or physical therapy evaluations
- Rehabilitation engineer reports
- Family members and caregivers (with the individual’s permission)

2. Completing the Comprehensive Evaluation

The VRC may use a contract counselor to complete the comprehensive evaluation if contractual agreements are in place for the provision of this

service. The VRC, or contracted VRC, must address a variety of issues during the comprehensive evaluation, to include, but not limited to:

(a) Mobility

Mobility refers to the individual's ability to move efficiently from place to place within the home and community. In addition, the evaluator should address the individual's means of transportation to ensure that it is accessible, if appropriate.

(b) Communication

Communication refers to the accurate and efficient transmission and/or reception of information, both verbally and non-verbally. It includes the individual's access to a telephone or adaptive equipment to ensure communication with family, medical providers, friends, and others in the community is possible.

(c) Self-Care

Self-care refers to the skills necessary to fulfill basic needs, such as health care, safety, food preparation, hygiene and grooming, and money management.

(d) Self-Direction

Self-direction describes the capacity to organize, structure, and manage activities in a manner that best meets the individual's goals and objectives. Adequate self-direction requires that the individual be able to plan, initiate, and monitor behavior with respect to an identified outcome.

(e) Interpersonal Skills

Interpersonal skills refers to the individual's ability to interact in a socially acceptable manner with family, service providers, neighbors, and others encountered in routine interactions in the community.

(f) Productive Activities

This area refers to the individual's ability to perform activities which contribute to family and/or community.

(g) Future Goals

It is important to address the individual's goals for the future to ensure that the rehabilitation plan adequately addresses those goals.

3. Documenting the Findings of the Comprehensive Evaluation

The VRC, or contracted counselor, must document the findings of the comprehensive evaluation into a written report, either on a VAF 28-1902b, VAF 28-1902n, or in a CWINRS case note, and file documentation on the right side of the CER folder. See Appendix O, VA Forms, for information on how to access these forms.

4. Reviewing the Results of the Comprehensive Evaluation

The VRC may utilize the VRP to assist with reviewing the results of the comprehensive evaluation to ensure that the evaluation has identified the issues that need to be addressed in the IILP. The VRP can provide technical assistance in the development of the rehabilitation plan to ensure that the proposed program of services will enable the individual to achieve maximum independence. See 38 CFR 21.60 and 21.62, M28R.II.A.4, and M28R.IV.C.2 for additional information on the use of the VRP.

The VRC must review the findings of the comprehensive evaluation, and the VRPs recommendations if applicable, with the individual. This information will lead to the development of the IILP.

9.05 Avocational Options

The preliminary independent living assessment investigates the impact of the individual's disability on avocational pursuits. If the preliminary or comprehensive evaluation indicates that the individual has limitations in the pursuit of avocational interests, the VRC may address those needs in the IILP.

Services may be provided in support of an avocational activity that the individual can no longer perform due to the effects of a disability(ies). For example, the individual may have been active in sports, but is no longer able to perform this activity due to physical limitations. In this situation, the VRC may provide resources for community adaptive sports or adaptive equipment to enable the individual to continue the activity in an effort to increase community involvement, as well as functional ability and mobility.

a. Definition

Avocational is defined as activities or hobbies outside one's main occupation that are done for enjoyment that enables or enhances the individual's ability to engage in family and/or community activities that are integral to the achievement of the goals of the IILP.

b. Eligibility Criteria

The following criteria must be met before providing services designed to support the pursuit of an avocational interest:

1. The disability condition(s) limits or prevents participation in the avocational interest.
2. The activity must have been previously performed for a significant amount of time, defined as over a twelve-month period.
3. A medical and/or mental health provider must provide documentation that continued support of the activity is not contraindicated.
4. An expert consultation to identify accommodations required to enable continued support of the activity must be completed by a qualified person, such as an occupational therapist.
5. The pursuit of the avocational interest must improve the individual's independence in daily living in a measurable and verifiable manner.
6. The individual must have the ability and resources to sustain the activity or pursuit after the period of rehabilitation services are completed.

The VRC must document this information on VAF 28-1902b, VAF 28-1902n, or in a CWINRS case note. See Appendix O, VA Forms, for information on how to access these forms.

c. Limitations

1. Number of Avocational Needs

Services related to an avocational activity should not expand to more than one type of activity. For example, if adaptive sports equipment is provided for one avocational activity, then additional services for other avocation activities may not be provided even if the individual expresses interest in other activities.

2. Updating or Replacing Existing Equipment

The VRC should not update or replace existing equipment that enables participation in an avocational activity. For example, providing a more complex camera or an updated computer program is prohibited.

9.06 Home Modification Options

If the comprehensive evaluation indicates that home modifications are needed to maximize the individual's independence, the VRC must coordinate those services with other VA programs. If the individual is eligible under one of the programs listed below, then the home modification must be provided under that program before VR&E can provide assistance with the identified home modifications. Per 38 CFR 21.216, the individual must be found ineligible for needed special equipment, such as home modification to improve access, under other programs and benefits administered by VA before any services can be authorized and provided by VR&E. If an identified housing modification is beyond the scope of VA's authority, the VRC should help the individual identify other resources that may be able to meet that need.

a. Housing Grants for Individuals with Disabilities

VA has four main grant programs to assist Servicemembers and Veterans with disabilities obtain necessary home modifications. Included in these grants is a grant to assist with modifications to a temporary residence.

1. Specially Adapted Housing (SAH) Grant

SAH grants are available to Servicemembers and Veterans with certain permanent and total service-connected disabilities to help purchase or construct an adapted home, or modify an existing home to accommodate a disability. The current maximum amount for an SAH grant is \$64,960. The Veteran can use the grant up to three times as needed, but cannot exceed this amount.

2. Special Housing Adaption (SHA) Grant

SHA grants are available to Servicemembers and Veterans with certain permanent and total service-connected disabilities to help purchase or construct an adapted home, or modify an existing home to accommodate a disability. The current maximum amount for an SHA grant is \$12,992. The Veteran can use the grant up to three times as needed, but cannot exceed this amount.

3. Temporary Residence Assistance (TRA) Grant

A temporary grant may be available to SAH/SHA eligible Veterans and Servicemembers who are or will be temporarily residing in a home owned by a family member. The maximum amount available to adapt a family member's home for the SAH grant is \$28,518, and \$5,092 for the SHA grant.

See www.benefits.va.gov/homeloans/adaptedhousing.asp for additional information on SAH/SHA and TRA grants.

4. Home Improvements and Structural Alterations (HISA) Grant

Servicemembers and Veterans may receive assistance for any home improvement necessary for the continuation of treatment or for access to the home and essential lavatory and sanitary facilities. A Veteran may receive a HISA grant in conjunction with either a SAH or a SHA grant. The HISA program is available for Veterans with both service and non-service-connected disabilities. HISA benefits are limited to:

- \$6,800 for a Veteran with a service-connected disability
- \$2,000 for a Veteran with a non-service-connected disability

See <http://www.prosthetics.va.gov/HISA2.asp> for additional information about HISA grants.

b. Coordinate with Other VA Programs

The VRC must help the individual apply for VA housing grants when home modifications are an identified need and it appears the individual qualifies for such grants. For a general overview of eligibility criteria for housing grants, see <http://benefits.va.gov/BENEFITS/factsheets.asp>. The individual can apply for SAH, SHA, and TRA grants online at www.ebenefits.va.gov or by completing VAF 26-4555, Veterans Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant.

In order to apply for and potentially receive a HISA grant, the individual must have a prescription from a VA or fee-basis physician in addition to completing VAF 10-0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations.

See Appendix O, VA Forms, for information on how to access these forms.

c. Develop the Home Modification Plan

Once the coordination of other VA programs is complete and the individual has been informed whether or not he/she will qualify for a VA housing grant, the VRC is then ready to develop the proposed home modification plan. There are several steps required in this phase:

1. Addressing Suitability and Feasibility

The VRC must ensure that a review and analysis of the identified home modifications is completed to ensure the suggested modifications are suitable and feasible. This review and analysis can be done by a SAH agent who has expertise in this area. This assessment must address the issues surrounding the modification, to include, but not limited to:

- Does the modification address a specific need?
- Will the modification improve the individual's ability to live independently?
- Will the outcome of the modification provide a measurable increase in the individual's level of independence?
- Is the home safe and sanitary? Does it meet the standards considered acceptable in a permanent home in its locality? If not, how does the individual propose to complete these pre-modification needs?
- Is the home structurally sound and able to support the modification? Special consideration should be given to this area when the home is a mobile or manufactured home. Does the mobile or manufactured home have the structural integrity to support the modification? Is the mobile or manufactured home on a permanent foundation? Is the foundation of the mobile or manufactured home sufficient to support the proposed modification?
- Does the home and proposed modification meet local building codes, which will be necessary to obtain a building permit in certain situations?
- What repairs are needed to facilitate the proposed modification? For example, does the floor need to be reinforced prior to the installation of a walk-in tub?
- Are there extensive home repairs that must be completed before the home modification can be done? VR&E cannot provide home maintenance/repair services as part of the IILP.

- Can the individual maintain the modification after the completion of VR&E services?
- Will the individual have to vacate the home during the modification process? If so, where will the individual reside? Does the individual have the resources necessary to live in the alternate setting for the expected length of time, and longer if necessary? Are the alternate living arrangements adequate and free of barriers? Does the individual qualify for a TRA grant during this temporary residence situation? VR&E Service cannot provide assistance with the cost of alternative living arrangements during the modification period.

2. Resources for Review of the Home Modification Plan

To assist with the analysis of the home modification plan, the VRC may consult with a SAH/SHA agent. The SAH/SHA Agent will serve as a consultant when addressing the individual's home modification needs even if the individual is not eligible for assistance under those grant programs. SAH/SHA agents have special training in this area and are uniquely qualified to provide a professional opinion on viability and feasibility of the home modification plan. VA Form 28-0947 can be used as a guide for this review. SAH/SHA agents can provide a Site Feasibility Report/Worksheet that outlines the needs of the home modification plan, which can be used when the VRC works with the Contracting Officer in the development of the statement of work. See www.benefits.va.gov/HOMELOANS/contact_agents.asp for a list of SAH agent's contact information.

d. Conduct an Analysis of the Proposed Home Modification Plan

The VRC must meet with the individual to discuss the findings of the proposed home modification plan to ensure that all modifications are necessary and would lead to an increased level of independence. The plan must clearly outline the individual's goals and objectives, as well as criteria for measuring the success of those goals and objectives. The VRC must ensure that the objectives of the plan specifically address all identified needs to increase independence, as well as address the:

- Allocation of resources
- Coordination of other VA programs
- Feasibility of Modifications

e. Pre-Solicitation Requirements

Once the required home modification has been identified and determined to be feasible, the VRC must work closely with the Contracting Officer to complete a series of steps to ensure that the solicitation process is completed accurately and within regulations set forth in the Federal Acquisition Regulation (FAR) and Veterans Affairs Acquisition Regulations (VAAR). The Contracting Officer will assist the VRC:

1. Develop a Statement of Work that clearly defines all aspects of the proposed home modification.
2. Complete market research that reflects the availability of responsible contractor who has the ability to meet the requirements of the home modification.
3. Complete an Independent Government Cost Estimate that reflects the total cost estimate of the home modification.
4. Obtain at least three bids/quotes/proposals for the proposed modification from contractors. If three bids cannot be obtained, the documentation must state the efforts that were made to obtain three quotes, and explain why an exception to this rule is needed.

9.07 Independent Living Plan Development

The following information outlines the development of an independent living plan.

a. Analysis of Proposed Home Modification Plan

If home modifications are part of the proposed IILP, the VRC must complete develop an analysis of the home modification plan for review by the VREO, Regional Officer Director, or Director of VR&E Services. The level of review depends on the amount of cost associated with the modification. See 9.06e for specific cost approval levels.

This analysis must address the questions outlined above in section 9.06, as well as any additional supporting documentation relevant to the individual's request for home modification. The summation should clearly identify the viability of the home modification. The VRC must:

1. Summarize information from the home modification plan into a written report, either in a VAF 28-1902b, VAF 28-1902n, or in a CWINRS case

note. See Appendix O, VA Forms, for information on how to access these forms.

2. Obtain the written report from the SAH/SHA agent who assisted in reviewing the home medication plan, if applicable. Include a copy of this report to the VREO for review, as well as placing a copy in the individual's CER folder.

b. Develop the Independent Living Plan

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the individual's identified needs. The elements of an IILP are:

1. Program Goal

The program goal for an IILP is to stabilize and increase the individual's independence in daily living, and when appropriate to enable the individual to participate in a program of services directed toward employment. The rehabilitation plan must include a specific occupational goal or occupational cluster and 3 digit *Dictionary of Occupational Titles* (DOT) code. However, since the goal of IILP's are not vocationally based, the VRC must use DOT code 000.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. The VRC must ensure that each objective:

- Is clear and easily understood
- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs both the VRC and the individual of the time frame in which services will be provided.

4. Services

There are a number of services that can be provided during an IILP. See section 9.03 of this chapter for examples of those services.

When documenting services, ensure that the description is:

- Specific and detailed, and
- Clear and unmistakable as to its relationship to a specific intermediate objective

5. Duration of Services

Duration of services indicates a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources that have expertise in the delivery of independent living services, to include VR&E, VHA, medical personnel, education/training facilities, state vocational rehabilitation agencies, non-profit entities, and private companies or individuals.

The rehabilitation plan must list the contact information of who will be providing services, including the following:

- Name
- Address
- Telephone number
- Email address (if available and appropriate based on the individual's use of electronic communication)

7. Evaluation Information

This section provides information on how the individual's progress will be measured during the rehabilitation process, and provides an evaluation schedule. The following sources may be used to establish evaluation criteria:

- Medical records

- Activity logs
- Consultations with medical and mental health providers
- VRC observations during case support visits
- Reports from training/service providers
- Self-report by the individual and/or the individual's family are appropriate for self-care activities
- Other sources as appropriate

This section also outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and individual must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the individual in the rehabilitation process. See 38 CFR 21.362 and 38 CFR 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court with proper jurisdiction has appointed a legal guardian or custodian for the individual, VR&E must develop the plan in consultation with the guardian or custodian.

c. Determine Case Management Level

There are three levels of case management based on the individual's needs. For those individual's participating in an IILP, the case management level must be Level 3. Level 3 case management for IILP's requires a minimum of monthly face-to-face case management visits, generally conducted in the individual's home. It is important to note that monthly contacts can be done instead of face-to-face visits for periods of up to three months while waiting for cost approvals, coordination of construction, or other administrative delays in the provision of services. The VRC may use a contract counselor to complete monthly case management visits if contractual agreements are in place for the provision of this service.

d. CWINRS Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the rehabilitation plan. This is accomplished by:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" by using the Update Disposition function on the Claim Processing tab.
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the individual have agreed upon the services to be provided during the IILP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS by completing the following steps:

1. Select Add Plan on the Rehab Tab to enable IILP functionality.
2. Select Independent Living from the track selection drop-down options.
3. Set Program Cost Limit from the drop-down option.
4. Enter the annual review date.
5. Enter the Plan Modified date.
6. Chose "no" under self-employment goal.
7. Set case management level 3, referred to as Supervision Level in CWINRS, from the drop-down option.
8. Enter the DOT code as 000.
9. Enter the program goal.
10. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.

11. Click OK to save
 12. Click Print Plan to print VAF 28-8872, Rehabilitation Plan, and VAF 28-8872a, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 13. Prepare High Cost Memo as needed based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 14. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention if the Veteran is pursuing IL services at a facility and is receiving a subsistence allowance, and/or VR&E is paying tuition for IL services at a rehabilitation facility.
 15. Update CWINRS case status to independent living (when the VREO approves the plan). This action will automatically update Benefits Delivery Network (BDN) with the Case Status and DOT code. A BDN CAST is required to update the serious employment handicap indicator in BDN.
- e. Independent Living Plan Concurrence

All IILPs, including the analysis of the home modification plan if modifications are part of the proposed plan, must be approved before the VRC and individual sign the plan. There are various levels of approval based on the type of service included in the IILP.

1. VR&E Officer Concurrence

The VRC must submit the IILP, VAF 28-0814, Checklist for Independent Living Plan Approval, and any additional relevant information to the VREO for approval. Per 38 CFR 21.162, the VREO must approve all IILPs. The VREO may approve:

- IILPs with annual cost up to \$75,000 that do not contain construction
- IILPs that contain construction costs up to \$2,000

2. Director, Regional Office Concurrence

The Director of the regional office must approve the following:

- IILPs with an annual cost of \$75,000-\$100,000 that do not contain construction

- IILPs that contain construction costs between \$2,000 and \$25,000

The VREO must submit the Director's Checklist for Independent Living (IL) Home Modifications Cost Approval, as well as all the required documentation noted on the checklist, to the Director for approval when the IILP contains construction costs between \$2,000 and \$25,000.

3. Director, VR&E Service Concurrence

The Director of VR&E Service must approve the following:

- IILPs with an annual cost that exceeds \$100,000 that do not contain construction
- IILPs with construction costs that exceed \$25,000

The VREO must submit the Director's Checklist for Independent Living (IL) Home Modifications Cost Approval, as well as all the required documentation noted on the checklist, to the Director for approval when the IILP contains construction costs that exceed \$25,000.

f. Independent Living Plan Non-Concurrence

If the IILP is not approved at any of these levels, then the VRC must perform one of the following tasks:

1. Take the recommended corrective action(s) for approval of a revised independent living plan, or
2. Consider alternative rehabilitation options if revision will not result in approval.

If the IILP is not approved, and efforts by the VRC to develop an approved plan did not meet the individual's expectations or request for service, the individual can appeal the disagreement over the development of the plan per 38 U.S.C. 3107 and 38 CFR 21.98. In this situation, the individual must submit a written statement to the VRC requesting a review of the proposed plan and detailing his/her objections to the terms and conditions of the proposed plan.

g. Complete the Orientation Process

When the IILP is approved, the VRC must provide an orientation to ensure the individual understands both the VRC's role and his/her role, as well as

answer any questions the individual may have regarding the rehabilitation process. The rehabilitation plan, as well as VAF 28-0957 if training is a part of the IILP, is used to guide the orientation process. The orientation emphasizes the following:

- Expectations for conduct and cooperation
- Requirement to report changes in dependency, contact information, and performance immediately
- Process for obtaining supplies, medical treatment and other services outlined in the plan

If home modification is part of the IILP, then the orientation should also include discussions about the following:

- Where will the individual reside during the construction if it is necessary to vacate the home during the modification process?
- Is the individual prepared for possible delays in the construction process?
- How will issues that arise and are identified during the construction process be addressed?
- Does the individual understand the coordination of services will require communication and cooperation with a number of different entities? Does the individual understand the roles and responsibilities of each?
- Any other questions specific to the individuals home modification plan.

h. Sign the Plan

Following orientation, both the VRC and the individual must sign the rehabilitation plan, as well as VAF 28-0957 if training is part of the IILP. Place the originals of both on the right side of the CER folder and provide the individual with a copy.

i. Document the Planning and Orientation Process

It is imperative that the VRC document the planning and orientation process, as well as the decisions made during plan development. The following information must be documented on either VAF 28-1902n or in a CWINRS case note:

- Type of Plan

- Planned Services
- Program Charges and Costs
- Level of Case Management
- Other Considerations

j. Administer the Plan

After these actions are complete, the VRC can implement the services identified in the plan. The VRC must document all case activity in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VA Forms.

The VRC, or contracted counselor, provides case management services to ensure that the objectives and goals of the rehabilitation plan are being addressed and met. Additionally, the VRC or contracted counselor discusses any concerns with the individual and takes appropriate action(s) to address those concerns, ensuring that the individual has every opportunity to succeed.

The VRC or contracted counselor must utilize VAF 28-0852, Case Support Checklist, as a guide during case management meetings that occur on a monthly basis. The VRC must address all issues identified on the checklist and document either on the checklist or in a CWINRS case note. This checklist must be filed in the center section of the CER folder.

See M28R, Part V, Section A for detailed information on plan implementation.

k. Evaluate and Amend the Plan

It is necessary to review and evaluate the individual's progress toward completion of the objectives of the rehabilitation plan. If additional or different services are needed to achieve the objectives of the plan, then the VRC must amend the plan as appropriate per 38 CFR 21.94. If the amendment to the plan includes additional construction costs, the VRC must obtain the proper level of approval as outlined in section 9.07 of this chapter.

9.08 Outcomes of Independent Living Plans

a. Rehabilitated

The intent of independent living plans is to enable individuals, to the maximum extent possible, increase independence and, when feasible, increase his/her potential to return to work. Per 38 CFR 21.283, the VRC may move the case to rehabilitated status when the individual has:

- Successfully completed all program goals, or
- Achieved a substantial increase in the level of independence in daily living through program assistance, and
- Maintained this level of independence for at least 60 days, and
- Further assistance is unlikely to significantly increase the individual's level of independence.

The VRC must utilize the Activities of Daily Living Assessment tool located in CWINRS when conducting the assessment for the determination of rehabilitated status. This tool is used to provide subjective data that indicates improvement in activities of daily living as a result of the services provided in the IILP.

See M28R.V.A.10 for detailed information on how to complete the rehabilitation process.

b. Interrupted

If the individual does not meet the goals of the rehabilitation plan, or is not able to complete the plan, or if it appears that the determination of feasibility should be readdressed, the VRC must reassess the plan and determine appropriate next steps. If the VRC estimates that this process will be lengthy and time-consuming, placing the case in "Interrupted" status may be the most appropriate action. Interrupted status enables the VRC and the individual to determine next steps without utilizing time limited IL services

c. Discontinued

If the individual decides not to pursue services, or does not respond to attempts by the VRC to participate in the rehabilitation plan, then it may be necessary to discontinue the case. See M28R.V.A.10 for information on the discontinuation process.

Chapter 1
REHABILITATION SERVICES AND RESOURCES

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Appendix O. VA Forms

Chapter 1 REHABILITATION SERVICES AND RESOURCES

1.01 Introduction

This chapter focuses on the guidelines for providing rehabilitation services to Chapter 31 participants. It also defines the criteria for selecting appropriate service providers, describes the nature of the services and identifies the specific case statuses in which the rehabilitation services may be provided.

1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3104
 38 U.S.C. 3115
 38 U.S.C. 3680
 Public Law 101-508

Regulations: 38 Code of Federal Regulations (CFR) 21.120
 38 CFR 21.122
 38 CFR 21.123
 38 CFR 21.124
 38 CFR 21.126
 38 CFR 21.128
 38 CFR 21.129
 38 CFR 21.140 through 21.156
 38 CFR 21.214
 38 CFR 21.219 through 21.224
 38 CFR 21.240
 38 CFR 21.260
 38 CFR 21.262
 38 CFR 21.264
 38 CFR 21.266
 38 CFR 21.270
 38 CFR 21.282
 38 CFR 21.290 through 21.299
 31 CFR 21.310
 38 CFR 21.322
 38 CFR 21.4250
 38 CFR 21.4260
 31 CFR 21.4264
 VA Acquisition Regulation (VAAR) 871.201-2

Resources: Federal Personnel Manual (FPM) 315-B-1
 M22-4, Part IX, Chapter 2, Education Procedures

VA Forms (VAF): VAF 20-8206, VA Statement of Assurance of Compliance with Equal Employment Opportunity Laws
 VAF 21-4138, Statement in Support of Claim
 VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet)
 VAF 28-1903, Contract for Training and Employment
 VAF 28-1904, Agreement to Train on the Job Disabled Veterans
 VAF 28-1905, Authorization and Certification to Entrance or Reentrance into Rehabilitation and Certification of Status
 VAF 28-1905c, Monthly Record of Training and Wages
 VAF 28-1905m, Request for and Receipt of Supplies (Chapter 31-Vocational Rehabilitation)
 VAF 28-1905n, Farm Survey and Overall Farm and Home Plan Self-proprietor Manager
 VAF 28-1905p, Annual Farm and Home Plan for Institutional On-Farm Course of Training
 VAF 28-1917, Monthly Statement of Wages Paid to Trainee
 VAF 2237, Request, Turn-In, and Receipt for Property or Services

Web Sites: www.acf.hhs.gov/programs/occ
 www.childcareaware.org

1.03 Classification of Rehabilitation Services

Rehabilitation services are provided to assist the Veteran to pursue and achieve the goals of his/her rehabilitation program. These rehabilitation services are provided and coordinated by the case manager assigned to the Veteran. The rehabilitation services are classified into the following four categories:

- a. Special Rehabilitation services are utilized to evaluate the feasibility of the Veteran's achievement of a vocational goal or to improve the Veteran's potential for rehabilitation.
- b. Education and Vocational Training services are utilized to provide the Veteran necessary skills to prepare him/her for suitable employment.
- c. Independent Living services are utilized to assist the Veteran in eliminating or lessening reliance on others or his/her family and community for daily living activities.
- d. Employment services are utilized to assist the Veteran in obtaining and maintaining suitable employment.

1.04 Rehabilitation Services Based on Case Assignments

This section specifies the case statuses in which rehabilitation services may be provided to a Chapter 31 participant.

a. Active Cases

Rehabilitation services may be provided to a Veteran whose case is assigned to one of the following statuses:

- Extended Evaluation (EE) status
- Rehabilitation To the point of Employability (RTE)
- Independent Living (IL) status
- Job Ready (JR) status

b. Inactive Cases

Limited services may be provided to a Veteran whose case is assigned to one of the following statuses:

- Interrupted (INT) status
- Discontinued (DIS) status

These limited services include medical services and are provided to the Veteran due to his/her illness or injury. The medical services include treatment and care for the Veteran. In addition, the Veteran may be also authorized for the following:

1. Prosthetic appliances, eyeglasses, and other corrective or assistive devices.
2. Services to a Veteran's family as necessary for the successful rehabilitation of the Veteran.
3. Special services, including services related to blindness and deafness such as:
 - Language training, speech and voice correction, training in ambulation and one-hand typewriting
 - Orientation, adjustment, mobility and related services

- Telecommunications, sensory and other technical aids and devices

c. Closed Cases

Services may not be provided to a Veteran determined ineligible for VR&E services, or whose case is assigned to one of the following statuses:

- Applicant (APP) status
- Rehabilitated (REH) status
- Discontinued (DIS) status

1.05 Training Facility and Rehabilitation Resources

a. Providers for Training and Rehabilitation Services

Veterans who are participating under the Chapter 31 program may be provided services using the following:

1. VA facilities, staff and other VA resources.
2. Employment of additional personnel and experts.
3. Facilities and services of a Federal agency, State agency, other public agency, or agency maintained by joint Federal and state contributions.
4. Facilities and services of any public institution or establishment, private institution or establishment, or private individual.

b. Responsibility in Selecting a Training Facility

A Veteran's preference for a particular training or rehabilitation facility must be considered at all times. However, the case manager has final responsibility for selecting a training facility.

c. Factors in Selecting a Facility

Selection of a facility must be relevant to the Veteran's needs. The following factors must be considered in the selection:

1. Availability of support services that enhances the Veteran's ability to successfully complete his/her training.
2. Availability of special programs of assistance for students with disabilities

that are likely to be utilized by the Veteran in the course of his/her program.

3. Availability of placement services and placement records.
4. Distance is shorter for the Veteran's commute from home to the training facility.

d. High Cost Facility

When services are not available to meet a Veteran's needs at a lower cost facility, a case manager may select a high cost facility. However, the case manager must clearly document the justification for the selection of a high cost facility in Corporate WINRS (CWINRS) Notes or VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet). See Appendix O, VA Forms. The completed form must be filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

1.06 Services Provided in Specific Case Status

a. Special Rehabilitation Services

1. Evaluation and Improvement of Rehabilitation Potential

(a) Services

These services include diagnostic services, personal and work adjustment training, medical care and treatment, independent living services, language training, speech correction, ambulation training, one-hand typing, orientation, adjustment and mobility related services.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- Evaluation and Planning (EP) status
- Extended Evaluation (EE) status
- Rehabilitation To the Point of Employability (RTE) status
- Independent Living (IL) status
- Job Ready (JR) status

2. Adult Basic Education

(a) Services

The adult basic education is an instructional program for the undereducated adult planned around those basic and specific skills necessary to help him/her to function adequately in society.

These services are provided to:

- Upgrade a Veteran's basic educational skill
- Provide refresher training
- Resolve deficiencies that prevent the Veteran from undertaking a course of education or vocational training

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status
- IL status

3. Vocational Course in a Rehabilitation Facility

(a) Services

A vocational course in a rehabilitation facility may be an institutional, on-the-job, or combination course, which has been modified to facilitate successful pursuit by a Veteran with a disability that may otherwise prevent or impair his/her ability to participate in the course.

The vocational course may be authorized if it assists in restoring the Veteran's employability.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EP status
- EE status
- RTE status

4. Independent Instructor Course

(a) Services

This is a full-time vocational training that is provided to a Veteran by an independent instructor, who teaches a vocational course at a suitable place of training. This instruction is independent from a training institution or on-job training facility.

(b) Limitations

An independent instructor course may be included in a rehabilitation plan, except for a plan for a farm cooperative program. This service may be authorized if one or both of the following conditions exist:

- (1) Training is not available through an established school, on-job training establishment, or rehabilitation facility within a reasonable commuting distance from the Veteran's home, and/or
- (2) The Veteran's condition or other circumstances do not permit him/her to attend a suitable facility within commuting distance.

(c) Training at Home

Training in the home is a specialized type of independent instructor course, which the Veteran may pursue in his/her home. This service may be authorized if all the following conditions exist:

- (1) The Veteran is unable to pursue training at a suitable facility because of the effects of his/her disability.
- (2) Based on proper medical opinion, the Veteran is able to pursue the prescribed training.
- (3) The Veteran's home provides a favorable educational environment with adequate work and study space.

(d) Rate of Pursuit

The training rate for a Veteran in an independent instructor program is the same as the rate pursued on an institutional basis, unless the Veteran's work tolerance is reduced because of the effects of his/her disability condition(s).

(e) Anticipated Employment

Since the Veteran's employment may be limited due to his/her circumstances, the Veteran's Individualized Employment Assistance Plan (IEAP) must outline an extensive plan for seeking and obtaining suitable employment, including self-employment, upon completion of training.

(f) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EP status
- EE status
- RTE status
- IL status

5. Reader Service

(a) Services

This service is provided to a Veteran with limited vision or a visual impairment that would require reader service assistance. The visual impairment may include:

- Best corrected vision is 20/200 in both eyes
- Central vision is greater than 20/200 but the field of vision is limited to the extent that the widest diameter of the visual field that is reduced to an angle is less than 20 degrees
- Condition or prognosis of the vision impairment suggests that the remaining vision will be adversely affected by reading

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EP status
- EE status
- RTE status
- IL status
- JR Status, including up to three months of initial employment

(c) Scope of Reader's Responsibility

The reader's responsibility is not confined to reading to the Veteran. The reader must also have an understanding of the subject matter based on prior training or experience that allows him/her to read and understand the material and test the Veteran's understanding of the material.

(d) Extent of Service

The number of hours of this service is determined by the amount of reading required by the course and the effectiveness of other equipment furnished that enable the Veteran to read printed material without any assistance.

(e) Recording

Recording textbooks or other materials will not be authorized as part of the reader services, since recording services are available from volunteer organizations without cost.

(f) Use of Relative Precluded

A relative of the Veteran may not provide reader service. A relative is a person related to the Veteran by blood or marriage such as spouse, parent, child, brother, sister, uncle, aunt, niece, or nephew.

6. Interpreter Service

(a) Services

This service is provided for the Veteran with a hearing impairment in

order to assist in the instructor–student communication necessary to pursue his/her rehabilitation program.

This service may be authorized under one of the following conditions:

- (1) A VA physician determines that the Veteran is deaf or his/her hearing is severely impaired and all services and assistance have been provided to improve the Veteran's remaining hearing.
- (2) A VA physician determines that the Veteran can benefit from and agrees to undertake language and speech training.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EP status
- EE status
- RTE status
- IL status
- JR Status, including up to three months of initial employment

(c) Selecting the Interpreter

Interpreter service may be provided only by a certified interpreter or an individual who meets generally accepted standards for interpreters.

If an individual is not certified by a State or professional association, the case manager must obtain assistance from a State certifying agency or a professional association to determine if the individual is qualified as an interpreter.

(d) Use of Relative Precluded

A relative of the Veteran may not provide interpreter service. A relative is a person related to the Veteran by blood or marriage such as spouse, parent, child, brother, sister, uncle, aunt, niece, or nephew.

7. Tutorial Assistance

(a) Services

Individualized tutorial assistance is provided to a Veteran needing special assistance beyond what is provided by the facility to students pursuing the same or a similar subject in order to correct a deficiency in a subject.

(b) Use of Relative Precluded

A relative of the Veteran may not provide tutorial assistance or tutoring. A relative is a person related to the Veteran by blood or marriage such as spouse, parent, child, brother, sister, uncle, aunt, niece, or nephew.

(c) Chapter 30 Education Assistance

A Veteran who has elected education assistance payment under Chapter 30 may not be provided with the individualized tutorial assistance.

(d) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status
- IL status

8. Special Transportation Assistance

(a) Services

A Veteran may be provided a transportation allowance to pay for the additional transportation expenses due to the effects of his/her disability.

Transportation assistance includes mileage, parking fees, reasonable fee for a driver, transportation furnished by a rehabilitation facility and other reasonable expenses, which may be incurred in local travel.

(b) Special Arrangements

A Veteran's monthly transportation allowance should not exceed one-half of the subsistence allowance of a single Veteran in full-time institutional training, unless special arrangements, such as transportation by ambulance, are necessary to enable a Veteran to pursue a rehabilitation program.

(c) Determination for Transportation Allowance

The case manager must determine the Veteran's need for a transportation allowance. A medical consultant's assistance may be utilized, as necessary to determine the Veteran's need for special transportation assistance and to develop transportation arrangements that do not overly impact his/her ability to travel and pursue his/her rehabilitation program.

(d) Use of Relative Precluded

A relative of the Veteran may not provide transportation and receive transportation allowance. A relative is a person related to the Veteran by blood or marriage such as spouse, parent, child, brother, sister, uncle, aunt, niece, or nephew.

(e) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status
- IL status
- JR status, including the first three months of employment

9. Services to Veteran's Family

(a) Services

A Veteran's family may be provided services necessary for implementing the Veteran's rehabilitation plan. The term family includes immediate family, legal guardian, or any individual in whose home the Veteran confirms an intention to reside in.

The following defines the scope of services that may be provided to a

Veteran's family:

- (1) The services are limited to consultation, homecare training, counseling and mental health services for a short period that are intended to enable the family to cope with the Veteran's needs.
- (2) Extended medical, psychiatric, or other services may not be provided to family members.
- (3) The case manager must identify which family members may assist in the Veteran's rehabilitation program.
- (4) The case manager must arrange for provision of the services to the family member(s). The VA Medical Center (VAMC) must provide these services. However, if services are not available through the regular VAMC program, the necessary services may be arranged with other public or non-profit agencies.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EP status
- EE status
- RTE status
- IL status
- JR status

10. Other Incidental Goods and Services

(a) Authorization

The case manager may authorize other incidental goods and services if he/she determines that the Veteran needs them to pursue his/her rehabilitation plan. The case manager must ensure that there is substantial evidence that the Veteran will not be able to pursue his/her program successfully without those goods and services.

(b) Limitation on Cost

The costs of the incidental goods and services must not exceed five percent of the Veteran's training cost for any 12-month period.

(c) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status
- IL status
- JR status

(d) Child Care Services

A case manager may authorize assistance for a Veteran's child care if the case manager determines that child care is necessary for the implementation or continuation of the Veteran's rehabilitation program as outlined in 38 CFR 21.156. However, this service does not pertain to provision of services as outlined in 38 CFR 21.219 through 21.224.

(1) Limited Assistance

A case manager may not routinely authorize recurring child care expenses. This limited assistance may only be authorized after all other options have been explored and determined as not viable solutions.

(2) Limitations

Generally, child care assistance must not be authorized for more than one semester for the Veteran pursuing college training or the equivalent amount of time for the Veteran pursuing vocational or technical school training.

In rare instances, when payment of child care expenses is approved, a licensed facility must be used to provide child care.

Under no circumstances will payment be authorized for child care services that are being provided by a Veteran's family member.

(3) Resources

The following are some resources that a case manager must explore and utilize for child care assistance:

- Child Care Access Means Parents In School Program

This is a Department of Education sponsored program, which supports the participation of low-income parents in the postsecondary education system through the provision of campus-based child care services. Institutions of higher education that are awarded grants under this program may subsidize the costs of child care services for low-income students.

- Authorization under Public law 101-508

Part of Public Law 101-508 enacted legislation on Child Care and Development Block Grant Act of 1990, to make child care affordable for more parents. It provides eligible participants with temporary child care assistance during periods of subsidized job training and transitional periods after such training. As authorized by Public Law 101-508, child care assistance is available to eligible families through state agencies that administer federal grants. Each state determines eligibility requirements for families within their state.

The case manager may refer the Veteran to a list of state agencies on the National Child Care Information Center web site at www.acf.hhs.gov/programs/occ. The Veteran may contact the coordinating agency in his/her state directly for eligibility information and how to apply for assistance. In some states, families can apply by telephone or mail.

(4) Other Referral Agencies

Numerous communities also identify child care resources and referral agencies that can provide information about how to apply for child care assistance. A list of childcare resources and referral agencies is available from Child Care Aware at www.childcareaware.org.

(5) Need Documentation

Prior to authorizing goods and services under 38 CFR 21.156, the case manager must explore the Veteran's current circumstances

and need. Procurements under this section are limited to those items and services that are necessary for a Veteran to begin or continue in a rehabilitation program.

When authorizing goods and services under this section, the case manager must document the Veteran's identified need for assistance, as well as other resources explored and the outcome of those efforts.

The narrative for the Veteran's need for child care assistance must be documented on CWINRS Notes or VAF 28-1902n. The case manager must include a thorough analysis of the Veteran's financial condition including his/her income, assets and monthly expenses.

(6) Cost Limitations

Authorization for child care assistance must follow the same provision under 38 CFR 21.156. Ordinarily, the cost for child care assistance must not exceed \$1,250 per year.

Any authorization in excess of \$1,250 requires the approval of the VR&E Officer.

b. Independent Living (IL) Services

IL services are provided to Veterans with severe disability conditions to assist him/her to function independently in his/her family, community, or employment.

1. Services

(a) The services that may be authorized in an Individualized Independent Living Plan (IILP) include specific services for a vocational rehabilitation program, except for a program of education or training and IL services provided by approved IL centers and program as necessary to execute the Veteran's plan. These services include:

- Evaluation of independent living potential
- Training in independent living skills
- Attendant care
- Health maintenance programs

- Identifying appropriate housing accommodations

(b) IL services may be provided under one of the following conditions:

- As part of a program to achieve rehabilitation to the point of employability
- As part of an extended evaluation to determine the current reasonable feasibility of achieving a vocational goal
- Incidental to a program of employment services
- As a program of rehabilitation services for eligible Veterans for whom achievement of a vocational goal is not currently reasonably feasible

2. Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status
- IL status
- JR status

c. Educational/Vocational Training Services

1. School courses

(a) Definition

A school course is an organized instruction of a number of areas of subject matter that is offered within a specified period and credit toward completion of a training objective such as graduation or certification.

A school course may be offered in any public or private school, secondary school, vocational school, correspondence school, business school, junior college, teacher's college, college, professional school, university, scientific or technical institution, or other institution providing education for adults.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status

2. On-Job Course

(a) Definition

On-job course is a course undertaken to complete a specific vocational objective through apprenticeship or other on-job training in a training establishment. The establishment includes facilities that are under the supervision of the following:

- A college or university
- Any State department of education
- Any state apprenticeship agency
- Any State board of vocational education
- Any joint apprenticeship committee
- The Bureau of Apprenticeship and Training established in accordance with 29 U.S.C. Chapter 4 (c)
- Any agency of the Federal government authorized to supervise such training

During the course of work performed, the Veteran is trained by receiving formal instruction, observing hands-on demonstration of the work tasks and assisting in those tasks. Work progress is expected to gradually increase with more independence from formal instruction.

(b) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status

- RTE status

3. Combination Course

(a) Definition

A combination course is combined full-time on-job training with a part-time training in school. A Veteran may pursue a combination course as follows:

- (1) Concurrent school and on-job training
- (2) Primarily on-job with some related instruction in school
- (3) In a school as a preparatory course to entering on-job training
- (4) First training on-job followed by instruction in school

(b) Cooperative Course

A cooperative course is a special type of combination course that:

- Has an objective that the student attains primarily through school instruction with an additional on-job portion on the school course
- Is pursued at the college or junior college level; however, some cooperative courses are also offered at secondary schools or at post-secondary schools that do not offer college degrees
- Requires the student's attendance at least one-half of the total training period of the school portion of the course
- Includes long periods of on-job and school training such as a full-term school training followed by full-term on-job training

(c) Case Status

The services may be provided to a Veteran whose case is currently placed in one of the following statuses:

- EE status
- RTE status

4. Farm Cooperative Course

(a) Definition

A farm cooperative course is an approved full-time course intended to restore a Veteran's employability by training either to do one of the following:

- Operate a farm which he/she owns or leases
- Manage a farm as the employee of another

(b) Completing a Farm Cooperative Course

The case manager must ensure that the farm cooperative course will enable the Veteran to become proficient in the type of farming he/she is being provided rehabilitation services. The areas in which proficiency is to be established include the following:

- Planning
- Producing
- Marketing
- Maintaining farm equipment
- Conserving farm resources
- Financing the farm
- Managing the farm
- Keeping farm and home accounts

(c) Instruction, Including Classroom Instruction

The case manager may approve instruction in a farm cooperative course that may include a combination of classroom or organized group instruction and individual instruction or individual instruction only. A course which includes classroom instruction must meet the following criteria to be considered as full-time:

- (1) The number of clock hours of instruction that are provided yearly

should meet the requirements of 31 CFR 21.310(a)(4) and 21.4264 pertaining to full-time pursuit of a farm cooperative course.

- (2) The individual instructor portion of a farm cooperative course should include at least 100 hours of individual instruction per year.

(d) Instruction Provided by an individual instructor

The case manager may authorize instruction in a farm cooperative course to be provided solely by an individual instructor under one of the following conditions:

- (1) The classroom instruction is not available within reasonable commuting distance of the Veteran's farm.
- (2) The majority of the portion of the available classroom instruction does not contain a direct relation to the Veteran's farming operation and is fully and clearly documented on VA records.

(e) Full-time Individual Instruction

The case manager may consider full-time training for individual instruction according to the following:

- (1) The course must consist at least of 200 hours of instruction per year.
- (2) The course must be provided by a fully qualified individual instructor and under a contract between VA and the instructor or an educational agency that employs the instructor.

(f) Plan Requirements for Farm Operator or Farm Manager

- (1) The case manager and the Veteran must jointly develop the training plan with the instructor. The plan must include the following:
 - A complete written survey including but not limited to the areas identified in 38 CFR 21.298 (a) and (b)
 - An overall, long-term plan based upon the survey of the operation of the farm
 - An annual plan identifying the part of the overall plan to be

implemented which will be prepared before the beginning of each crop year

- A detailed individual training program showing the type and amount of instruction, classroom and individual, or individual

(2) The case manager must ensure that the farm meets the requirements for selecting a farm as outlined in 38 CFR 21.298.

1.07 Authorizing Rehabilitation Services and Approving Courses and Facilities

a. Approval Required

The rehabilitation services proposed in a Veteran's rehabilitation plan must be approved by the case manager or the VR&E Officer as required prior to authorization of services. This approval ensures that only services that meet the needs of a Veteran with disability(ies) are authorized as part of his/her rehabilitation program.

The case manager must review all available pertinent information as outlined in 38 CFR 21.292 to determine whether a course or facility may be approved. If necessary, the case manager will personally visit facilities to ensure that each facility meets the approval criteria outlined in CFR 21.294.

b. Special Rehabilitation Services

Special rehabilitation services may be provided by institutions such as independent living centers and rehabilitation centers, or by individuals such as tutors, readers and therapists.

The procedures for approval of providers of special rehabilitation services are outlined by category as shown below:

1. Approval of Special Rehabilitation Services by Institutions

(a) These services include Independent Living (IL) evaluation or training that are not available through:

- VAMCs which provide IL services
- Facilities approved by the State rehabilitation agency
- Other public, non-profit, or for-profit agencies that have been approved by VA to provide IL services

(b) Additionally, these services include evaluation and improvement of

rehabilitation potential, adult basic education, vocational course in a rehabilitation center, independent instructor, tutorial assistant, reader service, interpreter service, special transportation assistance and services to a Veteran's family that are not available through the following:

- VAMC or on a fee basis through the VAMC
- Facilities with existing contracts with the VR&E office

(c) Procedures for Procuring Services from Institutions

- (1) Review approval criteria in 38 CFR 21.292, 21.294 and 21.140 through 21.156.
- (2) Review websites or existing catalogs, brochures, statements of charges, program outlines and other agency approvals to determine general suitability of services.
- (3) Determine whether catalogs and/or statements of charges are sufficient in lieu of contracts as provided in VAAR 871.201-2.
- (4) Visit facility to determine whether it is furnished with equipment, resource materials and accessibility that will meet the needs of the Veteran.
- (5) Interview staff members, administrators, clients and others to determine quality of services. Review recordkeeping procedures and progress reporting procedures.
- (6) If the facility is appropriate to the Veteran's needs, prepare a memorandum reporting on factors listed in 38 CFR 21.294 to the VR&E Officer for his/her concurrence.
- (7) Execute the contract, unless excepted by VAAR 871.201-2.
- (8) Request assignment of facility code by Education Service and record the code in the Veteran's Chapter 31 Master Record.

2. Approval of Special Rehabilitation Services by Individual Providers

- (a) These services include IL evaluation or training that are not available through:
 - VAMCs, which provide IL services

- Facilities approved by the State rehabilitation agency
 - Other public, non-profit, or for-profit agencies that have been approved by VA to provide IL services
- (b) Additionally, these services include evaluation and improvement of rehabilitation potential, adult basic education, vocational course in a rehabilitation center, independent instructor, tutorial assistant, special transportation assistance and services to a Veteran's family that are not available through:
- VAMC or on a fee basis through the VAMC
 - Facilities with existing contracts with the VR&E office
- (c) Procedures for Procuring Services from Individual Providers
- (1) Review approval criteria in 38 CFR 21.292, 21.294(d) and 21.146.
 - (2) Contact local rehabilitation agencies, schools, vocational schools, counseling agencies and other community resources to identify sources of potential individual service providers.
 - (3) Meet with potential providers to determine qualifications and ability to provide the required service to the Veterans.
 - (4) Select an appropriate individual.
 - (5) Meet with the Veteran and the individual instructor to develop jointly a program of services.
 - (6) Prepare a memorandum to the VR&E Officer setting forth pertinent information concerning qualification, costs and recommendations for concurrence.
 - (7) Negotiate the contract with the service provider.
 - (8) Develop a list of books and supplies required to be personally owned by the Veteran and complete VAF 28-1905m, Request for and Receipt of Supplies (Chapter 31-Vocational Rehabilitation), if needed, unless these items are included in the schedule 1 of the contract.
 - (9) Request assignment of facility code by Education Service and record the facility code in the Veterans Chapter 31 Master Record.

c. Educational and Vocational Training Services

Educational and vocational training services may be provided through a variety of resources to meet the needs of the Veteran. The case manager must carefully review available approved resources in selecting the appropriate source of services for a specific Veteran. The case manager must be knowledgeable of the various ways by which a service may be provided to maximize benefit to the Veteran.

The case manager must follow the procedures for approval of different types of education and vocational training services as outlined below:

1. School Courses

- (a) Review approval criteria in 38 CFR 21.292, 21.294 and 21.222.
- (b) Review websites or existing school catalogs, brochures, statements of charges, course outlines and other agency approvals to determine the general suitability of courses and the costs of courses.
- (c) Determine whether the catalog or other published documents meet the requirements of VAAR 871.201-2 and can be accepted in lieu of contract.
- (d) If the course appears to be generally suitable, but additional specific information is needed, contact the facility to obtain information and necessary resources.
- (e) If the facility has not been previously utilized under Chapter 31 and has not been approved by VA, follow the guidelines and instructions outlined in M28.V.B.2.
- (f) Execute contract and supporting documents, unless the facility is exempted from this requirement under VAAR 871.201-2.
- (g) Ensure that the facility has been assigned a facility code.

2. Paid On-Job Training (OJT) or Apprenticeship

- (a) Review approval criteria in 38 CFR 21.123, 21.292, 21.294 and 21.296.
- (b) Review existing Bureau of Apprenticeship Training approvals, State Approving Agency (SAA) OJT approvals, course outlines and other prior agency approvals to identify training requirements that meet

entry-level journeyman requirements of the trade or occupation.

- (c) Visit the facility to determine the adequacy of equipment, tools, educational resource materials, accessibility to individuals with a handicap and need for worksite modifications.
 - (d) Interview trainers, managers, other trainees and others as appropriate to determine quality of instruction and resources.
 - (e) Interview managers to determine the adequacy of recordkeeping and progress reporting and secure an agreement to timely provide accurate information on attendance, training changes and progress. Review samples of the establishment's records, if possible.
 - (f) Review any existing training plan which has similar objectives. If necessary, develop a suitable training plan that includes the major elements of work that make up the skilled occupation, clock hour to be spent on each element, type and extent of required related instruction, and identification of any license, certification, or diploma required for entry level employment in the occupation.
 - (g) Develop a suitable wage schedule that meets the requirements of 38 CFR 21.296(a)(8).
 - (h) Based on the employer's submission, develop a list of tools and equipment required to be personally owned by the trainee. Request that the appropriate facility official and the Veteran complete VAF 28-1905m, to authorize provision of necessary tools and equipment to the Veteran. If supplies listed on the VAF 28-1905m are not provided by the facility, a VAF 2237, Request, Turn-In, and Receipt for Property or Services, must be prepared to ensure timely procurement action and delivery.
 - (i) Complete VAF 28-1904, Agreement to Train on the Job Disabled Veterans, VAF 20-8206, VA Statement of Assurance of Compliance with Equal Employment Opportunity Laws, and any supplemental documents necessary to meet the requirements of law. The original copies of these forms must be retained in the contract file in accordance with RCS VB- I Part 1, Item No. 07-620.010.
 - (j) Request assignment of a facility code by Education Service.
3. Paid Federal OJT
- (a) Review approval criteria in 38 CFR 21.123, 21.292, 21.294, 21.296 and

in FPM 315-B-1.

- (b) Review existing course outlines and other agency approvals to ensure general suitability of courses as they relate to the entry-level journeyman position description.
 - (c) Visit the facility or agency to determine the adequacy of equipment, tools education resource materials, accessibility to individuals with a handicap and need for worksite modifications.
 - (d) Confer with personnel officers, trainers, managers, other trainees and others to determine the quality of instruction and resources.
 - (e) Consider the possibility of using a combination course by including formal training at local institutions.
 - (f) Review any existing training plans, position descriptions and wage schedules for the occupation. Develop a training plan including major elements of work that make up the skilled occupation, clock hours to spend on each element, type and extent of required related instruction, and identification of any license, certification, or diploma required for entry-level employment in the occupation.
 - (g) If the training program will modify Office of Personnel Management (OPM) standards for the job for which the Veteran will be trained, prepare a request for OPM approval. OPM approval is not required for plans which do not change OPM qualification standards.
 - (h) Develop a suitable wage schedule that meets the requirements under 38 CFR 21.296(a)(8).
 - (i) Develop a list of tools and equipment required to be personally owned by the trainee. If the Veteran needs supplies, request that the appropriate agency official and the Veteran complete VAF 28-1905m and submit it to the case manager for approval.
 - (j) Complete VAF 28-1904 and VAF 20-8206 and any supplemental documents required by the employing agency.
 - (k) If necessary, request assignment of a facility code by Education Service.
4. Nonpaid or Nominally Paid Federal OJT
- (a) Review approval criteria in 38 CFR 21.123, 21.292, 21.294, 21.296 and

21.299.

- (b) Visit the facility to determine the adequacy of equipment, tools, educational resource materials, accessibility to individuals with a handicap and need for worksite modifications.
 - (c) Interview personnel officers, trainers, managers, other trainees and others to determine the quality of instruction and resources and the likelihood of employment in the objective following completion of training.
 - (d) Review any existing position descriptions and training plans for the objective. If necessary, develop a training plan, including major elements of work that make up the skilled occupation, clock hours to be spent on each element, type and extent of any required related instruction, and identification of license, certificate, or diploma required for entry-level employment in the occupation. Develop a program outline with the Veteran and the host agency as outlined in FPM 315-B-1.
 - (e) If the training program's intent is either to train the Veteran for employment in a position that modifies OPM qualification requirements or to qualify the Veteran for noncompetitive employment, the training plan must be submitted to OPM for approval. Refer to FPM 315-B-1.
 - (f) Develop a list of tools and equipment required to be personally owned by the trainee and ensure the appropriate agency official and the Veteran completes and submits VAF 28-1905m, if needed.
 - (g) Complete VAF 28-1904, VAF 20-8206 and any supplemental documents necessary to meet the requirements of law.
 - (h) If necessary, request assignment of a facility code by the Education Service.
5. Nonpaid or Nominally Paid Work Experience in a Federal Agency

Nonpaid or nominally paid work experience in a federal agency generally supplements other training or experience. For example, academic instruction may be pursued before induction into or concurrently with the work experience as necessary to help the Veteran achieve his/her planned vocational goal. Procedures for approval of nonpaid or nominally paid work experience in a federal agency are similar to those for nonpaid or nominally paid on-job training in a federal agency as described in

subparagraph 4 above.

- (a) Review approval criteria in 38 CFR 21.123, 21.292, 21.294, 21.296, 21.299 and in FPM 315-B-1.
 - (b) Visit the facility to determine the adequacy of equipment, tools, educational resource materials, accessibility to individuals with a handicap and need for worksite modifications.
 - (c) Interview personnel officers, trainers, managers, other trainees and others to determine the quality of instruction and resources.
 - (d) Review any existing position descriptions and training plans for the objective. If necessary, develop a training plan, including major elements of work that make up the skilled occupation, clock hours to be spent on each element, type and extent of any required related instruction, and identification of license, certificate, or diploma required for entry-level employment in the occupation. Develop a program outline with the Veteran and the host agency as outlined in FPM 315-B-1.
 - (e) Develop a list of tools and equipment required to be personally owned by the trainee and ensure the appropriate agency official and the Veteran completes and submits VAF 28-1905m, if needed.
 - (f) Complete VA Forms 28-1904, VAF 20-8206 and any supplemental documents necessary to meet the requirements of law.
6. Nonpaid or Nominally Paid OJT and Work Experience in State and Local Government Agencies

(a) Definitions

(1) State

The State is defined as each of the several states, territories, any possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(2) Local Government Agency

Local Government Agency is defined as an administrative subdivision of a government, including a county, municipality, city, town, township, public authority, district, school district, or other such agency or instrumentality of a local government.

(3) Federal Financial Assistance

Federal Financial Assistance is defined as the direct or indirect provision of funds by grant, loan, contract, or any other arrangement by the Federal Government to a state or local government agency.

(b) Program Requirements

(1) Veteran's Employment Status and Rights

While the Veteran is pursuing on-job training or work experience in a state or local government agency, VA will consider the Veteran to be an employee of the United States for the purposes of benefits under 5 U.S.C. Chapter 81, but will not consider him/her an employee of the United States for the purpose of laws administered by OPM. Refer to 38 CFR 21.299(b) for additional information.

(2) Expectation of Employment

In planning for a Veteran's placement in a state or local government on-job training or work experience, the case manager must negotiate with appropriate state or local officials. This negotiation will ensure that the Veteran can expect to be placed in the same or a comparable job immediately upon satisfactory completion of the program or shortly thereafter.

(3) Monitoring the Veteran's Progress

The case manager must closely monitor the Veteran's progress and adjustment in rehabilitation conducted wholly or in part at a state or local government agency to assure the following:

- The Veteran receives the training and rehabilitation services specified in the Veteran's rehabilitation plan; the plan will direct the case manager to closely supervise the Veteran's program and adjustment during the period the Veteran is at the state or local government agency
- The employer submits periodic certification, which is not less than once every three months that the Veteran's progress and adjustment are in accordance with the program that has been jointly developed with the Veteran and employer; VAF 28-1905(c), Monthly Record of Training and Wages, must be used

for this purpose

(4) Subsistence Allowance Payments

VA may pay subsistence allowance to Veterans training in state and local government agencies at the rate authorized for Veterans in paid apprenticeship or other on-job training programs as specified in 38 CFR 21.260(b).

(c) Limitations

Chapter 31 participants pursuing nonpaid or nominally paid OJT or work experience in state or local government agencies are prohibited to do the following:

- (1) Train for a position involving political or religious activity.
- (2) Receive training that results in the displacement of currently employed workers.
- (3) Train in a job, if one of the following conditions exists:
 - Another person was laid off within 90 days from a substantially equivalent job
 - The training opening was created as a result of the employer having terminated the employment of any regular employee
 - The employer reduced its workforce with the intention of using the opening for a Chapter 31 trainee

NOTE: The case manager must determine that the conditions listed above, as well as other requirements for approval of a training establishment are met before a Veteran enters into a period of on-job training or work experience at a state or local government agency.

(d) Procedures for Approval of Nonpaid or Nominally Paid OJT and Work Experience in State and Local Government Agencies

To approve nonpaid or nominally paid OJT and work experience in non-federal public-sector agencies, the case manager must use the procedures described in subparagraphs 4 and 5 above for federal agency training approvals.

(e) Use of Contracts

Contracts, agreements, or other cooperative arrangements must be used to arrange for state and local government agencies in providing training and work for Chapter 31 participants.

7. Farm Course with Instruction at an Educational Institution

- (a) Review approval criteria in 38 CFR 21.126(c), 21.292, 21.294 and 21.298.
- (b) Review existing course outlines, brochures, statements of charges and other agency approvals for the group portion of instruction to determine the general suitability of courses under 38 CFR 21.126(a) and (b).
- (c) Visit the facility to determine the adequacy of equipment, tools and educational resource materials and the facility's accessibility to individuals with disabilities.
- (d) Interview instructors, other trainees and others to determine quality of instruction and resources.
- (e) Interview administrators to determine the adequacy of recordkeeping and progress reporting. Review samples of the facility's records, if possible.
- (f) Visit the farm to be used for the program of instruction to determine the adequacy of the physical facilities for carrying out the training plan. Complete VAF 28-1905n, Farm Survey and Overall Farm and Home Plan Self-proprietor Manager, under Chapter 31, Title 38, U.S.C.
- (g) Develop a list of books, tools and supplies required to be personally owned by the trainee and ensure the appropriate official at the institution and the Veteran complete and submit VAF 28-1905m, if needed. Refer also to 38 CFR 21.214 (c).
- (h) Decide whether approval of the establishment, course and farm is appropriate.
- (i) If necessary, request assignment of a facility code by Education Service for the group instruction provider.
- (j) Develop VAF 28-1905p, Annual Farm and Home Plan for Institutional

On-farm Course of Training (Chapter 31). This must be retained in the CER folder in accordance with RCS VB-1, Part 1, Item No. 07-630.010.

8. Farm Course with Individual Instruction

- (a) Review approval criteria in 38 CFR 21.126(d), 21.292, 21.294(d) and 21.298.
- (b) Develop sources of potential individual instructors by contacting local vocational schools, county extension agents, university agriculture departments, or similar agencies and organizations.
- (c) Meet with potential instructors to determine their qualifications and abilities to instruct Veterans with disabilities.
- (d) Select the appropriate instructor.
- (e) Meet with the Veteran and the instructor to discuss jointly the program and responsibilities.

NOTE: This must be accomplished before or at the same time as the initial visit to the farm.

- (f) Visit the farm to be used for the program of instruction to determine the adequacy of the physical facilities for carrying out the training plan. Complete VAF 28-1905n, which will be retained in the CER Folder in accordance with RCS VB-1, Part 1, Item No. 07-630.010.

NOTE: At this point, potential instructors or other qualified agricultural authorities must be used as consultants to assist in completing VAF 28-1905n.

- (g) Negotiate and prepare VAF 28-1903, Contract for Training and Employment, with the individual instructor.
- (h) If necessary, request assignment of a facility for the individual instructor by Education Service.
- (i) Develop a rehabilitation program to establish annual objectives, including the major elements of training, related instruction, textbooks and training supplies that the Veteran needs.
- (j) Meet with the Veteran and the instructor to complete VAF 28-1905 for the first year.

- (k) The trainer and the Veteran must develop a list of books, tools and supplies that the trainer determines the Veteran needs and will complete and submit VAF 28-1905m to the case manager for review and approval. Refer also to 38 CFR 21.214(c).

9. Farm Manager

The requirements for a Veteran training to manage a farm owned by another individual or organization are contained in 38 CFR 21.126(e) and 21.298. The case manager must follow the appropriate course approval instructions in either subparagraph 7 or 8 above.

10. Independent Study Courses

Independent study courses may be approved only if offered at the college level for a degree credit. Approval procedures for school courses must be used when considering independent study. See subparagraph 1 above.

The case manager must follow the guidelines below to approve a course:

- (a) Review the approval criteria in 38 CFR 21.128, 21.292, 21.294 and 21.122. Determine the rate of pursuit under 38 CFR 21.310(a)(2).
- (b) Decide whether the course meets the approval criteria.
- (c) If necessary, request the assignment of a facility code by Education Service.

11. Home Study Correspondence Courses

These courses may be used only when needed to supplement the rehabilitation program under 38 CFR 21.129. These courses may not be used as the major portion of a rehabilitation program. These courses must be directed toward providing theory or technical knowledge that the Veteran's program cannot otherwise timely present.

The case manager must follow the guidelines below to approve a course:

- (a) Review the approval criteria in 38 CFR 21.129, 21.292 and 21.294.
- (b) Review existing school catalogs, brochures, statements of charges, course outlines and other agency approvals to determine the general suitability and the costs of courses.
- (c) Decide whether approval of the facility or course is appropriate.

(d) Negotiate a contract.

(e) If necessary, request that the Education Service assign a facility code.

12. Combination Course

A combination course is a course which combines on-job and school training. A Veteran may pursue the components of a combination course under 38 CFR 21.124(a).

NOTE: The rate of subsistence allowance will be based on which type of training predominates in the Veteran's combination course, as shown in 38 CFR 21.260(b).

13. Cooperative Course

A cooperative course is a special type of combination course, as specified in 38 CFR 21.124(b).

14. Selecting Approved Facilities Abroad

For overseas training under Chapter 31, the case manager may only authorize use of facilities that meet the criteria contained in 38 CFR 21.294(g). If the course does not meet these criteria, the case manager must obtain approval before considering the course for Chapter 31 participants.

The case manager must coordinate with Education Service to secure course approval as listed below:

(a) Facility and Course Selection

Under 38 CFR 21.294(g), VA may use facilities and courses of study outside the United States under Chapter 31, but only if the facilities and courses meet the requirements for approval under 38 CFR 21.4250(c) and 21.4260. These regulations require that the Veteran pursue training leading to a college degree.

(b) Foreign Branches of U.S. Colleges and Universities

(c) Courses Offered by Foreign Colleges and Universities

(d) Course Approved by State Approving Agency (SAA) or Education Service

Even if SAA or the Director of Education Service has already approved the course of study that the Veteran has elected, the case manager must ensure that the institution agrees to conform to Chapter 31 requirements, including provisions for payment of tuition, fees and supplies. The case manager must obtain this information in the same manner as the information showing the institution's compliance with M22-4, Part IX, Chapter 2. The case manager must coordinate with the Education Liaison Representative (ELR) to secure the additional necessary information in determining whether Veterans may use the course of study for Chapter 31 program participants.

d. Independent Living Services

1. Programs of Sole Independent Living Services

A case manager may approve participants for rehabilitation programs that provide independent living services and assistance either as a part, or the entire program. Hence, a case manager may authorize IL services as special rehabilitation services to help a Veteran in achieving his/her planned vocational goal under one of the following rehabilitation plans:

- Individualized Written Rehabilitation Plan (IWRP)
- Individualized Independent Living Plan (IILP)
- Individualized Extended Evaluation Plan (IEEP)
- Individualized Employment Assistance Plan, (IEAP)

2. Approval Procedures

Procedures for approval of IL service providers are similar to those for special rehabilitation services in subparagraph b above. VA may use public, non-profit and for-profit agencies with a demonstrated ability to provide independent living services.

A for-profit agency seeking to provide IL services to Chapter 31 participants must meet the special requirements in 38 CFR 21.294(b)(2). An individual under contract may provide specific IL services, such as attendant care, if the individual meets the requirements of 38 CFR 21.294(d).

1.08 Authorizing Rehabilitation Services

When the case manager and the Veteran have agreed on a facility that meets

Chapter 31 regulations and related instructions and can provide the services needed to accomplish the goals and objectives of the rehabilitation plan, the case manager may authorize the Veteran to begin his/her program of services.

For this authorization, the case manager must use VAF 28-1905, Authorization and Certification to Entrance or Reentrance into Rehabilitation and Certification of Status.

a. Enrollment Certifications

1. College Degree

For institutions providing training on a term, semester, trimester, or quarterly basis, the case manager may authorize training for up to one academic year, including summer sessions and interval periods between terms.

Training must not be authorized for only one term at a time unless one of the following occurs:

- The facility will not certify the student for a longer period
- The Veteran specifically requests single-term authorization
- The Veteran has previously not met the standards of conduct and cooperation and thus requires the close supervision that term-by-term authorization provides

2. Non-College Degree

For non-college-degree training, the case manager may authorize the entire enrollment period if the facility offers the course as a single block of training that is uninterrupted except by normal school holidays.

b. Planning the Training Schedule

1. Joint Planning of Training Schedule

Before training begins, the case manager and the Veteran will jointly develop the schedule of training to be followed. The case manager must encourage the Veteran to pursue continuous training, if possible.

2. Payment During Leave of Absence and Other Periods

Subsistence allowance may be paid to a Veteran during his/her leave of absence or other periods such as weekend and legal holidays, or customary vacation times and periods in which the school is closed temporarily under emergency conditions. Refer to 38 CFR 21.270 for additional information.

The case manager must take into account the need to conserve sufficient entitlement to enable the Veteran to complete his/her training program when he/she is deciding whether to authorize subsistence allowance for allowable periods.

3. Informing Veterans of Nonpayment

The case manager must fully inform the Veteran of any periods for which subsistence allowance will not be paid and the reason for the nonpayment when planning the training schedule. The reasons may include that the periods are chargeable to leave and would exceed the amount of leave allowable, or the Veteran needs to conserve his/her entitlement.

The copy of the rehabilitation plan which the Veteran receives on entry into training should clearly state all scheduled periods of interruption of training.

c. Procedures for Authorizing Training Services

1. Completing and Routing of VAF 28-1905

The case manager must complete VAF 28-1905 in CWINRS. Most of the data are automatically entered in CWINRS; however, the following must be entered manually and accurately:

- (a) Item #4. Name of Service/Assistance – Provide the training objective, e.g., Master's degree in Rehabilitation Counseling.
- (b) Item #9. Specific Guidelines – Provide specific instructions as necessary, such as restriction on number of hours, courses approved or not approved, restriction on bookstore purchases, approval for tutoring, etc.

A copy of the form must be provided to the training facility and the Veteran and a copy must be filed in the left section of the Veteran's CER folder.

2. School Certification for Specific Types of Training

The following are instructions for certifying training time for different types of training:

(a) School Training

The case manager must use VA Online Certification of Enrollment (VA-ONCE) when authorizing a Veteran's training attendance and processing the Chapter 31 subsistence allowance award. This electronic certification uses the Education Service application, which interfaces with CWINRS. VA-ONCE is received in CWINRS one day after the certification is sent by the training facility.

The information and format for the VA-ONCE is the same as the information that the school certifying official completes on VAF 28-1905, Section C, Item #13. The school certifying official must verify the number and type of training hours, beginning and ending dates and changes in the Veterans' enrollment.

VAF 28-1905 may only be used as certification of enrollment when a training facility elects not to use VA-ONCE to certify enrollment of a Chapter 31 Program participant. However, documentation from the training facility electing not to use VA-ONCE must be obtained and maintained by the VR&E Officer.

(b) On-job Training

The procedures for completing VAF 28-1905 described in paragraph 1 above must be followed. In addition, VAF 28-1904, Agreement to Train on the Job Disabled Veterans, must also be completed.

The procedures for certifying the Veteran's training attendance described in subparagraph (a) must be followed. When the Veteran has entered into on-job training, the wage schedule on VAF 28-1917, Monthly Statement of Wages Paid to Trainee, will be completed to show the beginning wage rate, the dates and amounts of wage increases, and the journeyman's beginning wage rate. VAF 29-1905c, Monthly Record of Training and Wages, must also be completed monthly.

(c) Farm Training

The procedures for school training described in subparagraph (a)

above must be followed for completion of the VAF 28-1905. In addition, VAF 28-1905n, Farm Survey and Overall Farm and Home Plan Self-Proprietor/Manager, or VAF 28-1905p, Annual Farm and Home Plan for Institutional On-Farm Course of Training, must be completed.

The procedures for certifying the Veteran's training attendance described in subparagraph (a) above must be followed.

(d) Training in the home

The procedures for completing VAF 28-1905 as described in paragraph 1 above must be followed. The procedures for certifying the Veteran's training attendance described in subparagraph (a) above must be followed.

(e) Independent Instructor Training

The procedures for completing VAF 28-1905 as described in paragraph 1 above must be followed. The procedures for certifying the Veteran's training attendance described in subparagraph (a) above must be followed.

(f) Training in Two Facilities

A Veteran may be authorized to attend training in two facilities. This may occur in a combination course of on-job and institutional training, or when the Veteran is attending two universities in a consortium arrangement. Prior to preparing the authorization for school attendance, the case manager must ensure that the primary training facility will accept the courses to be taken by the Veteran at the secondary training facility.

In addition, the case manager must ensure that the Veteran's concurrent attendance in two training facilities is outlined in the Veteran's rehabilitation plan. The plan must clearly identify the primary training facility or the school that will be conferring the degree or certificate of completion.

The case manager must authorize the Veteran's training attendance in a separate VAF 28-1905 for each facility. The case manager must ensure that the two forms are clearly annotated with "Concurrent Enrollment" in red at the top of the form and the primary training facility identified. Both forms must be submitted at the same time to the training facilities.

Additionally, the case manager must annotate in the CWINRS Remarks section that the Veteran is authorized to attend training in two facilities. The annotation must cite the period(s) that the Veteran is attending training in two facilities.

d. Advance Payments

An advance payment of subsistence allowance may be authorized for a Veteran who will be participating in institutional training. An advance payment provides a student with benefit payments at the beginning of a school term to help the Veteran meet expenses at the beginning of the term.

1. Criteria

An advance payment of subsistence allowance may be authorized for a Veteran who will be participating in institutional training. However, the Veteran must meet the following conditions:

- (a) The Veteran requests an advance payment using VAF 21-4138.
- (b) The training facility agrees to and can satisfactorily carry out the provisions of 38 U.S.C. 3680(d) (4) and (5) related to:
 - Receipt, delivery or return of advance checks
 - Certifications of delivery and enrollment

The advance payment request must be made by the Veteran at least 30 days, but no more than 120 days prior to the enrollment period.

2. Coordination with the Education Liaison Representative (ELR) and the Training Facility

Participation of a training facility in advance payment is voluntary. Therefore, the case manager must contact the ELR to coordinate for advance payment.

Since participation of the training facility is voluntary, the case manager must verify the following:

- (a) The training facility has certified to carry out the provisions of advance payment.
- (b) The facility is able to secure and provide the advance paycheck to the Veteran when he/she registers for school.

The case manager must also ensure that the training facility is informed that an advance paycheck must not be provided to the Veteran earlier than 30 days prior to the beginning of the training period.

3. Period for Advance Payment

A case manager may authorize advance payment under one of the following conditions only:

- At the beginning of an ordinary school year
- At the beginning of any other enrollment period which begins after a break in enrollment of one full calendar month or longer

4. Advance Payment Not Authorized

A case manager may not authorize advance payment if the Veteran is enrolled less than half-time. Break pay is also not authorized.

5. Amount of Payment

(a) The amount of advance payment must not exceed the combined amount of the following:

- The Veteran's subsistence allowance for the month or part of a month in which his/her course will begin, and
- The Veteran's subsistence allowance for the following month

(b) An advance payment consists of the Veteran's monthly subsistence allowance for the first and second month of the quarter or semester in advance. The first month will only pay from the beginning date through the end of the month with a prorated amount for the number of days attended within that month. For example, an advance pay certified for September 10, 2012 through December 7, 2012 would be paid from September 10, 2012 through October 30, 2012. Since subsistence allowance is paid after the month is completed, the next subsistence allowance would be issued in December 2012 for the November 2012 payment.

6. Authorization

Once the Veteran meets the requirements outlined in subparagraph (a) above, the case manager must prepare and send VAF 28-1905 to the

training facility. The case manager must indicate in Section B, Item #5, that "Advance payment has been authorized."

7. School Certification for Advance Payment

(a) The case manager must authorize advance payment upon receipt of the institution's certification. The school certification must be annotated "Advance Payment Requested and Signature of Student on Record" and must contain the following information:

- The Veteran is eligible for benefits
- The institution has accepted the Veteran or he/she is eligible to continue his/her training
- The Veteran has notified the institution of his/her intention to attend or to re-enroll
- The number of semester or clock hours the Veteran will pursue
- The beginning and ending dates of the enrollment period

(b) The school official responsible for certifying enrollment on VAF 28-1905 must also complete section C, Item #16 in of the form to report deliverance or non-deliverance of the advance payment and Item #12 to show any change in the enrollment date.

- If the VAF 28-1905 returned by the school indicates the Veteran has entered training without change in the previously projected enrollment, the case manager will authorize subsistence allowance
- If the VAF 28-1905 returned by the school indicates different information than the case manager recorded on the initial VAF 28-1905, the case manager may authorize the change, if warranted by the information the school has provided

(c) The case manager must submit the certification to the Regional Office (RO) Finance activity to process the payment no more than 35 days or less than 10 days, prior to the beginning date of the term.

NOTE: The case manager must not process an advance payment certification after the school has started.

8. Paycheck Issuance and Delivery

The case manager must inform the Veteran that the advance payment check will be made payable to him/her, but will be mailed directly to the school by the Treasury Regional Financial Center. The school will deliver the check to the Veteran when he/she registers; however, it will not be delivered more than 30 days prior to the beginning date of the term.

The case manager must ensure that the school certifying official verifies the delivery of the check to the Veteran. Once the check is given to the Veteran, the school certifying official must immediately inform the case manager that the check has been delivered.

The next check will not be issued unless the case manager receives the delivery verification from the school certifying official.

9. Enrollment Cancellation

If the Veteran fails to register, the following actions must be taken:

- (a) The school certifying official must return the check, together with a certification that the Veteran failed to register to the case manager.
- (b) The case manager must forward the check to the Treasury Regional Financial Center.
- (c) The case manager must stop the Veteran's subsistence allowance award immediately to avoid overpayment.

e. Induction

1. Effective Date of Induction

Induction into the vocational rehabilitation program for the purpose of establishing program participation is effective the date the case manager and the Veteran sign the rehabilitation plan. This plan may be an IWRP, IEEP, IEAP, or IILP.

The induction into the vocational rehabilitation program must not be confused with the start of the training phase of the Veteran's rehabilitation program or the beginning date of the first scheduled classes or delivery of other services that are part of the rehabilitation program.

2. Effective Date of Delivery of Services

The effective date of the delivery of services during the training phase of a vocational rehabilitation program will not be earlier than the date of the Veteran's entitlement for disability compensation is established or would be eligible.

Payment of subsistence allowance under 38 CFR 21.322 is based on the Veteran's school attendance or provision of rehabilitation services.

f. Retroactive Induction

A Veteran may be inducted into a rehabilitation program retroactively when the conditions specified in 38 CFR 21.282 are met. This means that payment for tuition fees and other verifiable expenses that the Veteran incurred while pursuing training consistent with his/her approved rehabilitation program may be authorized as specified in 38 CFR 21.262 and 21.264. In addition, payment for subsistence allowance may also be authorized under the provisions of 38 CFR 21.260, 21.266 and 21.270.

The guidelines and instructions for authorizing retroactive induction are outlined in M28R.IV.C.2.

The effective date for retroactive induction is the date when the Veteran has met all established requirements. However, the effective date must not be earlier than the effective date of the establishment of the Veteran's disability rating.

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Appendix O. VA Forms

Chapter 2 PROGRAM ASSISTANCE

2.01 Introduction

The Vocational Rehabilitation Counselor (VRC) is responsible for ensuring the Veteran remains on track and focused to successfully complete his/her rehabilitation plan. This chapter covers case management contact methods, level and frequency of contact, course and program length, rate of pursuit, review of training records, adjusting the rehabilitation plan, and unsatisfactory conduct and cooperation. The chapter also contains statutory and regulatory references governing the provision of case management services.

2.02 References and Resources

- Laws: Public Law 107-103
 38 United States Code (U.S.C.) 3107
 38 U.S.C. 3108
- Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.96
 38 CFR 21.98
 38 CFR 21.126
 38 CFR 21.132
 38 CFR 21.146
 38 CFR 21.294
 38 CFR 21.310
 38 CFR 21.312
 38 CFR 21.324
 38 CFR 21.362
 38 CFR 21.4270 through 21.4275
 38 CFR 21.4280
- VA Forms (VAF): VAF 28-1902b, Counseling Record – Narrative Report
 VAF 28-1902i, Counseling Record Medical Information-
 Related Findings
 VAF 28-1905, Authorization and Certification of Entrance or
 Reentrance into Rehabilitation and Certification of Status
 VAF 28-1905c, Monthly Report of Training and Wages
 VAF 28-1905d, Special Report of Training
 VAF 28-1917, Monthly Statement of Wages Paid to Trainee
 VAF 28-8861, Request for Medical Services-Chapter 31
 VAF 28-8872, Rehabilitation Plan

2.03 Case Management Appointments

The VRC is ultimately responsible for managing the Veteran's case and assisting him/her throughout the rehabilitation program. Through face-to-face contacts, email messages, telephone calls, and traditional mail, the case manager monitors the Veteran's progress toward the established rehabilitation goals. Case manager appointments must be accomplished in a timely and systematic manner through personal contact with the Veteran and through securing necessary information from persons, agencies and other organizations involved in the rehabilitation process.

a. Definitions

1. Case Management Appointments

Case management appointments are defined as face-to-face meetings with the Chapter 31 participant that cover vocational, medical, financial, academic and any other issues impacting progress.

It is preferred that case management appointments be conducted at the training facility. However, appointments may be scheduled at Department of Veterans Affairs (VA) offices or facilities, or an alternate location under certain circumstances, such as when requested by the Veteran or when meeting space is not available at the facility. "No shows" will be re-scheduled at the VA's convenience. At the minimum, the case manager should conduct at least one site visit per year at the school facility to meet with the certifying official, bookstore officials, finance office, disability office and any other relevant staff.

When approved, case management conducted using VA approved tele-video equipment that meets security requirements will be considered face-to-face visits. In all cases, the Veteran must be in agreement to use this technology instead of traditional face-to-face visits, and such agreement will be documented in writing, with the Veteran's signature.

2. Contacts

Contacts are defined as follow-up on issues identified through the case management appointment or other case management activities. These contacts may be made by face-to-face interaction or other methods, such as:

- Telephone
- FAX

- Email
- Letter

Please note that at no time can a contact be made via social media sites, such as Facebook and Twitter.

b. Case Management Level

Each Veteran must be assigned a case management level in Corporate WINRS (CWINRS) under the Rehabilitation tab. The level must also be documented on VAF 28-1902n or in a CWINRS case note. The level is also noted on the rehabilitation plan. See Appendix O, VA Forms for information on how to access VAFs.

The levels of case management and a description of each are provided in the chart below:

| LEVEL OF CASE MANAGEMENT | DESCRIPTION |
|--------------------------|---|
| Level 1 | <p>One annual face-to-face case management visit is required. Additionally, one case management follow-up by telephone or in-person is required during each of the other terms or three times per year if non-standard terms or training is non-academic.</p> <p>The Veteran exhibits independent, goal-oriented behavior and needs minimal contact from the case manager to stay on track. The Veteran may demonstrate the following characteristics:</p> <ul style="list-style-type: none"> • Stable medical conditions • Minimum requirement for support services • History of self-motivated achievement • Exceeds criteria for satisfactory progress • Independence in problem solving • Absence of Level 2 and Level 3 criteria |
| Level 2 | <p>Face-to-face case management meetings are required once per term attended or at least three times per year for non-standard terms. For non-academic programs, required face-to-face meetings are conducted once per month for the first three months, then quarterly.</p> |

| LEVEL OF CASE MANAGEMENT | DESCRIPTION |
|--------------------------|---|
| | <p>The Veteran needs guidance and structure, but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:</p> <ul style="list-style-type: none"> • Requires remedial instruction to prepare for post-secondary educational placement tests • Circumstances that interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns |
| Level 3 | <p>Face-to-face case management visits are required once per month, with the exception of those Veterans participating in an Individualized Employment Assistance Plan (IEAP) or Individual Independent Living Plan (IILP). See note below on those types of plans.</p> <p>The Veteran requires an intensive level of services. Veteran needs frequent contact and/or has multiple rehabilitation needs. Examples of circumstances that may require this level of service are:</p> <ul style="list-style-type: none"> • Independent Living (IL), Rehabilitation Workshops, Special Rehabilitation Facilities or Chapter 35 Special Restorative Training • Chronic, inappropriate conduct and cooperation • Behavior in violation of training establishment policies • Severe impairments due to a medical or neuropsychological condition(s) • Substance abuse issues • Homelessness • Incarceration or threatened incarceration |

c. Frequency of Case Management Appointments

The frequency of appointments is determined by the type of program as indicated in the chart below. It is important to note that all programs, with the exception of those receiving training in an institution of higher learning or a non-college degree program, require an initial case management appointment within 30 days of plan development. For those Veterans receiving training in an institution of higher learning or a non-college degree

program, the initial case management appointment is required within 60 days.

| PROGRAM TYPE | LEVEL AND FREQUENCY OF CASE MANAGEMENT APPOINTMENTS |
|--|---|
| Institution of Higher Learning or Non-College Degree Program | <p>Level 1, 2 or 3 as required by the Veteran's needs and individual circumstances.</p> <p>Assigned level may be adjusted during the rehabilitation program and should be reviewed at least annually. Only highly achieving Veterans or those in advanced degree programs should be Level 1. Veterans receiving non-punitive or punitive grades or experiencing any barriers to success should be provided active case management that is in accordance with his/her needs.</p> |
| On-the-Job Training (OJT), Apprenticeship, Federal Paid and Unpaid OJT, Non-Paid Work Experience | <p>Level 2 or 3 as required by the Veteran's need and individual circumstances.</p> <p>Due to the nature of OJT placements, on-site follow-up with the employer is required at the time the OJT is established and at least one time during the course of the training program.</p> |
| Farm Cooperative | <p>Level 2</p> <p>One of every three case management appointments with the Veteran must be made at the school, with at least one of the other two being made at the farm training site.</p> |
| Homebound/ Independent Instructor | <p>Level 2 or 3 as required by the Veteran's need and individual circumstances.</p> <p>The independent instructor must be present at one of every three case management meetings.</p> |

| PROGRAM TYPE | LEVEL AND FREQUENCY OF CASE MANAGEMENT APPOINTMENTS |
|--|---|
| Employment | <p>Level 3 with allowance for monthly contacts in place of face-to-face visits if no special needs or barriers are identified. Contacts may be made by Disabled Veterans Outreach Program (DVOP) Specialists or by Local Veteran Employment Representatives (LVERs).</p> <p>Services must be tailored to the Veteran's needs and must be actively provided to assist the Veteran in obtaining and maintaining employment.</p> <p>After obtaining employment:</p> <ul style="list-style-type: none"> • Contacts may be made by DVOP/LVER • Face-to-face is not needed if no special needs or barriers are identified • Telephone and email contacts that demonstrate active assistance in accordance with the Veteran's needs are allowed |
| Self-Employment | Level 2 or 3 as required by the Veteran's needs and individual circumstances. |
| <p>Special rehabilitation programs, including:</p> <ul style="list-style-type: none"> • Special Rehabilitation Facilities • IL • Rehabilitation Workshops • Chapter 35 | <p>Level 3 with allowance for monthly contacts in place of face-to-face visits for periods of up to three months while waiting for cost approvals, coordination of construction or other administrative delays in active service provision.</p> <p>Case management meetings should be conducted at Veteran's home or a location most convenient in accordance with type of program.</p> <p>Supplemental contacts between required visits may be by telephone if most convenient for the Veteran.</p> |
| <p>Other, including:</p> <ul style="list-style-type: none"> • Extended Evaluation • Chapter 18 • Independent Study | Level 2 or 3 as required by the Veteran's need and individual circumstances. |

2.04 Course and Program Length

Full and part-time training for Veterans in the Chapter 31 program is measured under 38 CFR 21.310 (also see 38 CFR 21.4270 through 21.4275); unless a physician determines that the Veteran's disabilities reduce his/her ability to pursue a program (see 38 CFR 21.312).

a. Less than Full-Time Participation

1. General

Veterans may pursue a course of vocational rehabilitation training in an educational or training facility on a three-quarter or half-time basis only after a careful consideration of all the facts and it is determined that rehabilitation will be better assured by less than full-time pursuit for all or part of the program. Family responsibilities, health, transportation difficulties, economic reasons, or other factors may contribute to the decision that part-time attendance is a reasonable method of accomplishing the vocational goal.

2. Pursuit at Less than Half-Time

A Veteran may pursue a rehabilitation program at an educational institution on a less than half-time basis under 38 CFR 21.314 if the pursuit is a part of the Veteran's plan. For example, a Veteran's plan may include pursuit of one course for the Veteran's first term of training because he/she is uncertain about leaving an unsuitable job to pursue training under Chapter 31. During this period, the Veteran will have an opportunity to explore his/her ability to successfully pursue training. At the end of the term, the Veteran must make a choice regarding continuation in the program at a half-time or greater rate.

In another instance, the Veteran's case manager may find that the Veteran is making a poor adjustment in training and reduction to a less than a half-time rate is in the Veteran's best interest for the remainder of the term.

If the Veteran's rate of pursuit is reduced below half-time, payment of subsistence for the term will be terminated under 38 CFR 21.324. No subsistence allowance award can be made for less-than-half-time training.

b. Non-Traditional Rehabilitation Programs

The rate of pursuit for the following education or training programs not furnished by a traditional educational institution (38 CFR 21.35(k)(3)) is as follows:

1. On-Job Training/Non-Paid Work Experience (NPWE)

Full-time training in an on-job program or NPWE is the lesser of the number of hours in the prevailing workweek for:

- (a) Journeyman employees in the same job categories at the establishment where training is being provided.
- (b) Other persons in on-job training for the same or similar occupations at the facility where the Veteran is training or at other facilities in the locality.

2. Farm Cooperative Training

If training in a farm cooperative program is provided by an individual instructor, the full-time rate of pursuit must meet the requirements of 38 CFR 21.126.

3. Independent Instructor Training

The full-time rate of pursuit for a Veteran in an independent instructor program must meet the requirements of 38 CFR 21.146.

4. Training in the Home

The full-time rate for a training program provided in the Veteran's home must meet the requirements of 38 CFR 21.146.

5. Vocational Course in a Rehabilitation Facility

A vocational course of training offered by a rehabilitation facility (38 CFR 21.35(k)(5)(6)), formally referred to as a sheltered workshop, will be measured under provisions of 38 CFR 21.4270(b) for trade or technical non-accredited courses, unless it is the established policy of the facility to measure the rate of pursuit for full-time or a particular level of part-time training based upon fewer clock hours of attendance than provided in that regulation.

6. Special School

If training is pursued in a special school, such as those for persons with visual or hearing disabilities, the rate of pursuit will be measured under 38 CFR 21.4270 through 21.4275, unless it is the established policy of the school to measure the rate of pursuit for full-time or particular level or part-time training based upon fewer semester, credit, or clock hours of attendance than prescribed in these regulations.

7. Independent Study

(a) Seriously Disabled Veterans

For certain seriously disabled Veterans, VA may measure the Veteran's enrollment:

- In an independent study course as half-time or greater training, or
- Both in independent study subjects and subjects requiring class attendance on the basis of the combined training load when the number of credit hours of independent study equals or exceeds the number of other credit hours.

(b) Qualifying Criteria

To qualify for this rate of pursuit:

- The seriously disabled Veteran must have a disability or circumstances which preclude regular attendance at an institution of higher learning, and
- Independent study must be a sound method for providing the training necessary for restoring the Veteran's employability.

In all other cases, VA will measure independent study according to the provisions of 38 CFR 21.4280.

8. Rehabilitative Services

Measurement of the rate of pursuit for Veterans in programs consisting primarily of services designed to evaluate and improve physical and psychological functioning will be assessed under this paragraph.

(a) The services assessed under this paragraph include:

- Evaluation and improvement of the rehabilitation potential of a Veteran for whom attainment of a vocational goal is reasonably feasible;
- Extended evaluation to determine whether attainment of a vocational goal is reasonably feasible; or
- A program of IL services to enable a Veteran to function more independently in his/her family and community when attainment of a vocational goal is not reasonably feasible.

(b) Measurement of the rate of pursuit for services and programs named in paragraph (a) of this section will be:

- As provided in paragraph (a) of this section for services furnished by educational institutions; or
- According to the non-educational facility's customary criteria for full-time and part-time pursuit.

(c) If the facility does not have established criteria for full-time and part-time pursuit, or services are being provided by more than one facility, the rate of pursuit will be assessed in the following manner:

| Rate of Pursuit | Clock Hours per Month |
|------------------------|--|
| Full-time | 120 or more |
| Three quarter-time (1) | 90-119 |
| Half-time (1) | 60-89 |
| Quarter-time (1) | 30-59 |
| Note: (1) | Pertains to Extended Evaluation and Independent Living |

c. Reduced Work Tolerance

1. General

VA will consider that a Veteran with reduced work tolerance is pursuing a rehabilitation program full-time when the amount of time the Veteran is devoting to his/her program is as great as the effects of his/her disability (service and non-service-connected) will permit. This information must be considered when evaluating a Veteran's work tolerance and must be communicated to the Veteran to help him/her set up an appropriate schedule of activity.

2. Determination of Reduced Work Tolerance

The VRC will refer each Veteran considered for reduced work tolerance to a VA medical center physician who will make the initial determination, as well as any later redeterminations of work tolerance (38 CFR 21.312). A non-VA physician may not make a reduced work tolerance determination. VAF 28-8861, Request for Medical Services-Chapter 31, is used to request the determination of reduced work tolerance. Reduced work tolerance is documented on VAF 28-1902i, Counseling Record Medical Information-Related Findings (see Appendix O, VA Forms).

Upon the determination of reduced work tolerance, the VRC must discuss the determination and its impact on the rehabilitation plan with the Veteran. This communication should be done in person or via telephone, with a follow-up letter to the Veteran to ensure a complete understanding if the VRC determines this additional step would be helpful. The VRC must convey the following information to the Veteran:

- The amount of time the Veteran will be expected to train, travel, prepare and practice for training to be considered full time, and
- An explanation that the subsistence allowance is payable at the full-time rate as long as the Veteran participates at the rate identified by the VA physician. Participation at a lower rate requires a redetermination of reduced work tolerance by a VA physician. For example, the VA physician determines the Veteran can participate in six credit hours per semester, which includes the amount of time to travel, prepare and practice for training. If the Veteran registers for six credit hours, then subsistence allowance is payable at the full-time rate. However, if the Veteran pursues any rate less than six credit hours, subsistence allowance is not payable, and a redetermination of reduced work tolerance must be completed, and
- An explanation that other activities, such as employment, are prohibited as a result of the determination of reduced work tolerance because it would further reduce the Veteran's ability to participate in training.

The VRC must document this communication in either a CWINRS case note or by filing a copy of the letter sent to the Veteran, which explains the determination of reduced work tolerance, on the right side of the Counseling/Evaluation/Rehabilitation (CER) folder.

The reduced work tolerance approval is annotated on VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status, in item 22 by checking action number 8 and specifying "Reduced Work Tolerance", and in item 24 by citing 38 CFR 21.312.

3. Redetermination of Reduced Work Tolerance

The Veteran's work tolerance will be reevaluated by a VA physician whenever there is evidence of a change in work tolerance sufficient to warrant a modification in the rate of pursuit. Regardless of evidence of a change in work tolerance, each Veteran with a reduced work tolerance must be reevaluated at least yearly. The rate of pursuit required to meet

the standards of full-time pursuit will be modified if a VA physician determines that the Veteran's work tolerance has increased or decreased. The case manager must inform the Veteran of the physician's determination.

4. Other Activities Barred

A Veteran with reduced work tolerance may not engage in other activities, such as employment (to include work study), that would further reduce his/her ability to train.

5. Subsistence Allowance

A Veteran with a reduced work tolerance will be paid a subsistence allowance at the full-time rate for the type of program being pursued.

6. Disagreement with Determination

If the Veteran disagrees with a determination or redetermination of reduced work tolerance, he/she may appeal the decision (see 38 CFR 21.98 and M28R.III.C.3).

d. Employment and Rate of Pursuit

1. Satisfactory Program Progress is Essential

The major consideration in dealing with employment should be the Veteran's individual needs and circumstances and his/her continued satisfactory progress toward the rehabilitation goal as defined in the plan. To achieve the goal, it is possible that the rehabilitation plan may be developed or amended to have the Veteran pursue training at a part-time rate if the Veteran must work full-time.

2. Realistic Expectations

Ideally, the Veteran will not be employed while pursuing full-time training. Realistically, this is not always possible or practical. The Veteran may be employed full or part-time in a job at the time the plan is developed. The Veteran's financial circumstances may dictate that employment is necessary while participating in the rehabilitation plan. The Veteran's employment status and financial needs must be considered when determining rate of pursuit and anticipated program completion dates. When the Veteran enters the rehabilitation program, the case manager will emphasize that the Veteran must advise the VA promptly of any changes in employment status; i.e., an increase or decrease in employment hours or new employment.

2.05 Review of Training Records

Substantive case documentation of specific, observable behaviors is required to identify problems that impact the rehabilitation process. The observations and outcomes of these contacts will be fully documented on VAF 28-1905d or in a CWINRS case note. Any consequent change to the planned program will be entered in the Progress Notes sections of the VAF 28-8872, Rehabilitation Plan. These documents should express not only the professional observations of the case manager, but also the Veteran's perceptions of his/her progress toward the rehabilitation goal.

a. VAF 28-1905d, Special Report of Training

The results of case management appointments will be documented on VAF 28-1905d or in a CWINRS case note. Thus, the VAF 28-1905d details the chronological progress of services provided to the Veteran and should include the following:

- Progress in the specific elements of the plan.
- Evaluation of needed special services, such as reader service or tutoring, to assist the Veteran to overcome a problem in his/her program and the results of the steps taken to resolve the problem.
- All arrangements to initiate planned services or follow-up of Veterans in Interrupted or Discontinued case status, except for Veterans placed directly in Discontinued case status from Applicant case status.
- The outcomes of employment assistance and follow-up action.
- Findings after reviewing the plan, such as the need for an amendment or redevelopment, setting of a new annual review date, or a recommendation that no substantive changes are needed.
- Date of the next case management appointment and future planned actions.

b. Attendance and Progress Records

1. Regular Institutional Training Programs

Each facility approved to provide training or other rehabilitation services must, as part of its approval, agree to cooperate with the VA and to provide in a manner prescribed by the VA accurate and timely information concerning the Veteran's attendance, performance and progress (38 CFR

21.294(a)(4)). The VRC will arrange with the training facility for timely submission of information on the Veteran's attendance and progress in training that is needed to determine that training is proceeding in accordance with the plan. Securing this information is part of the collaborative relationship between VA and the training facility.

2. Training in Other Programs

Unless information equivalent to that provided for Veterans in regular institutional programs is available, VAF 28-1905c, Monthly Report of Training and Wages (see Appendix O, VA Forms), will be used to record attendance and progress for on-job programs and NPWE, homebound, independent instructor, special rehabilitation programs and schools where courses are conducted almost wholly on a job operations basis. Information on VAF 28-1905c will be used to determine whether overall progress in completing the program is within the established program scope and duration.

c. VAF 28-1905c, Monthly Report of Training and Wages

At the end of each training month, the trainee and the trainer will enter on VAF 28-1905c the total hours the trainee devoted to major instructional and work activities. The trainer will certify the Veteran's progress and the rate of pay in on-job training cases and then forward the completed form to the case manager.

1. VAF 28-1905c Not Used Under Certain Circumstances

When equivalent information is available from the training facility, VAF 28-1905c will not be used. For information to be equivalent, it must enable the VA to adequately document the trainee's progress. For on-job training, equivalent information is generally available in well-established apprenticeship programs and structured training programs conducted by large companies. The content of these programs is well known and can be relied upon for consistent presentation of knowledge and skills needed in a trade or craft. For these programs, VAF 28-1917, Monthly Statement of Wages Paid to Trainee, is used in lieu of VAF 28-1905c.

2. Processing Training and Wage Reports

The case manager will review VAF 28-1905c and VAF 28-1917 for completeness and adherence to the training agreement. If the form is in order, it will be filed on the left side of the CER folder. If it is not in order, the trainer and the trainee will be contacted and necessary adjustments made.

(a) Control for Monthly Review of Wages

A monthly control for review of the wage statement will be prepared by the Vocational Rehabilitation and Employment (VR&E) Division. When a change in the established wage schedule warrants a change in the amount of subsistence allowance payable, the case manager will prepare a VAF 28-1905 to justify the amendment of the subsistence allowance award. The original will be sent to the Authorization activity and a copy will be filed on the left side of the CER folder.

(b) Delinquent Wage Statement

If either VAF 28-1905c or VAF 28-1917 for a given month is not received by the 10th day of the following month, the case manager will contact the trainer and the trainee to obtain the form in sufficient time to avoid suspension of subsistence allowance. If the case manager does not obtain the form, he/she will notify the trainee in writing that he/she is delinquent with the wage statement. If the delinquent wage statement has not been received within 10 days of the notification to the Veteran and the trainer, the VRC will prepare a VAF 28-1905, requesting suspension of subsistence allowance and forward it to the Authorization activity. The effective date of suspension will be the date last paid.

The case manager will send the Veteran a letter notifying him/her of non-receipt of the training and wage report and suspension of his/her subsistence allowance. The original will be sent to the Veteran; a copy will be sent to the trainer; and a copy will be filed on the right side of the CER folder.

When a completed VAF 28-1917 or VAF 28-1905c is received, the case manager will use VAF 28-1905 to authorize the Authorization activity to resume, adjust, or terminate payments as appropriate. The Veteran will not receive notice of the action taken by the Authorization activity if the award is resumed without further adjustment.

If a training and wage report is not received within one month of the date of the letter, the Veteran's case will be placed in Interrupted status.

d. Additional Records of Progress

In addition to VAFs 28-1905c, 28-1917, and 28-1905d, the left side of the CER folder will contain any progress reports provided by the facility, such as grade reports or special progress reports for workshop trainees.

2.06 Adjusting the Rehabilitation Plan

a. Obtaining the Veteran's Cooperation

Successful development and implementation of the rehabilitation plan require the full and effective participation by the Veteran and the rehabilitation professionals assigned to assist the Veteran (38 CFR 21.362). This mandates that the Veteran be informed of all available services and the necessity of full participation. Using rehabilitation counseling skills, the case manager will help the Veteran develop an awareness of his/her progress toward the rehabilitation goal. The case manager will assist the Veteran to develop coping skills and needed adjustments to accomplish rehabilitation.

b. Interaction with the Veteran

The establishment of rapport between the Veteran and the case manager is a critical element in the success of any rehabilitation program. It is through this relationship that the rehabilitation process, including adjustments in the rehabilitation program, is facilitated. In the event that the rehabilitation plan needs adjustment, the VRC provides the following services:

1. Problem-Solving Counseling

The case manager will provide problem-solving counseling as needed.

2. Medical and Dental Treatment

The case manager will refer the Veteran to a VA Medical Center (VAMC) for medical or dental treatment or other services provided by the Veterans Health Administration (VHA) using VAF 28-8861 (see M28R.V.A.5).

3. Adjustment Counseling

The case manager will personally discuss the Veteran's adjustment or performance in the course with the trainer and the Veteran.

4. Change in Place of Training

The case manager may arrange for a change in the place of training if either the trainer or the Veteran is dissatisfied and the case manager cannot obtain a satisfactory agreement to continue the planned training.

5. Repetition of a Course

When a Veteran in a rehabilitation program needs to repeat a course because of failure or for another reason, repetition may be authorized if the Veteran meets the criteria in 38 CFR 21.132. A Veteran may repeat a

course for credit if the course is necessary for the Veteran to reach his/her educational goal. Review courses may be authorized. On the other hand, a Veteran in a Chapter 31 program may not under any circumstances audit a course for no credit.

6. Minor Plan Modifications

The case manager may modify the rate of pursuit, the frequency of case management appointments, and the schedule of plan review.

7. Use of the Vocational Rehabilitation Panel (VRP)

The case manager should use the resources of the VRP whenever a multidisciplinary approach would assist in reaching a decision concerning the Veteran's rehabilitation program. The case manager will request this assistance through a memorandum to the chairperson of the VRP. This memorandum will briefly state the situation and the issues that the VRP should consider. See M28R.II.A. 4 and M28R.IV.C.2 for additional information on the VRP.

c. Major Plan Modifications

The Veteran or the VRC may request a change in the plan at any time (38 U.S.C. 3107(b)).

A change in the Veteran's long-range goal may only be made following a reevaluation of the Veteran's rehabilitation program by the VRC. A change may be made when:

1. Achievement of the current goal(s) is no longer reasonably feasible, or
2. The Veteran's circumstances have changed or new information has been developed which makes rehabilitation more likely if a different long-range goal is established, and
3. The Veteran fully participates and concurs in the change.

A change in intermediate objectives or services provided under the plan may be made by the case manager when such change is necessary to carry out the statement of long-range goals. The case status will remain in Rehabilitated to the Point of Employment (RTE) status during the redevelopment evaluation of the plan. Do not move the case to Evaluation and Planning (EP) status during redevelopment.

d. Review of the Individual Written Rehabilitation Plan (IWRP)

The case manager and the Veteran will periodically review and evaluate the IWRP. A comprehensive review will be conducted at least once every 12 months (38 CFR 21.96) and will be annotated on the IWRP. Review may result in no change to the plan, an amendment, or redevelopment of the plan.

2.07 Unsatisfactory Conduct and Cooperation

When the case manager determines that the Veteran's conduct or cooperation does not conform to the standards in 38 CFR 21.362, the case manager will discuss the problems with the Veteran. The case manager will assist the Veteran to make the necessary adjustments to the rehabilitation program as necessary. For more information on Veteran's conduct and cooperation, see M28R.III.C.6.

CHAPTER 3 MONETARY ASSISTANCE

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 3. Veteran's Vocational Goal Changed After Interruption of Services
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Appendix AO. Chapter 31 Subsistence Allowance Rates

Appendix AP. Rate of Pay for NPWE

Appendix AW. Calculating Rate of Pay for P911SA

Appendix AX. Chapter 31 and Chapter 33 Benefits Comparison

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CHAPTER 3 MONETARY ASSISTANCE

3.01 Introduction

This chapter outlines the guidelines and determinations needed to process payments related to monetary assistance services for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

3.02 References and Resources

Laws: 38 United State Code (U.S.C.) 1114
 38 U.S.C. 3103
 38 U.S.C. 3104
 38 U.S.C. 3112
 Public Law 104-275
 Public Law 112-154

Regulations: 38 Code of Federal Regulations (CFR) 21.32
 38 CFR 21.79
 38 CFR 21.260
 38 CFR 21.262
 38 CFR 21.264
 38 CFR 21.266
 38 CFR 21.268
 38 CFR 21.274
 38 CFR 21.276
 38 CFR 21.282
 38 CFR 21.299
 38 CFR 21.320
 38 CFR 21.324
 38 CFR 21.328
 38 CFR 21.7050
 38 CFR 21.7130 through 21.7135
 VA Acquisition Regulation (VAAR) 831.70
 VAAR 871.1

Forms: Standard Form (SF) 1034, Public Voucher for Purchases and
 Services Other Than Personal
 VA Form (VAF) 119, Report of Contact
 VAF 4107, Your Rights to Appeal our Decision
 VAF 21-686c, Declaration of Status of Dependents
 VAF 28-0846, Employment Adjustment Allowance
 Authorization

VAF 28-1905, Authorization and Certification Entrance or
Reentrance into Rehabilitation and Certification of Status
VAF 28-1905c, Monthly Record of Training and Wages
VAF 28-1905d, Special Report of Training
VAF 28-1905m, Request for Supplies

3.03 General Information

Monetary assistance under Chapter 31 is provided to help a Veteran pursue his/her rehabilitation program. While the range of monetary assistance may not be sufficient in certain cases to cover all of a Veteran's expenses, these monetary services do provide a financial base, freeing him/her from having to commit large amounts of time to earn money for living expenses while in a rehabilitation program. The case manager must be aware of each Veteran's financial situation and must be able to utilize appropriate VA and non-VA financial resources to aid Veterans who need additional assistance. VA monetary assistance services include the following:

- Subsistence allowance
- Payment for Services, Supplies and Training
- Employment Adjustment Allowance (EAA)
- Work-study Program
- Revolving Fund Loan (RFL)

3.04 Subsistence Allowance

a. Policy

In accordance with 38 CFR 21.320, subsistence allowance may be authorized when an Individualized Written Rehabilitation Plan (IWRP) or other plan has been completed and other requirements for entrance or reentrance into a rehabilitation program have been met. A Veteran's case must be assigned to one of the following case statuses to be eligible for a subsistence allowance:

- Rehabilitation to the Point of Employability (RTE)
- Extended Evaluation (EE)
- Independent Living (IL)

b. Exceptions in Paying Subsistence Allowance

In accordance with 38 CFR 21.260 (d), a Veteran must not receive a subsistence allowance when VA is providing the Veteran with only the following services:

- Initial evaluation
- Placement and post-placement services
- Counseling

1. Concurrent Education Benefits

Before authorizing subsistence allowance, VR&E staff should check all other education chapters (e.g., CH 30, 32, 33, 1606) to ensure that the Veteran is not receiving benefits under another education program since a Veteran cannot receive benefits from more than one program at a time. (Refer to M28R.V.B.8 for guidelines on how to check for concurrent education benefits.)

2. Active Duty Servicemembers

Before authorizing subsistence allowance, it is also important to note the Date of Release from Active Duty (RAD is found in Corporate WINRS [CWINRS]) since active duty Servicemembers are not eligible to receive subsistence allowance. Veterans participating in the VR&E Program may receive subsistence allowance during drill weekends but not during the two-week active duty training period (National Guard and Reserve) since the Veteran also receives extra pay for meals and housing allowance during the two-week training.

c. Authorizing Subsistence Allowance

VAF 28-1905 (see Appendix O, VA Forms) must be used as authorization for services to a facility. The original completed VAF 28-1905 is sent to notify the facility that the Veteran is authorized to attend at VA expense. It also notifies the facility of the approved program of study for the Veteran. This form must not be sent unless the training program has been approved and the facility has been assigned a valid facility code. Refer to M28R.V.B.2 of for guidance and procedures on the approval of a program and the assignment of a facility code.

After receiving VAF 28-1905 for authorization, most facilities use VA Once to certify the Veteran's enrollment. VA-Once allows training facilities to

electronically certify attendance and includes number and type of hours, beginning and ending dates, and changes in enrollment. (Refer to M28R.V.B.8 for more information on VA Once.) VR&E staff must ensure that subsistence allowance payments are made on a timely basis, that the Veteran is eligible for payment during the period certified and that the Veteran receives the rate that he/she is entitled based upon rate of pursuit (refer to M28R.V.A.2 for more information of rate of pursuit). Procedures for processing subsistence allowance awards are outlined in M28R.V.B.8.

1. Preparation of VA Form (VAF) 28-1905

When authorizing and documenting enrollment of Veterans participating in a rehabilitation program, VR&E must:

- (a) Complete and sign VAF 28-1905 for authorization of training
- (b) File the signed VAF 28-1905 in the Counseling/Evaluation/Rehabilitation (CER) folder
- (c) Record authorization of training in CWINRS (electronic VAF 28-1905)

2. Requirement to File the Paper VAF 28-1905 in the CER Folder

Case managers must ensure that Parts A and B of VAF 28-1905 are completed, including the case manager's signature in box 11A. Completion of Parts A and B of VAF 28-1905 provides the essential VA authorization for the facility to provide requested services. A copy of VAF 28-1905 with Parts A and B completed and an authorized signature in box 11A should be filed on the left flap of the Veteran's CER folder

3. Recording Authorization in Corporate WINRS (CWINRS)

The Veteran's authorization for training, including the authorized timeframe, must be recorded in CWINRS (refer to the CWINRS User Guide, Chapter 6.14.5). The authorization for training must be completed in increments of one year or less. The completed electronic VAF 28-1905 can be found under the CWINRS finance tab.

4. Voucher Auditor Responsibilities

Voucher auditors should review the Veteran's CWINRS View Financial Data screen to verify the period of enrollment authorized, which supports payment of invoices. If the electronic 28-1905 authorization is not found in the CWINRS View Financial Data screen, the voucher auditor must contact the VR&E Officer to review the CER folder to determine if a signed paper copy of VAF 28-1905 is in the file. If a signed copy of the VAF 28-

1905 cannot be found, the unpaid invoice is to be returned to the VR&E Division to research the invoice and determine the appropriate next steps.

5. Rate of Payment

(a) Chapter 31 Subsistence Allowance Rate of Payment

In accordance with 38 CFR 21.260, a Veteran participating in the VR&E Program will receive a monthly subsistence allowance at the Chapter 31 subsistence allowance rate of payment, unless the Veteran elects to receive an alternate payment (Chapter 30 or Chapter 33). See Appendix AO, Chapter 31 Subsistence Allowance Rates for specific rates for the following types of training programs:

- Institution of Higher Learning (IHL)
- Farm Cooperative
- Apprenticeship
- Non-paid Work Experience (NPWE)
- On-job training (OJT)
- Training in the Home
- Independent Instructor
- Improvement of Rehabilitation Potential
- Distance Learning
- Cooperative Program
- Foreign Institutions Not Assigned a ZIP code

Payment will begin the month following the first month of training. It is important to note that this means that most Veterans will receive less than a full month's subsistence allowance for his/her first payment.

(b) Veteran Elects to Use Chapter 30 Rate of Payment

In accordance with 38 CFR 21.264, a Veteran who is participating in the VR&E Program may elect to use the Chapter 30 rate of payment, and other assistance furnished under Chapter 30, in lieu of a subsistence allowance, if the following criteria are met:

- The Veteran has remaining eligibility for, and entitlement to, educational assistance under Chapter 30
- The Veteran enrolls in a program of education or training approved for benefits under Chapter 30
- The program of education is part of an approved IWRP

When a Veteran elects payment of an allowance at the Chapter 30 rate, the effective dates for commencement, reduction and termination of the allowance must be in accordance with 38 CFR 21.7130 through 21.7135 and 38 CFR 21.7050 under Chapter 30. It is important to note that the election must be made in writing.

A Veteran participating in the VR&E Program who elects to use the Chapter 30 rate of payment must be provided the same training and rehabilitation services as other Veterans participating in the VR&E Program, but must not be provided the following:

- Subsistence allowance
- Loans from the revolving fund
- Payment of costs for vocational and other training services
- Payment of costs for supplies
- Payment of costs for tutorial assistance

(c) Veteran Elects to Receive Chapter 33 or Post 9/11 Subsistence Allowance (P911SA) Rate of Payment

In accordance with 38 CFR 21.264, a Veteran who is participating in the VR&E Program may elect to receive the P911SA rate of payment in lieu of Chapter 31 subsistence allowance under 38 CFR 21.264, if the Veteran has remaining eligibility and entitlement for educational assistance under the Chapter 33, Post-9/11 GI Bill. See Appendix AA, Rate of Pay for Post-9/11 Subsistence Allowance for specific rates and training programs.

(1) Eligibility

If the Veteran has previously applied for Chapter 33 benefits, eligibility information should be available in the Long-Term Solution (LTS). Two VR&E staff members in each RO have been assigned access to LTS. Eligibility information found in LTS is sufficient for

the purpose of determining eligibility for P911SA and can be found on the eligibility screen in LTS. This screen should be printed and filed on the left side of the Veteran's CER folder to document the following:

- Eligibility date
- Benefit level
- Delimiting date
- Entitlement (original, used and remaining)
- Date Last Paid

VR&E staff should note the eligibility date, and ensure that there is at least one day of entitlement remaining and that the delimiting date has not passed.

If the Veteran has not previously applied for Chapter 33 benefits, he/she must be advised that eligibility for the P911SA cannot be determined until the Regional Processing Office (RPO) processes his/her application. The Veteran should be notified that this process could take several weeks. To establish eligibility for the Post-9/11 GI Bill, a Veteran may take one of the following steps:

- Call 1-888-GI BILL-1 (1-888-442-4551)
- Obtain an application from the VA Certifying official at the training facility
- Apply online at <http://www.gibill.va.gov/apply-for-benefits/application/>

(2) Election

If Chapter 33 eligibility exists, provide enough information to the Veteran to enable an informed choice about the best use of available benefits. See Appendix AX, Chapter 31 and Chapter 33 Benefits Comparison for advice on comparing benefit options. If the Veteran decides to receive the P911SA, the election must be completed in writing. Use the template in Appendix AY, Election of P911SA in Lieu of Ch31 Subsistence Allowance to document the date the election is made and the date the Veteran wants the P911SA to begin.

d. Benefits Delivery Network (BDN)

BDN is used to process most subsistence allowance awards for Veterans participating in the VR&E Program. (Procedures for processing subsistence awards in BDN are outlined in M28R.V.B.8.) It is important to note that five pilot stations are beta-testing the new Subsistence Allowance Module (SAM) in C-WINRS for processing awards of subsistence allowance. SAM can be accessed in C-WINRS using the "awards tab" located at the bottom of any page of a Veteran's C-WINRS electronic record. It is anticipated that Field Stations will be required to process awards of subsistence allowance solely in C-WINRS.

1. Adding Veteran's Dependents

VR&E staff must ensure that the dependent(s) of a Veteran is/are appropriately added or removed by reviewing the dependency screen in BDN and CWINRS. Procedures for adding/removing dependent information in BDN are outlined in M28R.V.B.8. It is important to note that dependent information can be verified by accessing Share if a Veteran is rated at 30% or more and the information has already been provided to VA. If the information is not in Share (either because the Veteran is rated less than 30% or because VA never received this information), the Veteran must complete and submit VAF 21-686c (see Appendix O, VA Forms) with sufficient evidence to support the claim (e.g., birth certificate, marriage license, etc.). In accordance with 38 CFR 21.328, if both partners in a marriage are Veterans, and each is receiving subsistence allowance for a vocational rehabilitation program, each Veteran is entitled to receive the additional allowances payable for each other and for their children.

(a) Increases for Dependents

The Veteran's dependent(s) must be added in the same manner as the payment of subsistence allowance in a normal training period. A Veteran may have one or more dependents on or before the date he/she enters or reenters a rehabilitation program. To determine the effective date, the following rules apply:

(1) Date of Entrance or Reentrance

The effective date of the increase will be the date of entrance or reentrance (this means the first day of the Veterans enrollment in training found on the VA Once certification) if both of the following apply:

- VA receives the claim for the dependent increase within 1 year of the date of entrance or reentrance
- VA receives any necessary evidence within 1 year of the date VA requested the evidence and informed the Veteran of the time limits during which the evidence must be submitted (If VA fails to inform the Veteran of these time limits, the period of submission of the evidence is adjusted in accordance with 38 CFR 21.32)

(2) Date VA Receives Notice of the Dependent's Existence

The effective date of the increase will be the date VA receives notice of the dependent's existence if both of the following apply:

- VA receives the claim for the increase more than 1 year after the date of entrance or reentrance
- VA receives any necessary evidence within 1 year of the date VA requested the evidence and informed the Veteran of the time limits that the evidence must be submitted (If VA fails to inform the Veteran of these time limits, the period of submission of the evidence is adjusted in accordance with 38 CFR 21.32)

(3) Date VA Receives All Necessary Evidence

The effective date of the increase will be the date VA receives all necessary evidence if that evidence is received more than 1 year from the date VA requested the evidence and informed the Veteran of the time limits that the evidence must be submitted (If VA fails to inform the Veteran of these time limits, the period for submission of the evidence is adjusted in accordance with 38 CFR 21.32)

(b) Dependency Arises After Entrance or Reentrance into a Rehabilitation Program

If the Veteran acquires a dependent after he/she enters or reenters a rehabilitation program, the increase will be effective on the latest of the following dates:

- (1) Date of the Veteran's marriage, birth of his/her child or his/her adoption of a child, if the evidence of the event is received within 1 year from the date of the event

- (2) Date notice is received of the dependent's existence if evidence is received within 1 year from the date VA requested the evidence and informed the Veteran of the time limits during which this evidence must be submitted (If VA fails to inform the Veteran of these time limits, the period for submission of the evidence is adjusted in accordance with 38 CFR 21.32)
- (3) Date VA receives evidence of the dependent's existence if this date is more than 1 year after VA requested this evidence and informed the Veteran of the time limits during which this evidence must be submitted (If VA fails to inform the Veteran of these time limits, the period for submission of the evidence is adjusted in accordance with 38 CFR 21.32)

2. Adjusting the Veteran's Award Due to the Loss of a Dependent(s)

In most situations, VA uses the end-of-month rule when adjusting a Veteran's award to reflect loss of a dependent. Under this rule, VA continues to pay the Veteran for the dependent through the end of the month in which the event that resulted in the loss took place. This means that the effective date of the reduced rate is the first day of the month following the date of loss.

(a) Loss of a Spouse

The end-of-month rule applies to loss of a spouse due to one of the following reasons:

- Divorce
- Annulment
- Death

(b) Loss of a Child

The end-of-month rule also applies to loss of a child due to one of the following reasons:

- Marriage
- Death
- Discontinuance of school attendance

(c) Age of a Child

VR&E staff should be aware that the end-of-month rule does not apply when a Veteran's child turns 18 or 23 years old. In order to be considered a child for VA purposes the individual must be under age 18 or be between the ages of 18 and 23, pursuing a course of instruction at an approved educational institution and is one of the following:

- A legitimate child
- A legally adopted child, or
- A stepchild who is a member of the Veteran's household

In either of these instances, the effective date of the reduced rate is the day before either the child's 18th or 23rd birthday.

e. Changes in Subsistence Allowance

In some situations, the case manager will need to make changes to an award during a Veteran's rehabilitation program. Example: if an award for subsistence allowance has been processed at the full-time rate and the Veteran informs the case manager that he/she has reduced to the half-time rate, the case manager should ensure that the Veteran has notified the VA Certifying Official at his/her training facility so that a new certification can be generated in a timely manner.

Once the new certification is received, the case manager must make changes to the existing award as soon as possible to avoid an overpayment. 38 CFR 21.324(i) indicates the effective date is the last date of the month that the reduction occurred assuming mitigating circumstances exist (refer to M28R.V.B.8 for more information on mitigating circumstances).

It is important to note that case managers do not need to prepare a subsistence allowance award for a change in training hours that does not cause a change in rate of pursuit. Example: if the Veteran reduces training from 18 to 15 semester hours, both 18 and 15 semester hours are considered full-time training. The case manager's original authorization for payment of tuition, fees, books and supplies should continue to be valid. Refer to M28R.V.B.8 guidance on withdrawals.

f. Payment of Subsistence Allowance under Special Conditions

1. Hospitalized Veteran

When a Veteran is receiving compensation at the temporary 100% rate

while hospitalized at VA expense, the total amount of subsistence allowance plus the amount of temporary compensation must not exceed the greater of one of the following:

- The amount of monthly subsistence or other allowance that the Veteran would otherwise be paid plus the amount of monthly compensation that would be paid to the Veteran if he/she were not receiving compensation at the temporary rate (see 38 U.S.C. 1114 for current disability rates); or
- The amount of monthly compensation payable under 38 U.S.C. 1114(j) of this title (\$2,393 in 2013)

A Veteran pursuing a rehabilitation program while in post-hospital convalescence must be paid his/her regular rate of subsistence allowance.

Example: A Veteran with no dependents who is attending training at the full-time rate (\$585.11) and usually receives compensation at the 80% rate (\$1,277), totaling \$1862.11, would not be eligible to receive subsistence allowance since the subsistence allowance combined with the temporary 100% rate (\$2,393) equals \$2,978.11 which is greater than \$1882.11. Therefore, the Veteran should receive only the temporary 100% rate and no subsistence allowance. It is important to note that the effective date of the termination is the date before the beginning date of the increased disability compensation award, which results in a reduced subsistence allowance (38 CFR 21.324).

Example: A Veteran who is attending training at the full-time P911SA rate in Washington, DC (\$2193) and usually receives compensation at the 80% rate (\$1,277) totaling \$3,470, would receive a reduced subsistence allowance since the subsistence allowance combined with the temporary 100% rate (\$2,393) equals \$4586 which is greater than \$3470. The subsistence allowance would be reduced to the difference between the temporary 100% rate (\$2393) and the total amount of subsistence and regular compensation (\$3470), which equals \$1,077. This means that the Veteran's subsistence allowance will be reduced from \$2193 to \$1,077 while hospitalized and receiving the temporary 100% rate. It is important to note that the effective date of the termination is the date before the beginning date of the increased disability compensation award (38 CFR 21.324).

Example: A Veteran who is attending training at the full-time Chapter 30 rate (\$1,564) and usually receives compensation at the 20% rate (\$218), totaling \$1782, would receive no monthly Chapter 30 allowance since the allowance combined with the temporary 100% rate (\$2,393) equals \$3957

which is greater than \$1782. The Veteran would receive only the temporary 100% rate. It is important to note that the effective date of the termination is the date before the beginning date of the increased disability compensation award (38 CFR 21.324).

2. Specialized Rehabilitation Facility

A Veteran in a specialized rehabilitation facility will be paid the regular rate of subsistence allowance at the institutional rate. VA may pay the cost of room and board in lieu of subsistence allowance when each of the following applies:

- The specialized rehabilitation facility requires that similarly circumstanced persons pay the same charges for room and board
- The case manager finds, and the Veteran agrees, that it is to his/her advantage for VA to pay the cost of room and board

It is important to note that the Veteran is still eligible for only the amount of subsistence allowance payable for his/her dependents even when VA pays the cost of room and board.

3. Extended Evaluation and Independent Living Program

A Veteran in a program of extended evaluation or an Independent Living (IL) program may be paid subsistence allowance for full, three-quarter, or half-time participation at the rate specified for institutional training in accordance with 38 CFR 21.260. It is important to note that per 38 CFR 21.260, subsistence allowance is not payable when pursuing a plan at less than half-time unless a determination of reduced work tolerance has been made or unless one-quarter time is allowable under an Individualized Extended Evaluation Plan (IEEP). If an extended evaluation or IL program is pursued on a less than a quarter-time basis, VA will only pay established charges for services provided. The procedures for processing an original or amended award found in M28R.V.B.8 should be followed when processing subsistence allowance for Veterans participating in an extended evaluation or IL program.

4. On-the-Job Training (OJT)

OJT provides eligible Veterans with the opportunity to obtain training and practical job experience concurrently. Veterans who are entitled to training under the VR&E Program are eligible to participate in the OJT program when determined appropriate by a case manager. A Veteran can be paid a monthly subsistence rate of the difference between the

journeyman wage and the training wage, not including overtime, but not more than the Chapter 31 Subsistence Allowance rate allowed (refer to Appendix AO, Chapter 31 Subsistence Allowance Rate of Pay). It is important to note that subsistence allowance is paid to Veterans participating in the OJT program at the full-time rate only. A standard full-time workweek is 40 hours unless the employing agency defines full-time as less than 40 hours for all employees in the particular position approved for OJT. Refer to M28R.V.B.8 for more guidance on processing subsistence allowance for Veterans participating in the OJT Program.

(a) Wage Schedule

The Veteran's employer must document the wage schedule to be paid to the Veteran while in the program and must specify the journeyman wage for the job. This information must be provided by the employer on company letterhead, and must be signed by the employer. The Veteran's wages should gradually increase as he/she completes the OJT program. If there is a change in either the journeyman or the training wage, the subsistence award should be adjusted accordingly. An example wage schedule is demonstrated as follows:

- Journeyman salary = \$2000/month
- Duration of OJT = 12 months
- Wages for first 4 months = \$1200/month
- Wages next 4 months = \$1500/month
- Wages last 4 months = \$1800/month
- Wages at end of program = \$2000/month

Employers must complete and submit VAF 28-1905c (See Appendix O, VA Forms) each month to the case manager for review. This form documents attendance, progress and the change in wage status so that the subsistence award amounts can be adjusted as the Veteran gains proficiency and moves toward journeyman wages. The original form should be submitted to VA no later than the 10th day after the end of each month.

(b) Determining OJT Monthly Subsistence Allowance

The following example explains how to determine an OJT Monthly Subsistence Allowance:

(1) Determine Current Training Wage

- The Veteran's current training wage earned is \$1200/month (see example Wage Schedule wages for first 4 months)

(2) Determine the Monthly Journeyman Salary

- The monthly journeyman salary is \$2000/month (see example Wage Schedule for journeyman salary)

(3) Determine the Difference Between the Two Amounts

The following explains how the difference in these amounts is the amount of subsistence allowance the Veteran will receive each month:

- In this example, take \$2000.00 and subtract \$1200.00 and the subsistence equals \$800.00
- It is important to note that the subsistence allowance can never exceed the amounts specified in Appendix AO, Chapter 31 Subsistence Allowance Rate of Pay (e.g. a Veteran without dependents cannot receive more than \$511.58 per month in subsistence even if the difference between the current training wage and the journeyman wage is \$800.00)

(c) P911SA

For a Veteran who is participating in the OJT program and has elected the P911SA rate of payment, process the award based on the wage schedule. A payment of the P911SA must not exceed the difference between the monthly training wage, not including overtime, and the journeyman wage for the Veteran's objective. Calculate the difference between the journeyman and training wage for each period. For each payment period, enter the lesser of either the full-time rate (refer to Appendix AW, Calculating Rate of Pay for P911SA) or the difference between the journeyman and training wage. Example: a Veteran who is attending training at the full-time P911SA rate in Washington, DC (\$2193) cannot receive more than the difference between the current training wage and the journeyman wage (\$800.00) based on the example from the previous page.

5. Non-Paid Work Experience (NPWE)

In accordance with 38 CFR 21.266(c), a Veteran participating in a NPWE must receive subsistence allowance at the institutional rate (refer to

Appendix AO, Chapter 31 Subsistence Allowance Rate of Pay). Full-time NPWE is defined as an unpaid work experience that meets the criteria in CFR 21.299 and the definition of full-time at the employing organization. A standard full-time workweek is 40 hours unless the employing agency defines full-time as less than 40 hours for all employees in the particular position approved for the NPWE. In that instance, full-time will be the number of hours specified by the employer for that position. It is important to note that NPWE may be pursued on a less than full-time basis (38 CFR 21.79(f) (3) (ii)). This means that if the Veteran is participating in NPWE on a less than full-time basis, a payment of subsistence allowance is based upon a proportionate amount of a work week. Example: if the standard work week is 40 hours, three-quarter time is at least 30 hours, but less than 40 hours; and half-time is at least 20 hours, but less than 30 hours.

Employers must complete and submit VAF 28-1905c (See Appendix O, VA Forms) each month to the case manager for review. This form documents attendance and progress. The original form should be submitted to VA no later than the 10th day after the end of each month.

(a) Combining NPWE With Other Training

Subsistence allowance for both NPWE and NPWE combination training must be paid at the institutional rate when total training time is at least half-time. If the employer's standard full-time work schedule is less than 40 hours, the number of hours the employer considers full-time will be used to calculate the training time of the NPWE or NPWE portion of the combination training (full-time, three-quarter time, half-time and one-quarter time). NPWE that is quarter-time may be used to calculate subsistence allowance for NPWE combination training, but not for training that is solely NPWE.

When P911SA has been elected, the zip code of either the NPWE agency or the training facility may be used to ensure that the greater benefit is provided to the Veteran. VR&E staff should carefully consider a Veteran's circumstances and rehabilitation needs before approving NPWE combination training that amounts to more than full-time. Refer to Appendix AP, Rate of Pay for NPWE for more guidance.

(b) Duration of NPWE

NPWE or NPWE combination training may be authorized for a period of 2 to 6 months by the case manager. An extension of up to 1 year may be authorized with the concurrence of the VR&E Officer. The VR&E Officer may extend a period of NPWE or NPWE combination training

beyond 1 year if individual circumstances indicate that the extension is necessary to achieve rehabilitation. Justification of an extension for up to an additional 6 months (for a total period of NPWE not to exceed 18 months) must summarize the results of the first year of experience (including benefits and concerns) and specify how the additional period is needed to achieve rehabilitation. The VR&E case manager must document the justification on VAF 28-1905d (see Appendix O, VA Forms) and file in the center portion of the Veteran's CER folder, or in a CWINRS note.

g. Leave of Absence

VA may approve a leave of absence under certain conditions. A leave of absence may be approved when a Veteran is not attending any of the following:

- Training, as defined by the educational institution, rehabilitation center or sheltered workshop
- Work, as defined by the rules of the training establishment; or participating in a scheduled period of individual instruction

During an approved leave of absence, a Veteran in receipt of subsistence allowance must be considered to be pursuing a rehabilitation program. Further guidance on approving a leave of absence is outlined in M28R.V.A.6.

h. Incarcerated Veterans

In accordance with 38 CFR 21.276, an incarcerated Veteran is any Veteran incarcerated in a Federal, State, or local prison for a felony. It does not include a Veteran who is participating in the VR&E Program while living in a halfway house or participating in a work-release program. A subsistence allowance must not be paid to an incarcerated Veteran convicted of a felony, but VA may pay all or part of the Veteran's tuition and fees. Refer to M28R.V.D.3 of this part for more information on incarcerated Veterans.

3.05 Payment for Services, Supplies and Training

Costs of services provided to Veterans through a rehabilitation program will be paid by VA under 38 CFR 21.262(b) and the provisions of applicable VA Acquisition Regulation (VAAR), especially VAAR 831.70 and 871.1. Specific guidance on supplies and equipment is discussed in M28R.V.A.4. Refer to M28R.V.A.5 for specific guidance on medical treatment and services. Procedures for authorizing and processing payment for services from training facilities are discussed in M28R.V.B.7.

a. Direct Reimbursement

Direct reimbursement is appropriate when a facility bookstore does not carry required supplies or a vendor does not accept the government purchase card. Reimbursement to a Veteran for the purchase of supplies or services should be the last available option and should not be utilized unless there is no other way to obtain the supplies in a timely manner. A Veteran who is attending a facility that does not have a bookstore on campus or who is participating in an online training program should be given VAF 28-1905 to authorize payment for books and supplies at a local facility bookstore that has been approved and has a valid facility code before considering direct reimbursement. (Refer to M28R.IV.C.2 for specific guidelines on how to reimburse items related to retroactive induction.)

1. Prior Approval

The VR&E case manager must determine that the Veteran needs the requested item to achieve a rehabilitation goal and must authorize the item before the Veteran can obtain it. To ensure timely delivery of the supplies, the VR&E case manager should receive all requests for reimbursement within the first two weeks of a course or term. Requests for reimbursement must be received in writing from the Veteran (an email from the Veteran meets this requirement). VA must not reimburse a Veteran who buys supplies without prior VA authorization unless the case manager determines that the Veteran was acting in good faith to obtain the required supplies or the Veteran is participating in an approved retroactive induction plan of services. The case manager must discuss the reasons that the Veteran made the purchase without prior approval, document the discussion and the final determination on VAF 28-1905d (see Appendix O, VA Forms), and file in the center portion of the Veteran's CER folder, or in a CWINRS note.

It is important to note that if reimbursed expenses are for incidental goods and services (not required program costs), the Veteran's expenses cannot exceed \$1,250 per year without the signature of the VR&E Officer. Refer to M28R.V.A.1 for more guidance on providing incidental goods and services.

2. Required Supplies

In accordance with VAAR 831.70, VA may provide reimbursement for the supplies (including books, equipment, or other supplies) that all students taking the same course or courses are required to own. VA may also provide reimbursement for items that the facility does not specifically require for pursuit of the course, but that VA determines are needed. In

no instance will VA provide reimbursement for supplies in a greater variety, quality, or amount than required of non-Veteran students. An item is not considered to be required if it is just requested, desirable to have, or necessary for a future profession or job but not required by the facility for all students in the course. The determination that the Veteran needs the supplies must be documented by the case manager on VAF 28-1905d and filed in the center portion of the Veteran's CER folder, or documented in a CWINRS note. It is important to note that partial payment agreements (VA sharing payment with the Veteran) are prohibited in accordance with VAAR 831.70. Refer to M28R.V.A.4 for further guidance on determining if supplies and equipment are required.

(a) Self-employment

If the Veteran incurred costs for training or other rehabilitation services related to training, and the case manager determines that the training and/or other rehabilitation services related to training were reasonably needed to achieve the goals of the self-employment plan, then those costs can be reimbursed per 38 CFR 21.282(c). The provision of service is based on category assignment. (Refer to M28R.IV.C.2 for specific guidelines on how to reimburse items related to retroactive induction.)

3. Required Documentation

A Veteran must submit the following documentation in order to be eligible to receive a direct reimbursement:

- A written request for the reimbursement prior to making the purchase, if applicable
- A written justification for the purchase
- An itemized receipt with proof of purchase, or an itemized list of items with bank or credit card statements to substantiate cost and proof of purchase
- A course syllabus documenting need, if applicable

Justification of the need for supplies or equipment purchased outside a training facility must be included in, or attached to, VAF 28-1905m. The VR&E case manager is responsible for ensuring that appropriate justification is received from the Veteran, the training facility or other service provider. The VR&E Officer must ensure that procedures for the purchase of supplies and equipment are properly implemented (refer to M28R.V.A.4).

(a) VAF 28-1905m

VAF 28-1905m (see Appendix O, VA Forms) must be completed when supplies and equipment are procured outside of a training facility. (Refer to M28R.V.B.5 for guidance on completing VAF 28-1905m.) The Veteran must sign and date VAF 28-1905m to verify receipt of the item(s) purchased before processing the reimbursement. VAF 28-1905m must be filed, along with copies of the receipts and proof of purchase, on the left side of the Veteran's CER folder. It should be noted that bank and credit card statements can be used as proof of purchase if it is not clearly annotated on the receipt.

b. Processing a Direct Reimbursement

To process a direct reimbursement, VR&E staff must enter reimbursement information correctly in CWINRS to reflect dates, Veteran information and invoice information. Refer to the CWINRS User Guide, Chapter 7.5.2 for instructions on entering direct reimbursement information in the Add/Edit/View Direct Reimbursement Payment screen.

SF 1034 (see Appendix O, VA Forms) must be used to document the purchase of supplies. This form can be found in the CWINRS Forms/Letters screen. This screen is accessed as either a list of Letters or Forms depending on which button was selected from the View Folders screen. A copy of the SF 1034 must be filed on left side of the Veteran's CER folder. The original SF 1034 must be sent to the Finance activity, along with the original receipts, if available. The Finance activity can then process the payment directly to the Veteran through the Financial Management System (FMS). Finance uses the Veteran's Claim Number or Social Security Number (SSN) to access direct reimbursements and adds the code of WINVET to indicate to the Treasury that the payment is not taxable and should not be added to personal income. The method used to submit forms to the Finance activity may vary according to local policies.

3.06 Employment Adjustment Allowance (EAA)

Public Law 104-275 restricts the authorization and payment of the employment adjustment allowance (EAA). VA may pay the EAA only while an otherwise eligible Veteran satisfactorily follows a program of VA-approved employment services under 38 U.S.C. 3104(a) (5). Since this program of employment services is subject to the 12-year eligibility period, or any extension of this period allowed under 38 U.S.C. 3103(b), (c), or (d), the EAA may only be paid for authorized periods within the eligibility period. A case manager may not authorize an EAA solely because the Veteran has achieved rehabilitation to the point of employability.

a. Policy

A case manager may only authorize EAA payment for a Veteran who has satisfactorily followed a program of VA approved employment services under 38 U.S.C. 3104(a) (5). This means that a Veteran's case must have progressed through Rehabilitation to the Point of Employability status to Job Ready status following the provision of services under an IWRP. There must be a documented declaration of job-readiness by the case manager in the CER folder at the time the Veteran's case is placed in Job Ready status. An Individualized Employment Assistance Plan (IEAP) must have been developed either as part of the IWRP or prior to assignment to Job Ready status. The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before a payment of EAA may be authorized.

b. Criteria for EAA Payment

Prior to the authorization of EAA, the case manager must make a determination if the Veteran meets the following criteria:

1. Completion of IWRP Objectives

The Veteran has completed the objectives outlined in his/her IWRP. However, the Veteran may meet this condition even if he/she has not completed all the services prescribed in his/her IWRP. The case manager will consider the period of rehabilitation to the point of employability to be completed if, on or before the Veteran's eligibility termination date (ETD), the Veteran leaves his/her program without completing all planned services under one of the following conditions:

- (a) The Veteran has completed a sufficient portion of the services prescribed in his/her IWRP to establish clearly that he/she is generally employable as a trained worker in the occupational objective established in the IWRP.
- (b) The Veteran accepts employment in the occupational objective established in his/her IWRP with wages and other benefits commensurate with wages and benefits received by trained workers in that objective.

2. Declaration as Job Ready

The Veteran has been declared job ready and the case manager has determined that there are no impediments in the Veteran's ability to conduct employment search activities, or to maintain suitable employment.

The case manager conducts the assessment and ensures the following information are obtained and completed:

- Official transcript of records or certificate/diploma
- Completed resume for Veterans seeking employment
- Developed and signed IEAP
- Completed license or certification, if applicable

An unofficial transcript of records may be used for the determination; however, the case manager must follow up in obtaining the official records, if possible.

Additionally, the case manager must ensure that Veteran's declaration of job readiness is clearly explained and documented on VAF 28-1905d or CWINRS Notes. The documentation, together with items cited in Paragraph (a) of this section, must be placed on the middle flap of the CER folder.

3. Development of the IEAP

An Individualized Employment Assistance Plan (IEAP) has been developed and signed by the case manager and the Veteran. An employment objective may be developed as part of the original IWRP; however, the case manager must ensure that the employment plan and the period of services are current or updated. Additionally, requirements for authorization and payment of EAA must be specified on the IEAP.

An IEAP must clearly outline the services being provided to the Veteran. The employment services may be provided through the following:

- (a) Placement Service that includes assistance in Veteran's employment search.
- (b) Post-placement Service that includes assistance in Veteran's ability to maintain employment.

4. Eligibility Termination Date (ETD) Has Expired and/or Entitlement Has Been Exhausted

Unless the Veteran has been determined to have a serious employment handicap (SEH), the Veteran must be within his/her 12-year period of eligibility to receive EAA. The case manager must make an SEH redetermination if a Veteran's ETD will expire before completion of his/her

vocational rehabilitation program. This determination must be clearly explained and documented on VAF 28-1902n, Counseling Record – Narrative Report (Supplemental Sheet).

For a Veteran with no SEH, if the ETD expires before a full 30-day period, the EAA is prorated and the Veteran is paid only for the days within the eligibility period. For example, a Veteran submits documentation that he/she has successfully followed her program of employment services from June 2, 2007 through to July 1, 2007; however, the eligibility period expires June 18, 2007. This Veteran will be paid only for the number of days within his/her eligibility period, or 17 days in this case.

A Veteran who has exhausted all of his/her entitlement to Chapter 31 and is entitled to EAA payment will be paid in the same manner as the regular out-of-system EAA payment. Employment services may be provided during a Veteran's period of eligibility even though he/has no remaining entitlement.

5. Satisfactory Participation in Employment Services

The case manager is responsible for making the determination that a Veteran has been successfully participating in a program of employment services for at least 30 days before authorizing an EAA payment.

The case manager may use information obtained from the Veteran directly, a Disabled Veterans' Outreach Program (DVOP) representative, a Local Veterans' Employment Representative (LVER), a VA contractor, or an employer.

The case manager must provide details and document that the Veteran has satisfactorily participated and followed the planned employment services for no less than 30 days. This means that the Veteran has fulfilled the requirements of the IEAP for the period being considered for payment.

In addition, the case manager must clearly explain and document that the Veteran is following the objectives of the IEAP such as satisfactorily conducting employment search, or adequately adjusting in his/her employment for a period of 30 days. The narrative must be documented on VAF 28-1905d or CWINRS Notes, and must include the following information:

- Date of contact with Veteran
- Method of contact (face-to-face, telephone, email, etc.)

- Information regarding Veteran's progress in his/her job search or current employment.

This narrative, as well as all supporting documentations, such as the Veteran's job search logs, must be filed on the middle flap of the Veteran's CER.

c. Authorizing EAA

1. Criteria for Authorization

The case manager may authorize EAA payment only after the Veteran has been declared job ready, CWINRS and BDN are updated with the change to Job Ready status, and there is documented contact verifying Veteran's satisfactory participation in employment services for no less than 30 days.

The case manager must not authorize EAA payment in advance, or prior to the end of the 30-day period.

The case manager must authorize payment for EAA in two separate 30-day periods. Generally, these are consecutive payments. However, under certain circumstances, the Veteran may not meet the requirements for the second payment immediately following the first one.

2. VAF 28-0846, Employment Adjustment Allowance Authorization

The EAA authorization form, VAF 28-0846 (see Appendix O, VA Forms), will be used whether payment is authorized in BDN or out-of-system. (See M28R.V.B.10 for appropriate completion of this form.)

3. Rate of Payment

(a) Regular EAA Payment

EAA must be paid at the Chapter 31 full-time rate of subsistence allowance for the Veteran's type of training that he/she completed. See Appendix AO, Chapter 31 Subsistence Allowance Rates for specific rates for the following types of training programs:

- Institution of Higher Learning (IHL)
- Farm Cooperative
- Apprenticeship

- Non-paid Work Experience (NPWE)
- On-job training (OJT) at no or nominal pay in a Federal agency
- Training in the Home Program
- Independent Instructor Program
- Cooperative Program
- Self-employment Program

EAA must be paid at the rate in effect for the period being authorized. If rate of payment of the EAA changes during an authorized period, such as change in the number of a Veteran's dependents or increase in an annual cost of living (COLA), this change must be reflected on VAF 28-0846.

Example: the period of EAA authorization is from 9/15 through 10/15. EAA will be paid at the previous rate from 9/15 through 9/30, and at the new rate from 10/01 through 10/15, to adjust for COLA.

(b) Veteran Elects to Use Chapter 30 Rate of Payment

When a Veteran elects to use Chapter 30 rate of payment while receiving vocational training under the Chapter 31 program, and completes the training, he/she may be entitled to EAA payment. However, the Veteran must re-elect Chapter 31 subsistence allowance to become effective the day the Veteran's case is placed into the Job Ready status as outlined in 38 CFR 21.268(b). The case manager must ensure that the requests and actions taken are properly documented on VAF 28-1905d or CWINRS Notes and filed on the middle flap of the Veteran's CER folder.

Additionally, the case manager must make the required determination for authorization of EAA and ensure that the Veteran participates satisfactorily in a plan of employment services.

(c) Veteran Elects to Receive Chapter 33 or Post 9/11 Subsistence Allowance (P9/11SA) Rate of Payment

A Veteran who elects to receive Chapter 33 or P911SA in lieu of Chapter 31 subsistence allowance may be entitled to EAA payments. The EAA rate of payment will be the same as the P911SA full-time rate of payment for the type of training that the Veteran completed. See

Appendix AA, Rate of Pay for Post-9/11 Subsistence Allowance for specific rates and training programs.

Additionally, the case manager must make the required Job Ready determination (see Section 3.06.b of this chapter for Criteria for EAA Payment) and ensure that the Veteran participates satisfactorily in a plan of employment services.

d. Retroactive Payment of EAA

A case manager may only authorize retroactive payment of EAA in the instance an administrative error has been established, such as when VA has failed to follow proper case management procedures. The case manager must clearly document the administrative error on VAF 28-1905d or CWINRS Notes.

In addition to the establishment of the administrative error, the case manager determines that the Veteran has been "Suitably Employed" and has satisfactorily adjusted to that employment, and an IEAP or a combined IWRP/IEAP for placement services has been signed by the case manager and the Veteran. The EAA may be paid retroactively to the date suitable employment began.

If follow-up indicates that a Veteran has been satisfactorily participating in job search activities as part of an IEAP, the EAA may be paid retroactively from the date those job search activities began. The case manager must ensure evidentiary documents, which support the Veteran's job search activities, are included in the CER folder.

In both situations, a retroactive declaration that the Veteran is "Job Ready" must be made and documented on the same VAF 28-1905d or CWINRS Notes. The job-readiness declaration should specify the following:

- Date the Veteran actually became job ready
- Date the actual decision was made
- Justification for the declaration
- Explanation of why a retroactive declaration has occurred.

If the delay in documenting the determination of "Job Ready" or "Suitably Employed" resulted from lack of cooperation or other actions of the Veteran, the EAA may not be paid retroactively. At least 30 days of follow up from the date of renewed cooperation or satisfactory participation by the Veteran must take place before an EAA payment may be authorized.

e. Timeliness of EAA Authorization

EAA should be authorized as soon as there is documented evidence that the Veteran is entitled to payment, but not later than 15 days after receipt of documentation that supports authorization of an EAA payment.

f. System Payments

Both the "Job Ready" declaration and the determination for EAA authorization must be documented in the CER folder, and the EAA Authorization Form must be completed prior to processing any payment of EAA.

1. Out-of System Payment

Regular payment of EAA is made as an out-of-system payment. An out-of-system payment is entered in BDN by Finance only and is not charged against the Veteran's entitlement. VAF 28-0846 must be forwarded to the appropriate Finance staff to process payment. A copy of the form must be filed in the left flap of the CER folder.

2. Benefits Delivery Network (BDN) Payment

Payment for retroactive authorization of EAA will be processed in BDN to avoid further delay in paying the Veteran. This payment is entered in BDN in the same manner as entering payment for subsistence allowance. The EAA award must be completed for a two-month period and processed if the Veteran has at least one day of remaining entitlement. If these conditions do not exist the award cannot be processed in BDN and must be completed as an out-of-system payment.

See M28R.V.B.10 for guidelines in processing EAA payments in BDN. After payment is entered, a BDN generated award, VA Form 22-8945, Education Award is automatically printed out. This form must be signed by the authorizing staff member and must be filed on the left flap of the CER folder.

3. Adding Veteran's Dependents

The Veteran's dependent(s) must be added in EAA in the same manner as the payment of subsistence allowance in a normal training period.

The method in which the dependents are to be coded for payment of subsistence allowance or EAA is illustrated below:

Dependency Code

00/00 (0) Spouse, (0) Child), or No Dependent

81/81 (0) No Spouse, (1) One child*

11/11 (1) Spouse, (1) One Child*

*The number increases for each additional child.

g. Employment Differs from IWRP or IWRP Objectives Not Completed

1. Veteran Obtains Employment in the Same Vocational Goal as Outlined in the IWRP Prior to Completion of Training

A Veteran who obtains employment before he/she completes the vocational training delineated in his/her IWRP will not be authorized EAA payment until he/she has completed the training and the objectives in the IWRP. A case manager must not authorize EAA payment on the sole basis that the Veteran has obtained suitable employment.

However, if the Veteran elects not to complete his/her training, he/she may be entitled to EAA if the case manager determines that he/she has completed a sufficient portion of training to make the Veteran employable. The Veteran is eligible for EAA payment if the case manager determines he/she is job ready and he/she successfully participates in a plan of post-placement services.

2. Veteran Obtains Employment in a Vocational Goal Other than the Goal Outlined in the IWRP, and Veteran Elects not to Pursue Training

A Veteran who obtains suitable employment and elects not to pursue the vocational training outlined in his/her IWRP may be authorized EAA payment only if the case manager determines that the Veteran completed a sufficient portion of training to make him/her employable and that the rehabilitation services provided to the Veteran contributed to his/her employment or employability. The Veteran is eligible for EAA payment if the case manager determines he/she is job ready and he/she successfully participates in a plan of post-placement services.

3. Veteran's Vocational Goal Changed After Interruption of Services

A Veteran, whose case has been placed in Interrupted status and returned to Job Ready (JR) status with a subsequent change in the vocational goal outlined in his/her IWRP, may be paid EAA only if the case manager makes a determination that the Veteran meets the criteria for EAA payment, as described in Section 3.06.b of this chapter and he/she successfully participates in a plan of employment services.

h. Exceptions in Paying EAA

1. Employment Services is the Sole Program of Services

A Veteran will not be authorized payment of subsistence allowance if the only program of services provided is placement or post-placement services as specified under 38 CFR 21.260(c)(2). EAA is not payable to a Veteran whose entire plan of services constitutes employment services only.

However, a Veteran who was previously provided with rehabilitation services under an IWRP and subsequently provided with employment services only in an IEAP, after a period of interruption or discontinuance of his/her vocational rehabilitation program, may be entitled to EAA payments only if the case manager makes a determination that the Veteran meets the criteria for EAA payment, as described in Section 3.06.b of this chapter, he/she successfully participates in a plan of employment services, and he/she has not been paid EAA previously.

2. Return to Active Military Service

A Veteran who has been recalled, or who returned to active military service while receiving rehabilitation services, is not entitled to EAA payment. The Veteran's status has changed to active Servicemember; therefore, he/she is not eligible to receive EAA payment while on active duty.

3. Pursuit of Further Education

A Veteran whom a case manager declares rehabilitated to the point of employability may elect to continue educational pursuit rather than actively pursue suitable employment consistent with the goal of his/her vocational rehabilitation program. At that point in the rehabilitation process, the Veteran may not receive an EAA despite a declaration of rehabilitation.

Additionally, a Veteran who pursues immediate employment, but who also pursues further training and elects another VA education benefit, cannot receive both the EAA and the non-chapter 31 education benefit for the same period even if the Veteran is following a VA-approved employment services program.

However, the case manager may authorize payment of EAA for a Veteran who elects to pursue further education only if he/she meets all of the following conditions:

- (1) Veteran obtains suitable employment in the vocational goal prescribed in his/her IWRP.
- (2) Veteran satisfactorily participates in a plan of employment services.
- (3) Veteran is not utilizing any VA educational benefits to pursue further education.

i. Procedures for Denial of EAA

The case manager may deny payment of EAA when a Veteran fails to satisfactorily participate or follow his/her approved program of employment services.

1. Informing the Veteran

The case manager must inform the Veteran of the denial of EAA payment by letter. The notification letter must inform him/her of the decision and must explain the reason for the denial. The Veteran must also be provided due process along with his/her appellate rights (VAF 4107).

2. Documenting Reasons for Denial

The case manager must carefully document the reason(s) for the denial of EAA payment relating the reasons to the specific requirements of the IEAP. This is critical, as this documentation, which details the basis for the denial as related to the provisions of the IEAP, will be the basis for review of the decision in any instance that the Veteran appeals the decision.

The Veteran may appeal the decision to the Board of Veterans Appeals and the Court of Veterans Appeals.

3. Veteran Later Agrees to Participate

If a Veteran who had failed to cooperate later agrees to follow a program of employment services, the case manager will repeat the procedures outlined in Paragraph b of this section.

j. Additional Payments of EAA

A Veteran, who has previously received EAA payments, and subsequently has been declared rehabilitated, may be authorized additional EAA payment under two specific conditions. The case manager must make a determination that the Veteran meets the following criteria:

1. The previous declaration of the Veteran's rehabilitation has been set aside.
2. The Veteran received additional rehabilitation services with a new vocational goal, completed a new period of Rehabilitation To the point Employability (RTE), and is declared job ready.

k. Veteran Affected By A Natural Disaster

If a Veteran lives in an area where a natural disaster is declared by the Governor and/or the President of the United States, then he/she may qualify for additional assistance in accordance with Public Law 112-154. The law allows the VR&E Program to provide two additional months of EAA payments to Veterans who have been displaced by a natural or other disaster.

To qualify for this benefit, the Veteran must meet each of the following conditions:

- The Veteran must be in Job Ready status
- The Veteran must be currently receiving EAA payments
- The Veteran must be satisfactorily following a program of employment services at the time of the disaster

This benefit is applicable to Veterans who have been displaced by a natural or other disaster occurring after August 6, 2013, as long as the Veteran meets the eligibility criteria.

The payment process for the two additional months of EAA under Public Law 112-154 is the same as that discussed in this chapter. The two additional payments must be made subsequent to the initial EAA payments currently authorized under 38 CFR 21.268. Payment of each month of additional EAA will be made following a month of successful participation in employment services. A case will remain open for the period of time needed to receive the additional EAA before declaration of rehabilitation is made.

The case manager must identify the additional payments as a benefit payable under Public Law 112-154 and document the impact of the disaster by completing the following steps:

1. Complete VAF 28-0846, Employment Adjustment Allowance Authorization.
2. Note on VAF 28-0846 the EAA payment is the 1st or 2nd additional payment per Public Law 112-154. The Public Law must be cited on the form.

3. Document the natural disaster and the impact on the Veteran. This documentation can be made in CWINRS notes, or on VAF 119 (See Appendix O, VA Forms).
4. Submit this information to the VR&E Officer, or designee, for approval.
5. Provide a list that includes the Veteran's name, claim number, name of the natural or other disaster and the amount of additional EAA payments to VR&E Service Central Office (CO) on a monthly basis no later than the 10th of the month following the month EAA was paid. A carbon copy (Cc) should also be sent to the Office of Field Operations (OFO). Please note that negative responses are required.

3.07 Work-Study Program

The Work-Study Program offers part-time assistance to Veterans pursuing a rehabilitation program at the full-time or three-quarter time rate. The RPO of jurisdiction administers this program. The VA work-study allowance may be available to Veterans participating in the VR&E Program.

a. Eligibility

VA selects students for the work-study program based on the following factors:

- Ability of the Veteran to complete the work-study contract before the end of his/her eligibility to education benefits
- Job availability within normal commuting distance to the Veteran (50 miles one-way)

The number of applicants selected will depend on the availability of VA-related work at approved facilities in the local area. Veterans with service-connected disabilities of at least 30% may be given priority consideration. More information about the work-study program can be found at the following link: http://www.gibill.va.gov/resources/education_resources/programs/work_study_program.html#INTRO.

b. CWINRS Permissions for Work-Study Students

Work-study personnel who need access to CWINRS are to be provided read-only access to CWINRS. Local management will determine whether additional access is required. Additional access should be authorized only to the extent needed to perform the duties assigned.

c. Work-Study Students' Use of BDN System

Work-study personnel may be authorized inquiry access to BDN, but they may not access to sensitive files. They must not be granted access beyond that necessary for information purposes and must not be given training in non-inquiry (e.g., data entry or processing) BDN functions.

3.08 Revolving Fund Loan (RFL)

A RFL is a non-interest loan from the revolving fund established in accordance with 38 U.S.C. 3112 and 38 CFR 21.274. The loan may be granted to a Veteran who is not financially able to begin, continue, or reenter a Vocational Rehabilitation and Employment (VR&E) plan of services without assistance. Refer to M28R.V.B.9 for more information about RFL.

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- a. Clothing
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4.11 Supplies for Special Projects and Theses

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Appendix O. VA Forms

Chapter 4 SUPPLIES AND EQUIPMENT

4.01 Introduction

This chapter outlines the guidelines and determinations needed to purchase supplies and equipment for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

4.02 References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 21.210 through 21.222

38 CFR 21.216

38 CFR 21.219

38 CFR 21.222

38 CFR 21.364

Federal Acquisition Regulation (FAR)

VA Acquisition Regulation (VAAR)

VAAR 831.7001-3

Resources: Veterans Benefits Administration (VBA) Handbook 4080, December 3, 2010

Forms : Optional Form (OF) 1114-B, Collection Voucher
VA Form (VAF) 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet)
VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status
VAF 28-1905d, Special Report of Training
VAF 28-1905m, Request for Supplies
VAF 28-1905L, Disposition of Supplies (Chapter 31)
VAF 28-8861, Request for Medical Services

Website: <http://www.firearmslawcenter.org/content/masterlist.asp>

4.03 General Information

Supplies that VA determines are necessary for the Veteran's rehabilitation program are provided to enable a Veteran to pursue rehabilitation and achieve the goals of his/her program. Supplies necessary to accomplish the purposes of a Veteran's rehabilitation program may include, but are not limited to, the following:

- Books

- Office supplies (e.g., paper; ink/toner; pens, pencils and markers; binders; tape; envelopes; shredders; anti-glare/anti-radiation screens [VDT]; and ergonomic products)
- Tools
- Consumable goods (e.g., Internet installation and usage; printer paper, toner or ink cartridges; monitor cleaning fluid or wipes; CD ROM disks; and flash drives.)
- Computer packages (e.g., desk top or lap top computer, power source, memory, monitor, disk drives, video and sound cards, speakers, software, printers, scanners, fax/modems, surge protectors and extended warranties/service plans)
- Other materials or equipment that the Veteran needs to pursue training or achieve an employment or independent living goal

4.04 Policy

a. Determining When Supplies are Needed

VA must provide a Veteran with all the supplies, including consumable supplies that the Veteran needs for a program of rehabilitation services. In accordance with 38 CFR 21.210 through 21.222, VA may authorize supplies only under the following conditions:

1. Individuals who do not have a disability use the supplies in the same training or employment situation.
2. The supplies are used to mitigate or compensate for the effects of the Veteran's disability while he/she is being evaluated, trained, or assisted in gaining employment. This includes supplies to lessen a competitive disadvantage with other students or job seekers.
3. The supplies are used to allow the Veteran to function more independently and to lessen his/her dependence on others.

The VRC is solely responsible for determining the need for supplies. A facility may not require an item for a particular subject but the VRC may still determine that the Veteran needs the item to achieve a rehabilitation goal. The VRC may authorize the item if both of the following conditions apply:

- The item is generally owned and used by all students pursuing the course.
- Students who do not have the item would be placed at a distinct disadvantage in pursuing the course.

Example: a Veteran is competing in training or in an employment search with non-Veteran job candidates who are younger and have no disabilities. Many of these other candidates own and use computers to succeed in training and demonstrate job-related computer skills. This Veteran may well need a computer package to remain competitive. The VRC should decide to buy a computer package only after carefully analyzing the Veteran's situation and need for the computer package (e.g., the training facility does not have sufficient computer equipment on campus or the Veteran's situation does not allow adequate access to the facility's equipment).

The VRC should also take into consideration whether the Veteran already owns a computer before authorizing purchase of a computer package. It is important to note that there may be situations when a Veteran already owns a computer, but if it is used by others in the household, it may still be necessary to purchase a computer package for the Veteran. However, it may not be necessary to purchase Internet service in this situation if the Veteran already has Internet service provided for the use of his/her entire household. In general, supplies such as a computer package or Internet service should only be purchased when the VRC determines that the purchase is required or deemed necessary to assist the Veteran in completing the objectives of a rehabilitation plan.

The VRC must document the determination of need for supplies on VAF 28-1905d (see Appendix O, VA Forms) and file in the center portion of the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder, or in Corporate WINRS (CWINRS) notes.

b. Authorizing Supplies

A Veteran's case must be assigned to one of the following case statuses to be eligible to receive supplies:

- Rehabilitation to the Point of Employability
- Extended Evaluation
- Independent Living
- Employment Services

Supplies should generally be authorized after the date of enrollment in training or the beginning date of other rehabilitation services unless there are compelling reasons to authorize them earlier. A VRC may authorize delivery of supplies only after the Veteran signs his/her rehabilitation plan and is accepted to start training at a facility.

1. Prior Authorization Not Required

The VRC does not need to grant prior approval for an item if all of the following apply:

- The item is a standard book, tool, or material
- The facility requires the item for all individuals in the Veteran's course or employment
- The facility provides the item

2. Prior Authorization Required

The VRC must approve in advance all supplies other than the supplies described above. Items such as computer packages and equipment (e.g., flash drives and hard drives), cameras and voice recorders must be approved in advance unless the facility requires all individuals pursuing the training course or program to own them personally. The VRC must determine that the Veteran needs the requested item before authorizing purchase of the item.

To ensure timely delivery of the supplies, the VRC should receive all requests for supplies within the first two weeks of a course or term. Requests for supplies must be received in writing from the Veteran (an email from the Veteran meets this requirement). VA must not reimburse a facility or campus bookstore for supplies purchased without prior VA approval unless the VRC determines that the Veteran was acting in good faith to obtain the supplies.

3. Reasons for Early Release of Supplies

Reasons for authorizing supplies before the start date may include one or more of the following circumstances:

- (a) The facility does not provide supplies and the VRC must purchase the items using the government purchase card. Refer to section 4.05.b of this chapter for more guidance on using the government purchase card to purchase supplies.

- (b) The facility provides supplies, but VA must submit orders for supplies to the facility before the date of enrollment or course commencement.
- (c) The risk of the Veteran failing in either training or employment will increase if he/she does not have the necessary supplies before starting training or employment. Example: the Veteran will enter training and the VRC has determined that the Veteran needs a computer package. The Veteran needs to be proficient in the use of the equipment and software when the first term begins. This Veteran should receive the computer package before training begins to allow him/her time to learn to use it.

The reasons for early release of supplies must be documented on VAF 28-1905d and filed in the center portion of the Veteran's CER folder, or in CWINRS notes.

4.05 Methods of Providing Supplies

a. Training Facility

Whenever possible, VA will use VAF 28-1905 (see Appendix O, VA Forms) to authorize the purchase of supplies from the Veteran's training facility. This method is the one most likely to ensure that supplies are available and can be secured in a timely manner. The VRC must only authorize supplies for approved periods. VAF 28-1905 establishes the approved periods and is the basis for the Finance activity to pay a facility for supplies. Refer to M28R.V.A.3 for guidance on the preparation of VAF 28-1905.

For VA purposes, a facility is providing supplies even when the facility itself does not directly provide the supplies but has a designated supplier, such as a campus bookstore. When a facility operates a bookstore for all students, payment to the bookstore for supplies issued to Veterans participating in the VR&E Program must be no greater than charges made to non-Veteran students. Reimbursement for supplies is governed by VAAR 831.7001-3. Refer to M28R.V.B.7 for administrative procedures and guidelines related to authorizing and processing payments for services.

VA may pay a handling fee of up to ten percent of the cost of supplies (including books, equipment, or other supplies) to either of the following:

- Educational or training facilities
- A facility's designated supply provider (e.g., campus bookstore)

To be entitled to this fee, the facility or designated supplier must provide program participants or VA with administrative or special services above those they provide to other customers. It is important to note that the ten percent handling fee must not be paid under the following conditions (VAAR 831.7001-3 (k)):

- When the tuition covers the charges for supplies or rentals, or a stipulated fee is assessed to all students, a handling charge is not allowable
- The handling charge is not allowable for Government-owned books that the facility procures from the Library of Congress

b. Government Purchase Card

The government purchase card may be used as a procurement and payment method for supplies purchased for Veterans participating in the VR&E Program in accordance with the information and regulations established in Federal Acquisition Regulation (FAR), VA Acquisition Regulation (VAAR) and the VBA Handbook 4080, December 3, 2010. The government purchase card should be used by VR&E as a payment method for supplies not available at a local facility bookstore.

To ensure timely delivery of the supplies, the VRC should receive all requests for supplies within the first two weeks of a course or term. Requests for supplies must be received in writing from the Veteran (an email from the Veteran meets this requirement). When supplies must be purchased using the government purchase card, the Veteran must research at least three suppliers and submit a list showing comparative prices to the VRC. Refer to M28R.V.B.5 for administrative procedures and guidelines on the use of the government purchase card for official purchases.

VR&E staff should be aware of the Federal Strategic Sourcing Initiative (FSSI) that governs the purchase of office supplies and is intended to cut procurement costs government-wide. This includes office supplies purchased on behalf of Veterans participating in the VR&E Program. If the government purchase card must be used to purchase office supplies (including some consumable goods listed in section 4.03 of this chapter), then the FSSI must be the first source consulted for these purchases. If the FSSI is not used, then the reason for not using FSSI must be clearly documented on VAF 28-1905d and filed in the Veteran's CER folder or in a CWINRS note. Refer to M28R.V.B.5 of this part for more guidance on FSSI requirements.

c. Direct Reimbursement

Direct reimbursement is appropriate when a facility bookstore does not carry required supplies or a vendor does not accept the government purchase card. Reimbursement to a Veteran for the purchase of supplies should be the last available option and should not be utilized unless there is no other way to obtain the supplies in a timely manner. A Veteran who is attending a facility that does not have a bookstore on campus or who is participating in an online training program should be given VAF 28-1905 to authorize payment for supplies at a local facility bookstore that has been approved and has a valid facility code before considering direct reimbursement. Refer to M28R.V.A.3 for more information on direct reimbursement.

4.06 Providing Supplies for Special Programs

a. Training in the Home

VA may provide the following supplies to Veterans training in the home:

1. Books, tools and supplies required by all facilities that train individuals for the Veteran's objective, whether the training is at home or outside of the home.
2. Supplies and equipment that are essential because the Veteran is pursuing training at home. Equipment in this category may consist of items that are not required by facilities that train outside of the home.
3. Special equipment, such as a vise or drafting table.
4. Supplies needed to enable the Veteran to function more independently in his/her home and community.

b. Farm Cooperative Training

The books and related training supplies that VA may provide a Veteran in farm cooperative training depend upon the type of instruction he/she is receiving. The following conditions apply:

1. When group instruction is part of a Veteran's course, VA must provide books and supplies that the facility requires all students taking the course to own personally or on a rental basis.
2. When all instruction is given on the Veteran's farm by an individual instructor, VA must provide to the Veteran only those textbooks and other supplies that would ordinarily be required by a facility.

c. Employment Services

A Veteran receiving employment services may be provided with supplies in the following situations:

1. The employer requires similarly circumstanced non-Veterans to own the item upon beginning employment. This means that the items were not provided during the period that the Veteran was training for the objective, or that the items that were provided for training purposes are not adequate for employment.
2. VA determines that special equipment is necessary for the Veteran to perform his/her duties, subject to the obligation of the employer to make reasonable accommodation to the disabling effects of the Veteran's condition.

If the Veteran needs supplies to secure employment following training or while in a program consisting only of employment services, the VRC must take the following steps:

- Obtain VAF 28-1905m from the employer; the employer must identify the type of program and sign under Signature and Title of Official in Section B to certify that the requested items are necessary for the successful achievement of a vocational goal
- Arrange for delivery of the required supplies during the period of employment services

d. Self-employment

The VRC must determine what supplies and equipment the Veteran needs for self-employment while developing the self-employment plan and secure all necessary approvals before authorizing supplies. (Refer to M28R.VI.A.9 for guidelines related to self-employment.) The provision of service is based on category assignment. The VRC and the Veteran must prepare VAF 28-1905m to document the supplies that VA will provide. An item such as a tractor or other apparatus that is used for farming or other work activities is considered equipment and may be authorized as part of a self-employment plan if the need is justified and documented. The use of this equipment cannot be contraindicated by the Veteran's disability condition.

A program establishing a business requires the Veteran to rely in part on his/her resources in developing and establishing the business. If the Veteran's business requires supplies greater in amount or kind than VA may authorize, the Veteran is responsible for securing these supplies.

The supplies and related assistance that may be provided to the Veteran are generally limited to the following supplies necessary to begin operations:

- Minimum stocks of materials (e.g., inventory of saleable merchandise or goods, expendable items required for day-to-day operations, and items that are consumed on the premises)
- Essential equipment, including machinery, occupational fixtures, accessories and appliances
- Other related assistance such as business license fees

The Veteran is responsible for the payment of certain items associated with a self-employment plan of services. This means that VA must not authorize the following items:

- Purchase of, or part payment for, land and buildings
- Making full or part payment of leases or rentals
- Purchase or rentals of trucks, cars, or other means of transportation
- Stocking a farm for animal husbandry operations

e. Independent Living (IL)

The need for any supplies or equipment being considered to address an IL need must be substantiated by results of both the preliminary and comprehensive IL assessments. The Veteran's rehabilitation plan must specify how the equipment will be used to overcome an identified barrier to independence, include criteria to measure the success of providing this service and explain how this success will be sustained after VR&E services are terminated. It is important to note that the use of the equipment cannot be contraindicated by the Veteran's disability condition. In no circumstance, should a tractor, mower, or similar equipment be authorized as part of a Veteran's IL plan of services since these items are not considered to be mobility devices.

If the comprehensive evaluation indicates that home modifications are needed to maximize the Veteran's independence, the VRC must coordinate those services with other VA programs. If the Veteran is eligible under one of the programs listed below, then the home modification must be provided under that program before VR&E can provide home modifications. Per 38 CFR 21.216, the Veteran must be found ineligible for needed special equipment, such as home modification to improve access, under other

programs and benefits administered by VA before the service can be authorized and provided by VR&E. (Refer to section 4.07 of this chapter for more guidance on providing special equipment.) VA has four main grant programs to assist Servicemembers and Veterans who have disabilities with necessary home modifications. Included in these grants is a grant to assist with modifications to a temporary residence. VA housing grants for Veterans who have disabilities are listed as follows:

1. Specially Adapted Housing (SAH) Grant
 2. Special Housing Adaption (SHA) Grant
 3. Home Improvements and Structural Alterations (HISA) Grant
 4. Temporary Residence Assistance (TRA) Grant
- f. On-the-Job Training (OJT)

VR&E may purchase necessary tools, uniforms and other required supplies for Veterans participating in OJT. The VRC must discuss with the employer any tools, uniforms and supplies that are required of all journeymen employees on the job. This does not include tools that are normally owned by the employer. Uniforms that are normally rented must be rented as opposed to purchased. Tools and supplies that are normally required to be owned by the employee may be purchased for the Veteran, and must remain the property of the Veteran even if he/she leaves the employment. (Refer to section 4.14 of this chapter for more guidance on determining when a Veteran must repay the value of supplies.) If tools and/or supplies need to be purchased, a VAF 28-1905m (see Appendix O, VA Forms) must be completed and signed by the employer, the Veteran and the VRC.

- g. Special Employer Incentive Program (SEI)

A Veteran who is eligible for the SEI Program may have significant challenges in finding employment and require additional attention from the employer that may not be given to the average employee. This will cost the company time and money and it is VA's responsibility under this program to provide the compensation for the extra effort. As the employer accommodates the Veteran, the VA must provide appropriate reimbursement for incurred costs. These tools and supplies would be items that are required by all employees on the job and would not be available to the Veteran from the employer.

VAF 28-1905m must be completed when supplies and equipment are procured outside of a training facility. This form must be used when making a purchase with the government purchase card or when providing direct

reimbursement to a Veteran if there are supplies and equipment he/she would need while on the job.

h. Non-paid Work Experience (NPWE)

VR&E may purchase necessary tools, uniforms and other required supplies for Veterans participating in a NPWE. Tools and supplies that are normally required to be owned by the employee may be purchased for the Veteran in the same manner as supplies for Veterans participating in OJT. Refer to section 4.06.f of this chapter for further guidance.

4.07 Special Equipment

Special equipment may be authorized as necessary to enable a Veteran to mitigate or overcome the effects of a disability in pursuing a rehabilitation program. If the Veteran needs special equipment and is eligible for the equipment under other VA programs, such as medical care and treatment at VA medical centers, then the items must be provided under that program.

When the VRC establishes evidence that special equipment may be needed for a Veteran to begin, continue in, or complete a rehabilitation program, a referral to the Veteran's Health Administration (VHA) should be completed. The VRC should use VAF 28-8861 (see Appendix O, VA Forms) to describe the reason(s) he/she believes special equipment may be needed as part of the Veteran's rehabilitation plan, and to request that VHA conduct an evaluation and provide any necessary services. (Refer to M28R.V.A.5 for further guidance on completing VAF 28-8861.) The VHA physician must determine both of the following before the item may be purchased by VR&E:

- That the Veteran needs the special equipment
- That the Veteran is ineligible for the needed special equipment under other programs and benefits administered by VA

The major types of special equipment that may be authorized by VR&E include the following:

a. Equipment for Educational or Vocational Purposes

This category includes items that are ordinarily used by all individuals pursuing training but are modified to make more accessible to an individual who has a disability (e.g., a calculator with speech capability for a Veteran who is blind or visually impaired; a computer keyboard adapted for one-hand typing; or voice activation and speech recognition software).

b. Sensory Aids and Prostheses

This category includes items that are specifically designed to mitigate or overcome the effects of disability. They range from eyeglasses and hearing aids to closed-circuit TV systems that amplify reading material for Veterans with severe visual impairments.

c. Modifications to Improve Access

This category includes adaptations of environment not generally associated with education and training, such as adaptive equipment for automobiles or supplies necessary to modify a Veteran's home to make either training, self-employment or independence in daily living possible.

d. Mobility Aids

VR&E may provide mobility devices, such as wheelchairs or mobility scooters, as part of an IL plan of services when arrangements cannot be made to provide these services through VHA. A wheelchair or mobility scooter is defined as a mobility device designed to accommodate a disability and must be prescribed by a physician. Consultation between VR&E staff and VHA prosthetics staff may be necessary to determine what type of mobility device a Veteran needs and to decide whether it can be provided by VHA. VR&E's authority to provide mobility services does not extend to the purchase or rental of automobiles, trucks, boats, or similar conveyances, such as golf carts or All-Terrain Vehicles (ATV). A tractor or mower must never be approved as a mobility aid.

4.08 Vehicles

The purchase or rental of vehicles for Veterans participating in the VR&E Program is prohibited under any circumstance. A vehicle is defined as a conveyance moving on wheels, runners, tracks, or the like, that is used for transporting people or goods. VA must not authorize assistance for the purchase or rental of cars, trucks, boats, or other vehicles. It is important to note that golf carts and ATVs are considered to be vehicles. This means that payment for those items must not be authorized. VR&E may provide essential equipment, such as a tractor, if the equipment is needed to establish a Veteran's business as part of an approved self-employment plan. (Refer to section 4.06.d for more guidance on determining what supplies a Veteran needs for self-employment.)

4.09 Firearms

The purchase of a firearm for any Veteran participating in the VR&E Program is prohibited. This means that a VRC is prohibited from approving any purchase,

reimbursement, or rental of a firearm for any Veteran participating in a vocational rehabilitation program under Chapter 31, including Individualized Independent Living Plans (IILPs). The purchase of ammunition and firearm parts is also prohibited.

While the VRC may not authorize payment of a firearm, ammunition, or firearm parts, a vocational goal requiring the possession of a firearm may still be deemed appropriate in some instances. For example, job goals such as Police Officer or Park Ranger may be appropriate.

The Veteran is required to self-certify that he/she abides by the following items:

- Purchased a firearm for the approved vocational goal
- Completed the necessary licensing and registration paperwork
- Completed the necessary background check prior to plan development
- Understands that he/she will need to complete another background check prior to determining job readiness to ensure there have been no changes and that the vocational goal remains appropriate
- Will store the firearm in a safe and secure location when not in possession (gun safe/gun lock)
- Understands that VA is not responsible for the purchase or reimbursement of the firearm or ammunition
- Will follow gun safety guidelines and will abide by all other applicable federal, state, and local laws, regulations, and policies that govern the purchase, possession and use of a firearm

It is important to note that in the event that a firearm is already owned by the Veteran, the self-certification still has to be signed prior to entering a plan of services or redeveloped from a current plan in a planned status.

4.10 Clothing, Magazines and Periodicals, and Items that May be Personally Used

a. Clothing

Protective articles or uniforms will be provided at VA expense, when the facility requires similarly circumstanced non-Veterans to also use these types of clothing. It is important to note that VA must not provide any other types of clothing (38 CFR 21.219 (a)).

b. Magazines and Periodicals

Appropriate past issues of magazines, periodicals, or reprints may be provided in the same manner as books when required for a course or training.

c. Items that May be Personally Used

Musical instruments, cameras, or other items that could be used personally by the Veteran may only be provided if required by the facility to meet requirements for degree or course completion.

4.11 Supplies for Special Projects and Theses

The amount of supplies that VA may authorize for special projects, including theses, may not exceed the amount generally needed by similarly circumstanced non-Veterans in meeting course or thesis requirements. The Veteran's committee chairman, major professor, department head, or appropriate dean must certify that the special project or thesis is a course requirement and that the expenses are reasonable and required to complete the project or thesis. These expenses may include research expenses, typing, printing, microfilming, or copying (VAAR 831.7001-3 (e)).

4.12 Upgrades and Maintenance

While the Veteran is in a rehabilitation program, VR&E must arrange for maintenance of computer or special equipment. VR&E may pay for upgrades to the computer or special equipment for the Veteran's program or to make the Veteran competitive in the employment market.

a. Extended Warranty/Service Plan

Often the best way to get system maintenance is to buy a reliable, comprehensive extended warranty/service plan on the equipment for the projected duration of the Veteran's program.

b. Upgrading to a New Computer System

Upgrading may involve buying a new computer system if the Veteran's current system cannot be adequately upgraded to meet either of the following:

- The current needs of the rehabilitation program course work
- The projected use of the computer in the Veteran's planned employment

It is important to note that upgrading to a new system includes the transfer of the software and files from the old system onto the new system.

c. End of VR&E Responsibility

VR&E responsibility for maintenance and upgrading stops when the VRC places the Veteran in Rehabilitated or Discontinued case status.

4.13 Replacement of Supplies

a. Lost, Stolen, Misplaced, or Damaged Supplies

VA may replace items that are necessary to the further pursuit of the Veteran's program when they are lost, stolen, misplaced or damaged beyond repair through no fault of the Veteran. A request for replacement of an item previously purchased must be received in writing from the Veteran (an email from the Veteran meets this requirement) and must explain how the item was lost, stolen, misplaced, or damaged. A police report must be attached to a request for the replacement of a lost or stolen item and evidence that the Veteran investigated replacement through an extended warranty/service plan or homeowners insurance must also be presented by the Veteran along with the request, as appropriate. The VR&E case manager must determine that the Veteran needs the requested item to achieve a rehabilitation goal and must authorize the item before the Veteran can obtain it by following guidance in this chapter.

VA may make a loan from the revolving fund to a Veteran to purchase an item that VA will not agree to replace, if the Veteran is without funds to pay for the item. Refer to M28R.V.B.9 for more guidance on Revolving Fund Loans (RFL).

If a Veteran refuses to replace an item needed to pursue the program after VA determines that its loss or damage was his/her fault, the Veteran's refusal may be considered as noncooperation under 38 CFR 21.364. (Refer to M28R.III.C.6 for more guidance on actions following findings of unsatisfactory conduct and/or cooperation.) If the Veteran's program is discontinued under provisions of 38 CFR 21.364(b), he/she will be reentered into the program only when the necessary items have been replaced.

b. Supplies Used in More Than One Part of the Program

VA will generally provide non-consumable supplies only one time, even though the same supplies may be required for use by the Veteran in another subject or in another quarter, semester, or school year. Examples of non-

consumable supplies that VA will generally only provide one time include the following:

- Books
- Computer packages
- Voice recorders
- Cameras
- Tools

4.14 Repayment

With certain exceptions, if a Veteran does not complete the planned rehabilitation program, the Veteran must repay the value of the supplies that VA provided. The value of supplies authorized by VA will be repaid under the provisions of this section when a Veteran fails to complete the program as planned.

a. Consumable supplies

VA requires repayment for consumable supplies, unless one of the following applies:

1. The Veteran fails to complete the rehabilitation program through no fault of his/her own.
2. The employment objective of the rehabilitation plan is changed as a result of reevaluation by VA staff.
3. The total value of the supplies is less than \$100.
4. The Veteran dies.

b. Non-consumable Supplies

In accordance with 38 CFR 21.222(b) (1), VA will not require repayment for non-consumable supplies if one of the following applies:

1. The Veteran and VA change the long-range goal of the rehabilitation plan and the provided supplies are not required for the Veteran's pursuit of the new goal.
2. The Veteran's failure to complete the program was not his/her fault.

3. The Veteran reenters the Armed Forces or is in the process of reentering the Armed Forces.
4. The Veteran satisfactorily completed one-half or more of a non-college degree course (or at least two terms in the case of a college course).
5. The Veteran certifies that he/she is using the supplies provided during training in current employment.
6. The total value of the supplies for which repayment is required is less than \$100.
7. The Veteran was provided supplies during a period of employment services but loses the job through no fault of his/her own.
8. A Veteran discontinued from an IL program is using supplies and equipment to reduce his/her dependence on others.
9. The Veteran dies.
10. The Veteran is declared rehabilitated.

It is important to note that the amount that a Veteran must repay will be the lesser of the current value of the supplies, or the original cost of the supplies. VA will accept the supplies instead of repayment of the value of the supplies when the Veteran and VA change the long-range goal of the rehabilitation plan and the provided supplies are not required for the Veteran's pursuit of the new goal.

c. Training in the Home and Self-employment

VA must not require a Veteran to pay for or return non-consumable supplies if one of the following applies:

1. A Veteran training in the home completes enough of his/her training program to be considered employable, and has been declared rehabilitated to the point of employability.
2. A Veteran in a self-employment program not in the home is declared rehabilitated.
3. A Veteran dies and the Director of VR&E Service determines that the facts and equities of the family situation warrant waiver of all or a part of the

requirements for repayment (e.g., the family is able to continue the business established by the Veteran).

d. Transfers from Chapter 31 to Chapter 33

VA will not require repayment for non-consumable supplies when the Veteran transfers to the Chapter 33, Post/911 GI Bill program if one of the following applies:

- The Veteran transfers after completing at least one semester of a college program
- The supplies were provided to the Veteran specifically to overcome the effects of a disabling condition

e. Procedures

When a Veteran who has been provided non-consumable supplies discontinues training, the VRC must prepare a VAF 28-1905L (see Appendix O, VA Forms). This form will present the facts, findings and recommendations in the case. The value will be the lesser of the current value of the supplies or the original cost. The VRC must document in item number 15 on VAF 28-1905L the method used to establish the current value (e.g., discussion with a supplier about the value of used tools). If the VRC determines that failure to complete the course was the Veteran's fault and none of the exceptions to repayment apply, the VRC must do the following:

1. Prepare OF 1114-B (see Appendix O, VA Forms).
2. Forward the OF 1114-B to the Finance activity for processing and dispatch of the collection request to the Veteran.
3. File a copy of the OF 1114-B on the left side of the Veteran's CER folder.
4. Inform the Veteran of this adverse action following the procedures outlined in M28R.III.C.2.

f. Turn-in of Non-consumable Supplies

Under certain conditions, a Veteran may turn-in non-consumable supplies to VA instead of repaying their value. To return non-consumable supplies, the following conditions must be met:

1. The supplies are in such good repair that another Veteran could use them in training.

2. The VRC determines that another Veteran will likely need the tools within six months.
3. The VRC and the Veteran both agree to the return of the supplies.
4. The regional office or a supporting VA facility can adequately store and maintain the supplies until their reissuance to another Veteran.

4.15 Prevention of Abuse

As stewards of taxpayers' money, VR&E staff are responsible for and held accountable for the appropriate authorization and processing of fiscal transactions. The VRC must ensure correct application of the laws and regulations concerning all fiscal transactions. Fiscal oversight provided within the VR&E Division ensures that the VRC authorizes and processes fiscal transactions with accountability, honesty and good judgment.

a. VRC Responsibilities

VA will provide supplies only after the VRC carefully reviews the Veteran's needs and determines what supplies the Veteran needs under 38 CFR 21.210 through 21.222. The VRC must also be proficient in the correct use of procurement procedures, especially in the use of the government purchase card.

b. VR&E Officer Responsibilities

The VR&E Officer is responsible for the assessment of quality and management control within his/her division. He/she should know the performance level of each employee assigned within his/her supervision to ensure that all fiscal transactions meet the acceptable level of quality. Refer to M28R.VIII.A for information on VR&E Program oversight and internal control.

Chapter 5
MEDICAL AND DENTAL TREATMENT AND SERVICES

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Chapter 5 MEDICAL AND DENTAL TREATMENT AND SERVICES

5.01 Introduction

Department of Veteran Affairs (VA) Medical Center (VAMC) directors are responsible for ensuring that health care services are provided to Veterans with disabilities in receipt of rehabilitation services under the Chapter 31 program (38 United States Codes (U.S.C.) 1504 and 3107). Veterans Health Administration (VHA) Directive 2010-022 ensures that Veterans with disabilities receiving Chapter 31 services receive timely and clinically appropriate medical and dental services necessary to promote continuation in their vocational rehabilitation and employment program. This chapter contains information on the need for VA and Non-VA physician and VA and Non-VA dentist approval for all medical and dental treatments, eligibility criteria in order for a Veteran to be treated at a VAMC, information on how to refer a Veteran for medical and/or dental treatment and the scope of the treatment and procedures authorizing the use of companion animals and service dogs. This chapter also covers the signs of suicide, resources available to the Veteran or staff member and the steps VR&E staff members need to take in order to prevent a suicide attempt. This chapter also contains statutory and regulatory references in regard to medical and dental treatment and services for Chapter 31 program participants.

5.02 References and Resources

| | |
|--------------|---|
| Laws: | 38 U.S.C. 1504 |
| | 38 U.S.C. 1717 |
| | 38 U.S.C. 1720C |
| | 38 U.S.C. 3104 |
| | 38 U.S.C. 3107 |
| | 38 U.S.C. 3115 |
| | 38 U.S.C. Chapter 17 |
| | 38 U.S.C. Chapter 31 |
| Regulations: | 38 Code of Federal Regulations (CFR) 17 |
| | 38 CFR 17.05b |
| | 38 CFR 17.47(i)(2) |
| | 38 CFR 17.52(a)(1)(v) |
| | 38 CFR 17.52(a)(3) |
| | 38 CFR 17.53 |
| | 38 CFR 17.54 |
| | 38 CFR 17.98 |
| | 38 CFR 17.120-132 |
| | 38 CFR 17.149 |

38 CFR 21.155
 38 CFR 21.240
 38 CFR 21.240(a)
 38 CFR 21.242
 38 CFR 21.242(a)
 38 CFR 21.242(b)
 38 CFR 21.262
 38 CFR 70
 38 CFR 71.50
 VA Acquisition Regulation (VAAR) 831.7001-4

VA Forms (VAF): VAF 21-4142, Authorization and Consent to Release Information to the Department of Veterans Affairs (VA)
 VAF 28-8861, Request for Medical Services--Chapter 31

Directive: Veterans Health Administration (VHA) Directive 2010-022, Vocational Rehabilitation: Chapter 31 Benefits Timely Access to Health Care Services

Resources: VHA Handbook 1130.01 – February 11, 2013, Veterans Health Administration Dental Program
 VA Safety Plan Treatment Manual to Reduce Suicide Risk: Veteran Version, 8-20-08
 Code of Professional Ethics for Rehabilitation Counselors, Commission on Rehabilitation Counselor Certification

Websites: www.va.gov/health/ServiceAndGuideDogs.asp
www.veteranscrisisline.net
www.vetcenter.va.gov
www.va.gov/directory/guide/division_flsh.asp?dnum=1

5.03 Scope of Care, Treatment and Services

a. Veteran

The services that may be furnished by the VHA for Chapter 31 participants include the treatment, care and services described in 38 CFR Part 17. In addition, the following services may be authorized under 38 CFR 21.240 even if they are not included or described in Part 17:

1. Assistive Devices

Assistive devices include prosthetic appliances, eyeglasses, dentures and other corrective or assistive devices.

2. Special Services

Special services (including services related to blindness and deafness) cover a wide range of adaptive and compensating techniques to include the following:

- Language training, speech and voice correction, training in ambulation, and one-hand keyboarding
- Orientation, adjustment, mobility and related services
- Telecommunications, sensory and other technical aids and devices

3. Specialized Evaluations

Specialized evaluations include the following:

- Functional Capacity Evaluations (refer to M28R.IV.B.3)
- Traumatic Brain Injury (TBI) Comprehensive Evaluation
- Evaluation to determine Learning Disability
- Occupational Therapy Evaluation
- Physical Therapy Evaluation
- Neuropsychological Evaluation

4. General Medical Care and Services Provided

General medical care and services include the following:

(a) Basic care

- Outpatient medical, surgical and mental healthcare, including care for substance abuse
- Inpatient hospital, medical, surgical and mental healthcare, including care for substance abuse
- Prescription drugs, including over-the-counter drugs and medical and surgical supplies available under the VA National Formulary System

- Emergency care in VA facilities; and emergency care in non-VA facilities in accordance with sharing contracts or if authorized by 38 CFR 17 sections 17.52(a)(3), 17.53, 17.54 and 17.120-132
- Bereavement counseling as authorized in 38 CFR 17.98
- Comprehensive rehabilitative services other than vocational services provided under 38 U.S.C. Chapter 31
- Consultation, professional counseling, marriage and family counseling, training, and mental health services for the members of the immediate family, legal guardian of the Veteran, or the individual in whose household the Veteran certifies an intention to live, as necessary and appropriate, in connection with the Veteran's treatment as authorized under 38 CFR 71.50
- Durable medical equipment and prosthetic and orthotic devices, including eyeglasses and hearing aids as authorized under 38 CFR 17.149
- Home health services authorized under 38 U.S.C. 1717 and 1720C
- Reconstructive (plastic) surgery required as a result of disease or trauma, but not including cosmetic surgery that is not medically necessary
- Hospice care, palliative care and institutional respite care, as well as noninstitutional extended care services, including but not limited to noninstitutional geriatric evaluation, noninstitutional adult day health care and noninstitutional respite care
- Payment of beneficiary travel as authorized under 38 CFR 70
- Pregnancy and delivery services, to the extent authorized by law
- Completion of forms (e.g., Family Medical Leave forms, life insurance applications, Department of Education forms for loan repayment exemptions based on disability and non-VA disability program forms) by healthcare professionals based on an examination or knowledge of the Veteran's condition, but not including the completion of forms for examinations if a third party customarily will pay health care practitioners for the examination but will not pay VA

(b) Preventive Care

- Periodic medical exams
- Health education, including nutrition education
- Maintenance of drug-use profiles, drug monitoring and drug use education
- Mental health and substance abuse preventive services
- Immunizations against infectious disease
- Prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature
- Genetic counseling concerning inheritance of genetically determined diseases
- Routine vision testing and eye-care services
- Periodic reexamination of members of high-risk groups for selected diseases and for functional decline of sensory organs, and the services to treat these diseases and functional declines

b. Veteran's Family Members

The VA may furnish care, treatment and services to a Veteran's family members as necessary, for the effective rehabilitation of the Veteran. The term "family" includes the Veteran's immediate family, legal guardian, or any individual in whose home the Veteran certifies an intention to live. The services that may be furnished to the family generally are limited to consultation on home care training, counseling and mental health services of brief duration, which are designed to enable the family member to cope with the Veteran's needs. Extended medical, psychiatric, or other services may not be furnished to family members under these provisions (38 CFR 21.155).

c. Treatment Eligibility Criteria

A Veteran is eligible for the aforementioned services during periods in which he/she is considered a Chapter 31 participant. These periods include the following:

1. Initial evaluation

2. Extended evaluation
3. Rehabilitation to the point of employability
4. Independent living services program
5. Employment services
6. Other periods to the extent that services are needed to begin or continue in any of the statutes described above. Such periods include but are not limited to services needed to facilitate reentry into rehabilitation following:
 - Interruption; or
 - Discontinuance because of illness or injury

(Authority: 38 U.S.C. 3104)

d. Payment to Veterans Health Administration (VHA)

In accordance with 38 CFR 21.240(a), "A Chapter 31 participant shall be furnished medical treatment, care and services which VA determines are necessary to develop, carry out and complete the Veteran's rehabilitation plan."

38 CFR 21.242(a) states, "VA medical centers are the primary resources for the provision of medical treatment, care and services for Chapter 31 participants...". 38 CFR 21.242(b) further specifies, "Hospital care and medical services provided under Chapter 31 shall only be furnished in facilities over which VA has direct jurisdiction, except as authorized on a contract or fee basis under the provisions of Part 17 of this title."

Therefore, VR&E should not pay VHA for any necessary medical services that are provided to Chapter 31 participants by a VA medical center or other VHA facility. Veterans participating in a rehabilitation program under Title 38 U.S.C., Chapter 31 are not exempt from medication co-payments, 1st party co-payments, or third party billing for care relating to non-service connected conditions. Billing action needs to be taken where appropriate (VHA Directive 2010-022).

5.04 Dental Services

a. Outpatient Emergency Dental Care

VHA is responsible for funding all outpatient dental services and treatment

and related dental appliances for Veterans, provided the treatment is medically necessary and the Veteran is otherwise receiving VA medical care and services. Dental treatment is limited to that necessary to address acute pain or a dental condition which is determined to be endangering life or health. Examples of the latter include treatment for a significant infection, uncontrolled bleeding, or any other dental condition that is determined to be a serious threat to health or endangering life. The goal of this kind of treatment is to eliminate symptoms and remove foci of infection. Dental care under this category is generally limited to a one-time course of palliative treatment or procedures and appropriate pharmacological therapy.

b. Class V Focused Dental Care

Once a Veteran is determined to be eligible for dental care, the dental facility provides the Veteran with an evaluation by a dentist who must determine the appropriate scope of care consistent with the patient's designated dental classification. Chapter 31 Veterans are eligible for Class V Focused Dental Care (VHA Handbook 1130.01 – February 11, 2013, Veterans Health Administration Dental Program). Chapter 31 participants may receive outpatient dental treatment to resolve a specific dental condition dependent upon, and consistent with, the Veteran's status. Treatment may include relief of pain, elimination of infection, or improvement of speech or esthetics.

A Veteran who is actively receiving Chapter 31 services may receive dental treatment to the extent needed to meet any of the following goals:

1. Make possible the Veteran's entrance into a rehabilitation program.
2. Achieve the goals of the Veteran's vocational rehabilitation program.
3. Prevent interruption of a rehabilitation program.
4. Hasten the return to a rehabilitation program of a Veteran in interrupted or leave status.
5. Hasten the return to a rehabilitation program of a Veteran placed in discontinued status because of illness, injury, or dental condition.
6. Secure and adjust to employment during the period of employment assistance.
7. Enable the Veteran to achieve maximum independence in daily living.

Requests for Class V dental care must be forwarded to the Dental Service by

the VRC on VAF 28-8861, Request for Medical Services--Chapter 31 (see Appendix O, VA Forms). A VAF 28-8861 needs to be provided for each episode of care requested. Dental care must not be provided beyond the anticipated rehabilitation date as specified on the form. A Veteran who refuses to participate in a requested confirmation examination or refuses to accept a treatment plan determined by VA to be satisfactory must have his/her dental treatment case closed. Such failure to participate must be considered tantamount to a refusal of treatment.

c. Non-VA Dental Care

The Chief of Dental Service, or designee, has the primary responsibility for administering outpatient Non-VA Dental Care (formerly fee-basis care). This includes review of all proposed treatment plans for approval or disapproval and adjustment of submitted fees consistent with the Schedule of Maximum Allowances for Non-VA Dental Care. The decision to provide dental benefits to a Veteran through a Non-VA dental provider is to be made by the Chief of Dental Service, or designee, after full consideration of all relevant factors. Such a decision, however, is not to be based on, or factor in, the preference or request of the particular Veteran to receive their dental benefits from a private-sector provider.

5.05 Referring a Chapter 31 Participant for Medical and Dental Services

- a. Request and Document Medical or Dental Services from VA Medical Center (VAMC)
 1. VR&E staff members will use VAF 28-8861 to certify Chapter 31 rehabilitation program participation and to identify the services or consultations requested. This form will be addressed to the department providing the requested service in the VAMC, as appropriate. In the Comments section of VAF-28-8861, only information specifically needed in the consult is requested, but VRCs should not specify the means by which the treatment provider will assess the Veteran for the needed information. In some cases, treatment providers will be able to provide the requested information based on existing medical treatment records. In other cases, the treatment provider may conduct an assessment or refer out to a specialist for specific assessments.
 2. VAF 21-4142, Authorization and Consent to Release Information to the Department of Veterans Affairs (VA) (see Appendix O, VA Forms) signed by the Veteran, is used when requesting a medical opinion from a Non-VA provider.

b. Document the Need and Results for a Medical or Dental Consultation

The VRC must use one or more of the following methods to document the need and results for a medical or dental consultation:

- Fax VAF 28-8861, Request for Medical Services--Chapter 31 to the appropriate VHA eligibility department
- Electronic medical notes such as Compensation and Pension Records Interchange (CAPRI)
- VAF 28-1902i, Counseling Record - Medical Information - Related Findings (see Appendix O, VA Forms)
- Corporate WINRS Case Management System (CWINRS) notes

c. VAMC Liaison and Controls to Expedite Referral Processing

A VAMC employee assigned to the department for which the referral is intended will contact the Veteran and make an appointment for him/her to ensure medical, dental, mental health and/or prosthetic care, treatment and services are provided in a timely manner.

d. Student Health Care Medical Services

1. Allowable School Health Fees/Expenses

VR&E may pay student health fees as a part of established school costs. Under 38 U.S.C. 3104(a)(7) and VAAR 831.7001-4, VA may pay the customary student health fees for a Chapter 31 participant when payment of the fee is required for similarly circumstanced non-Veteran students. Payment of such fees should be paid from Readjustment Benefit (RB) funds.

If VR&E is billed for any type of medical service rendered or any fees and expenses related to dependents, VR&E must immediately contact the school, explain the issue, and request a corrected invoice.

Example: A school requires all students to have health care insurance coverage. The purpose is to ensure each student has access to medical care and can maintain good health, which is essential for academic success. Although the health care insurance fee is assessed to all students as part of the school's established fee schedule, some schools allow a waiver to be granted if the student provides proof of health insurance coverage. Many Chapter 31 participants receive health care

services from VHA. However, VHA is a provider of medical services, not a provider of health insurance coverage.

Since the school requires all students to have health care insurance coverage, and VHA is not a health care insurance coverage provider, VR&E may pay the school's health/insurance fees on behalf of the Chapter 31 participant.

2. Prohibited School Health Fees/Expenses

VR&E cannot approve payment for:

- Student health fees that encompass health coverage for a Chapter 31 participant's dependent;
- Medical services rendered to a Chapter 31 participant;
- Medical services rendered to a Chapter 31 participant's dependent;
- Co-payments; or
- Deductibles

5.06 Consideration of the Medical or Dental Consultant's Recommendations

The VRC must review and carefully consider the recommendations of the medical or dental consultant. The VRC will consider the information obtained through consultation in conjunction with all other information obtained throughout the evaluation to make sound decisions regarding the Veteran's rehabilitation.

5.07 Vocational Rehabilitation: Chapter 31 Benefits Timely Access to Health Care Services Policy

The number of requests for medical and dental services for Chapter 31 Veterans is only a small fraction of the total annual number of annual services provided by VHA. However, these Veterans are typically in a rehabilitation program or ready to enter the workforce. The timely delivery of these services is therefore critical to preclude the interruption of rehabilitation. It is VHA policy to provide timely access to VHA health care services for Veterans participating in a vocational rehabilitation program under title 38 U.S.C., Chapter 31. The health care services authorized by title 38 U.S.C., Chapter 31 are limited to those provided in title 38 U.S.C. Chapter 17.

5.08 VAMC Director Responsibilities

a. Clinically Appropriate Care

VA staff strives to provide clinically appropriate care to Veterans participating in the Chapter 31 program including referral and payment of Non-VA care, if required.

b. Collection of Co-Payments for Non-Service-Connected Conditions

Medical treatment under Chapter 31 is provided in accordance with 38 CFR 17.47(i)(2). Veterans participating in a rehabilitation program under 38 U.S.C. Chapter 31 are not exempt from medication co-payments, 1st party co-payments, or third party billing for care relating to non-service connected conditions. Billing action needs to be taken where appropriate.

c. Established Procedures for Timely Access to Care

Facility procedures are established to manage timely access to care for Veterans participating in a VA vocational rehabilitation program; these must include the following:

1. Verification of participation in an approved vocational rehabilitation program, and request for treatment using VAF 28-8861.
2. Upon confirmation of participation in a vocational rehabilitation program, a clinical review must occur to determine the following:
 - (a) If the care or treatment is medically required; and
 - (b) If required, the care or treatment is needed to maintain the Veteran's participation in his/her vocational rehabilitation program, and
 - (c) If the care or treatment is medically required and needed to maintain the Veteran's participation in their vocational rehabilitation program, the timeliness of the appropriate care to the Veteran's training schedule needs to be based upon a clinical decision by a VA health care provider. To that end, care may be provided at another VA health care facility or use of contract or fee basis care, subject to authorization (38 CFR 17.52(a)(1)(v))
3. Instructions to notify the requesting party in any situation where timeliness of care could be an issue and to determine the appropriate course of action. Notification can be done either by completing appropriate items on VAF 28-8861 and returning the form to the requesting party or by contacting VR&E directly.

d. Directive Compliance Training

Administrative and clinical staff will be trained in the local procedures to ensure compliance with the requirements of VHA Directive 2010-022, Vocational Rehabilitation: Chapter 31 Benefits Timely Access to Health Care Services.

e. Communication Between Veterans Health Administration (VHA) and Veterans Benefits Administration (VBA)

Communication will be established and maintained with appropriate VBA officials (to include VR&E staff members) at the local RO.

f. Healthcare Outside VA

VAMCs and outpatient clinics are the primary resources for the provision of necessary medical and dental treatment, care and services for Chapter 31 participants. The availability of treatment and services in VA facilities shall be ascertained in each case. The VA shall provide hospital, dental and medical services to Chapter 31 participants only in facilities over which the VA has direct jurisdiction, except as authorized on a contract or fee basis under 38 CFR 21.242 and VAAR 831.7001-4.

1. Medical and Dental Services Authorized on a Fee Basis by VHA

When a VHA physician or dentist determines that necessary medical, dental, mental health and/or prosthetic services are not readily available from a VA facility, the VHA physician or dentist may authorize these services on a contract or fee basis under 38 CFR Part 17. The record of consultation with the VHA physician or dentist will include the following at a minimum:

- Full documentation of consultation with appropriate VHA professional staff members, including completion of VAF 28-8861
- The concurrence from the consulting VA physician or dentist and the need for the recommended medical, dental, mental health and/or prosthetic services, and
- An explanation as to why services cannot be provided by the VAMC within the jurisdiction of the RO

5.09 Vocational Rehabilitation and Employment Officer (VREO) Responsibilities

VREOs will develop and promote local procedures that ensure timely referrals and medical services, and should establish working relationships with key personnel at the VHA facilities in his/her jurisdiction.

5.10 Regional Office (RO) Director Responsibilities

The RO Director will assist in resolving specific issues related to referral and treatment of Veterans participating in the Chapter 31 program. The RO Director should establish a working relationship with the VAMC Director in his/her jurisdiction.

5.11 Authorization for the Use of Companion Animals and Service Dogs

a. Companion Animals

Non-profit agencies, such as Assistance Dogs of the West, Pets2Vets, Paws with a Cause, and Canine Companions for Independence, may provide free companion dogs to Veterans; however, there may be associated training or other costs. VR&E may not authorize payment for training or any other services related to companion animals.

Various organizations advocate the use of companion animals as a means of supporting Veterans with Post Traumatic Stress Disorder (PTSD) and other disabling conditions. Such organizations make it clear that a companion animal is not meant to be a service animal, and the animal is not certified as such. A sense of companionship and caring may develop between owners and their pets. The relationship is often described as therapeutic, especially for individuals with emotional or mental health disorders. Companion Animals may not be allowed in certain establishments where Service Dogs are allowed.

b. Service Dogs

Payment for the purchase of, training of, or any related services for service dogs or guide dogs is not authorized under Chapter 31. VR&E field staff should continue to refer Veterans to VHA to evaluate the need for service dogs and guide dogs when a potential need is identified.

When a VRC determines that a service dog may be needed for a Veteran to begin, continue in, or complete a rehabilitation program, a referral to VHA should be completed. VHA has a well-designed program to assess the Veteran's need and ability to benefit from a service dog. The VRC should use VAF 28-8861 to describe the reason(s) he/she believes a service dog may be needed as part of the rehabilitation plan under Chapter 31, and request that

VHA conduct an evaluation and provide services deemed necessary.

A VHA prescribing clinician will review each request and evaluate the Veteran's circumstances for the following:

- Ability and means, including through family or caregiver, to care for the dog currently and in the future
- Goals that are to be accomplished through the use of the dog
- Goals that are to be accomplished through other assistive technology or therapy

VHA will inform the Veteran of its approval or disapproval of the request for a service dog. Veterans approved for service dogs are referred by VHA to Assistance Dogs International accredited agencies. There is no charge for the dog or the associated training. Veterans with working service dogs are provided veterinary care and special equipment such as harnesses through VA Prosthetics and Sensory Aids Service. VA does not pay for boarding, grooming, food, or any other routine expense associated with owning a dog. If, after a comprehensive assessment, VHA determines that a service dog is not needed or that the Veteran cannot adequately care for a service dog, VR&E should not purchase a service dog or anything related to the use, care, or training of a service dog using Chapter 31 funds.

For more information on VHA's policies on service dogs, see www.va.gov/health/ServiceAndGuideDogs.asp.

5.12 Crisis Prevention

While working with Veterans, VR&E staff members may find themselves faced with a Veteran in crisis. In the case of a possible suicide threat, the staff member must be able to recognize the signs and take immediate action to prevent a tragedy.

a. Veterans Crisis Line

In 2011, the National Veterans Suicide Prevention Hotline was renamed the Veterans Crisis Line to encourage Veterans and their families and friends to make the call. The Veterans Crisis Line connects Veterans in crisis and their families and friends with qualified, VA responders through a confidential toll-free hotline, online chat, text, or website at www.veteranscrisisline.net. Veterans and their loved ones can call 1-800-273-8255 and Press 1, chat online, or send a text message to 838255 to receive confidential support 24

hours a day, 7 days a week, 365 days a year. Support for deaf and hard of hearing individuals is also available using TTY and calling 1-800-799-4889.

Many of the responders are Veterans and understand what Veterans and their families and friends have been through and the challenges they face. To ensure all Veterans and their loved ones are aware of the Veterans Crisis Line, VA coordinates with communities and partners nationwide to let Veterans and their loved ones know that support is available whenever, if ever, they need it. Individuals calling the Veterans Crisis Line do not need to be registered with VA or enrolled in the VA health care system. Responders will work with anyone to help him/her to get through any personal crisis, even if that crisis does not involve thoughts of suicide.

b. Signs of a Crisis

People who know a Veteran best may be the first to recognize emotional distress and reach out for support when issues reach a crisis point—and well before a Veteran is at risk of suicide. Many Veterans may not show any signs of intent to harm themselves before doing so, but some actions can be a sign that a Veteran needs help. Veterans in crisis may show behaviors that indicate a risk of harming themselves.

Veterans who are considering suicide often show signs of depression, anxiety, low self-esteem and/or hopelessness. The VRC should pay particular attention to the following symptoms:

- Appears sad or depressed most of the time
- Clinical depression: deep sadness, loss of interest, trouble sleeping and eating—that doesn't go away or continues to get worse
- Feeling anxious, agitated, or unable to sleep
- Neglecting personal welfare, deteriorating physical appearance
- Withdrawing from friends, family and society, or sleeping all the time
- Losing interest in hobbies, work, school, or other things one used to care about
- Frequent and dramatic mood changes
- Expressing feelings of excessive guilt or shame
- Feelings of failure or decreased performance

- Feeling that life is not worth living, having no sense of purpose in life
- Talk about feeling trapped—like there is no way out of a situation
- Having feelings of desperation, and saying that there is no solution to their problems

The Veteran's behavior may be dramatically different from his/her normal behavior, or he/she may appear to be actively contemplating or preparing for a suicidal act through behaviors such as:

- Performing poorly at work or school
- Acting recklessly or engaging in risky activities—seemingly without thinking
- Showing violent behavior such as punching holes in walls, getting into fights or self-destructive violence; feeling rage, uncontrolled anger, or seeking revenge
- Looking as though one has a “death wish,” tempting fate by taking risks that could lead to death, such as driving fast or running red lights
- Giving away prized possessions
- Putting affairs in order, tying up loose ends and/or making out a will
- Seeking access to firearms, pills, or other means of harming oneself
- Looking for someone to take his/her pet with little or no notice

c. Responding to a Crisis

All Program Specialists (PS), Employment Coordinators (EC) and VRCs need to know how to respond to a telephonic, email, or a face to face crisis. Program Specialists are usually the first in the office to encounter a telephonic call for help. Should a PS or EC take a call from a Veteran who says he/she is suicidal, the PS or EC should immediately alert the VREO, AVREO, or a VRC.

It is very important that the PS or EC keeps the Veteran on the line and assures him/her that help is available and that a trained rehabilitation professional will be taking the call shortly. When an EC receives an email from a Veteran with suicidal or crisis ideation, the EC should immediately contact the Veteran's VRC. The VRC will immediately attempt to contact the

Veteran via telephone and through an email to evaluate the situation.

d. Limitations of Confidentiality

At initiation and throughout the counseling process, rehabilitation counselors inform Veterans of the limitations of confidentiality and seek to identify foreseeable situations in which confidentiality must be breached. The general requirement that rehabilitation counselors keep information confidential does not apply when disclosure is required to protect the Veteran or identify others from serious and foreseeable harm, or when legal requirements demand that confidential information must be revealed. (Source: Code of Professional Ethics for Rehabilitation Counselors, Commission on Rehabilitation Counselor Certification.)

e. Referral to Mental Health Provider/Emergency Room

If VR&E staff suspect a Veteran is having suicidal or homicidal thoughts, the staff member must make every effort to refer the Veteran to a mental health provider as soon as possible. If the Veteran is in immediate danger, the staff member will call 911 and provide the 911 operator the Veteran's contact information. If the VRC does not believe the Veteran is in immediate danger, he/she will direct the Veteran to the closest emergency room for evaluation. The VRC will notate in CWINRS all incidences of suicidal and homicidal ideation in a CWINRS note and conduct appropriate follow-up to ensure the crisis has been resolved prior to continuation in the rehabilitation plan, if one is in progress.

If after speaking with the Veteran, the VRC believes the Veteran is not in any imminent danger, the VRC should ask the Veteran if he/she would consider meeting with a mental health provider at the closest VAMC for a psychological assessment. Using a VAF 8861, the VRC needs to ensure he/she is very clear about what took place during the conversation with the Veteran, noting the Veteran's tone, emotions, affect, time of day, reasons given for the distress and the Veteran's desire for help. If the Veteran served in a war zone, the VRC may also refer him/her to the closest Vet Center for evaluation and counseling. Any time a VRC makes a referral for mental health services, the VRC should follow up with the Veteran and the VAMC or Vet Center to make sure the Veteran received services.

f. Safety Plan

When a VRC encounters a Veteran with suicidal ideation, the VRC will ask the Veteran if he/she has a safety plan. A safety plan is a prioritized written list of coping strategies and sources of support Veterans can use who have been

deemed to be at high risk for suicide. Veterans can use these strategies before or during a suicidal crisis. The plan is brief, in the Veteran's own words and is easy to read.

1. Who Should have a Safety Plan?

Any Veteran who appears to be at risk for suicide should have a comprehensive suicide risk assessment. Clinicians should then collaborate with the Veteran on developing a safety plan.

2. How Should a Safety Plan be Designed?

Safety planning is a clinical process. Listening to, empathizing with and engaging the Veteran in the process can promote the development of the safety plan and the likelihood of its use.

3. Steps to Develop a Safety Plan

There are six steps involved in the development of a safety plan. VRCs are strongly advised to read the manual, VA Safety Plan Treatment Manual to Reduce Suicide Risk: Veteran Version, 8-20-08, to obtain a better understanding of how to respond to a possible suicide. The six steps are as follows:

(a) Step 1: Warning Signs

- (1) Ask "How will you know when the safety plan should be used?"
- (2) Ask "What do you experience when you start to think about suicide or feel extremely distressed?" and list warning signs (thoughts, images, thinking processes, mood and/or behaviors) using the Veteran's own words.

(b) Step 2: Internal Coping Strategies

- (1) Ask "What can you do, on your own, if you become suicidal again, to help yourself not to act on your thoughts or urges?"
- (2) Assess likelihood of use.
- (3) Ask "How likely do you think you would be able to do this step during "a time of crisis?" (If doubt about use is expressed.)
- (4) Ask "What might stand in the way of you thinking of these activities

or doing them if you think of them?" Use a collaborative, problem solving approach to address potential roadblocks and ID alternative coping strategies.

(c) Step 3: Social Contacts Who May Distract from the Crisis

- (1) Instruct Veterans to use Step 3 if Step 2 does not resolve the crisis or lower risk.
- (2) Ask "Who or what social settings help you take your mind off your problems at least for a little while?" and "Who helps you feel better when you socialize with them?"
- (3) Ask for safe places the Veteran can go to be around people (i.e. coffee shop).
- (4) Ask Veteran to list several people and social settings, in case the first option is unavailable. Remember, in this step, the goal is distraction from suicidal thoughts and feelings. Assess likelihood that the Veteran will engage in this step, identify potential obstacles and problem solve as appropriate.

(d) Step 4: Family Members or Friends Who May Offer Help

- (1) Instruct Veteran to use Step 4 if Step 3 does not resolve crisis or lower risk.
- (2) Ask "Among your family or friends, who do you think you could contact for help during a crisis?" or "Who is supportive of you and who do you feel that you can talk with when you're under stress?"
- (3) Ask the Veteran to list several people, in case one contact is unreachable. Prioritize the list. In this step, unlike the previous step, patients reveal they are in crisis to others.
- (4) Assess likelihood Veteran will engage in this step, ID potential obstacles and problem solve. Role play and rehearsal can be very useful in this step.

(e) Step 5: Professionals and Agencies to Contact for Help

- (1) Instruct the Veteran to use Step 5 if Step 4 does not resolve the crisis or lower risk.

(2) Ask "Who are the mental health professionals that we should identify to be on your safety plan?" and "Are there other health care providers?" List names, numbers and/or locations of clinicians, local urgent care services, VA Suicide Prevention Coordinator and VA Suicide Prevention Hotline (1-800-273-TALK (8255)).

(3) Assess likelihood Veteran will engage in this step, ID potential obstacles and problem solve.

(f) Step 6: Reducing the Potential for Use of Lethal Means

(1) Instruct the Veteran to use Step 6 if Step 5 does not resolve the crisis or lower risk.

(2) Ask "What means do you have access to and are likely to use to make a suicide attempt or to kill yourself?" and "How can we go about developing a plan to limit your access to these means?"

(3) Ask "Do you have access to a firearm (such as a handgun, rifle, or shotgun), and if so, what would be your "method of choice?" Ask the Veteran to make arrangements for securing the weapon or weapons.

Note: For methods with lower lethality (such as drugs or medication with a low level of toxicity), ask the Veteran to remove or restrict his/her access to these methods themselves before he/she is in crisis. For methods of high lethality, such as a firearm, ask the Veteran to temporarily limit his/her access to it. A Veterans' risk for suicide increases when he/she is in direct contact with the highly lethal method. Instead, an optimal plan would be to restrict the Veterans' access to a highly lethal method by having it safely stored by a designated responsible person - usually a family member, close friend, or even the police.

5.13 Vet Center

1. History

The Vet Center Program was established by Congress in 1979 out of the recognition that a significant number of Vietnam-era Veterans were still experiencing readjustment problems. In April 1991, in response to the Persian Gulf War, Congress extended the eligibility to Veterans who served during other periods of armed hostilities after the Vietnam era. Those other periods are identified as Lebanon, Grenada, Panama, the Persian Gulf,

Somalia, and Kosovo/Bosnia. In October 1996, Congress extended the eligibility to include WWII and Korean Combat Veterans.

The goal of the Vet Center program is to provide a broad range of counseling, outreach, and referral services to eligible Veterans in order to help them make a satisfying post-war readjustment to civilian life. On April 1, 2003 the Secretary of Veterans Affairs extended eligibility for Vet Center services to Veterans of Operation Enduring Freedom (OEF) and on June 25, 2003 Vet Center eligibility was extended to Veterans of Operation Iraqi Freedom (OIF) and subsequent operations within the Global War on Terrorism (GWOT). The family members of all Veterans listed above are eligible for Vet Center services as well. On August 5, 2003 VA Secretary Anthony J. Principi authorized Vet Centers to furnish bereavement counseling services to surviving parents, spouses, children and siblings of Servicemembers who die of any cause while on active duty, to include federally activated Reserve and National Guard personnel.

2. Eligibility

To be eligible for Vet Center services, the Veteran or his/her family member must have served in any combat zone and received a military campaign ribbon (Vietnam, Southwest Asia, OEF, OIF, etc.). A DD 214 or other proof of service is required during the first visit to a Vet Center. See the following for a list of eligible combat zones:

- World War II - Three eligible categories - European-African-Middle Eastern Campaign-Medal (7 Dec. 1941 to 8 Nov. 1945), Asiatic - Pacific Campaign Medal (7 Dec. 1941 to 2 Mar. 1946), or American Campaign Medal (7 Dec. 1941 to 2 Mar. 1946)
- American Merchant Marines - In oceangoing service during the period of armed conflict, 7 Dec. 1941 to 15 Aug. 1945
- Korean War - 27 June 1950 to - 27 July 1954 (eligible for the Korean Service Medal)
- Vietnam War - 28 Feb. 1961 to 7 May 1975
- Lebanon - 25 Aug. 1982 to 26 Feb. 1984
- Grenada - 23 Oct. 1983 to 21 Nov. 1983
- Panama - 20 Dec. 1989 to 31 Jan. 1990
- Persian Gulf - 2 Aug. 1990, ongoing

- Somalia - 17 Sept. 1992, ongoing
- Bosnia - 21 Nov. 1995 to 01 Nov. 2007
- Kosovo - 24 Mar. 1999, ongoing
- Operation Enduring Freedom - 7 Oct. 2001, ongoing
- Operation Iraqi Freedom - 19 Mar. 2003 to 17 Feb. 2010
- Operation New Dawn - 17 Feb. 2010, ongoing
- Operation Joint Endeavor, Operation Joint Guard, and Operation Joint Forge - Veterans who participated in one or more of the three successive operations in the former Yugoslavia (Bosnia-Herzegovina and Croatia, aboard U.S. Naval vessels operating in the Adriatic Sea, or air spaces above those areas); Veterans who serve or have served in Kosovo either in its waters or airspace after March 24, 1999, and before a terminal date yet to be established
- Global War On Terrorism - Veterans who serve or have served in military expeditions to combat terrorism on or after September 11, 2001 and before a terminal date yet to be established; includes OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM & OPERATION NEW DAWN

3. Readjustment Counseling

Readjustment counseling is a wide range of psychosocial services offered to eligible Veterans and their families in the effort to make a successful transition from military to civilian life. Services include the following:

- Individual and group counseling for Veterans and their families
- Family counseling for military related issues
- Bereavement counseling for families who experience an active duty death
- Military sexual trauma counseling and referral
- Outreach and education including Post-Deployment Health Reassessment Program (PDHRA), community events, etc.
- Substance abuse assessment and referral

- Employment assessment and referral
- VBA benefits explanation and referral
- Screening & referral for medical issues including TBI, depression, etc.

4. Sexual Trauma and Harassment Counseling

Veterans of both genders and all eras who suffered a sexual trauma or sexual harassment may receive counseling. Vet Center services include individual readjustment counseling, referral for benefits assistance, group readjustment counseling, liaison with community agencies, marital and family counseling, substance abuse information and referral, job counseling and placement, sexual trauma counseling, and community education.

5. Bereavement Counseling

Bereavement counseling is offered to parents, siblings, spouses and children of Armed Forces personnel who die in the service to our country. Also eligible are family members of Reservists and National Guardsmen who die while on federally activated duty.

6. Vet Center Locations

Vet Centers are located throughout the United States, Guam, Philippines, American Samoa, Virgin Islands and Puerto Rico. For a map on where the Vet Centers are located, see www.va.gov/directory/guide/vetcenter_flsh.asp. The main website for the Vet Center is www.vetcenter.va.gov.

Chapter 6 INTERRUPTION AND LEAVES OF ABSENCE

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Appendix O. VA Forms

Chapter 6 INTERRUPTION AND LEAVES OF ABSENCE

6.01 Introduction

This chapter provides the procedural guidelines in approving requests for and implementing leaves of absence. In addition, this chapter provides the procedural guidelines for suspending rehabilitation services.

6.02 References and Resources

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|-----------------|--|
| Laws: | 38 United States Code (U.S.C.) 3103 38 U.S.C. 3117 Public Law 107-103 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.46 38 CFR 21.197 38 CFR 21.340-350 38 CFR 21.420 38 CFR 21.7139 |
| VA Forms (VAF): | VAF 28-1905d, Special Report of Training VAF 28-1905h, Trainee Request for Leave VAF 28-1902n, Counseling Record-Narrative Report Supplemental Sheet VAF 4107, Your Right to Appeal Our Decision |

6.03 Leave of Absence

a. General Information

The intent of a leave of absence is to allow a Veteran who is participating in a rehabilitation program to stop active participation for a short period of time, but have his/her rehabilitation case remain in an active status and continue to receive subsistence allowance during the leave. A leave of absence may be approved for a Veteran who is in Extended Evaluation (EE), Rehabilitation to the point of Employability (RTE), or Independent Living (IL) status. It is applicable to a period when a Veteran, with approval of his/her case manager, is not in attendance:

- In training, as defined by the educational institution, rehabilitation center, Non-Paid Work Experience (NPWE) site, apprentice site, and on-job training site.
- At work, as defined by the rules of the training establishment; or participating in a scheduled period of individual instruction.

b. Requesting a Leave of Absence

A request for a leave of absence must be made by the Veteran in advance of the leave. The case manager should inform the Veteran of this requirement prior to entering a rehabilitation program.

The Veteran must provide either a written request on VAF 28-1905h, Trainee Request for Leave, or a verbal request for a leave of absence. If a verbal request is given, completion of VAF 28-1905h should occur as quickly as possible. If it is not possible for the Veteran to complete VAF 28-1905h, the case manager must document the request and assist the Veteran in completing the form and obtaining the necessary approval. See Appendix O, VA Forms, for information on how to access this, and all forms mentioned in this chapter.

The Veteran must certify that the leave will not adversely impact his/her progress from the educational institution, rehabilitation center, training establishment, or individual instructor.

c. Approval of Request for Leave of Absence

The case manager must approve the request for a leave of absence and document the decision on a Corporate WINRS (CWINRS) note or on VAF 28-1905d, Special Report of Training. This form must be filed in the center section of the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

The case manager may not approve a request for leave of absence when such approval will result in the use of more than 48 months of entitlement under the Chapter 31 program, or an extension of the date of completion of rehabilitation services. Additionally, a leave of absence may not be approved after the completion of rehabilitation services.

d. Duration of Leave of Absence

The case manager may approve a leave of absence for no more than 30 days during a 12-month period. Under exceptional circumstances, the case manager may approve an additional 15 days of leave during the same 12-month period if failure to approve the leave would adversely affect the Veteran's ability to continue in the planned rehabilitation program.

e. Calculating Periods for Leave of Absence

The beginning date of the year for which a leave of absence is approved is the same as the beginning date of the original subsistence allowance award. The ending date is 12 months from the beginning date. After the year in

which a leave of absence is authorized, subsequent 12-month periods are consecutive.

Example: A Veteran is granted a leave of absence during November 2012. The beginning date of the subsistence allowance award was September 3, 2012. The first 12-month period would be from September 3, 2012, to September 2, 2013. The second 12-month period would be from September 3, 2013, to September 2, 2014, and so on.

f. Charging a Leave of Absence

One day of approved leave is charged for each day or partial day that the Veteran is not in attendance, at work, or participating in a scheduled period of individual instruction. The Veteran's rate of pursuit does not affect the amount of approved leave.

A Veteran receiving subsistence allowance during an approved leave of absence is considered to be pursuing a rehabilitation program. Each day of leave for which the Veteran is paid a subsistence allowance is charged against his/her Chapter 31 entitlement.

g. Leave Approval Not Required

A leave of absence is not required, and the Veteran may continue to receive subsistence allowance, under the following conditions:

- When the facility where the Veteran is pursuing a rehabilitation program is temporarily not providing services, such as when the facility is closed under an executive order from the President, or the facility is closed due to an emergency situation.
- When a Veteran is participating in on-job training and the site observes holidays established by state or federal law.
- When a Veteran participating in farm cooperative training who is required, because of routing operations, to be absent from the farm or from a farm cooperative course given at an educational institution.
- When a Veteran is pursuing a standard college degree, during weekends and legal holidays, or customary vacation periods.
- When a Veteran, as part of an approved program, transfers from one institution to another.

- A Veteran pursuing a non-college degree may be excused up to five days per 12-month period when the school is not providing services because of instructor professional meetings.

Note: A Veteran who wishes to receive subsistence allowance while a facility is temporarily not providing services under circumstances other than those outlined above must request and be granted an approved leave of absence.

h. Processing Leave of Absence

The case manager must adhere to the following guidelines when processing an approved leave of absence:

1. Document the reason for the leave of absence and the approval of the request on VAF 28-1905d or in a CWINRS note.
2. Outline the ending date of the current 12-month reporting period and number of days of leave used within the approved reporting period in the remarks section of VAF 28-1905d or in a CWINRS note.
3. File VAF 28-1905h and other related documents of the approval for leave from the training facility or individual instructor on the left side of the Veteran's CER folder.
4. Notify the Veteran in writing regarding the approval of the request for leave of absence.
5. File a copy of the notification letter in the middle section of the Veteran's CER folder.
6. If the Veteran is receiving payment at the Chapter 30 rate, administer the Chapter 30 payment rate according the guidelines for Chapter 30, and determine the effect of the absence under 38 CFR 21.7139.
7. Document in CWINRS notes that the Veteran is on authorized leave and is receiving subsistence allowance as an active participant in rehabilitation services. Specify the period of the leave of absence.

i. Handling Unauthorized Leave of Absence

When a Veteran takes an unauthorized leave of absence, the case manager must adjust the Veteran's subsistence allowance award to recoup the amount paid and the time used during the unauthorized leave of absence, and informs the Veteran of the adjustment.

j. Excusing an Unauthorized Leave of Absence

The case manager may excuse an unauthorized leave of absence when it was not possible for the Veteran to obtain advance approval for the leave of absence and the conditions for approval of a leave of absence would otherwise be met.

The justification for excusing the authorized leave of absence must be clearly documented in a CWINRS note or on VAF 28-1905d and filed in the middle section of the Veteran's CER folder.

6.04 Interruptions

a. General Information

In interruption is a temporary suspension of a Veteran's rehabilitation program. Prior to the interruption, the case manager must determine that the Veteran will be able to return to his/her program of rehabilitation or employment services after resolving the issues causing the interruption. A case may be placed in Interrupted status from EE, RTE, IL, or Job Ready (JR) status.

b. Reasons for Interrupting Services

A Veteran's case may be assigned to Interrupted (INT) status for a variety of reasons including, but not limited to the following:

1. Prior to placing the Veteran's case in Discontinued (DIS) status to ensure that all appropriate actions are taken to assist the Veteran in continuing his/her program and provide the Veteran with due process.
2. The Veteran's conduct and cooperation has become unsatisfactory.
3. The Veteran cannot continue his/her rehabilitation program because the necessary training and rehabilitation services are unavailable.
4. The Veteran is unable to initiate or continue a rehabilitation plan due to medical reasons, family emergencies, etc.
5. The Veteran is recalled to active duty.
6. The Veteran becomes a fugitive felon or is incarcerated.

c. Inactivity for an Extended Period

A case must not be placed into Interrupted status following a lengthy period of inactivity or no contact with the Veteran. Extensive efforts must be made

to contact the Veteran prior to placement of the case into Interrupted status. Attempted contacts must be documented clearly in a CWINRS note or on VAF 28-1905d and filed in the middle section of the Veteran's CER folder.

d. Veteran Request for Interruption

A Veteran has the right to request a temporary interruption of services for valid reasons. The issues may include, but are not limited to, major health issues, family emergencies, legal, or financial issues. The reasons for requesting an interruption include issues that may be resolved within a period of one to six months.

The Veteran's election for suspension of services may be made in lieu of requesting for leave of absence to conserve his/her entitlement.

e. Due Process for Interruption

Due process requires that the Department of Veteran's Affairs (VA) provide the Veteran with a written notification prior to taking an adverse action, VAF 4107. The notification must state that the Veteran has 30 days to respond to the notification.

Placement into Interrupted status is not an adverse action. However, the interruption letter may be used to provide notification of the intent to discontinue Chapter 31 benefits. In this situation, the case manager may send VA Form 4107 with the notice of proposed adverse action. The discontinuance of the case is the adverse action.

The period of due process that allows a Veteran to respond to the notification must be at least 30 days, but no more than 60 days. If the Veteran does not respond and case is not closed within the 60-day period, the Veteran must be provided with additional 30-day due process period.

f. Procedures for Interrupting Services

1. Scheduled Interruption

A scheduled interruption is an agreed upon suspension of services by the case manager and the Veteran and an anticipated date to his/her rehabilitation program has been determined. This is not considered an adverse action and for that reason, does not require due process.

The case manager must document the reason(s) for the interruption, the expected outcome, actions to be completed during the interruption, and

the expected date of the Veteran's return to active status on VAF 28-1905d or in a CWINRS note.

The case manager must also inform the Veteran in writing of the following information:

- Explanation or reason(s) for the interruption
- Steps to be taken by the Veteran and VA to continue the rehabilitation program
- Explanation of the consequences if the Veteran does not follow the steps as outlined in the notification letter

2. Unscheduled Interruption

An unscheduled interruption is when a case manager suspends services to the Veteran without his/her agreement. This is an adverse action and requires due process. The case manager must document the reason(s) for the interruption, the expected outcome, actions to be completed during the interruption, and the expected date of the Veteran's return to active status on VAF 28-1905d or in a CWINRS note.

The case manager must also inform the Veteran in writing of the adverse action and include the following information:

- Explanation or reason(s) for the interruption
- Steps to be taken by the Veteran and VA to continue the rehabilitation program
- Explanation of the consequences if the Veteran does not respond within 30 days from the date of the notification letter
- VAF 4107

3. Updating CWINRS and Benefits Delivery Network (BDN)

The case manager must change the current case status to INT using Reason Code (RC) 16 in CWINRS. This will automatically update the case status in BDN.

4. Case Management Activities during Interruption

The case manager must continue to provide follow-up activities during a period of interruption. These activities can be conducted via telephone,

email, letter, or in person. They are designed to provide motivation and identify resources that may increase the Veteran's ability to resume his/her rehabilitation program.

If the Veteran's anticipated return to the program has not been established, and the case is expected to be discontinued, then follow up activities must be conducted monthly.

If the Veteran's anticipated return to the program has been established, then follow up activities can be conducted in intervals of no more than 60 days.

The case manager must document the follow up activities on a CWINRS note or on VAF 28-1905d and filed in the middle section of the Veteran's CER folder.

g. Next Steps and Discontinuance

1. If the Veteran Responds to the Letter of Interruption

If the Veteran responds to the letter of interruption during the due-process period by indicating a desire to re-enter services, the case manager must schedule a meeting to discuss next steps that must occur to continue or redevelop a plan of services.

- If the Veteran is returning to his/her plan of service. The case manager can change the case status from INT to the case status at the time of interruption.
- If the Veteran's plan of service has been redeveloped, then the case manager can change the case status from INT to the appropriate case status.

2. If the Veteran Does Not Respond to the Letter of Interruption

If the Veteran does not respond to the letter of interruption during the due-process period, the case must be prepared for discontinuance and concurrence from the Vocational Rehabilitation and Employment Officer.

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Appendix AR. MRG Letters

Chapter 7 CASE CLOSURES

7.01 Introduction

This chapter provides instructions for processing Chapter 31 case closures. It includes information on how to close a case in Rehabilitated status or in Discontinued status from an Individualized Written Rehabilitation Plan (IWRP), from a self-employment plan, from an Individual Independent Living Plan (IILP) and as a Maximum Rehabilitation Gain (MRG) closure. This chapter also includes the statutory and regulatory references used when closing a Chapter 31 case.

7.02 References and Resources

| | |
|-----------------|---|
| Laws: | 38 United States Code (U.S.C.) 3107 38 U.S.C. 3111 |
| Regulations: | 38 Code of Federal Regulations (CFR) 38 CFR 21.180 38 CFR 21.192 38 CFR 21.196 38 CFR 21.197 38 CFR 21.198 38 CFR 21.257 38 CFR 21.283 38 CFR 21.362 38 CFR 21.364 38 CFR 21.420 |
| VA Forms (VAF): | VAF 4107, Your Rights to Appeal our Decision VAF 5655, Financial Status Report VAF 28-0791, Preliminary Independent Living Assessment VAF 28-0794, Self-Employment Plan Approval Request VAF 28-0850, Checklist for Proposed Rehabilitation VAF 28-0853, Checklist for Proposed Discontinuance VAF 28-0962, Checklist for Proposed Self-Employment Rehabilitation |

7.03 Closing a Case in Rehabilitated Status

a. Justification for Closure in Rehabilitated Status

When a Veteran is declared rehabilitated, the case manager must clearly explain the rehabilitation decision in a closure statement. The closure statement must cite the applicable paragraph in 38 CFR 21.283 that supports

the declaration of rehabilitation. In addition, the case manager must provide a summary of the case, which includes, but is not limited to:

- Veteran's impairments to employability.
- Vocational rehabilitation services provided to the Veteran.
- Explanation as to how the rehabilitation services contributed to the Veteran's ability to overcome his/her impairments through suitable employment or increased independence.
- Required employment data.
- Additional information required to justify rehabilitation when IL goals are achieved or the Veteran has attained a substantial increase in his/her level of independence with the program assistance provided.

b. Suitable Employment Determination

There are instances when a determination of suitability of a Veteran's employment is necessary to validate the rehabilitation decision. This may include occasions when a Veteran accepts employment that is not the same as the vocational goal in his/her rehabilitation plan. The case manager must explain the rehabilitation decision in terms of wages and benefits, as well as the Veteran's abilities, limitations and interests.

In cases where a Veteran chooses to maintain current employment, which the case manager determines to be unsuitable, the case manager may not declare the Veteran rehabilitated. However, the case manager must re-evaluate the Veteran's rehabilitation program for other potential plan of services that may lead to the Veteran's successful rehabilitation.

c. Rehabilitation Closure Without Achieving All Independent Living (IL) Goals

An IL case can be closed as rehabilitated when all goals have not been achieved. However, the case manager must provide documentation that the Veteran:

- Achieved a substantial increase in independence as a result of the services provided by Vocational Rehabilitation and Employment (VR&E).
- Has maintained the increased independence for at least 60 days.
- Will likely not demonstrate a significant increase in independence with further assistance.

d. Utilizing Third Party Employment Information When Closing a Case in Rehabilitated Status

The case manager may utilize employment information from a third party for case closure when contact with the Veteran has been lost. The third party may be a contract counselor, employer, a Disabled Veterans Outreach Program (DVOP) specialist, Local Veterans' Employment Representative (LVER) or a school employment coordinator. Third party employment information must include the following information, at a minimum, order to be considered valid when closing cases in rehabilitated status:

- Date of employment
- Job title
- Employer name
- Monthly salary (can use wage information from the Department of Labor as verification)

The date of employment is the date the Veteran was hired. The 60 day follow-up period for post-employment services begins from the date the case manager received notification of Veteran's employment. For example, on 10/01/12, the case manager learns that the Veteran began employment on 09/15/12. In this case the case manager will attempt follow-up with the Veteran on 11/01/12 and on 12/01/12. If there is no response from the Veteran, the case manager can then proceed with closing the case in rehabilitated status on 12/01/2012, 60 days from the date the employment was discovered.

The case manager must use VAF 28-1905d, Special Report of Training or a Corporate WINRS (CWINRS) note to clearly document relevant employment information and attempts to contact the Veteran by letter, phone and email before proposing rehabilitation of the case based on third party employment information. The file must also be documented with efforts to locate alternate contact information for the Veteran through Compensation and Pension Records Interchange (CAPRI). The CWINRS placement tab must be filled out. Third party employment information must not be older than 120 days when rehabilitation is proposed.

When using third party employment information to close a case in rehabilitated status, due process must be provided prior to closure. The case manager must send a notice of proposed adverse action that clearly outlines the third party employment information to include, at a minimum, the following:

- Date of employment
- Job title
- Employer name
- Monthly salary

The due process letter, which includes the above stated information, serves as notification of the intent to rehabilitate the Veteran's case and gives the Veteran an opportunity to dispute the employment information. Due process must be provided at least 30 days, but not more than 60 days, prior to closure. The case manager may use a pre-rehab letter for this purpose.

If the Veteran responds to the pre-rehab letter during the due process period to dispute the third party employment information, the case manager must use VAF 28-1905d or a CWINRS note to document the Veteran's employment information. The Veteran's concerns must be addressed and documented. If the employment is not suitable, employment services should continue. If the employment is suitable, and the Veteran's concerns are resolved, case closure in rehabilitation status can then proceed if the requirements in M28R.VI.A.10 are met.

If the Veteran does not respond during the due process period, follow the guidance in M28R.VI.A.10. The closure report must clearly document the efforts made by the case manager to re-establish contact and verify the suitability of the employment. After receiving the Vocational Rehabilitation and Employment Officer's (VREO) or Assistant Vocational Rehabilitation and Employment Officer's (AVREO) approval to close the case, send a written notice explaining the reasons for rehabilitation, along with appellate rights. If the case manager is unable to close the case within the required due-process period, he/she must send another notification of proposed adverse action and provide another period of due process.

In a case where the rehabilitation was not done in a timely manner, the pre-rehab letter can be used to confirm that the Veteran is still employed after contact is lost, but the date of employment verification cannot be older than 120 days. It is important to remember that the date of employment must be verified as accurate within 120 days prior to the date of closure to be considered current. For example, if the due process period expires before closing the case and the pre-rehab letter is sent to the Veteran again, closure of the case in rehabilitated status could proceed as long as the 120-day period has not expired. If the 120-day period has expired, then the employment information would need to be verified as accurate again, either by direct contact with the Veteran or with the third party.

e. Closure Statement

The case manager must provide a written justification for the rehabilitation decision in a closure statement. Guidelines for justification of rehabilitation decisions are provided in M28R.VI.A.10. The case manager is required to explain clearly the basis of the rehabilitation decision in terms of suitability and nature of the Veteran's employment.

The closure narrative should also include, but is not limited to the following information, as applicable:

- Date of closure statement
- Remaining entitlement
- Current service-connected disability conditions and rating
- Serious Employment Handicap (SEH) determination
- Vocational goal
- Training objective
- Type and description of degree
- Dates training began and completed
- Cumulative Grade Point Average (GPA)
- Begin date of employment
- Place of employment
- Title of position
- Supervisor's name and contact information
- Work requirements
- Services provided
- Employment wage information

f. Other Required Documentation

The case manager must ensure that the following documents are included in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder:

- A copy of Veteran's diploma/certificate or a copy of his/her official transcript of records.
- Narrative for the required declaration of the Veteran's job readiness (for rehabilitation from employment services).
- Current Individualized Employment Assistance Plan (IEAP) or IILP.
- Verification of Employment Assistance Allowance (EAA) payments, if applicable.

g. Concurrence for Closure

Prior to the actual closure of the case, the case manager must submit a VAF 28-0850, Checklist for Proposed Rehabilitation, and the Veteran's CER folder to the VREO or AVREO for review and concurrence. The checklist must be completed and properly signed and dated by the reviewing officer. The checklist must be filed on top of the middle section in the CER folder.

VAF 28-0850 cannot be used to close a self-employment rehabilitation plan. To close a self-employment rehabilitation plan, use VAF 28-0962, Checklist for Proposed Self-Employment Rehabilitation.

h. CWINRS and Benefits Delivery Network (BDN) Update

The case manager must ensure that the Veteran's employment data are correctly entered in CWINRS and BDN. The closure in BDN and CWINRS must reflect the accurate reason code. The effective date of a case closed as Rehabilitated in CWINRS and BDN should not be earlier than the date of the VREO's concurrence with the rehabilitation decision, and should match the date of the Rehabilitation notification letter sent to the Veteran.

i. Required Notification Letters

The case manager must inform the Veteran of any actions taken during his/her rehabilitation program:

1. Notification of Proposed Rehabilitation

(a) Required

If rehabilitation is proposed for a Veteran as a result of his/her pursuit of further education, or the Veteran obtains suitable employment that is not the same as the occupational goal outlined in his/her rehabilitation plan, or if all objectives of the IILP have not been achieved, the case manager must provide the Veteran a notification letter informing him/her of the proposed declaration of rehabilitation. The letter must include the Veteran's appellate rights. If the Veteran does not respond after 30 days from the date of the proposed rehabilitation notification letter, the case manager may proceed to close the case as Rehabilitated.

(b) Not Required

A notification letter of the proposed rehabilitation is not required if rehabilitation of a Veteran is a result of completion of the vocational objectives outlined in his/her signed IWRP or IILP.

2. Notification of Rehabilitation Decision

Upon receipt of the VREO's approval for the rehabilitation closure, the case manager must provide the Veteran a notification letter informing him/her of the rehabilitation decision. The letter must include the effective date of the closure, clear explanation or justification of the decision, and VAF 4107, Your Rights to Appeal Our Decision (see Appendix O, VA Forms).

7.04 Closing a Case in Discontinued Status

The purpose of Discontinued status is to identify situations in which termination of all services and benefits received under Chapter 31 is necessary.

a. VA Form (VAF) 28-0853, Checklist for Proposed Discontinuance

Prior to discontinuance of a case from Independent Living, Rehabilitation to Employment, Job Ready or Self-Employment status, the case manager must submit VAF 28-0853 and the Veteran's CER folder to the VREO or AVREO for review and concurrence. The checklist must be completed and properly signed and dated by the case manager and reviewing officer. CWINRS notes cannot be used in place of this form since it requires signatures from the case manager and the VREO or AVREO.

b. Placement in Discontinued Status

The case manager will discontinue the Veteran's case and assign the case to Discontinued status following assignment to Interrupted status as provided in 38 CFR 21.197 for reasons including, but not limited to the following:

1. Veteran Declines to Initiate or Continue Rehabilitation Process

If a Veteran does not initiate or continue the rehabilitation process and does not furnish an acceptable reason for his/her failure to do so following assignment to Interrupted status, the Veteran's case will be discontinued.

2. Unsatisfactory Conduct and Cooperation

When a Veteran's conduct or cooperation becomes unsatisfactory, services and assistance may be discontinued and assigned to Discontinued status as determined under provisions of 38 CFR 21.362 and 38 CFR 21.364.

3. Eligibility and Entitlement

Unless the Veteran desires employment assistance, the Veteran's case will be discontinued and assigned to Discontinued status when:

- The Veteran reaches the basic twelve-year termination date, and there is no basis for extension of entitlement, or
- The Veteran has used 48 months of entitlement under one or more Department of Veteran Affairs (VA) programs and there is no basis for extension of entitlement.

4. Medical and Related Problems

A Veteran's case will be discontinued and assigned to Discontinued status when:

- The Veteran is unable to participate in a rehabilitation program because of a serious physical or emotional problem for an extended period, and
- VA medical staff is unable to estimate an approximate date by which the Veteran will be able to begin or return to the program.

5. Withdrawal

A Veteran's case will be discontinued and assigned to Discontinued status when he/she voluntarily withdraws from the program.

6. Failure to Progress

The Veteran's case will be discontinued and assigned to Discontinued status if his/her failure to progress in a program is due to:

- Continuing lack of application by the Veteran unrelated to any personal or other problems, or
- Inability of the Veteran to benefit from rehabilitation services despite the best efforts of VA and the Veteran (38 U.S.C. 3111).

c. Special Review of Proposed Discontinuance Action

The VREO shall review each case in which discontinuance is being considered. The VREO may utilize existing resources to assist in the review, including referral to the Vocational Rehabilitation Panel (VRP). For more information on the VRP, see M28R.II.A.4.

d. Justification for Discontinuance Closure

When a case manager determines a case needs to be discontinued, the case manager must clearly explain the decision in a closure statement. The closure statement must provide a summary of the case, which includes, but is not limited to:

- Date of closure statement
- Reason(s) for the discontinuance
- Current Service-Connected Disability (SCD) conditions and rating

e. Concurrence for Closure

An outcome case is a case for which a plan of vocational rehabilitation services has been developed for a Veteran and that the case manager intends to close in either a Discontinued or Rehabilitated status. The VREO and/or AVREO need to ensure the accuracy of these decisions. Additionally, with the increased focus on individual accountability on Veterans Benefits Administration (VBA) employees as they provide services to Veterans, VR&E Service requires case managers and VREO/AVREOs become accountable for

decisions made on Veterans' cases. For offices where there is no VREO or AVREO, this activity may be delegated to a Counselor in Charge (CIC) who has supervisory authority.

The VREO or AVREO must review and sign off on all outcome cases prior to processing the outcome. The VREO or AVREO must review the CER file and sign the VAF 28-0853 before the case manager closes the case and takes appropriate action in CWINRS and BDN.

The declaration must be filed on the top of the center section of the CER folder. The checklist addresses the items relating to the outcome determination that are reviewed during the Review of Quality (ROQ). All ROQ of outcome cases will verify that both the case manager and the VREO/AVREO have signed the appropriate declaration.

f. CWINRS and BDN Update

The case manager must ensure that the closure information is correctly entered in CWINRS and BDN. The closure in BDN and CWINRS must reflect the accurate reason code (see M28R.III.A.2). The effective date of a case closed as Discontinued in CWINRS and BDN should not be earlier than the date of the VREO's concurrence with the decision, and should match the date of the Discontinuance notification letter sent to the Veteran.

g. Notification of Discontinuance Decision

Upon receipt of the VREO's approval for the discontinuance closure, the case manager must provide the Veteran a notification letter informing him/her of the decision. The letter must include the effective date of the closure, clear explanation or justification of the decision, and VAF 4107, Your Rights to Appeal Our Decision (see Appendix O, VA Forms).

7.05 Closing a Case Using Maximum Rehabilitation Gain (MRG)

a. General

The concept of MRG provides a comprehensive representation of the positive impact of the rehabilitation process for Veterans who are unable or unwilling to complete planned services and achieve a fully successful outcome as defined by VA regulations. A Veteran has reached MRG when VR&E is able to measure substantial improvement in the Veteran's circumstances that is directly attributable to services provided by VR&E.

b. When to Use MRG

- Services contributed to a Veteran obtaining or maintaining employment that does not meet the criteria for rehabilitation, or
- Services substantially improved the circumstances of a Veteran who is not currently employable in a suitable job.

The type and duration of services provided are not, in themselves, sufficient to close a case as an MRG unless the criteria outlined below are clearly met. The benefit of services provided must be clearly explained and documented. It is also important that the MRG determination is based on information about the Veteran's current circumstances.

c. Criteria for MRG

A determination that a Veteran has reached maximum rehabilitation gain can only be made when all of the following criteria are met:

- The Veteran has received services under an IWRP or an IEAP.
- The Veteran is unable or unwilling to continue services toward completion of a vocational goal despite VR&E efforts to motivate or provide further services.
- The Veteran has received written notification of interruption and pending discontinuance.
- Direct contact has been established with the Veteran within 90 days prior to closure or information about the Veteran's current circumstances has been verified within 120 days prior to closure.
- The Veteran has received significant and measurable gain from the services provided under Chapter 31 as described within categories MRG-1 and MRG-2.

d. MRG Categories

1. MRG-1, Reason Code 35

The use of MRG-1 (reason code 35) is appropriate in cases where all of the following circumstances are present:

- Veteran is employed.

- VR&E services contributed to the Veteran obtaining or maintaining current employment.
- Current employment is advantageous to the Veteran but does not meet the criteria for closure as “rehabilitated” in accordance with 38 CFR 21.283.

2. MRG-2, Reason Code 34

The use of MRG-2 (reason code 34) is appropriate in cases where one of the following circumstances is present:

(a) The Veteran is Employable in a Suitable Occupation

The Veteran is currently employable in a suitable job. He/she has gained enough rehabilitative benefit from VR&E services to qualify for suitable employment, yet the case does not meet the criteria for closure as “rehabilitated” in accordance with 38 CFR 21.283.

(b) The Veteran is Not Employable in a Suitable Occupation

The Veteran is not currently employable in a suitable job, but:

- (1) The Veteran had been receiving services toward a vocationally oriented goal.
- (2) The services provided by VR&E substantially improved the Veteran's circumstances through measurable gains in such areas as:
 - Self-management
 - Self-advocacy
 - Independence in daily living
- (3) An assessment indicates either that the Veteran:
 - Does not currently need IL services, or
 - May need IL services, but is unable or unwilling to participate.

e. MRG Documentation

Current information must be verified and direct contact must be established prior to closure of a case in Discontinued status using an MRG reason code.

Current information is defined as information that justifies the MRG and is substantiated by direct contact with the Veteran within 90 days prior to closure or, without direct contact, is verified as accurate within 120 days prior to the date of closure.

Direct contact is defined as two-way communication in person, by telephone, traditional mail or by electronic means, such as email. When it is not possible to complete this direct contact, the file should be clearly documented to show that efforts were made by all available methods (i.e., traditional mail, phone, or email).

The VR&E case manager must ensure that accurate and current information to substantiate the decision to close the case with an MRG reason code is documented in the CER folder. VR&E staff, a contract counselor, a DVOP specialist, a LVER, or another Veteran-focused entity such as a Veterans Service Officer (VSO) or VA certifying official may also establish the contact or obtain the necessary documentation. The purpose of this requirement is to ensure that current information about the Veteran's circumstances was considered in the decision to close the case.

f. Vocational Rehabilitation and Employment (VR&E) Staff Responsibilities

1. Case Manager Responsibilities

The VR&E case manager must make every effort to assist the Veteran toward a rehabilitation outcome. However, when the Veteran is unable or unwilling to continue receiving services toward that goal, the VR&E case manager is responsible for:

- Reviewing information obtained,
- Developing further information as needed, and
- Preparing a closure statement that clearly explains the use of a particular MRG or other reason code.

2. VREO Responsibilities

The VREO must ensure that the:

- Required procedures were followed,
- Current information was used, and
- Required criteria were met before a case is closed using an MRG reason code.

When discontinuing a case using an MRG reason code, VR&E case managers must provide thorough justification of the MRG in the closure statement. Only cases of Veterans who have derived significant rehabilitative benefits through services provided by VR&E under an IWRP or IEAP may be closed in Discontinued status using an MRG reason code. VREO certification must be indicated in writing on VAF 28-0853.

g. Procedural Guidance

The guidelines and procedures for justifying, documenting, and closing cases in Discontinued status using an MRG reason code are described below:

1. Due Process and Follow-Up

When a Veteran is unable or unwilling to continue services toward completion of a vocational goal, proper procedures for interrupting, following up, and providing due process must be followed.

2. Interruption and Due Process

Follow procedures outlined in M28R.III.A.2 to move the case to Interrupt status and provide written notification to the Veteran of the reason(s) for this action, as well as what next steps are required to continue services under Chapter 31. Clearly state what actions you will take if the Veteran does not respond within a specified period of time. Discontinuing the Veteran's program is considered an adverse action and requires due process. Due process requires that VA provide prior notification of an adverse action and a period of time to respond to this notification before taking an adverse action. The Interruption letter may be used to provide notification of the intent to discontinue Chapter 31 benefits. The period of due process that allows the Veteran the opportunity to respond to the notification must be at least 30 days but not more than 60 days.

If it is determined that case closure using an MRG reason code is appropriate, use the pre-MRG Letter (see Appendix AR) when moving the case to Interrupt status; otherwise, select and print the Interruption letter from the CWINRS database.

3. Follow-Up, Next Steps, and Discontinuance

If the Veteran responds to the Interruption letter during the due process period by indicating a desire to re-enter services, the case manager should schedule a meeting to discuss next steps that must occur to continue or redevelop a plan of services.

If the Veteran does not respond during the due process period, or responds by indicating that he/she is unable or unwilling to re-enter services, the case manager should close the case within the due-process period and send the MRG Discontinue Letter (see Appendix AR).

If it is not possible to close the case within the required due-process period, the case manager should send another notification of proposed adverse action and provide another period of due process. The pre-MRG letter should be used for this purpose.

h. MRG Decision Tree

The following questions will assist the case manager in determining if a MRG closure is appropriate, and if so, which MRG classification and reason code to use.

1. Is the use of MRG Appropriate?

If the answer to each of the following questions is "Yes", then the use of MRG is appropriate:

- Has the Veteran received services under an IWRP or IEAP?
- Is the Veteran unable or unwilling to continue services toward completion of a vocational goal despite efforts to motivate or provide further services?
- Has the Veteran received notification of interruption and pending discontinuance?
- Has direct contact been established with the Veteran within 90 days prior to closure or has information about the Veteran's current circumstances been verified within 120 days prior to closure?

2. Is the use of MRG-1 Appropriate?

If the answer to each of the following questions is "Yes", then the use of MRG-1, reason code 35, is appropriate:

- Is the Veteran currently employed?
- Did the services provided by VR&E contribute to the Veteran obtaining and maintaining the current job?
- Is the job advantageous to the Veteran?

3. Is the use of MRG-2 Appropriate?

If the answer to each of the following questions is "Yes", then the use of MRG-2, reason code 34, is appropriate:

- Is the Veteran currently qualified and capable of obtaining employment in a suitable occupation, defined as employment that is consistent with the Veteran's interests, aptitudes and abilities and does not aggravate his/her disability conditions(s)?
- Did the services provided by VR&E contribute to the Veteran's employability?
- Has the Veteran overcome the impairments to employment noted during the initial evaluation?
- Has the Veteran's circumstances in the period following application for chapter 31 services improved?
- Did the services provided by VR&E contribute to the improvement in the Veteran's circumstance?

i. Achievement of a Vocational Goal Is Not Currently Reasonably Feasible

If the answer to each of the following questions is "Yes", then the use of MRG-2, reason code 34, is appropriate:

- Has VAF 28-0791, Preliminary Independent Living Assessment, been completed?
- Were independent living needs identified?
- Is the Veteran unwilling or unable to participate in IL services?
- Has the VREO concurred with the determination not to provide IL services?

Note: If the case manager determines that a vocational goal is not currently reasonably feasible and the Veteran has a SCD rating of less than 100%, the case manager must notify the Veteran Service Center of the Veteran's status.

j. Closure Statement

A closure statement must be completed and submitted with VAF 28-0853. Copies of information used to establish that the criteria for MRG have been met must be attached to the closure statement. The statement must include the following information:

- A summary of the need for services that was based on the initial evaluation of the Veteran's impairment of employability.
- Services that were planned and how they related to overcoming the impairment.
- Services that were actually provided, with note on whether objectives were completed.
- Current circumstances including information about employment, feasibility of achieving a vocational goal, and the need for, or ability to participate in IL services.
- Synthesis of the above information to explain how specific VR&E services have contributed to current employment, employability in a suitable job, or improvement in the Veteran's circumstances in areas such as self-management, self-advocacy, or increased independence in daily living.
- The statement, "Based on recent contact with (the Veteran) on (date of contact), the attached information, and a review of the CER folder, I have determined that (the Veteran) has attained maximum rehabilitation gain. (The Veteran)'s case will be discontinued using MRG reason code (appropriate reason code)", or
- The statement, "Based on the attached information from (source of information) verified on (date verified) and a review of the CER folder, I have determined that (the Veteran) has attained maximum rehabilitation gain. (The Veteran)'s case will be discontinued using MRG reason code (appropriate reason code)."

Complete all appropriate items on VAF 28-0853. When all required signatures have been obtained, complete processing through CWINRS and BDN.

Note: The signatures in item 10 on VAF 28-0853 signify responsibility for reviewing and approving the required elements prior to the decision to discontinue the case. The declaration must be filed on the top of the center section of the CER folder.

k. Closure Actions

1. Change Case Status to Discontinued

The case manager must change case status in CWINRS and BDN to Discontinued status using the appropriate reason code.

When using RC 35, employment data must be entered in the CWINRS placement tab and in BDN on the 320 screen using the "CAST" command.

When using RC 34, select the appropriate detail reason code in CWINRS to reflect "employable" or "unemployable."

2. Inform the Veteran

The Veteran must be informed of the closure. The case manager must send CWINRS letter and VAF 4107 to the Veteran and the Veteran's power of attorney, if applicable, informing them of the reasons for the closure and the right to appeal the decision.

7.06 Closing a Deceased Veteran's Case

a. Sources to Verify a Veteran's Death

The Veteran's death must be verified prior to closure. There are several sources the case manager can use to verify the death, to include:

1. BDN

The date of the Veteran's death may be noted on the M32 screen.

2. Share

The date of the Veteran's death may be noted on the Veteran Identification Data screen.

3. Compensation and Pension Record Interchange (CAPRI)

The date of the Veteran's death may be noted in the Veteran's medical records if he/she died while under the care of the VA. The case manager should always check CAPRI prior to closing a deceased Veteran's case.

4. Veterans Next of Kin (NOK)

The case manager may contact the Veteran's NOK telephonically if the case manager suspects a Veteran on his/her caseload has died. The case manager should never email the NOK in regard to inquiring about the Veteran's death.

5. Veterans Service Center (VSC) Records

The VSC may be able to provide records indicating the date of the Veteran's death.

b. Termination of Benefits

No notice of termination of benefits is required when VA receives evidence that a Veteran has died. Once a notice of death is received, the case manager will immediately terminate the award effective the date of death and send the Veteran's NOK a subsistence allowance reduction – course withdrawal letter to explain that payments are being stopped and include information on requesting a debt waiver from Finance or Debt Management (if needed due to an overpayment or Revolving Fund Loan [RFL] debt).

c. Overpayment of Subsistence Allowance

1. Station Debts

The Regional Office (RO) Finance division is responsible for debts that the Debt Management Center (DMC) cannot service, to include Chapter 31 RFLs and Chapter 31 subsistence allowance debts on active records. These debts are entered into BDN or Veterans Services Network (VETSNET) Finance and Accounting System (FAS). VR&E staff should be aware of the local RO procedures for handling these debts, including the process for requesting a waiver or consideration for a compromise offer from the appropriate Committee on Waivers and Compromises (COWC) at the RO of jurisdiction.

2. DMC Debts

The DMC is responsible for Chapter 31 debts on inactive records. When the Veteran's account is established with the DMC, he/she (in the case of a deceased Veteran, the NOK) will receive a notice explaining what a waiver is and what VA needs to process it.

It is important for VR&E staff to note that for the NOK to apply for a waiver for the overpayment, he/she must submit the following items:

- A letter from the NOK explaining why the Veteran should not be held responsible for payment of the debt or why collection of the debt would be unfair and create a financial hardship.
- Completed and signed VAF 5655, Financial Status Report (see Appendix O, VA Forms).

The NOK must mail the letter and VAF 5655 to:

US Department of Veterans Affairs
Debt Management Center

P.O. Box 11930
St. Paul, MN 55111

7.07 Closing a Self-Employment Case

a. VAF 28-0962, Checklist for Proposed Self-Employment Rehabilitation

Prior to rehabilitation of a self-employment case, the case manager must submit VAF 28-0962, Checklist for Proposed Self-Employment Rehabilitation with the Veteran's CER folder to the VREO or AVREO for review and concurrence. The checklist must be completed and properly signed and dated by the case manager and reviewing officer. CWINRS notes cannot be used in place of this form since it requires signatures from the case manager and the VREO or AVREO.

VAF 28-0962 documents that the following items have been completed prior to submitting to the VREO or AVREO for concurrence:

- Veteran's file was moved into Job Ready status in BDN and CWINRS.
- Placement information, etc., has been updated in BDN and CWINRS.
- All financial transactions in the CER folder are captured in the CWINRS financial tab.
- Veteran has maintained self-employment for at least 12 months.
- After successful start of the business, follow-up contacts were conducted for a minimum of 12 months.
- The frequency of case management appointments were adequately conducted based on applicable policy and guidelines.
- There is a rehabilitation closure statement, written in accordance with manual guidelines, filed in the center section of the CER folder.
- Rehabilitated letter has been drafted with due process/appeal rights.
- All award actions have been properly processed.

It is the case manager's responsibility to ensure that the items needed for rehabilitation are documented appropriately in accordance with procedures outlined in M28R.VI.A.9 and M28R.VI.A.10.

b. Proposed Rehabilitation Denied

If the VREO or AVREO does not concur with the proposed rehabilitation, he/she must explain the reasoning behind the decision in a CWINRS note for the case manager's review. If the VREO or AVREO does not approve the proposed rehabilitation, the case manager must perform one of the following tasks:

- Take the recommended corrective action(s) for approval of the proposed rehabilitation.
- Consider alternative rehabilitation options if revision will not result in approval.

7.08 Adverse Action and Due Process

Generally, VA must send the Veteran and his/her designated representative (if any), a notice of proposed adverse action prior to taking any unfavorable action affecting the Veteran's benefit, including unscheduled interruption, rehabilitation or discontinuance of benefits and/or services. However, rehabilitation is not considered an adverse action if the rehabilitation is a result of scheduled completion of the goals outlined in the Veteran's signed rehabilitation plan.

The following table clarifies procedures regarding adverse actions and due process when moving a case to Rehabilitated status:

| Action Taken | Clarification of Procedure |
|--|--|
| Moving any case to Rehabilitated status. | A written notice to the Veteran at the time of closure is required to explain the reasons for rehabilitation. |
| Moving a case to Rehabilitated status as a result of the scheduled completion of the goals of a signed rehabilitation plan (Reason Codes 17, 22 and 23). | This is not considered an adverse action. Therefore, prior notification of rehabilitation closure is not required. A rehabilitation letter will be sufficient to inform the Veteran of the decision. |
| Moving a case to Rehabilitated status as a result of the Veteran's: <ul style="list-style-type: none"> • Pursuit of further education, or • Employment in a suitable occupation other than the planned | Due process must be provided prior to closure in these instances: <ul style="list-style-type: none"> • Send a notice of proposed adverse action describing the reason(s) for the proposed rehabilitation and include appellate rights. • At the time of closure, include appellate rights with the written notice explaining |

| | |
|------------------------|---------------------------------|
| goal (Reason Code 25). | the reasons for rehabilitation. |
|------------------------|---------------------------------|

Chapter 1
OVERVIEW OF FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY

- 1.01 Introduction
- 1.02 References and Resources
- 1.03 General Information
- 1.04 Levels of Authority for Program Costs
 - a. Program Costs
 - b. Cost Approval/Concurrence Levels
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 - e. Program Costs Not Approved
- 1.05 Budget Object Code (BOC)
 - a. General Operating Expenses (GOE)
 - b. Educational Vocational Funds (Ed/Voc)
 - c. Readjustment Benefits Account (RB)

Appendix AV. Guide to VR&E Contracting

Chapter 1 OVERVIEW OF FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY

1.01 Introduction

This chapter outlines the importance of responsibility and accountability within the VR&E Division as it relates to fiscal transactions. In the VR&E Division, fiscal transactions include payment of subsistence allowance, Employment Adjustment Allowance (EAA), purchases of services and supplies, reimbursements and Revolving Fund Loans (RFL). This chapter also describes systems in place to ensure that VR&E fiscal transactions are administered in accordance with applicable laws and regulations.

1.02 References and Resources

Laws: Anti-Deficiency Act

Regulations: 38 Code of Federal Regulation (CFR) 21.430
VA Acquisition Regulation (VAAR), 801.601

1.03 General Information

As stewards of taxpayers' money, VR&E staff are responsible for and held accountable for the appropriate authorization and processing of fiscal transactions. The case manager must ensure correct application of the laws and regulations concerning all fiscal transactions. Fiscal oversight provided within the VR&E Division ensures that the case manager processes fiscal transactions with accountability, honesty and good judgment.

The VR&E Officer is responsible for the assessment of quality and management control within his/her division. He/she should know the performance level of each employee assigned within his/her supervision to ensure that all fiscal transactions meet the acceptable level of quality. Refer to M28R.VIII.A for information on VR&E Program oversight and internal control.

It is important to note that any VR&E staff member who has not been delegated contracting authority must not commit the Government to the purchase of services, supplies, or equipment. While a case manager or other staff member may be involved in the process of determining the quality, quantity and delivery requirements for specific purchases, he/she may not sign contracts or agreements committing the Government to a purchase or make verbal commitments to a purchase. According to VAAR 801.601(b), individuals making such commitments or acting beyond the scope of their authority may be held financially liable.

1.04 Levels of Authority for Program Costs

In accordance with 38 CFR 21.430, VR&E must maintain policies and procedures that provide accountability in the authorization and payment of program costs for training and rehabilitation services. As part of program planning, case managers must estimate program costs during a calendar year based on the services necessary to carry out each Veteran's rehabilitation plan. Different levels of authority are required to approve these program costs. The levels of authority required to approve program costs should not restrict the type of services that VA offers. Rather, the services a Veteran receives are based upon the rehabilitation plan. According to the projected costs, the case manager must secure the appropriate level of concurrence before approving a program or authorizing services.

a. Program Costs

Program costs include but are not limited to: tuition, books, fees, supplies, equipment, and special services and assistance that VA pays established costs to an approved vendor. Program charges do not include subsistence allowance and Revolving Fund Loans (RFL).

b. Cost Approval/Concurrence Levels

Levels of spending authority are delegated to the VRC, VR&E Officer, Regional Office (RO) Director and Director of VR&E Service based upon the anticipated annual cost of services for Veterans participating in the VR&E Program. The levels are as follows:

1. VRC

The VRC can approve rehabilitation plans with an annual cost of up to \$25,000, with the exception of self-employment plans and construction costs associated with Independent Living (IL) plans. See below for additional information on the cost approval limits for those exceptions.

2. VR&E Officer

The VR&E Officer may approve the following:

- Self-employment plans with a total cost up to \$25,000.
- Rehabilitation plans with an annual cost of \$25,000 to \$75,000.
- IL plans that do not contain construction with annual costs up to \$75,000.

- IL plans that contain construction costs up to \$2,000.

3. RO Director

The RO Director may approve the following:

- Rehabilitation plans with an annual cost of \$75,000 to \$100,000.
- IL plans that do not contain construction with an annual cost of \$75,000-\$100,000.
- IL plans that contain construction costs between \$2,000 and \$25,000.

4. VR&E Service Director

The VR&E Service Director may approve the following:

- Rehabilitation plans when the annual cost of services exceeds \$100,000.
- IL plans that do not contain construction when the annual cost of services exceeds \$100,000.
- IL plans that contain construction costs that exceed \$25,000.
- Self-employment plans when the total cost of the program exceeds \$25,000.

It is important to note that VR&E Officers may not delegate their responsibility to review program costs associated with extended evaluation, independent living, or establishing a small business.

c. Documentation

When a Veteran's program costs exceed their level of authority, the case manager must create a memorandum describing the program costs. This memorandum must include appropriate concurrence lines.

d. Increase in Program Costs that Exceed Cost Approval

The case manager may learn that a Veteran's actual program costs will exceed the original estimated cost. When this occurs, the case manager must consider whether the program requires a higher level of concurrence. If the case manager finds that the new cost projections exceed the limit that has been approved, he/she must seek the appropriate level of concurrence. In these cases, the Veteran will continue in their planned program while the case manager obtains the appropriate cost approvals.

e. Program Costs Not Approved

If program costs are not approved by the appropriate authority, then the case manager must inform the Veteran of the denial by letter. The notification letter must inform him/her of the decision and must explain the reason for the denial. The Veteran must also be provided due process along with his/her appellate rights (VAF 4107).

1.05 Budget Object Code (BOC)

According to the Guide to VR&E Contracting (see Appendix AV, Guide to VR&E Contracting), Budget Object Codes (BOC) reflect the nature of financial transactions when obligations are first incurred and are an expansion of the associated object classes. Object classes are categories or accounting identifiers that code financial obligations according to the nature of the services or items purchased by VA. The object class is used throughout the Federal Government.

The budgets for General Operating Expense (GOE) and Educational Vocational (Ed/Voc) funds are set by the Office of Field Operations (OFO) and distributed to RO accounts. Applicable funds must be available and appropriately allocated prior to any contracting action or the person making the expenditure will be in violation of the Anti-Deficiency Act and can be held personally liable for reimbursing the government for those unfunded expenditures. Readjustment Benefits (RB) funds are not subject to a budgetary limit but must be closely monitored in CWINRS and/or CAATS.

VR&E utilizes the following three fund types in the provision of services to Veterans participating in the VR&E Program:

a. General Operating Expenses (GOE)

GOE funds are used to provide services considered inherently governmental in order to mitigate staffing gaps or provide more geographically convenient or timely services to Veterans. This includes services typically provided by case managers and actions that approve and/or pay benefits for Veterans. This fund type corresponds to the following BOC categories:

- 2504: Initial Evaluation
- 2505: Case Management
- 2506: Employment Services

b. Educational Vocational Funds (Ed/Voc)

Ed/Voc funds are used to provide services to beneficiaries eligible to receive educational/vocational counseling under Chapters 30, 32, 33, 35 (including Special Restorative Training [SRT] and Specialized Vocational Training [SVT]), 36, 1606 (formerly 106), and 1607. Although these funds are a part of the readjustment benefit costs for VA, the costs recorded in this account are governed by the statutory \$7 million limitation. This fund type corresponds to the following BOC category:

- 4192: Non Chapter 31 Contract Counseling

c. Readjustment Benefits Account (RB)

RB funds are used to provide services to Veterans participating in the VR&E Program, including BOC categories in the 4000 series (except Ed/Voc services). RB funds are not subject to a budgetary limit but must be closely monitored. This fund type corresponds to the following BOC categories:

- 4107: Tuition and fees
- 4108: Books
- 4109: Supplies
- 4112: Handling Charges
- 4113: Tutorial
- 4146: Beneficiary Travel
- 4147: Special contractual services (non-medical)-national contract (Discrete Services)
- 4150: Special Equipment
- 4155: One time miscellaneous items
- 4156: Non-contractual special services (medical)
- 4157: Special contractual services (non-medical)-local procurement
- 4158: Chapter 18 contract counseling

Chapter 2 FACILITIES

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Appendix O. VA Forms

Chapter 2 FACILITIES

2.01 Introduction

Facilities are used by the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program to provide services to Veterans as part of a rehabilitation plan. This chapter provides guidance and procedures on the approval of a program and the assignment of a facility code.

2.02 References and Resources

| | |
|-----------------|--|
| Law: | Age Discrimination Act of 1975 Civil Rights Act of 1964 Education Amendments of 1972 Rehabilitation Act of 1973 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.35 38 CFR 21.262 38 CFR 21.290 through 21.299 VA Acquisition Regulation (VAAR) 871.201-1 |
| VA Forms (VAF): | VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws VAF 22-8794, Designation of Certifying Official(s) VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status VAF 28-1905d, Special Report of Training Corporate WINRS FMS Vendorizing Sheet |
| Website: | http://www.gibill.va.gov/school-certifying-officials/elr.html |

2.03 General Information

A facility is an educational institution, training establishment, or rehabilitation facility that provides an approved program of education or training and is defined as follows:

a. Educational Institution

38 CFR 21.35 (k) (3) defines an educational institution as a public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, scientific, or technical institution furnishing education to adults.

b. Training Establishment

38 CFR 21.35 (k) (4) defines a training establishment as any establishment providing apprentice or other training on the job, to include those under the supervision of a college or university; state department of education; state apprenticeship agency; state board of vocational education; joint apprenticeship committee; the Bureau of Apprenticeship and Training established in accordance with the Apprenticeship Act; or any agency of the Federal Government authorized to supervise such training. This definition includes Non-paid Work Experience (NPWE) and On-the-Job Training (OJT) sites.

c. Rehabilitation Facility

38 CFR 21.35 (k) (5) defines a rehabilitation facility as a distinct organizational entity, either separate or within a larger institution or agency, that provides goal-oriented comprehensive and coordinated services to individuals designed to evaluate and minimize the effects of physical, mental, social and vocational disadvantages, and to effect a realization of the individual's potential.

2.04 Facility Requirements

a. Program and Facility Approval

A facility that provides services to Veterans participating in the VR&E Program must be formally approved. If a facility has not been approved or assigned a valid facility code, VR&E case managers must establish that the facility complies with the course and facility approval provisions outlined under 38 CFR 21.290 through 21.299 by completing a site survey report (refer to section 2.07 of this chapter for further guidance).

b. Equal Opportunity Assurance

A facility must comply with equal opportunity requirements and sign VAF 20-8206. By signing this form, the facility agrees to comply with Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and all Federal regulations adopted to carry out these laws. This assurance is binding for the period that the facility provides services to the Veteran.

c. Assignment of Facility Code

A facility code is required when entering subsistence allowance in the Benefits Delivery Network (BDN) and when entering payment in Corporate WINRS

(CWINRS). A facility must be assigned a valid facility code to ensure that data integrity and internal controls are appropriately maintained. A facility code entered in BDN or CWINRS must be consistent with the facility code entered in the WEAMS, which is the central application used to store facility information. Only an ELR is authorized to assign a facility code. It is important to note that VAF 28-1905 (See Appendix O, VA Forms) must not be sent unless the program has been approved and the facility has been assigned a valid facility code. Refer to M28R.V.A.3 for further guidance on using VAF 28-1905 for authorization of training.

d. Designation of Certifying Official

A facility must designate a certifying official by completing VAF 22-8794 (See Appendix O, VA Forms). The certifying official is responsible for certifying the enrollment and any changes in the enrollment of a Veteran participating in the VR&E Program.

2.05 Facility Payments

a. VA Acquisition Regulation (VAAR)

In accordance with 38 CFR 21.262, whenever services, supplies and facilities from sources outside VA are required, they must be provided through contract, agreement or other cooperative arrangement between VA and the vendor, and payments to facilities are subject to the provisions of applicable VA Acquisition Regulation, especially VAAR 831.70 and VAAR 871.2. VR&E staff must consider these regulations to determine if a contract is required before using the services of a facility. It is important to note that since a NPWE or OJT site does not receive payment for services, this regulation does not apply.

1. VAAR 871.201-1

If a facility does not have a catalog or published fee schedule, and meets the requirements of VAAR 871.201-1, a contract, agreement, or other cooperative arrangement must be in place before requesting a facility code. After the program has been approved and the contract has been negotiated, VR&E staff should follow the guidance on assignment of a facility code outlined in this chapter. VA negotiates contracts when the following services are provided:

(a) Correspondence Courses

Courses of instruction by correspondence are conducted by mail and consist of regular lessons or reading assignments; the preparation of

required written work that involves the application of principles studied in each lesson; the correction of assigned work with suggestions or recommendations necessary for instruction; the keeping of student achievement records; and the issuance of a diploma, certificate, or other evidence that the student completed the requirements of the course. In this situation, the assistance of a Contracting Officer may be necessary.

(b) Special Services or Courses

Special services or courses requested by VA are over and above those customarily provided for similarly circumstanced non-Veterans and have been deemed necessary for the rehabilitation of the Veteran. It is important to note that VAAR 831.7001-2 states that VA will negotiate the costs of special services or courses before paying them. In this situation, the assistance of a Contracting Officer may be necessary.

2. VAAR 871.201-2

If the facility has a catalog or published fee schedule and meets the requirements of VAAR 871.201-2, a contract is not required. The regulation states that the VR&E Officer must obtain a signed statement of charges from the facility, including the rate of tuition, fees and separate charges, if any, for books, supplies, handling charges, refund policy and other provisions that are required to determine proper payment. The statement of charges may be in the form of a statement on VAF 28-1905 and state that charges will be in accordance with the facility's catalog or another identified published document. The statement of charges may not exceed those charges non-Veterans pay or that are published in the school catalog or other published document. Most charges can be verified by accessing the catalog or other published document on the facility's website. After the program has been approved VR&E staff should refer to section 2.07.c of this chapter and follow the guidance on obtaining a facility code.

b. Vendorization

Facilities must be vendorized, or set up in the Financial Management System (FMS) in Austin, Texas to receive payments for services. The Corporate WINRS FMS Vendorizing Sheet (See Appendix O, VA Forms) is used for this purpose. VR&E staff should refer to M28R.V.B.3 for further guidance on vendorizing.

2.06 Roles and Responsibilities

a. Vocational Rehabilitation and Employment (VR&E) Staff

1. VR&E Case Manager

The VR&E case manager must ensure that a program has been approved and that the facility offering the approved program is assigned a valid facility code prior to authorizing a Veteran's attendance. This should be taken into consideration before developing a rehabilitation plan with a Veteran so that there is no confusion if a program cannot be approved or assigned a facility code. The case manager will determine if a program meets approval requirements when a facility code has not been assigned by following the procedures outlined in this chapter.

2. Corporate WINRS (CWINRS) Administrator

The CWINRS Administrator will establish facility codes in CWINRS and update all reported changes to facility codes in BDN and CWINRS to ensure that they are valid. The procedures for establishing facility providers in CWINRS are located in the CWINRS User Guide, Chapter 8.4. The CWINRS Administrator will submit appropriate forms to both the ELR and the Facility Vendorizing Unit in Austin, Texas, and will keep electronic and hard copies of all required documentation to be accessed by the VR&E Officer and the Systematic Technical Accuracy Review (STAR) team.

The CWINRS Administrator should have a good working relationship with the ELR assigned to their station. He/she should check with the ELR first if there is a question about whether a facility has been approved or if a facility code has been assigned. A list of ELRs by state can be found by accessing the following link: <http://www.gibill.va.gov/school-certifying-officials/elr.html>.

3. VR&E Officer

The VR&E Officer must give the final program approval before submitting the required forms to the ELR for assignment of a facility code.

b. Education Liaison Representative (ELR)

The ELR assigns facility codes and maintains WEAMS records for programs approved for the VR&E Program. The approval folders must be maintained for seven years before destroying the documents. Only the ELR has the authority to assign and update information in WEAMS. Regional Office employees, such as VR&E staff, Veterans Service Center staff and Finance staff, are provided only inquiry access within the system.

The ELR also works with the State Approving Agency (SAA) responsible for approving a program for Veterans using GI Bill benefits. Programs approved by VR&E staff for Veterans participating in the VR&E Program only do not need to be approved by the SAA.

2.07 Procedures

a. Determine if the Facility Code is Valid

The case manager must investigate whether a facility is approved and has a valid facility code prior to developing a plan of services with a Veteran. To determine if an existing facility code is correct, the case manager should do the following:

- Access the Veteran's CWINRS View Folders screen
 - Click on Admin on the toolbar
 - Click on Facilities from the drop-down menu
 - Highlight and double-click the appropriate facility
 - The facility code will be displayed on the View Facility Service Provider screen
 - The case manager will check whether the facility code displayed on the screen is correct by clicking on the WEAMS button in the middle of the page
1. Facility Code in CWINRS Does Not Match Facility Code in the Web Enabled Approval Management System (WEAMS)

If the facility code displayed on the View Facility Service Provider screen does not match the facility code in WEAMS, the case manager must request that the CWINRS Administrator verify the correct facility code with the ELR and make the correction in CWINRS.

2. No Facility Code in WEAMS

If there is no facility code in WEAMS, the case manager must request that the CWINRS Administrator verify with the ELR whether the facility has been debarred or suspended. The case manager must not authorize training or services at a facility that is suspended or debarred.

3. Program Debarred or Suspended

If it is determined the program is debarred or suspended, the case

manager must work with the Veteran to identify another program that has been approved and has a valid facility code to meet the objectives of his/her plan.

b. Program Approval

If the ELR indicates that the facility has not been assigned a facility code, the case manager must complete the following steps before requesting assignment of a facility code:

1. If applicable, review existing school catalogs, brochures, statements of charges, course outlines and other agency approvals (i.e. state vocational rehabilitation agencies, state approving agencies or nationally recognized accrediting associations) to determine the general suitability of courses and whether the catalog or other published documents meet the requirements of VAAR 871.201-2, Requirements when Contracts are not Required.
2. Visit the facility and conduct a site survey to determine if the site meets the requirements of 38 CFR 21.290 through 21.299 for course/program approval. The results of this visit must be documented on VAF 28-1905d (See Appendix O, VA Forms). The site survey report must address and reference all of the issues outlined in 38 CFR 21.290 through 21.299, and it must also address the following:
 - Adequacy of equipment, tools, educational resource materials and ADA compliance
 - Whether the program/course appears to be generally suitable, if additional information is needed and whether the facility has or has not been previously used by VR&E
 - Whether the program/course or facility will meet the goal or objective of the Veteran
 - Adequacy of recordkeeping and progress reporting
 - Whether the facility will cooperate by providing accurate and timely information on attendance, courses and progress

The completed site survey report must be forwarded to the VR&E Officer for approval.

3. Obtain the following required document from the facility:
 - Signed statement of charges, if applicable (refer to section 2.05.a.2 of

this chapter for further guidance)

4. Have the facility complete, sign and return the following forms (See Appendix O, VA Forms):
 - VAF 22-8794, Designation of Certifying Official(s)
 - Corporate WINRS FMS Vendorizing Sheet (not required for NPWE or OJT)
 - VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws
5. Obtain the VR&E Officer's approval of the program prior to submitting the request for assignment of a facility code to the ELR. The VR&E Officer will sign the site visit report if he/she concurs with the decision to approve the program/facility or request more information.
6. Submit all documents and forms to the CWINRS Administrator.

c. Obtain a Facility Code

Once the steps above are complete, the CWINRS Administrator must complete the following steps in order to obtain a facility code from the ELR, establish the facility code in CWINRS and vendorize the facility for payment purposes:

1. Send VAF 22-8794 to the local ELR for assignment of a facility code. The ELR will store hard copies of the form for 7 years in an approval file before destroying the documents.
2. Send Corporate WINRS FMS Vendorizing Sheet to the Facility Vendorizing Unit in Austin, Texas, if applicable.
3. After the CWINRS Administrator has confirmed that the facility has been assigned both a facility code and vendorization number, he/she will update CWINRS with the following information, if applicable:
 - Facility code
 - Tax ID number
 - Facility Address
 - Point of Contact (POC) and information about the types of training offered by the facility

The CWINRS Administrator must scan the facility's completed documents and forms and keep a copy in a separate electronic or hard copy folder to be accessed by the VR&E Officer and the STAR team.

d. Suspend a Facility

The case manager may request the suspension of a facility code for use by Veterans participating in the VR&E Program only. Prior to requesting the ELR to suspend the facility code the case manager will do the following: 1. Visit of the facility and complete a site survey report on VAF 1905d.

2. Document all deficiencies noted at the facility. Examples of deficiencies can include the lack of facility cooperation in providing timely and accurate information, courses and progress, or the loss of accreditation.
3. Request that the VR&E Officer review and concur on the documentation regarding the facility's deficiencies.
4. Submit deficiency documentation paperwork to the CWINRS Administrator to suspend the facility or specific program within the facility.

The CWINRS Administrator will keep a copy of this documentation in an electronic folder accessible to the VR&E Officer and will submit original documentation to the ELR with a request to suspend use for Veterans participating in the VR&E Program only. Further guidance on how to add, edit or view facility service provider information is found in the CWINRS User Guide, Chapter 8.4.2.

**Chapter 3
VENDORS**

3.01 Introduction

3.02 References and Resources

3.03 General Information

3.04 Vendorization

a. Purpose

b. Procedures

3.05 Vendorization of Multiple Locations of Same Facility

3.06 Treasury Offset Program (TOP)

Appendix O. VA Forms

Chapter 3 VENDORS

3.01 Introduction

This chapter provides the administrative procedures and guidelines for working with vendors that provide goods and services to Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

3.02 References and Resources

Laws: Debt Collection Improvement Act of 1996

Regulations: VA Acquisition Regulation (VAAR) 801.601

VA Forms Corporate WINRS FMS Vendorizing Sheet

3.03 General Information

All payments for services provided to Veterans who are participating in the VR&E Program are made through the Government's Financial Management System (FMS). Vendors who provide a service to the Government must be vendorized by submitting either a Tax Identification Number (TIN) or Social Security Number (SSN) to FMS before the Treasury Department will release a payment through this system. Vendorization is the process that allows vendors to be entered into FMS and is a prerequisite to processing payments for facilities, contractors and other service providers. Do not vendorize a facility, contractor, or other service provider if the service is being purchased with the government purchase card.

It is important to remember if involved in the vendorization process that VR&E staff who have not been delegated contracting authority must not commit the Government to the purchase of services, supplies, or equipment. While a case manager or other staff member may be involved in the process of determining the quality, quantity and delivery requirements for specific purchases, he/she must not sign contracts or agreements committing the Government to a purchase or make verbal commitments to a purchase. According to VAAR 801.601(b), individuals making such commitments or acting beyond the scope of their authority may be held financially liable.

3.04 Vendorization

a. Purpose

Training facilities must be vendorized, or set up in the FMS by the Vendorizing Unit (0473A1) in Austin, Texas so that payments can be made for services. Provisions of the Debt Collection Improvement Act of 1996 require that the majority of Federal payments be made by Electronic Funds Transfer (EFT). The Corporate WINRS FMS Vendorizing Sheet (see Appendix O, VA Forms) requires vendors to provide financial institution information (account number and routing number) so that the funds can be deposited electronically.

b. Procedures

The following steps must be followed to vendorize a facility, contractor, or service provider:

1. VR&E staff may send the Corporate WINRS FMS Vendorizing Sheet to a vendor. This should be done when a vendor is selected to provide a service.
2. The vendor must complete the Corporate WINRS FMS Vendorizing Sheet and return it to VR&E staff. VR&E staff should inform the vendor that the vendorization process will be delayed unless all of the information indicated on the form is provided. VR&E staff should also ensure that all requests contain the VR&E station number, phone number and station point of contact so that the vendorization process is completed in a timely manner.
3. Once the completed Corporate WINRS FMS Vendorizing Sheet has been returned by the vendor, VR&E staff must sign and date the form where indicated or the request will not be processed. The signature should be same as the station point of contact listed on the form.
4. VR&E staff must fax the Corporate WINRS FMS Vendorizing Sheet to the Vendorizing Unit at the Financial Servicing Center (FSC) in Austin, Texas using the following fax number: (512) 460-5221. The Vendorizing Unit's routing symbol is 0473A1. The Corporate WINRS FMS Vendorizing Sheet should be submitted at the time the contract or agreement is made with the vendor so that invoices can be processed quickly and easily.
5. The Vendorizing Unit (0473A1) will set up the vendor in FMS in approximately three to four days from receipt of the faxed Corporate

WINRS FMS Vendorizing Sheet. VR&E staff should check the Custom Vendor Reference Data Screen 2 (VEN2 table) in FMS to make sure that the vendor has been set up in FMS. To inquire about the status of a vendorizing request that has been faxed to Austin, contact the Vendorizing Help Desk (VHD) at 512-460-5049 or send an email inquiry to vafscvendot@mail.va.gov.

3.05 Vendorization of Multiple Locations of Same Facility

In some situations a vendor may have established centralized accounts to receive payment for services provided to Veterans who are training either on-line or at a ground facility. It is important to select the correct facility location for enrollment authorization, invoice processing and for selecting the correct zip code for use in processing the Post-9/11 rate of subsistence allowance. The locations and addresses are displayed in CWINRS via the Alternate Address Indicator (AAI) on the FMS Lookup screen. The AAI is a two-digit number used by FMS to designate a vendor's payment address. If an AAI is no longer used in FMS, it will not be shown.

When involved in the vendorization process, it is important for VR&E staff to work closely with vendors with multiple locations. Prior to faxing a vendorizing request to the Vendorizing Unit, the following essential information must be confirmed:

- a. The facility code that covers the location.
- b. The payment address for the facility.
- c. The mailing address for the facility and other contact information.

3.06 Treasury Offset Program (TOP)

Under the provisions of the Debt Collection Improvement Act of 1996, the Treasury Department is authorized to intercept payments (except for benefits) made by federal agencies, through FMS, to vendors for services if that vendor has an unresolved financial debt with the United States Government. When the debt number is matched to the TIN or SSN, the payment may be intercepted by TOP.

VR&E staff may receive inquiries from vendors about past or current payments that are missing. The following information resources may be used to help determine whether the payment was offset by TOP or is missing for other reasons:

- a. VA Financial Services Center, Austin, TX (FSC) records a transaction OS-15 in FMS that will notify Regional Offices when a payment has been offset by TOP.
- b. FSC staffs a customer service toll free line (1-877-353-9791) and will provide information to include the debt number and the amount of offset.
- c. FSC provides a check tracing service that can be initiated in a local VA Regional Office when the payment does not appear to have been offset by TOP.

Uninterrupted service to Veterans participating in the VR&E Program is essential to positive rehabilitation outcomes. VR&E staff are encouraged to assist vendors in determining the reasons for missing payments. When the reason for missing payments is TOP offset, vendors should be advised to work directly with the Department of Treasury to resolve any issues. The Department of Treasury provides toll free debt management service at 1-800-304-3107.

Chapter 4
CONTRACTING ACTIVITIES

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- 4.02 References and Resources
- 4.03 Background
- 4.04 The VetSuccess Contracts
 - a. Service Groups
 - b. Procedures
 - 1. The Quality Assurance (QA) Form
 - 2. Roles
 - 3. The VR&E Service Group Module
 - 4. General Process Flow
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 - 1. Voucher Auditor
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 - c. Independent Living (IL) Construction
- 4.07 Contract File Maintenance
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- 4.10 Foreign Cases
- Appendix O. VA Forms
- Appendix Q. Special Employer Incentives Contract
- Appendix R. Schedule I

Appendix BD. VetSuccess Contract Funds

Chapter 4 CONTRACTING ACTIVITIES

4.01 Introduction

This chapter provides the administrative procedures and guidelines related to the contracting activities used to provide services to Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

4.02 References and Resources

Laws: Prompt Pay Act

Regulations: 38 Code of Federal Regulations (CFR) 21.294
48 CFR 2.101
Federal Acquisition Regulations (FAR)
FAR 4.801
VA Acquisition Regulations (VAAR)

Forms: Contract Log
Corporate WINRS FMS Vendorizing Sheet
Special Employer Incentive (SEI) Contract
Standard Form (SF) 1449, Solicitation/Contract/Order for Commercial Items
VA Form (VAF) 20-8206 - VA Statement of Assurance of Compliance with Equal Opportunity Laws
VAF 22-1903, Contract for Training and Employment
VAF 22-8794 - Designation of Certifying Official(s)
VAF 28-1904 - Agreement to Train on the Job Disabled Veterans
VAF 28-1905d, Special Report of Training
VAF 28-1971, Memorandum Agreement
VAF 2237, Request, Turn-In and Receipt for Property or Services

Website: <http://vbaw.vba.va.gov/bl/20/cfo/MLAC/CAATSTRNGMANUALS.htm>

4.03 Background

The Veterans Benefits Administration (VBA) is charged with providing assistance to Veterans who have service-connected disabilities through Vocational Rehabilitation and Employment (VR&E) services. Contractor assistance may be needed to supplement VR&E services to ensure that services are in close

geographic proximity to Veterans and to provide timely services when staff turnover occurs. Specialized services may also be required to complement services typically provided by VR&E Staff.

VR&E contracting activities involve two distinct processes:

- a. The first is implemented at a national level and is referred to as the VetSuccess contracts.
- b. The latter is conducted through local procurement of contractual services for VR&E services when the contracting requirement does not exceed \$25,000 annually or for services not included in the VetSuccess contracts.

4.04 The VetSuccess Contracts

The VetSuccess contracts replaced the National Acquisition Strategy (NAS) contracts that expired on July 20, 2009. The Vetsuccess contracts standardize the acquisition process for procuring VR&E services that complement and supplement the services provided by VR&E staff to Veterans participating in the VR&E Program.

Services available under the VetSuccess contracts include the following:

- Initial evaluation
- Case management
- Employment services
- Educational and vocational counseling
- Discrete services to include evaluations for Independent Living (IL), life-skills coaching, job coaching and site analysis.

VetSuccess is a firm-fixed-price, indefinite-quantity/indefinite-delivery, multiple-award contract vehicle awarded per Regional Office (RO) as determined to be in the best interest of the Government. The Government reserved the right not to award a contract for an RO if determined not to be in the best interest of the Government.

a. Service Groups

The VetSuccess contracts are organized into five Service Groups. Each Service Group has multiple Contract Line Item Numbers (CLINs) and uses one Budget Object Code (BOC) under three fund types as outlined in the following table:

| Service Group | BOC | Fund Type | CLINS |
|--|------------|---------------------------------------|--------------|
| A: Initial Assessment/Evaluation | 2504 | General Operating Expense (GOE) | 1A1 to A5AB |
| B: Case Management/Rehabilitation Services | 2505 | GOE | 1B1 to 4B4 |
| C: Employment Services | 2506 | GOE | 1C1 to 3C3 |
| D: Educational Vocational Counseling | 4192 | Educational Vocational Funds (Ed/Voc) | 1D1 to 2D2 |
| E: Discrete Services | 4147 | Readjustment Benefits Account (RB) | 1E1 to 4E4 |

It is important to note that obligated GOE and Ed/Voc VetSuccess contract funds may be used until the end of the current option year (see Appendix BD, VetSuccess Contract Funds for more information). Refer to M28R.V.B.1 for more information on fund types and BOC.

b. Procedures

Invoicing for VetSuccess contracts is processed through an automated web-based system that is maintained by the Administrative and Loan Accounting Center (ALAC) and is called the Centralized Administrative Accounting Transaction System (CAATS). The CAATS application is a web-based system that allows for electronic input and approval of transactions; provides an electronic audit trail; streamlines document and transaction processing; and produces transaction activity reports.

CAATS provides fund controls for a RO so that referrals cannot exceed the allotted fund limit. CAATS also converts hard copy invoices that are created by contractors into electronic invoices and interfaces with internal sites to be certified and approved by VA.

Corporate WINRS (CWINRS) is the current case management tool used by VR&E. This tool was developed exclusively for VR&E to support the delivery of benefits to Veterans with service-connected disabilities who are participating in the VR&E Program. CWINRS was used to track all expenditures on behalf of every Veteran participating in a service offered by the Vetsuccess Contracts, so all referrals and payments were recorded in CWINRS in addition to CAATS. Effective October 1, 2012, technology developments enabled CWINRS to fully integrate with CAATS and eliminate

the need for the Voucher Auditor to update both CAATS and CWINRS for referral generation and payment of invoices. It is important to note that both CAATS and CWINRS must still be maintained with payment and referral information for all Fiscal Year 2012 transactions and fund limits.

VR&E staff should also note that invoices will not be accepted in CAATS until VR&E staff certify acceptable performance of deliverables using Quality Assurance (QA) Forms (See Appendix O, VA Forms).

1. The Quality Assurance (QA) Form

The QA Form outlines the fundamental quality standards for deliverables in a specific service group. VR&E staff must utilize the QA Form as a quality review instrument to ensure reports and forms submitted by the contractor are in compliance with contract requirements and to assess the quality of overall deliverables.

VR&E staff must review all documents when reports are received to determine adequacy. If submissions are acceptable, the contractor will be instructed to submit invoices for services rendered. If reports and other documents are deficient, VR&E staff will inform the contractor of areas requiring improvement or modification using the QA Form.

When corrected documents are received and approved, VR&E staff must instruct the contractor to submit invoices due to the acceptance of deliverables through written communication per the QA form. The feedback mechanism for acceptance or rejection of the deliverable and additional work needed to complete deliverables is the QA Form.

The Quality Assurance Review Reports will also be incorporated into the Quality Assurance Surveillance Plan (QASP), which is conducted on an annual basis by the Contracting Officer.

2. Roles

CAATS user accounts will be assigned to configurable roles to enable various functions in the system. The user will be assigned the role they are permitted to perform as appropriate. The assigned roles are as follows:

- Initiator (VR&E Staff)
- VR&E Approver (the VR&E Officer or designee)
- Initiator/VR&E Approver (in some stations VR&E staff may have both roles, but not on the same referral)

- Finance Approver (Support Services Division [SSD] staff approve invoices for payment)

Special attention must be made to obligation and payment documents to make sure that a separation of duties is enforced properly. Users with dual access (Initiator & VR&E Approver role) must not approve a referral order or invoice they submitted.

3. The VR&E Service Group Module

The VR&E Service Group Module in CAATS contains four submodules: Referral/Task Order, Invoice/Payments, Reports and Manual WINRS Payment Voucher (WM) Transactions.

There is an external website in the VR&E Service Group Module in CAATS for contractors to input invoices, which interfaces into CAATS-VR&E Service Group-Invoice/Payment submodule. Please see Centralized Administrative Accounting Transaction Systems (CAATS) Volume 3 – Benefits – VR&E Manual for detailed instructions by accessing the following link:

<http://vbaw.vba.va.gov/bl/20/cfo/MLAC/CAATSTRNGMANUALS.htm>

4. General Process Flow

The general process flow for invoicing is as follows:

- (a) The Initiator creates a referral in the CAATS Referral/Task Order submodule.
- (b) The VR&E Approver can then approve the referral (if appropriate) within CAATS.
- (c) The Initiator or VR&E Approver must generate the Referral Form using CAATS and then send to the contractor outside of the CAATS system to initiate work.
- (d) The contractor, after performing the required services in a timely manner and within quality standards, will submit a QA deliverable externally from CAATS for the VR&E Initiator to approve.
- (e) The VR&E Initiator will review the QA deliverable externally delivered and approve or reject as appropriate in the CAATS system.
- (f) The contractor can then create an invoice for all approved QA deliverables within the CAATS system.

- (g) The Initiator can then accept or return the invoice in CAATS to the contractor. Accepted invoices are automatically sent to the VR&E Approver.
- (h) The VR&E Approver can approve or reject the invoice. Approved invoices are automatically sent to the Finance Approver for approval and transmission for payment in the Financial Management System (FMS).
- (i) The Finance Approver will either approve or reject the invoice. After the Finance Approver approves the invoice, the system will generate a WM transaction in FMS based on the data from the Invoice/Payment submodule.

c. Additional Roles and Responsibilities

During the administration of the VetSuccess contracts, the VR&E Officer and Assistant VR&E Officer may both function as a Contracting Officer's Representative (COR). The COR is designated and authorized in writing by the Contracting Officer to perform specific technical or administrative functions. A COR assists in the technical monitoring or administration of a contract and has no authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of a contract.

The COR will work closely with the Administrative Contracting Officer (ACO), the Contracting Officer who is administering the Vetsuccess contracts, to ensure the terms and conditions of the contracts are met. The Voucher Auditor will work closely with the COR to ensure payment of invoices under the VetSuccess contracts are in compliance with the Prompt Payment Act. (See M28R.V.B.7 for more information about Prompt Payment.)

Primary duties of the Voucher Auditor, VR&E Staff, ACO and COR are listed as follows:

1. Voucher Auditor

The Voucher Auditor has the following duties:

- (a) Approve payment of VetSuccess contracting invoices in CAATS as the Finance Approver and submit the invoice to ALAC for payment in FMS.
- (b) The Finance Approver should approve or reject the invoice within three business days of finance approver receipt of the invoice in CAATS.

- (c) Enter payment information into CWINRS for all Fiscal Year (FY) 11 and FY 12 contract service transactions.
- (d) Adhere to the Prompt Pay Act requirements for timely payment of invoices.

2. VR&E Staff

VR&E staff have the following duties:

- (a) Initiate referrals for contract services into CAATS. This may also be delegated to administrative support staff by the supervisor.
- (b) Forward signed, scanned referrals to the VetSuccess contractor and ACO via electronic mail. (Referrals are NOT electronically submitted to contractors in CAATS.) Use of trackable shipping methods or fax may be used if encrypted email or a scanner is not available.
- (c) Forward redacted supporting documentation to the VetSuccess contractor by electronic mail or facsimile. The confirmation of the facsimile transmission must be sent by electronic mail to the VetSuccess contractor indicating the number of pages faxed, the related Veteran name and referral number.
- (d) Ensure deliverables are date-stamped upon receipt.
- (e) Complete the QA Form (See Appendix O, VA Forms) for each deliverable received. VR&E staff should note that for case management, two deliverables may be received for the month, but only one QA Form is required to cover the full month.
- (f) Send the signed and completed QA Form to the VetSuccess contractor and ACO via electronic mail, and save a copy of the form in the contract file within five business days of receipt of the deliverable.
- (g) Update the CAATS Quality Assurance question to indicate if the deliverable report was received timely, and whether it was accepted or rejected (requiring corrections by the contractor).
- (h) Provide first level (Initiator) review and certification of invoices for payment in CAATS within two business days of receipt in CAATS.
- (i) Adhere to guidelines for timeliness for reviewing deliverables, providing QA Forms to the contractor and certifying invoices in CAATS.

3. Administrative Contracting Officers (ACO)

The ACO has the following duties:

- (a) Monitor the contractor's performance against the contract specifications.
- (b) Resolve questions or issues that arise during contract performance.
- (c) Schedule any Government activities required by the contract.
- (d) Issue task orders to ensure compliance with terms of the contract.
- (e) Send a copy of the task order (SF 1449) to the contractor.
- (f) Send a copy of the purchase order (VAF 2237, prepared by ACO) to ALAC for entry into CAATS.
- (g) Ensure that the appropriate BOC is used for a required service.
- (h) Maintain accurate and complete contract files in the Electronic Contract Management System (eCMS), the centralized database for procurement actions.
- (i) Enter performance summary information into Contractor Performance Assessment Reporting System (CPARS)/Past Performance Information Retrieval System (PPIRS), which are web enabled applications used to document and track contractor performance in accordance with FAR regulations.

4. Contracting Officer's Representatives (COR)

The COR has the following duties:

- (a) Complete contract start-up procedures for each contract, including site and personnel approval/disapproval and submit the contractor's background investigation to the Security and Investigations Center (SIC).
- (b) Notify contractor of any unfavorable background investigation results.
- (c) Ensure approved contractor personnel completed required VBA security trainings in the Talent Management System (TMS) at start-up and on an annual basis.
- (d) Maintain an official COR contract file for each contract and be responsible for the documentation of all contract performance. Refer

to section 4.07 of this chapter for instructions on contract file maintenance.

- (e) Submit all written communication regarding the contractor's performance to the ACO so that it can be entered in CPARS/PPIRS.
- (f) Conduct surveillance of the contractor's performance to ensure compliance with technical requirements of each contract. The ACO must be notified immediately if performance is unsatisfactory.
- (g) Work with the contractor to resolve issues at the lowest level possible.
- (h) Document all issues and efforts to resolve issues. Prepare a Contract Discrepancy Report for formal resolution, if informal attempts are not successful. The completed report should be submitted to the ACO.
- (i) Review and approve progress reports, technical reports, deliverables and other items required for approval. This can also be completed by the COR designee.
- (j) Review and approve referral requests in CAATS. This can also be completed by the COR designee.
- (k) Review and approve travel requests submitted in accordance with the contract, including adding travel approvals into the CAATS referral.
- (l) Review and certify invoices as the Approver, which is the level above Initiator, who may be the Vocational Rehabilitation Counselor/Employment Coordinator (case manager) or a program support employee. This can also be completed by the COR designee.
- (m) Certify and submit invoices for payment in CAATS within three business days of receipt of a certified valid invoice. This can also be completed by the primary COR designee.
- (n) Ensure compliance with all aspects of the contract terms.
- (o) Maintain performance data and submit summary reports as required.
- (p) Enter performance summary information into CPARS.

The COR cannot re-delegate their responsibilities or duties to another person, nor does a COR have the authority to bind the Government financially. The ACO may issue Letters of Delegation to the Assistant COR who has been nominated by the COR. COR delegation must remain in

effect throughout the life of the contract unless revoked in writing by the ACO or the ACO completes a COR reassignment.

d. Modifications

If an ongoing service is required that has not been awarded to a service provider under the VetSuccess contract and a VetSuccess contractor is able to provide this service, the contract may be modified to add the service. The VR&E Officer must submit a request for modification to the Director of VR&E Service. The request must include the contractor's proposal to add the service with market research that shows that the price offered is fair and reasonable. VR&E Service contract specialists will review the request to ensure that all required documentation has been provided and will forward the request to the national VetSuccess Contracting Officer for execution.

e. Stations Without VetSuccess Contract Awards

If an RO has a need for contract services that exceeds \$25,000 per fiscal year, VR&E Service and the Strategic Acquisition Center - Frederick will assist with centralized VetSuccess contract procurements. While these stations will have different start-up dates for their VetSuccess contracts, all other requirements will be the same as identified in this section.

f. Waiver Requirement

All VR&E contracts for services that are available under the VetSuccess contracts must be awarded to an awardee contractor unless a VetSuccess contractor is not available to provide the required services. When a VetSuccess contractor is not available to provide the required services, the RO Director must submit a request for a waiver to contract locally for the needed services to the Director of VR&E Service. The request must explain why this need cannot be met under the awarded VetSuccess contracts. Responses to waiver requests will be provided within 10 business days.

4.05 Local Contracts

If the need for contract services is less than \$25,000 per fiscal year, the VR&E Officer may procure the same services offered by the VetSuccess Contracts locally with the support of a warrant-holding Contracting Officer. It is important to note that no local contracts for VR&E services utilizing RB, GOE or Ed/Voc funds will be allowed without a waiver from the Director of VR&E Service (refer to section 4.04.f of this chapter). If a waiver is granted, VR&E staff must enter contract information correctly in CWINRS to reflect the contract award, referrals and payments. CAATS will not be used for these local contracts. An ACO and COR must be assigned to these local procurements and stations must comply

with the requirement to obligate funds with ALAC using the obligation/task order (VAF 2237) funding document prepared by the ACO.

It is also important to note that in accordance with FAR 19.203, the requirement for acquisitions at or below the simplified acquisition threshold (\$3,000 to \$150,000) to reserve acquisitions for small business concerns (FAR 19.502-2(a)) does not preclude the contracting officer from awarding a contract to a small business from one of the required socioeconomic groups (e.g., women-owned, Veteran-owned, service-disabled Veteran-owned, small disadvantaged businesses, HUBZone small businesses or small businesses). The Director of VR&E Service must approve any options with other than a small business and a review must be conducted to establish if it is appropriate.

4.06 Services Not Available through the VetSuccess Contracts

a. Tutorial Assistance

Tutorial assistance is not available through the VetSuccess contracts and may be procured locally. A Veteran may be provided individualized tutorial assistance if it is determined that special assistance beyond that ordinarily given by the facility to students pursuing the same or a similar subject is needed to correct a deficiency.

VA Form 22-1903 (See Appendix O, VA Forms) must be used for a tutor contract and must have the concurrence of the VR&E Officer. The Corporate WINRS FMS Vendorizing Sheet (See Appendix O, VA Forms) must also be completed by the tutor to establish them as a vendor in FMS for payment purposes. Refer to M28R.V.B.3 for more information on vendorizing.

In accordance with 48 CFR 2.101, the assistance of a Contracting Officer must be used if the amount of the tutor contract is over \$2,500. A tutor contract may be awarded by the VR&E Officer provided it is under the micro-purchase threshold of \$2,500.

VR&E staff must enter contract information correctly in CWINRS to reflect the contract award, referrals and payments. CAATS will not be used for these local contracts. Refer to the CWINRS User Guide, Chapter 8: Setup and Admin for more information on entering contract information in CWINRS.

b. The Special Employer Incentive (SEI) Program

The SEI Program is not available through the VetSuccess contracts and may be procured locally. The SEI program provides Veterans who face extraordinary obstacles in obtaining employment with additional assistance in finding employment in the private sector.

The advantage to private-sector employers is that VR&E Service will reimburse a portion of the expenses incurred as a result of either providing direct employment or work experience to Veterans. It is the responsibility of VR&E staff to explain to the employer that they are not to employ the Veteran until the SEI contract has been signed by all parties. VR&E staff will not make payments to government employers, including federal, state, or local agencies, as a part of this initiative.

In accordance with 48 CFR 2.101, the assistance of a Contracting Officer must be used if the amount of the SEI contract is over \$2,500. A SEI contract may be awarded by the VR&E Officer provided it is under the micro-purchase threshold of \$2,500.

Once the case manager determines that the employer meets the qualifications of the SEI program, he/she will coordinate the signing of the contract. Additionally, the case manager must ensure that the Veteran's Counseling, Evaluation and Rehabilitation (CER) folder contains the following:

- Verification of the employer's compliance with applicable laws and regulations, documented on VAF 28-1905d, Special Report of Training (See Appendix O, VA Forms) or in CWINRS notes
- SEI Contract (See Appendix Q, Special Employer Incentives Contract for a sample of an SEI contract)
- Schedule I form (See Appendix R, Schedule I)
- VA Form 22-8794 (See Appendix O, VA Forms)
- VA Form 20-8206 (See Appendix O, VA Forms)
- VA Form 28-1904 (See Appendix O, VA Forms)
- VA Form 28-1905m (if applicable) (See M28R.V.A.4 for information on the authorization of supplies and equipment)
- A statement on the SEI contract: "The contractor will ensure the Veteran will not displace a current employee or prevent the recall of a laid-off employee."

VR&E staff must enter contract information correctly in CWINRS to reflect the contract award, referrals and payments. CAATS will not be used for these local contracts. Refer to the CWINRS User Guide, Chapter 8: Setup and Admin for more information on entering contract information in CWINRS. Refer to M28R.VI.A.7 for further guidance on the SEI Program.

c. Independent Living (IL) Construction

Procurements of Architectural/Engineering (A/E) services are not a part of the VetSuccess contract but can occur at the RO level with the support of a warrant-holding Contracting Officer in accordance with FAR and VAAR. If costs are over the micro-purchase threshold, these services may be needed to support procurements related to IL Construction.

It is important to note that the government purchase card may be used for these procurements when costs are under the micro-purchase threshold. Refer to M28R.V.B.5 for more information on the micro-purchase threshold and proper use of the government purchase card. It is also the responsibility of the case manager to ensure that criteria and guidelines outlined in M28R.IV.C.9 are properly implemented prior to making a procurement of A/E services. IL construction contract obligations and payments must also be recorded in CWINRS.

4.07 Contract File Maintenance

In accordance with FAR 4.801, a contract file should be maintained for each VetSuccess and local contract utilized by VR&E. VR&E Offices are instructed to maintain a Contract Log (See Appendix O, VA Forms) that is a component of the VR&E Site Visit Program. This log should reflect VetSuccess Contracts for each area and all local contracts and must include the following documentation:

- a. Executed Contract to include signed Standard Form 1449, solicitation and price list(s))
- b. Copies of Authorizations for Services (referrals)
- c. COR Nomination to National CO
- d. COR Delegation Letter
- e. Quality Assurance Reports
- f. Past Performance Reports
- g. Trade Off Documentation when higher cost contractor is utilized
- h. Market Research
- i. Sole Source Justification
- j. Memo authorizing option renewal
- k. Bilaterally and unilaterally signed modifications

- l. Copy of contractor's Insurance Certificate
- m. Contractor's Invoices (copies) or a notice in the file of their electronic location
- n. Supporting Documents - i.e., contractor's proposals and request to Contracting Officer to process modifications

4.08 Use of Letter Contracts

In accordance with 38 CFR 21.294 (f), a letter contract may be used to authorize services for a Veteran when the following conditions are met:

- a. The Veteran is immediately entered into a facility that requires a contract.
- b. The Veteran's rehabilitation plan will be jeopardized by withholding services until a contract can be completed.
- c. There are no known reasons to indicate that a contract may not be completed in a reasonable time.

It is important to note that no local contracts for VR&E services utilizing readjustment benefits, general operating expense, or educational/vocational counseling funds will be allowed without a waiver from the Director of VR&E Service. See section 4.04.f of this chapter for more information on waivers.

If the waiver is approved, VA Form 28-1971 (See Appendix O, VA Forms) may be used to enter into a temporary letter contract or agreement with a facility. Formal contracts must be completed at the earliest date possible, but no later than 90 days from the date of the letter contract. A Contracting Officer must be involved in the development of these contracts.

4.09 Oversight

Oversight for VR&E contracting activities is performed through the established VR&E Site Visit Program at the national level and the execution of a Systematic Analysis of Operations (SAO) – Contracting Activities, at the RO level. See M28R.VIII.A.5 for more information on the framework in examining the quality and accuracy of the implementation of contracting activities.

4.10 Foreign Cases

Contracting for case management services may be authorized for Veterans training outside the United States (U.S.). Contracting activities are conducted in the same manner as those services provided to Veterans residing in the U.S. under the VetSuccess contracts.

The Pittsburgh and Honolulu offices are responsible for contracting services provided in Germany and Honolulu, respectively. These are the only two countries that have contract services. See M28R.V.C.3 for more information on contracting services for foreign cases.

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5.08 Mandatory Purchase Card Training

5.09 Written Delegation of Authority

5.10 Internal Audit Reviews

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- c. Focus Reviews

5.11 VA Management Quality Assurance (MQAS)

Appendix O. VA Forms

Chapter 5 GOVERNMENT PURCHASE CARD

5.01 Introduction

This chapter gives administrative procedures and guidelines on the use of the government purchase card for official purchases.

5.02 References and Resources

| | |
|-----------------|---|
| Laws: | The Davis-Bacon Act Service Contract Act of 1965 |
| Regulations: | Federal Acquisition Regulation (FAR) FAR 19.203 Department of Veterans Affairs (VA) Acquisition Regulation (VAAR) 38 Code of Federal Regulation (CFR) 21.156 38 CFR 21.210 |
| Resources: | General Records Schedule 6 Government Purchase Card, Volume XVI – Chapter 1 Veterans Benefits Administration (VBA) Handbook 4080, December 3, 2010 |
| VA Forms (VAF): | VAF 0242, Government Wide Purchase Card Certification Form VAF 28-1905d, Special Report of Training VAF 28-1905m, Request for and Receipt of Supplies The Government Purchase Card Log The Purchase Card Checklist, Single Purchases \$3,000 and Below (Micro-Purchase) The Purchase Card Checklist, Single Purchases From \$3,001 - \$100,000 |
| Website: | www.gsa.gov/fssiofficesupplies |

5.03 General Information

The government purchase card is used as a procurement and payment method for supplies and services purchased for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program in accordance with the information and regulations established in Federal Acquisition Regulation (FAR), VA Acquisition Regulation (VAAR) and the VBA Handbook 4080, December 3, 2010.

The government purchase card is primarily used by VR&E as a payment method for supplies not available at a facility bookstore, and in some cases it can be used for the payment of services. The purchase card can be used for micro-purchases and simplified acquisitions that are over the micro-purchase threshold. Any cardholder who does not hold a Contracting Officer warrant is limited to purchases at or below the micro-purchase threshold dollar amount.

a. Micro-purchases

A micro-purchase is an acquisition of supplies and services that does not exceed the amount established in Federal Acquisition Regulation, currently \$3,000. The following exceptions apply:

- Acquisitions of construction are subject to the Davis-Bacon Act with a limit of \$2,000
- Acquisitions of services are subject to the Service Contract Act of 1965 with a limit of \$2,500

b. Simplified Acquisitions

VR&E staff should be aware that only a cardholder who has a Contracting Officer warrant can make simplified acquisitions over the micro-purchase threshold. In accordance with the provisions for class deviation from VAAR 801.603-70, VA has determined that Contracting Officer warrants should only be held by individuals who are in the GS-1102 contracting series or the GS-1105 purchasing agent series. Therefore, VR&E Officers and Assistant VR&E Officers are not required to have a warrant and should consult with the Head of Contracting Activity (HCA) at his/her station on issues related to making purchases over the micro-purchase threshold.

c. Prohibited Purchases

The purchase card must not be used for the following:

- Long-term rental or lease of land or buildings of any type
- Procurement of travel (airline, bus, boat, or train tickets) or travel-related expenses
- Cash Advances
- Memberships in organizations or clubs, unless deemed appropriate by the Regional Office (RO) Director

- Third-party merchants (Paypal, eMoney, Eaccount, etc.)
- Medical Services (see M28R.V.A.5 for more information on obtaining medical services and treatment from the Veterans Health Administration [VHA])

5.04. Purchasing Guidelines

VR&E staff may use the government purchase card to purchase supplies, incidental goods and services for Veterans participating in the VR&E Program to expedite the delivery and processing of payment. Documentation is required to justify each purchase and to clearly show that the Veteran received each item purchased. The VR&E case manager is responsible for ensuring that appropriate justification is received from the Veteran, the training facility, or other service provider. VR&E staff must ensure that procedures for the purchase of supplies, incidental goods and services under the VR&E Program are properly followed.

a. Supplies

According to 38 CFR 21.210, supplies are furnished to enable a Veteran to pursue rehabilitation and achieve the goals of his or her program. Whenever possible VR&E staff should obtain supplies from a facility bookstore, but the purchase card is the preferred method of payment when supplies are not available at a facility bookstore.

It is the responsibility of the VR&E case manager to ensure that criteria and guidelines outlined in M28R.V.A.4 are properly implemented prior to making a purchase with the government purchase card. The VRC must ensure that justification for the purchase is documented on VAF 28-1905d (See Appendix O, VA Forms) and filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder or in a Corporate WINRS (CWINRS) note. This justification must be printed and included in the reconciliation packet. (See section 5.06 of this chapter for more information on the reconciliation packet.)

VR&E staff may use the purchase card to purchase the following supplies for Veterans participating in the VR&E Program when they are not available at a facility bookstore:

- Books
- Office supplies
- Tools
- Consumable goods

- Computers and printers
- Other materials or equipment that the Veteran needs to pursue training or achieve an employment or independent living goal

b. Federal Strategic Sourcing Initiative

VR&E staff should be aware of The Federal Strategic Sourcing Initiative (FSSI) that governs the purchase of office supplies and is intended to cut procurement costs government-wide. This includes office supplies purchased on behalf of Veterans participating in the VR&E Program. Existing procurement methods in place with university bookstores, using vouchers and invoices, can still be used.

If a purchase card must be used to purchase office supplies, then the FSSI must be the first source consulted for these purchases. Alternate sources may be utilized if the FSSI cannot provide the specific supplies the Veteran needs in a timely manner. If the FSSI is not used, then the reason for not using FSSI must be clearly documented on VAF 28-1905d and filed in the Veteran's CER folder or in a CWINRS note. This justification must be printed and included in the reconciliation packet. Supplies covered by FSSI include the following:

- Paper – copy, printer and fax
- Ink/toner
- Pens, pencils and markers
- Binders
- Tape
- Envelopes
- Shredders
- Computer media (including diskettes, disk cartridges and packs, optical disks and CDs)
- Anti-glare/anti-radiation screens (VDT)
- Ergonomic products (including wrist and foot rests)

More information about FSSI can be found at the following website:
www.gsa.gov/fssiofficesupplies.

c. Incidental Goods and Services

Incidental goods and services may be purchased in accordance with 38 CFR 21.156 when determined to be necessary to accomplish the purposes of the Veteran's rehabilitation program. When purchasing incidental goods and services, VR&E staff must document the Veteran's need, what other resources were explored and the outcome of those efforts. Authorization of incidental goods and services should not normally exceed \$1,250 per year. The purchase of incidental goods and services under 38 CFR 21.156 in excess of \$1,250 requires the signature of the VR&E Officer.

Examples of incidental goods and services VR&E staff may purchase for Veterans participating in the VR&E Program include the following:

- Non-certifiable courses (open entry/open exit, with no assigned quarter, semester or clock hours)
- Protective clothing
- Uniforms
- Child care
- Construction

Refer to M28R.V.A.1 for further guidance on the provision of incidental goods and services.

5.05 Roles and Responsibilities

The Purchase Charge Card Oversight Office at VA Central Office (VACO) has overall responsibility for the implementation of the purchase card program for VA and issues departmental policy and procedural guidance. The VBA Chief Financial Officer has overall responsibility for the organization, implementation and oversight of the government purchase card program within VBA. The program is then implemented at the local level as follows:

a. Regional Office (RO) Staff Responsibilities

1. Head of Contracting Activity (HCA)

In accordance with VBA Handbook 4080, December 3, 2010, the RO Director and/or Assistant RO Director are designated as the HCA with the authority to issue purchase cards for micro-purchases and simplified acquisitions at the local level. The HCA is responsible for implementing

and maintaining the purchase card program and providing management support for the program.

2. Agency/Organization Purchase Card Coordinator (A/OPC)

The A/OPC is appointed at the local level by the HCA to manage the purchase card program and ensures that mandatory training is provided to VR&E staff prior to the issuance of purchase cards. The A/OPC sets up new accounts; re-issues expired cards; cancels accounts; changes card limits, master accounting codes and cardholder addresses; is responsible for other account maintenance functions as required.

3. Finance/Billing/Accounting Office

In accordance with VBA Handbook 4080, December 3, 2010, the Finance/Billing/Accounting Office will maintain reconciliation packets for recordkeeping and audit purposes. The packets will be kept in accordance with General Records Schedule 6 for 6 years, 3 months and 1 day.

b. Vocational Rehabilitation and Employment (VR&E) Staff Responsibilities

1. VR&E Officer

The VR&E Officer serves as the Approving Official (AO) and is responsible for ensuring that the local purchase card program receives sufficient oversight to prevent waste, fraud and abuse. The VR&E Officer must review statements for accuracy, inappropriate purchases and charges for taxes. Upon the VR&E Officer's approval and signature, the statements are forwarded to the A/OPC for review.

2. VR&E Cardholder

VR&E cardholders are appointed upon recommendation from the VR&E Officer to make work-related purchases. This streamlines the ability to make purchases, rather than relying on a centralized purchasing office. When making purchases, the cardholder must alternate among small business vendors with the same products to allow for equal participation (Government Purchase Card, Volume XVI – Chapter 1). Vendors from the required socioeconomic groups (e.g., women-owned, Veteran-owned, service-disabled Veteran-owned, small disadvantaged businesses, HUBZone small businesses, or small businesses) should be used whenever possible for purchases under the micro-purchase limit. It is important to note that this is a requirement for purchases over the micro-purchase threshold of \$3,000 in accordance with FAR 19.203 (b).

The cardholder must also review and reconcile monthly purchase card statements prior to signing and dating and must enter all purchase card transactions into CWINRS and the Government Purchase Card Log (see Appendix O, VA Forms). Refer to the CWINRS User Guide, Chapter 6.14.7 for more information on entering purchase card transactions into CWINRS. Monthly purchase card statements and supporting documentation must be maintained for reconciliation purposes, as stated in General Records Schedule 6, for 6 years, 3 months and 1 day.

5.06 The Reconciliation Packet

VR&E staff should use the government purchase card to purchase supplies and services for Veterans participating in the VR&E Program to expedite the delivery and processing of payment. Accurate record keeping is critical to the success of the government purchase card program and ensures that any improper, incorrect or fraudulent charges, or duplicate payments are addressed in a timely manner.

According to VBA Handbook 4080, December 3, 2010, a VR&E cardholder must reconcile his/her purchase card using the manual process instead of using the Centralized Administrative Accounting Transaction System (CAATS). Manual reconciliation procedures require the cardholder to maintain a hard copy reconciliation packet to be sent to the VR&E Officer for review and final approval within ten working days of receipt of the bank statement. The cardholder and Finance/Billing/Accounting Office must keep a copy of the packet for 6 years, 3 months and 1 day in accordance with General Records Schedule 6.

The reconciliation packet must contain the following items at a minimum:

a. The Monthly Purchase Card Statement

The monthly purchase card statement is sent by the purchase card contractor. The statement can also be downloaded and printed from the contractor website. VA awarded a task order to US Bank as its charge card contractor for purchase card services. The monthly purchase card statement must be filed with the reconciliation packet.

b. The Government Purchase Card Log

The Government Purchase Card Log documents each purchase. The log is part of the reconciliation process and must be filed with the reconciliation packet. The log is used to document transactions and purchases by VR&E and other services that are not using CAATS. The log should be kept electronically and purchases should be sorted to correspond with the purchase card statement.

c. Supporting Documentation

1. The VAF 28-1905m

The VAF 28-1905m (see Appendix O, VA Forms) must be completed when supplies and equipment are procured outside of a training facility. It is used to document each purchase and to certify that the items requested and received by the Veteran have been deemed necessary for the successful achievement of a vocational goal. VR&E staff should note that items may not be listed on a course syllabus but may still be deemed necessary by the case manager (i.e., computers, printers and printer ink).

After receipt of the items, the Veteran must sign the VAF 28-1905m to certify that the items were received and whether or not the items were in good condition. An email from the Veteran requesting the items and informing the case manager that the items were received is not sufficient to meet this requirement.

The VAF 28-1905m must be completed for each purchase and filed in the reconciliation packet. Each section of the form must be filled out as follows:

(a) Section A- To be Submitted to the Department of Veterans Affairs

Section A must be completed by the case manager. All but the VA File Number in Section A must be completed prior to sending the form to a facility or employer, if needed. The case manager must identify the Veteran, his/her rehabilitation goal and the delivery address.

(b) Section B- Request and Certification of Facility or Establishment

Section B may be completed by the case manager, facility official or employer. The case manager, facility official or employer must identify the type of program and sign under Signature and Title of Official to certify that the requested items are necessary for the successful achievement of a vocational goal. The Veteran must sign at the bottom of Section B to verify that he/she does not already possess the items. Upon completion of Section B, the initiating case manager must sign and authorize the purchase of the requested items.

(c) Section C- Receipt of Supplies

Section C is completed by the Veteran. The Veteran either certifies that all equipment or supplies received are in good condition or

identifies the specific equipment or supplies received that were determined to be damaged or unacceptable.

2. The Purchase Receipt

The reconciliation packet must contain an itemized receipt for each purchase that matches the information listed on the monthly purchase card statement. This verifies that purchases are within regulations and supports each transaction.

3. The Purchase Justification

It is the responsibility of VR&E staff to properly implement criteria and guidelines outlined in M28R.V.A.3 and 4 to ensure that purchases are not outside the scope of services provided by the VA VR&E Program. Documentation used to justify each purchase should be filed in the reconciliation packet. See section 5.04 of this chapter for further guidance.

4. The Purchase Card Checklist

The Purchase Card Checklist (See Appendix O, VA Forms) is provided as a tool to assist in the transaction process. Cardholders are required to complete a checklist for every purchase and it must be filed in the reconciliation packet. One checklist is for purchases below \$3,000 and the other is for purchases above \$3,000. It is the responsibility of the VR&E cardholder to ensure that certain items on the checklist are completed prior to the transaction being placed, and that other items are completed during the reconciliation process. For purchases for Veterans participating in the VR&E Program, an approved rehabilitation program satisfies the requirements for funds availability and prior approval.

5. Other Back-up Documents

Other back-up documents can be used to verify that purchases are within regulations and to support each transaction. Examples include a quote from a vendor, a course syllabus, or an email from a Veteran. This information must be filed in the reconciliation packet.

5.07 Reconciliation Procedures

a. VR&E Cardholder

The cardholder will receive a monthly purchase card statement from the purchase card contractor each month. In accordance with VBA Handbook

4080, December 3, 2010, the purchase card statement must be reconciled within 10 working days of receipt of the statement using the following guidelines:

1. Date stamp the purchase card statement upon receipt from the contract bank or the date it becomes available on the bank's website if the statement is being downloaded and printed. This establishes the reconciliation time frame requirements. Reconciliation procedures must be completed and submitted to the VR&E Officer within 10 working days of the date stamp. Statements are available from the bank's online system one day after the cycle.
 2. Include the Veteran's full name and case number next to the appropriate transaction on the statement for VR&E administrative tracking assistance.
 3. Include the items listed in section 5.06 of this chapter in the reconciliation packet.
 4. Verify each transaction on the purchase card statement and compare it with purchase documentation in the reconciliation packet. The cardholder will sign and date the statement. The signature is the cardholder's certification that goods and services were received and that the dollar amounts are correct.
 5. Identify discrepancies during the reconciliation process and ensure that they are corrected. Examples include: split-transactions, exceeding purchase limits, duplicate billed, partially billed, unauthorized vendor and repeated purchases from same vendor.
 6. Submit the signed and dated monthly purchase card statement with supporting documentation to the VR&E Officer for review and concurrence.
 - b. VR&E Officer The VR&E Officer must review and certify detailed transactions made by cardholders as proper and legal procurements for the government. The VR&E Officer will do the following as outlined in VBA Handbook 4080, December 3, 2010:1. Reconcile monthly purchase card statements within 14 working days of receipt of cardholder statements and reconciliation packets.
2. Verify that purchase card transactions have been entered into CWINRS.
 3. Verify that procured items on the purchase card statement are proper and legal. This means that purchases are for Government use only and are tax-exempt. The VR&E Officer will sign and date the statement certifying goods were received and dollar amounts are correct.

4. Ensure the cardholder purchases are within the single and monthly purchase limits.
5. Verify procurements were not split in order to stay within the spending limits.
6. Work with cardholders to resolve problems and disputes.
7. Follow-up with the cardholder by the 15th of each month if the reconciled statement has not been received from the cardholder. Cardholders without activity during the cycle will not receive a statement of account. Statements are available from the bank's online system one day after the cycle.

5.08 Mandatory Purchase Card Training

The VR&E cardholder and AO must complete mandatory purchase card online training via the Talent Management System (TMS) prior to beginning official duties. The A/OPC will certify on the VA Form 0242 that the cardholder and AO have completed the purchase card training and understand the policies and regulations associated with the program. The cardholders and AO must complete the required refresher training every 2 years.

5.09 Written Delegation of Authority

All individuals making procurements on behalf of the government must have a written delegation of authority. VAF 0242 must be used for both the certification of training and delegation of authority. This form is kept on file by the A\OPC for review purposes.

5.10 Internal Audit Reviews

Internal audit reviews are conducted to validate program compliance and to ensure that policies and procedures are being followed. It also ensures the procurement and fiscal integrity of the program.

Required VBA reviews are as follows:

a. Monthly Purchase Card Reconciliation Review

The VR&E cardholder and AO are required to perform monthly purchase card reconciliation. The monthly reconciliation packet will be forwarded to the A\OPC for final review and filing.

b. Annual Audits

A mandatory annual audit of each cardholder account is used to confirm the integrity of the purchase card program. The RO Director or designee will perform the audit review of each cardholder. The review is to provide assurances that controls are properly implemented. The review will be documented, maintained on file and made available to any review or audit team upon request.

c. Focus Reviews

Each RO will conduct two focus reviews each calendar year. The reviews will be conducted for the periods of January through April and May through August. The RO Director or designee will perform the focus reviews to provide assurance that controls are properly implemented. The focus reviews must be documented, maintained in a file and made available to any review or audit team upon request.

5.11 VA Management Quality Assurance (MQAS)

MQAS will conduct random audits of the purchase card program on a monthly basis. MQAS has oversight responsibility to ensure VA complies with laws, policies and directions from external organizations such as the Office of Management and Budget, the Department of the Treasury, the General Services Administration, the Government Accountability Office and Congress. MQAS ensures that VA complies with the standards identified in applicable financial, acquisition, logistics and capital asset management legislation. When a purchase is called for a MQAS audit, the reconciliation packet must be provided to the A/OPC.

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Chapter 6 TRAVEL EXPENSES

6.01 Introduction

This chapter provides the administrative procedures and guidelines on authorizing and processing payment of travel expenses for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

6.02 References and Resources

Laws: 38 United States Code (U.S.C.) 111

Regulations: 38 Code of Federal Regulations (CFR) 21.154
38 CFR 21.370
38 CFR 21.372
38 CFR 21.374
38 CFR 21.376

Forms: Standard Form (SF) 1012, Travel Voucher
VA Form (VAF) 3542, Authorization to Report - Voucher for Mileage Allowance
VAF 28-1905d, Special Report of Training
VAF 28-8861, Request for Medical Services

6.03 General Information

Veterans who travel to and from a VR&E office or other place in connection with vocational rehabilitation may be entitled to reimbursement for the cost of travel, lodging, meals and incidental expenses. Reimbursement for travel expenses may be authorized at Government expense within limits specified by law in accordance with 38 U.S.C 111. VR&E may authorize and process payments for the following types of travel expenses by following the guidance outlined in this chapter:

- Beneficiary travel
- Authorization for travel of attendants
- Special transportation assistance

6.04 Beneficiary Travel Expenses

a. Initial Evaluation, Reevaluation and Counseling Appointments

In accordance with 38 CFR 21.376, when VR&E asks a Veteran with a service-connected disability to report to a designated place for an initial evaluation, a reevaluation, or a counseling appointment (including personal or vocational adjustment counseling), payment of travel expenses must be authorized to and from the place of evaluation and counseling. Meals and lodging may be approved if overnight travel is required. When a Veteran reports for counseling or evaluation, an authorized VR&E staff member will certify on VAF 3542 that the Veteran reported.

VR&E staff should note that VA does not authorize payment for scheduled case management appointments, either at a training facility or VR&E Office. VR&E must only authorize payment of travel expenses for a Veteran who comes in without a scheduled appointment, or for a scheduled case management appointment, when the case manager determines that the Veteran was in need of and was provided personal or vocational adjustment counseling. This determination should be documented on VAF 1905d or in a CWINRS note. Refer to section 6.07 of this chapter for travel expense payment methods.

b. Intraregional Travel Expenses

In accordance with 38 CFR 21.370, VR&E may authorize the payment of travel expenses to a Veteran in a rehabilitation program or a program of employment services when travel is within the territory of the Regional Office (RO) of jurisdiction. Intraregional travel must be approved by the case manager. The case manager must ensure that the determination to authorize the travel expense is documented on VAF 28-1905d (See Appendix O, VA Forms) and filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder or in Corporate WINRS notes. Consideration must be given to the most economical means of transportation (e.g., cost of driving a Privately Owned Vehicle (POV) versus purchasing a plane ticket). When approved, authorization of travel is limited to the Veteran's transportation, and does not include transportation for the Veteran's dependents, or for moving personal effects.

Intraregional travel includes travel to and from the Veteran's residence and a training location if that location is outside routine commuting distance in the geographic area. A normal daily commute is defined as 50 miles one-way. A Veteran participating in the VR&E Program would not normally receive reimbursement for daily travel to and from a training facility except as authorized under 38 CFR 21.154 (refer to section 6.06 of this chapter for

guidance on Special Transportation Assistance).

VR&E may authorize travel expenses that are beyond the normal daily commute for a Veteran to travel within the territory of the RO of jurisdiction under any of the following conditions:

1. The Veteran is reporting to the chosen school or training facility for the purpose of starting training.
2. The Veteran is reporting to a prospective employer or trainer for an interview prior to starting training when there is definite assurance that the Veteran will be found acceptable to start training.
3. The Veteran is reporting to the chosen school for a personal interview prior to induction into training.
4. The Veteran is reporting to a rehabilitation facility or sheltered workshop.
5. The Veteran is returning to his/her home from the training or rehabilitation facility when travel from his/her home to the place of training or rehabilitation services was at Government expense.
6. The Veteran is returning to the training or rehabilitation facility from his/her home when the purpose of the travel is to continue the rehabilitation program.
7. The Veteran is returning from the training facility after his/her case is placed in discontinued or interrupted status for any reason, except abandonment of training by the Veteran without good reason.
8. The Veteran is reporting to a place of prearranged satisfactory employment upon completion of a rehabilitation plan of services for the purpose of beginning work.
9. The Veteran is returning to his/her home from the place of training following rehabilitation to the point of employability, when suitable employment is not available.
10. The Veteran is reporting to a place to take a scheduled examination required to practice the trade or profession for which the Veteran has been trained. This travel must be limited to points within the state where the Veteran pursued his/her training or, if the Veteran returned to the state that he/she was sent to pursue training, he/she may receive travel expenses related to traveling to a place within that state to take the examination. If there is more than one place within the state that the Veteran could take the examination, travel must be limited to the nearest

place.

c. Interregional Travel Expenses

According to 38 CFR 21.372, a Veteran may need to travel from the jurisdiction of one RO to another in order to accomplish the goals of his/her rehabilitation plan. In this situation, travel expenses must be approved by the case manager. The case manager must ensure that the determination to authorize the travel expense is documented on VAF 28-1905d and filed in the Veteran's CER folder or in CWINRS notes. Consideration must be given to the most economical means of transportation (e.g., cost of driving a POV versus purchasing a plane ticket). Authorization of travel expenses is limited to the Veteran's transportation and does not include transportation for the Veteran's dependents or for moving personal effects.

VR&E may authorize interregional travel expenses under any of the following conditions.

1. The Veteran is entering training in the nearest satisfactory facility and either of the following conditions are met:
 - The nearest satisfactory facility is within the jurisdiction of another VA facility, or
 - There are no satisfactory facilities within the jurisdiction of the VA facility in which the Veteran resides
2. The Veteran is entering training in a state in which the Veteran has long-standing family and social ties, and in which he/she plans to live following rehabilitation.
3. The Veteran is reporting to an employer-trainer when all necessary steps have been taken to establish an On-the-Job training (OJT) program.
4. The Veteran is reporting to a rehabilitation facility or sheltered workshop.
5. The Veteran is returning to his/her home from the training or rehabilitation facility when travel from his/her home to the place of training or rehabilitation services was at Government expense.
6. The Veteran is returning to the place of training or rehabilitation services from his/her home when the purpose of the travel is to continue training or rehabilitation services.
7. The Veteran is returning from the training facility after his/her case is placed in discontinued or interrupted status for any reason, except

abandonment of training by the Veteran without good reason.

8. The Veteran is reporting to a place of prearranged suitable employment or for a prearranged employment interview following completion of his/her training program when each of the following conditions is met:
 - There is no opportunity for suitable employment for the Veteran within the jurisdiction of the training facility, and
 - The Veteran has a serious employment handicap
9. The Veteran is returning from his/her training facility upon completion a training program when satisfactory employment is not available.
10. The Veteran is returning from the training facility without authorization because VR&E did not issue the necessary travel authorization in a timely manner.

6.05 Authorization for Travel of Attendants

In accordance with 38 CFR 21.374, travel expenses may be authorized for an attendant to accompany a Veteran traveling for rehabilitation purposes when made necessary by the severity of the Veteran's disability. Attendants may only be used to enable a Veteran to attend appointments for initial evaluation, counseling, or intraregional or interregional travel.

a. Relatives Prohibited

It is important to note that VR&E must not pay the attendant a fee if he/she is a relative of the Veteran in accordance with 38 CFR 21.374. A relative is defined in 38 CFR 21.374 as a person who by blood or marriage is considered to be any of the following:

- A spouse
- A parent
- A child
- A brother
- A sister
- An uncle
- An aunt

- A niece
- A nephew

b. Attendants not Employed by the Federal Government

VR&E may authorize persons not in regular civilian employment of the Federal Government to act as attendants when they are not considered to be a relative. Payment of travel expenses for attendants will be authorized on the same basis as for the Veteran the attendant is accompanying.

c. Attendants Employed by the Federal Government

VR&E may authorize a person in the regular civilian employment of the Federal Government to act as an attendant. When assigned, the attendant will be entitled to transportation and expenses or may be allowed per diem in place of subsistence in accordance with the provisions of Federal Travel Regulations. VR&E must not pay a fee to civilian employees of the Federal Government who act as attendants.

6.06 Special Transportation Assistance

According to 38 CFR 21.154, a Veteran may be provided a transportation allowance to defray travel expenses caused by the effects of a disability that are in addition to expenses incurred by individuals without disabilities. The assistance provided in this section is in addition to provisions for interregional and intraregional travel.

a. Periods When Special Transportation Allowance May be Provided

A special transportation allowance may be provided during the following periods:

- Extended evaluation
- Rehabilitation to the point of employability
- Independent living services
- Employment services, including the first three months of employment

b. Scope of Special Transportation Assistance

According to 38 CFR 21.154, transportation assistance includes the following expenses:

- Mileage
- Parking fees
- A reasonable fee for a driver
- Transportation furnished by a rehabilitation facility or sheltered workshop
- Other reasonable expenses which may be incurred in local travel

The Veteran's monthly transportation allowance may not exceed one-half of the subsistence allowance of a single Veteran in full-time institutional training, unless extraordinary arrangements, such as transportation by ambulance, are necessary to enable a Veteran to pursue a rehabilitation program.

c. Determining the Need for a Special Transportation Allowance

The case manager must determine the Veteran's need for a special transportation allowance and must ensure that the determination to authorize the transportation allowance is documented on VAF 28-1905d and filed in the center portion of the Veteran's CER folder, or in CWINRS notes. The case manager must use the assistance of a Veteran's Health Administration (VHA) medical consultant to determine the need for special transportation assistance and to develop transportation arrangements that do not unduly tax the Veteran's ability to travel and pursue a rehabilitation program. A referral to the VHA should be completed. The case manager should use VAF 28-8861 (see Appendix O, VA Forms) to describe the reason(s) he/she believes special transportation allowance may be needed and to request that VHA conduct an evaluation and provide any necessary services (e.g., transportation by ambulance). Refer to M28R.V.A.5 for further guidance on completing VAF 28-8861.

d. Relatives Prohibited

A relative of the Veteran must not be paid any part of a special transportation allowance. The term relative has the same meaning described in section 6.05.b of this chapter pertaining to the use of a relative as an attendant.

6.07 Payment Methods

In accordance with 38 U.S.C. 111, VR&E may pay a Veteran actual necessary travel expenses (including lodging and subsistence), or an allowance based upon mileage (at a rate of 41.5 cents per mile) in lieu of actual travel expenses. Actual necessary travel expenses include the reasonable costs of airfare if travel by air is the only practical way to reach a VR&E office or other place in connection with vocational rehabilitation. Reimbursement for the actual cost of

ferry fares and bridge, road and tunnel tolls in addition to mileage allowance may also be allowed under 38 U.S.C. 111. VAF 3542 should be used when reimbursing the current mileage rate plus ferry fares and bridge, tunnel and road tolls in lieu of actual expenses. When the Veteran lives outside the local area of the VR&E office (50 miles one-way), a properly executed VAF 3542 may be sent to the Veteran prior to the appointment date for travel 12 hours or less. SF 1012 (See Appendix O, VA Forms) may be used to claim meal and lodging expenses incurred en route to and from the VR&E office or other place in connection with vocational rehabilitation for travel beyond 12 hours.

If travel expenses have been authorized for a Veteran, he/she may be reimbursed using one of the following methods:

a. Travel Inside the Local Area of the VR&E Office

If the Veteran pays his/her own actual necessary expenses of travel, then the Veteran may be reimbursed at the local public transportation rate, or if public transportation is not available, the current mileage rate for the total mileage (round trip) plus cost of parking, ferry fares and bridge, road and tunnel tolls. This allowance is in place of all travel expenses to include cost of meals and lodging.

b. Travel Outside the Local Area of the VR&E Office

If the Veteran pays his/her own expenses of travel, then the Veteran may be repaid for actual necessary travel expenses or an allowance based upon mileage (at a rate of 41.5 cents per mile) in lieu of actual travel expenses. The cost of meals and miscellaneous expenses (for example, taxi fare, mileage to airport) may be reimbursed after the fact in accordance with GSA per diem limits using VAF 3542 when reimbursing actual necessary travel expenses. (Refer to www.gsa.gov/perdiem to find the rates.) It should be noted that per diem is not authorized for official travel of 12 hours or less. Travel expense payments must not exceed the current maximum rate for three meals and one night's lodging for a 24-hour period plus the cost of round trip by public transportation. The Veteran must furnish itemized receipts for sleeping accommodations and for each additional item to substantiate claimed travel expenses. VR&E staff should inform Veterans that claims for reimbursement of travel expenses must be received within 30 days after completion of travel and that failure to claim reimbursement within 30 days will result in forfeiture of travel benefits.

c. Prepaid Travel Expenses

When the Veteran does not wish to pay his/her own necessary travel expenses, prepayment of a Veteran's travel expenses must be completed via

the RO's Centrally Billed Account (CBA) travel card that is funded through Readjustment Benefits (RB). Actual costs are recorded in CWINRS with costing charged to the RB account, BOC 4146. The CBA travel card is used to pay for the travel expenses of Veterans, and expenses are paid directly by the agency. These accounts contain a unique prefix identifying the account as a CBA travel card for official Government travel.

6.08 VAF 3542 Processing

To process a VAF 3542 for a Veteran authorized to receive travel expenses, VR&E staff should use the following steps:

- a. Ensure that the payment of travel expenses is in accordance with the guidance outlined in this chapter.
- b. Process the VAF 3542 by selecting beneficiary travel in the CWINRS View Financial Data screen.
- c. Print a copy of VAF 3542.
- d. Obtain the Veteran's signature on the CWINRS form.
- e. Obtain the signature of an authorized VR&E staff member.
- f. Submit the VAF 3542 to the Finance activity to process the payment. The method used to submit forms to Finance may vary according to local policy.
- g. File a copy of the VAF 3542 and itemized receipts (as applicable) on the left side of the Veteran's CER folder.

It is important to note that VAF 3542 may be used to reimburse lodging, meals and other expenses (i.e., parking, taxi fare, ferry fares and bridge, road and tunnel tolls). The Veteran must furnish itemized receipts to substantiate claimed travel expenses. For assistance with completing the CWINRS Add/Edit/View Beneficiary Travel Transaction screen, refer to the CWINRS User Guide: Chapter 6, Case Management.

CHAPTER 7
AUTHORIZING AND PROCESSING PAYMENTS FOR SERVICES

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 - a. Prompt Payment Rule (5 CFR 1315)
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CHAPTER 7 AUTHORIZING AND PROCESSING PAYMENTS FOR SERVICES

7.01 Introduction

This chapter provides the administrative procedures and guidelines related to authorizing and processing payments for services for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

7.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3104
Contract Disputes Act
Higher Education Act of 1965
Prompt Payment Act

Regulations: 5 Code of Federal Regulations (CFR) 1315
38 CFR 21.430
VA Acquisition Regulation (VAAR) 831.7001-1

Resources: VHA Directive 2010-022

VA Forms (VAF): VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status

7.03 General Information

In accordance with 38 CFR 21.430, VR&E must maintain policies and procedures that provide accountability in the authorization and payment of program costs for training and rehabilitation services. As stewards of taxpayers' money, the VR&E case manager is responsible for and held accountable for the appropriate authorization and processing of payments for services provided to Veterans participating in the VR&E Program. The case manager must ensure correct application of laws and regulations concerning all fiscal transactions. It is the responsibility of the case manager to ensure that the guidelines for determining the levels of authority for program costs outlined in M28R.V.B.1, and the guidelines for authorizing rehabilitation services outlined in M28R.V.A.1, are properly implemented.

7.04 Processing Payments

In 5 CFR 1315.2 (y), the Office of Management and Budget (OMB) defines an invoice as a bill, written document, or electronic transmission provided by a vendor requesting payment for property received or services rendered. An invoice must be stamped or otherwise annotated with the receipt date in

the designated VR&E office at the time of receipt for the purposes of determining a payment due date and the date that interest will begin to accrue if a payment is late. After an invoice is received by the designated VR&E office, the case manager must review and properly certify the invoice to the Finance activity for payment in a timely manner in accordance with the Prompt Payment Act and 5 CFR 1315, which is the final rule on, and codification of, Prompt Payment Act regulations from OMB.

a. Prompt Payment Rule (5 CFR 1315)

The Prompt Payment rule ensures that Federal agencies pay vendors in a timely manner. Prompt Payment assesses late interest penalties against agencies that pay vendors after a payment due date. This rate was established under the Contract Disputes Act.

1. 5 CFR 1315.4 (b)

This section of the Prompt Payment Rule provides that an invoice is deemed to be received on one of the following dates:

- (a) For an invoice that is mailed, the date a proper invoice is actually received by the designated VR&E office if the office annotates the invoice with the date of receipt at the time of receipt.
- (b) For electronically transmitted invoices, the date a readable transmission is received by the designated VR&E office, or the next business day if received after normal working hours.
- (c) For an invoice that the VR&E office fails to annotate with date of receipt, the date placed on the invoice by the vendor as long as it is deemed to be a proper invoice.

2. 5 CFR 1315.4 (f)

This section of the Prompt Payment Rule states that the period available to make a timely payment without incurring an interest penalty begins on the date of receipt of a proper invoice.

3. 5 CFR 1315.4 (g)

This section of the Prompt Payment rule states that payment is due 30 days after receipt of a proper invoice. It is important to note that interest will begin to accrue after the 30th day.

b. Review of Invoice

In accordance with 5 CFR 1315.9 (b), at a minimum a proper invoice must meet the following requirements:

- Name of vendor
- Invoice date
- Invoice number, account number and/or any other identifying number
- Vendor point of contact name, title and telephone number (whenever possible)
- Veteran's name and file number with clearly delineated costs per Veteran, if applicable
- Description, price and quantity of goods and services rendered with the charges grouped under categories (e.g., tuition, books, fees and supplies)
- Date(s) goods were delivered or services were provided
- Supporting detailed information, if applicable (e.g., receipts listing itemized costs for books and supplies)

In accordance with 5 CFR 1315.4 (c), if the invoice does not comply with these requirements, the VR&E office must return it within 7 days after receipt and note the reasons why it is not a proper invoice. It is important to note that if a VR&E office fails to make notification of an improper invoice within seven days, then the number of days allowed for payment of the corrected proper invoice will be reduced by the number of days between the seventh day and the day notification was transmitted to the vendor. Calculation of interest penalties, if any, will be based on this adjusted due date.

Example: an improper invoice was returned to the vendor on the 10th day after receipt and a corrected proper invoice was resubmitted by the vendor. The payment due date is adjusted from 30 days to 27 days since the invoice was returned to the vendor 3 days late.

c. Receipt of Services

The case manager is responsible for ensuring that the Veteran received the invoiced services. Receipt of services can be documented in the following ways:

1. The Veteran's signature on the invoice acknowledging receipt of the invoiced services.

2. An email or other written confirmation of receipt of invoiced services from the Veteran.
3. A verbal confirmation of receipt of the invoiced services from the Veteran documented in a Corporate WINRS (CWINRS) note.

d. Approval of an Invoice

Approval of an invoice ensures that services provided by a vendor are consistent with and necessary for the Veteran's rehabilitation plan of services. Approval also certifies that the invoice complies with the requirements outlined in this section and is a proper invoice in accordance with 5 CFR 1315.4 (c). A case manager must take the following steps to ensure that each invoice is approved and processed correctly:

1. Ensure that every invoice is date stamped on the date of receipt.
2. Review and process the invoice within 7 days of the date stamp since VA has 7 days to return an improper invoice to a vendor and 30 days from the date stamp to pay a proper invoice.
3. Ensure that the invoice is for a Veteran who is participating in the VR&E Program.
4. Return an invoice for a non-participant to the vendor.
5. Ensure that invoiced charges are consistent with the goods and services outlined in the Veteran's rehabilitation plan.
6. Strike out and subtract inappropriate charges from the invoice and annotate reasons.
7. Advise the vendor of any rejected charges and return documentation of rejected charges to service provider.
8. Advise the Veteran of rejected charges and provide Adverse Action notification. VR&E staff should follow the procedures on adverse actions as outlined in M28R.III.C.2.
9. Annotate the invoice "Approved for Payment" or "Approved with Noted Exceptions" (a stamp can be used to do this).
10. Sign and date the invoice under this approval.
11. Forward it with any supporting documentation to the Finance activity (e.g., itemized costs for books and supplies and clearly delineated costs per Veteran).

12. Enter invoice into CWINRS. Refer to the CWINRS User Guide, Chapter 7, Voucher Processing for instructions.
13. File a copy of the invoice and supporting documentation on the left side of the Veteran's CER folder, if required. It is important to remember that when you file documents in the CER folder, you must delete all other Veterans' names and Personally Identifiable Information (PII).

7.05 Special Considerations

a. Facility Invoices

A case manager must take the following specific guidelines into consideration when reviewing and determining whether to approve an invoice from a facility:

1. VAAR 831.7001-1

In accordance with VAAR 831.7001-1, when federal funds pay the total cost of instruction, or grants from the Federal Government pay a portion of the cost, that subsidy must be taken into consideration in determining the charge to VA.

If a Veteran who is participating in the VR&E Program receives an award of a fellowship, scholarship, grant-in-aid, assistantship or similar award, or a tuition waiver then that award must be treated according to the following requirements:

- (a) If the award limits its use to payment of tuition, fees, or any charge that VA normally pays as part of a Veteran's rehabilitation program, then VA will pay the portion of the charges remaining after applying the award.
- (b) In all other cases, VA will pay the full amount of the tuition, fees, or other charges unless a State or other Government authority waives the Veteran's tuition and fees. In this situation, VA will reduce the payment of charges by the amount of the waiver.

2. Public Law 111-377

In accordance with Public Law 111-377, facilities are not required to apply loans or any funds provided under section 401 (b) of the Higher Education Act of 1965 (Pell grant) before billing VA. It should be noted that the Pell grant is designed to provide a foundation or floor of financial aid to help defray educational costs to include living expenses.

3. Roles and Responsibilities

(a) Facility

When a facility receives authorization of funding (VAF 28-1905 [See Appendix O, VA Forms]) for a Veteran from VR&E and the Veteran has also been awarded financial assistance, the facility should take the following steps:

- (1) Prepare a billing invoice for VA after the facility's Drop/Add Period has concluded
- (2) VA should be billed only for the actual net cost for tuition and fees assessed by the facility for the program of education after the application of the following:
 - Any waiver of, or reduction in, tuition and fees
 - Any scholarship, federal, state, institutional, employer-based aid, or assistance that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees (other than loans and Pell grant)

(b) VR&E Case Manager

The VR&E case manager should take the following steps when an invoice is received from a facility:

- (1) Date stamp upon receipt
- (2) Determine whether documentation in CWINRS and the Veteran's CER folder indicates that tuition and fees were authorized for payment by VR&E (Refer to M28R.V.A.3 for guidance on the use of VAF 28-1905 for authorization of training)
- (3) Determine if the invoice is proper (refer to section 7.04.b of this chapter) and that VR&E has been billed appropriately
- (4) Notify the facility of any discrepancies or items that cannot be approved under VA guidelines
- (5) Approve payment by completing necessary actions in CWINRS and coordinating with the Finance activity at the Regional Office (RO) in accordance with the Prompt Payment Rule (Refer to section 7.04.d of this chapter)

4. Procedures

(a) VR&E has Primary Role in Tuition and Fee Payments

VR&E staff will ensure that VAF 28-1905 has been issued and explained to the facility providing training to the Veteran. (Refer to M28R.V.A.3 for guidance on the use of VAF 28-1905 for authorization of training)

(b) Charges Must Reflect Previous Payments and Credits

VR&E should not be billed until the school's Drop/Add Period has concluded. When funds are received or a payment is made to a school on behalf of a Veteran, the bill to VR&E should reflect a reduction for any funds credited or received by the school for the same educational charges.

(c) Financial Assistance Designated for Payment of Tuition and Fees

It is the responsibility of the school to properly manage and disburse financial assistance. If funding designated specifically for payment of tuition and fees was erroneously applied or released to the Veteran for other purposes, and VR&E has paid the outstanding costs of tuition and fees, then the school must notify VR&E of the error. All errors in accounting or disbursing funds should be corrected by the school and any funds that are unused by, or recouped from, the Veteran or another source should be returned to the appropriate funding source to include VR&E.

(d) Notification to Schools and Veterans

It is important to note that it is the responsibility of the VR&E case manager to inform the facility of the procedures and guidelines outlined in the chapter. Appendix AS, Sample School Notification Letter should be adapted for this purpose and sent to all approved facilities providing services to Veterans participating in the VR&E Program.

VR&E case managers should also work with financial aid personnel to determine the best method(s) of notifying each school's financial aid office of the Veterans who are participating in the VR&E Program each term. Example: it may be possible for the certifying official to forward this information to their school's financial aid office each term.

Case managers must also explain the procedures and guidelines outlined in this chapter to all Veterans participating in the VR&E

Program under his/her supervision.

b. Invoices for Tutorial Services

A case manager must take the following specific guidelines into consideration when reviewing, and determining whether to approve, an invoice for tutorial services:

1. Ensure that the invoice is date stamped on the date of receipt.
2. Review and process the invoice within 7 days of the date stamp since VA has 7 days to return an improper invoice to a vendor and 30 days from the date stamp to pay a proper invoice.
3. Ensure that the invoice is for the Veteran for whom tutorial services were contracted. It is the responsibility of the case manager to ensure that the guidelines and criteria for authorizing tutorial services outlined in M28R.V.B.4 are properly implemented.
4. Ensure that invoiced charges are consistent with the services outlined in the tutorial contract.
5. Ensure that the Veteran received the invoiced tutorial services.
6. Annotate the invoice with "Approved for Payment" or "Approved with Noted Exceptions" (a stamp can be used to do this).
7. Sign and date the invoice under this approval.
8. Forward the invoice to the Finance activity.
9. Enter the invoice into CWINRS. Refer to the CWINRS User Guide, Chapter 7, Voucher Processing.
10. File a copy of the invoice on the left side of the Veteran's CER folder, if required.

c. VetSuccess Contract Invoices

VetSuccess contract invoices are processed through an automated web-based system that is maintained by the Administrative and Loan Accounting Center (ALAC) and is called the Centralized Administrative Accounting Transaction System (CAATS). The CAATS application is a web-based system that allows for electronic input and approval of transactions; provides an electronic audit trail; streamlines document and transaction processing; and produces transaction activity reports. VR&E staff should refer to M28R.V.B.4 for more guidance on invoicing for VetSuccess Contracts.

d. Invoices for Supplies

If authorized, a facility may provide a Veteran with standard supplies that are required for similarly circumstanced non-Veterans. The case manager must review the invoice to see if the supplies the Veteran received are consistent with the Veteran's rehabilitation plan.

1. Appropriateness

A case manager who questions the appropriateness of a specific item must check with the facility to determine whether the program requires the item. VA cannot pay for an item solely because the Veteran wants it. Unless the Veteran qualifies under one of the exceptions outlined in M28R.V.A.4, the case manager must not approve payment for the item if other participants in the same program do not need the item and the case manager has not otherwise approved the item.

2. Lessening Competitive Disadvantage

A case manager should approve items, such as calculators, that the facility may not require, but other similarly circumstanced students in the program generally possess as a working aid. Not having the item would place the Veteran at a competitive disadvantage. For details on how this concept extends to supplies and equipment, see M28R.V.A.4.

7.06 Medical Services

Situations concerning the authorization, provision and payment of medical treatment or services for Veterans participating in the VR&E Program and their dependent(s) are under the authority of the Veterans Health Administration (VHA), per 38 U.S.C. 3104 (a) (9). VA Medical Center (VAMC) Directors are responsible for ensuring that medical services are provided to Veterans who are participating in the VR&E Program and VHA Directive 2010-022 ensures that Veterans receive timely and clinically appropriate medical services necessary to promote continuation in his/her VR&E Program.

Veterans participating in the VR&E Program are not exempt from medication co-payments, first party co-payments or third party billing for care relating to non-service connected conditions. VR&E must not pay VHA for any necessary medical services, including co-payments or third party billing for care, that are authorized by the VAMC or other VHA facility. Refer to M28R.V.A.5 for more information on medical treatment and services.

CHAPTER 8
AUTHORIZING AND PROCESSING SUBSISTENCE ALLOWANCE

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- 8.02 References and Resources
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- 8.04 Exceptions in Paying Subsistence Allowance
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 - a. Required Documentation
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 - h. Leave of Absence
- 8.07 Process Original Award
 - a. Preprocessing Activities
 - b. Complete the BDN Ready Screen
 - c. Complete the BDN 101 Screen
 - d. Check Dependency Information
 - e. Complete the BDN 435 Screen
 - f. Complete Processing the Original Award
 - g. Complete the CAUT Procedure on the BDN 501 screen
- 8.08 Process Amended Award
 - a. Amend Rate of Pursuit

1. Complete the BDN Ready Screen
2. Complete the BDN 101 Screen
3. Complete the BDN 435 Screen
4. Complete the CAUT Procedure on the BDN 501 Screen
- b. Amend Dependent(s) Information
 1. Complete the BDN Ready Screen
 2. Complete the BDN 101 Screen
 3. Complete the BDN 434 Screen to Add Add/Remove Dependent(s) Information
 4. Complete the Change in Dependents
 5. Complete the CAUT Procedure on the BDN 501 Screen
- c. Suspend an Award
 1. Complete the BDN Ready Screen
 2. Complete the BDN 101 Screen
 3. Complete the BDN 435 Screen
 4. Complete the CAUT Procedure on the BDN 501 screen
- d. Resume an Award
 1. Complete the BDN Ready Screen
 2. Complete the BDN 101 Screen
 3. Complete the BDN 435 screen
 4. Complete the CAUT Procedure on the BDN 501 Screen
- e. Stop an Award
 1. Complete the BDN READY Screen
 2. Complete the BDN 101 Screen
 3. Complete the BDN 435 Screen
 4. Complete the CAUT Procedure on the BDN 501 Screen

8.09 Process Retroactive Award

- a. The Veteran Has Used Chapter 33 Benefits During the Time Frame of Retroactive Induction
- b. The Veteran Has Not Used Chapter 33 Benefits During the Time Frame of Retroactive Induction

8.10 Process P911SA

- a. Obtain Information Needed for Award Processing
 1. The Veteran Has Not Used Chapter 33 Benefits
 2. The Veteran Has Used or is Currently Using Chapter 33 Benefits
 3. The Veteran Has Been Paid Regular Chapter 31 Subsistence Allowance for Part or All of the Enrollment Period in Which P911SA is Elected
- b. Procedures for BDN Awards that Exceed the Monthly Rate

8.11 Process OJT Award

- a. Complete the following on the BDN 435 screen to start the OJT Award
- b. Complete the following on the BDN 436 screen:
- c. Complete OJT Award

8.12 Overpayments

- a. Station Debts
- b. DMC Debts
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 - 1. Procedures for Correcting Overpayments of Subsistence Allowance Caused by Administrative Error
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8.13 Apportionment

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 - 1. Eligibility
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 - 2. Determining the Amount of an Apportionment
 - 3. Effective Date
 - 4. Notification of Apportionment Claim
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 - 6. Processing the Award
 - 7. Adjusting the Veteran's Award Due to the Loss of a Dependent(s)
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 - 9. BDN Screens

8.14 Electronic Funds Transfer (EFT)

- a. Direct Deposit
- b. Electronic Transfer Account (ETA)
- c. Direct Express Card
- d. Temporary Check

Appendix O. VA Forms

Appendix AM. Training Time Equivalency Table- Semester

Appendix AN. Training Time Equivalency Table- Quarters

Appendix AO. Chapter 31 Subsistence Allowance Rates

Appendix AQ. BDN Codes

Appendix AW. Calculating Rate of Pay for Post-911 Subsistence Allowance

CHAPTER 8 AUTHORIZING AND PROCESSING SUBSISTENCE ALLOWANCE

8.01 Introduction

This chapter provides the administrative procedures and guidelines for authorizing and processing subsistence allowance for Veterans participating in the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program.

8.02 References and Resources

Laws: 38 United State Code (U.S.C.) 3680
38 U.S.C. 5112
38 U.S.C. 5307
Public Law 100-689
Public Law 111-377

Regulations: 31 Code of Federal Regulations (CFR) 208
38 CFR 3.400
38 CFR 3.450
38 CFR 3.451
38 CFR 3.458
38 CFR 21.260
38 CFR 21.266
38 CFR 21.282
38 CFR 21.320
38 CFR 21.330
38 CFR 21.7135

Resources: M21-1MR, Adjudication Procedures Manual Rewrite
Disbursements and Collections Requirement, Volume VIII -
Chapter 2

VA Forms (VAF): VAF 21-674, Request for Approval of School Attendance
VAF 21-686c, Declaration of Status of Dependents
VAF 21-0788, Information Regarding Apportionment of
Beneficiary's Award
VAF 22-8945, Education Award
VAF 28-1905, Authorization and Certification of Entrance or
Reentrance into Rehabilitation and Certification of Status
VAF 28-1905d, Special Report of Training
VAF 4107, Your Rights to Appeal our Decision
VAF 5655, Financial Status Report

Websites: www.defensetravel.dod.mil/site/bahCalc.cfm
 www.defensetravel.dod.mil/site/ohaCalc
 http://vbahinesweb.vba.va.gov/web/bdn_sched_of_op.htm
 <http://www.fms.treas.gov/eta>
 <http://www.fms.treas.gov/directexpresscard/index.html>

8.03 General Information

In accordance with 38 CFR 21.320, subsistence allowance may be authorized when a Veteran has completed the development of a rehabilitation plan and the requirements for entrance or reentrance into a rehabilitation program have been met. A Veteran's case must be assigned to one of the following case statuses to be eligible for a subsistence allowance:

- Rehabilitation to the Point of Employability
- Extended Evaluation
- Independent Living

8.04 Exceptions in Paying Subsistence Allowance

In accordance with 38 CFR 21.260 (d), a Veteran may not receive a subsistence allowance when VA is providing the Veteran with only the following services:

- Initial evaluation
- Placement and post-placement services
- Counseling

a. Concurrent Education Benefits

Before processing a payment of subsistence allowance in the Benefits Delivery Network (BDN), VR&E staff should check all other education chapters (e.g., CH 30, 32, 33, 1606) to ensure that the Veteran is not receiving benefits under another education program since a Veteran cannot receive benefits from more than one program at a time. (Refer to section 8.07.a for guidelines on how to check for concurrent education benefits.)

b. Active Duty Servicemembers

Before processing a payment of subsistence allowance, it is important to note the Date of Release from Active Duty (RAD is found in Corporate WINRS [CWINRS]) since active duty Servicemembers are not eligible to receive subsistence allowance. It is also important to note that Veterans participating in the VR&E Program may receive subsistence allowance during drill

weekends but not during the two-week active duty training period (National Guard and Reserve) since the Veteran also receives extra pay for meals and housing allowance during the two-week training.

8.05 Authorization

VAF 28-1905 (See Appendix O, VA Forms) must be used as authorization to facilities for services provided to Veterans participating in the VR&E Program. It also notifies the facility of the approved program of study for the Veteran. This form must not be sent unless the training program has been approved and the facility has been assigned a valid facility code. VR&E staff must follow guidance outlined in M28R.V.A.3 when using VAF 28-1905 as authorization to facilities for services.

8.06 Procedures

a. Required Documentation

Certification from the school certifying official is the source documentation required to prepare subsistence allowance. VR&E staff must have a certification from an approved facility or service provider that includes fixed dates of service and rate of pursuit identified by semester, quarter, or clock hour before processing a payment of subsistence allowance in BDN. After receiving VAF 28-1905 for authorization, most facilities use VA Online Certification of Enrollment (VA-ONCE) to certify the Veteran's enrollment.

It is important to note that the use of VA-ONCE is mandatory. VA-ONCE allows training facilities to electronically certify attendance including number and type of hours, beginning and ending dates, and changes in enrollment. CWINRS has interfaced with VA-ONCE since 2007 and VR&E has been using VA-ONCE information for several years. CWINRS receives VA-ONCE information one day after the certifying information is sent by the training facility. It is mandatory to use the VA-ONCE information in CWINRS for processing Chapter 31 subsistence allowance awards. Complete instructions on how to use VA-ONCE is found in Chapter 9.4 of the CWINRS Users Guide.

VAF 28-1905 may only be used as certification of enrollment when a training facility elects not to use VA-ONCE to certify enrollment of a Veteran participating in the VR&E Program. Documentation from training facilities electing not to use VA-ONCE must be maintained by the VR&E Officer.

Electronic certifications of enrollment or changes in enrollment submitted through VA-Once do not need to be printed for the Counseling/Evaluation/Rehabilitation (CER) folder. However, certifications received in hard copy form must be filed in the left side of the Veteran's CER

folder. VR&E staff should encourage training facilities to submit certifications through VA-ONCE.

b. Rate of Payment

1. Chapter 31

VR&E staff must ensure that the rate of payment for subsistence allowance is accurate. Subsistence allowance is based on rate of attendance (full-time, three-quarter-time, or part-time), the number of dependents, and the type of training the Veteran is pursuing, such as Institution of Higher Learning (IHL), Farm Cooperative, Apprenticeship, Non-paid Work Experience (NPWE), or for Veterans under special programs such as On-job training (OJT) at no or nominal pay in a Federal agency, training in the Home Program, Independent Instructor Program, or Cooperative Program.

To determine the rate of attendance see Appendix AM, Training Time Equivalency Table- Semester and Appendix AN, Training Time Equivalency Table- Quarters. Refer to Appendix AO, Chapter 31 Subsistence Allowance Rates for more guidance on determining rate of payment.

It is important to note that per 38 CFR 21.260, subsistence allowance is not payable when pursuing a plan at less than half-time unless a determination of reduced work tolerance has been made. Refer to M28R.IV.C.2 for further guidance on reduced work tolerance.

2. Post-9/11 Subsistence Allowance (P911SA)

In accordance with Public Law 111-377, Section 205, Veterans who are entitled to both a Chapter 31 subsistence allowance and Chapter 33 Post-9/11 GI Bill educational assistance may elect to receive a payment in an alternate amount in lieu of the Chapter 31 subsistence allowance. The alternate payment is based on the basic allowance for housing (BAH) that the military authorizes for a Servicemember at the rank of E-5 with dependents.

A Veteran training full-time solely in-home or on-line will receive a payment that is fifty percent of the basic allowance for housing national average. Training during a term that includes on-line courses and at least one credit at a brick and mortar facility is paid at the appropriate training time using the BAH amount associated with the zip code of the brick and mortar facility, not fifty percent of the BAH national average.

The PS911SA uses the BAH rate for the zip code of the facility that is in effect for the current calendar year. To determine the BAH amount for

periods of training in which the Veteran is enrolled at more than one facility simultaneously, use the zip code of the parent facility. If the Veteran is not enrolled at the parent facility, then use the facility where the Veteran is enrolled in more credits. If the Veteran is enrolled in an equal amount of credits at each facility, use the facility that provides highest BAH rate. See Appendix AW, Calculating Rate of Pay for Post-911 Subsistence Allowance for more guidance.

VR&E staff can determine the appropriate rate by using the BAH Calculator located at www.defensetravel.dod.mil/site/bahCalc.cfm. Select the appropriate year, enter the zip code of the facility, agency or employer, and select the E-5 pay grade, then press the Calculate button. The correct rate is listed under E-5 with dependents.

In some instances, a Veteran may pursue training in a United States (US) Territory with an assigned zip code and elect payment at the P911SA rate of pay. VR&E staff should verify that the training site is located at one of the following US Territories where OHA is payable:

- American Samoa
- Northern Mariana Islands
- Puerto Rico
- Virgin Islands
- Guam
- Philippines

VR&E staff can determine the appropriate rate by using the OHA Calculator located at <https://www.defensetravel.dod.mil/site/ohaCalc.cfm>. See Appendix AW, Calculating Rate of Pay for Post-911 Subsistence Allowance for further guidance. Guidelines for electing P911SA are outlined in M28R.V.A.3. See section 8.10 of this chapter for guidance on processing PS911SA.

c. Dependent Information

VR&E staff must ensure that the dependent(s) of the Veteran is/are appropriately added or removed by reviewing the dependency screen in BDN and CWINRS. It is important to note that dependent information can be verified by accessing Share if a Veteran is rated at thirty percent or more and the information has already been provided to VA. To access Share, perform the following steps:

- Log in to Share
- Select Corporate Inquiries in the left column
- Enter the Veteran's Social Security Number (SSN)
- Select the Submit button
- Select the Person button
- Review Dependents Information on the All Relationships tab

If the information is not in Share (either because the Veteran is rated less than thirty percent or because VA never received this information), the Veteran must complete and submit VAF 21-686c (see Appendix O, VA Forms) with sufficient evidence to support the claim (e.g., birth certificate, marriage license, etc.). It is important to note that VAF 21-674 should be completed by the Veteran for each student dependent over the age of eighteen.

Further guidance on adding and removing dependent(s) information is outlined in M28R.V.A.3. Procedures for adding/removing dependent information in BDN are outlined in section 8.08.b of this chapter.

d. Withdrawals

38 U.S.C. 3680(a)(3) prohibits payment of VA benefits for a course in which a Veteran withdraws and receives a non-punitive grade that has no quality point value toward fulfilling a facility's graduation requirement and is not calculated into the Grade Point Average (GPA). If the facility assigned a non-punitive grade, VA may not pay subsistence allowance for the course. Examples of a non-punitive grade include "X" (no basis for grade), "NP" (no pass), "NC" (no credit) or "U" (unsatisfactory). A "W", "F" and "WF" are considered to be punitive grades since they count toward the GPA.

The case manager must amend the subsistence allowance award to create an overpayment if VA has paid for a course assigned a non-punitive grade, unless one of the following exceptions applies:

- The student can establish that the failure to complete the course was due to mitigating circumstances
- The student was ordered to active duty
- The course withdrawal occurred during the drop period

1. Mitigating Circumstances

Mitigating circumstances are conditions beyond the Veteran's control, which prevent him/her from continuously pursuing a rehabilitation program. When a Veteran reduces his/her training rate or withdraws

completely from training, the case manager must provide maximum flexibility in helping the Veteran resolve difficulties without the burden of an overpayment or program interruption. The case manager's decision whether mitigating circumstances are acceptable or unacceptable determines the appropriate action to be taken on the Veteran's subsistence allowance. This means that the case manager's decision establishes whether the reduction or termination of payment is retroactive from the beginning of the term or at the date of last attendance.

(a) Developing Evidence for Mitigating Circumstances

The case manager must send the Veteran a notification letter regarding reduction, termination, or overpayment of subsistence allowance. The letter must include statements explaining the following:

- The Veteran's right to present information to establish mitigating circumstances
- The thirty-day period from the date of the letter to present the information
- The consideration VA will give to a Veteran claiming mitigating circumstances

(b) Acceptable Mitigating Circumstances

Acceptable mitigating circumstances may include, but are not limited to the following:

- Illness of the Veteran
- Illness or death in the Veteran's family
- Unavoidable change in the Veteran's employment
- Unavoidable geographical change in the Veteran's employment
- Immediate family or financial obligations beyond the Veteran's control
- Discontinuance of a course or program by the educational institution
- Difficulty with childcare issues beyond the Veteran's control

Once received, the case manager must analyze the evidence provided by the Veteran and determine whether it is acceptable or unacceptable for establishing mitigating circumstances. The case manager must clearly document the decision on VAF 28-1905d (See Appendix O, VA Forms) and file in the center portion of the Veteran's CER folder or in CWINRS notes.

(c) Deadline for Submission of Mitigating Circumstances

VA may reduce or terminate the Veteran's subsistence allowance award retroactively for failure to provide acceptable mitigating circumstances within thirty days. The Veteran still has up to one year from the date of VA's request for mitigating circumstances to submit evidence. Examples are as follows:

- If the Veteran submits acceptable evidence within the one-year timeframe, the case manager will modify the decision, and amend the subsistence allowance award to repay any money VA recouped as a result of the now reversed adverse decision
- If the Veteran submits evidence beyond the one-year timeframe, the case manager may not consider the evidence submitted

2. Six-Credit Hour Exclusion

A large overpayment will typically occur if a student withdraws from courses and does not establish mitigating circumstances. The student is required to repay all benefits received for these courses from the beginning of the term. However, Public Law 100-689 permits Veterans to have a one-time exclusion from the requirement to establish mitigating circumstances. The six-credit hour exclusion automatically establishes mitigating circumstances at the first instance that a Veteran reduces or withdraws from training for up to six-credit hours. A Veteran who withdraws from fewer than six-credit hours in the first instance will exhaust this benefit. After granting the six-credit hour exclusion, the case manager must ensure the front cover of the CER folder clearly states "6-Credit Hour Exclusion Applied" and the date that it was applied.

(a) When the Six-credit Hour Exclusion Does Apply

The six-credit hour exclusion applies to a course withdrawal only if each of the following requirements is met:

- (1) The withdrawal is the first instance of withdrawal from a course

- (2) The Veteran has been awarded subsistence for the withdrawn course
- (3) Mitigating circumstances would normally be an issue (e.g., the withdrawal was beyond the drop period and a non-punitive grade was assigned for the course)

It is important to note that if a Veteran withdraws from a three-semester hour course and several days later withdraws from an additional three-semester hour course; the exclusion applies only to the first course.

(b) When the Six-credit Hour Exclusion Does Not Apply

The six-credit exclusion does not apply in the following situations:

- (1) The Veteran withdraws from a course during the drop period
- (2) The Veteran completes a course and receives a non-punitive grade
- (3) The Veteran withdraws from a course and receives a punitive grade

3. Reducing or Terminating an Award

The case manager must take the appropriate action for reducing or terminating an award as soon as the certification of change in enrollment or assignment of a non-punitive grade is received. Take one the following actions when a Veteran withdraws from a course(s) or receives a nonpunitive grade:

(a) Mitigating Circumstances Established

- (1) If the case manager receives evidence of mitigating circumstances with certification of withdrawal or assignment of a non-punitive grade in a timely manner, reduce the subsistence allowance award at the end of the month or end of the term, whichever is earlier, and inform the Veteran of the change (The no pay date would be the day after the last day of the month or end of the term)
- (2) If the reduction occurs at the beginning of the term, benefits must be reduced back to the first day of the term that the Veteran withdraws
- (3) For complete withdrawal, the case manager must terminate the

subsistence allowance effective the Veteran's last day of attendance (The no pay date is the day after the last day of attendance)

(b) Mitigating Circumstances Not Established

- (1) If the case manager does not receive adequate evidence of mitigating circumstances with certification of withdrawal and the Veteran has withdrawn from all courses, terminate the subsistence allowance award effective the date of withdrawal, establish a thirty-day control period and develop for mitigating circumstances (The no pay date would be the day after the last day of attendance)
- (2) If the case manager does not receive adequate evidence of mitigating circumstances with certification of withdrawal and the Veteran has withdrawn from fewer than all courses, reduce subsistence allowance effective the end of the month when the enrollment change occurred, establish a thirty-day control period, and develop for mitigating circumstances (The no pay date would be the day after the last day of the month)
- (3) If the Veteran has completed a course, or all courses with non-punitive grades, and the case manager has received the enrollment certification for the next term, terminate or reduce subsistence allowance the last day of the previous term, authorize subsistence allowance for the new term, establish a thirty-day control period, and develop for mitigating circumstances (The no pay date would be the day after the last day of the previous term)
- (4) If acceptable mitigating circumstances are not received in any of the above scenarios after the thirty-day period, retroactively reduce the award effective the first day of the term

4. Informing the Veteran

The case manager must inform the Veteran and designated representative of all decisions. This notice must include the possible effects of the decisions on the subsistence allowance award. This will occur regardless of action on a claim of mitigating circumstances or if the Veteran does not submit mitigating circumstances.

The following adverse actions do not require prior notification:

- Award reduction, suspension, or termination

- Returned or undeliverable checks

It is important to note that if the basis of the adverse action is one of the reasons listed above, then the case manager must take the adverse action immediately and send a written notice to the individual with a copy to the designated representative.

If the United States Postal Service returns a subsistence allowance check as undeliverable for two consecutive months, then the subsistence allowance award must be automatically suspended. In this situation, VR&E staff should follow the procedures on adverse actions that do not require prior notification as outlined in M28R.III.C.2.

e. Retroactive Induction

If a Veteran is found eligible, he/she may be entitled to retroactive induction in accordance with 38 CFR 21.282. VR&E staff must ensure that subsistence allowance is appropriately entered in BDN. Further guidance on retroactive induction is outlined in M28R.IV.C.2. Procedures for processing a retroactive award in BDN are found in section 8.09 of this chapter.

It is important to note that at this time, VR&E cannot process retroactive induction using the P911SA rate. Transfers from Chapter 33 to Chapter 31, when benefits have already been paid under Chapter 33, must only be effective the term following the Veteran's request to transfer to Chapter 31.

f. On-the-Job Training (OJT)

OJT provides eligible Veterans with the opportunity to obtain training and practical job experience concurrently. Veterans who are entitled to training under the VR&E Program are eligible to participate in an OJT program when determined appropriate by the case manager. A Veteran can be paid a monthly subsistence rate of the difference between the journeyman wage and the training wage, not including overtime, but not more than the Chapter 31 Subsistence Allowance rate allowed (refer to Appendix, AO, Chapter 31 Subsistence Allowance Rate of Pay). VR&E staff must ensure that subsistence allowance is appropriately entered in BDN. Refer to M28R.V.A.3 for more guidance on subsistence allowance payments for Veterans participating in OJT. The procedures for processing an OJT award found in section 8.11 of this chapter should be followed when processing subsistence allowance for Veterans participating in OJT. It is important to note that all OJT awards require a second signature. This means that both the originator and the authorizer must sign the award

g. Nonpaid Work Experience (NPWE)

In accordance with 38 CFR 21.266(c), a Veteran participating in a NPWE must receive subsistence allowance at the institutional rate (refer to Appendix, AO, Chapter 31 Subsistence Allowance Rate of Pay). Full-time NPWE is defined as an unpaid work experience that meets the criteria in 38 CFR 21.299 and the definition of full-time at the employing organization. VR&E staff must ensure that subsistence allowance is appropriately entered in BDN. Refer to M28R.V.A.3 for guidelines and determinations needed to process subsistence allowance payments for Veterans participating in NPWE. The procedures on processing an original or amended award found in sections 8.07 and 8.08 of this chapter should be followed when processing subsistence allowance for Veterans participating in a NPWE.

h. Leave of Absence

VA may approve a leave of absence under certain conditions. During an approved leave of absence, a Veteran in receipt of subsistence allowance must be considered to be pursuing a rehabilitation program. VR&E staff must ensure that subsistence allowance is appropriately entered in BDN.

Further guidance on approving a leave of absence is outlined in M28R.V.A.6. The procedures on processing an original or amended award found in sections 8.07 and 8.08 of this chapter should be followed when processing subsistence allowance for Veterans during an approved leave of absence.

8.07 Process Original Award

The following commands are used to process an original award of subsistence allowance:

- MINQ (Master Record Inquiry): this BDN command is used to check the Veteran's Chapter 31 and Master Record before an award transaction
- CADJ (Claims Adjudication): the BDN command used to transact a subsistence allowance award
- CAUT (Claims Authorization): the BDN command used to authorize a pending claim for subsistence

It is important to note that Alt/Enter keystrokes are ineffective for BDN Shell in the Windows 7 environment. To move from the Ready screen into BDN, and then to other record screens, use the Enter key only.

VR&E staff should also be aware of the Hines Information Technology Center (ITC) Schedule of BDN Operations Site. The Schedule of Operations is a Microsoft Word document that is published monthly. The schedule provides information on cycle processing dates and anticipated check dates. The Schedule of Operations can be found by accessing the following website: http://vbahinesweb.vba.va.gov/web/bdn_sched_of_op.htm.

a. Preprocessing Activities

Before creating an original award of subsistence allowance, always verify whether or not the Veteran is in receipt of another award of training allowance (e.g., Ch 31, Ch 30, Ch 33, 1606). This information can be viewed with a MINQ command by crossing between the Chapter 31 Master Record and the Education Master Records using the Multiple Inquiry Screen (MIS) feature of BDN.

It is important to check for the concurrent use of education benefits by entering the following necessary fields on the BDN Ready Screen:

- Command MINQ (Master Record Inquiry) and the User's pass code (The 4-digit code will not be displayed as you type)
- Screen Number Enter M36
- File Number Enter Veteran's claim number
- Press the Enter key to advance to the M36 Screen
- The M36 screen should be blank with no award history
- Press F10 key to move the screen cursor to the Next Screen field at the bottom right
- Type MIS in the Next Screen field
- Press the Enter key to return to the Ready Screen
- Type M21 in the Screen Number field
- Type Ch 30 or Ch 33, or 1606 in the Benefit field
- Press the Enter key
- If the Veteran has used or is using another education benefit, BDN will display the M21 screen
- If the Veteran is in a current pay status, the Education award must be stopped before you proceed with the Ch 31 award of subsistence allowance
- Repeat these directions for each Chapter

b. Complete the BDN Ready Screen

The BDN screen below is the Ready screen. The following necessary fields must be completed on the Ready screen to process an original award:

- Command Enter CADJ and the User's pass code (The 4-digit code will not be displayed as you type)
- Screen Number Enter 435
- File Number Enter Veteran's claim number
- Payee Number Enter 00
- End Product Code Enter 780
- Benefit Enter ch31
- Stub Name Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name
- Press the Enter key to advance to the 101 screen

Softerm - Modular - VACO

File Edit Options Preferences Help

READY

COMMAND cadj ~

SCREEN NUMBER 435

FILE NUMBER

PAYEE NUMBER 00

END PRODUCT CODE 780

BENEFIT ch31

STUB NAME a c berna

FULL NAME

FIRST a

MIDDLE c

LAST berna

SUFFIX

SOC SEC NUMBER

SERVICE NUMBER

DATE OF BIRTH

REGIONAL OFFICE

INSURANCE NUMBER

REQUESTOR ID ~

BRANCH

EOD

RAD

Online Connect Half Duplex Capture Off Ic NumLock 03/05/2013 5:56PM Mark On

READY Replace Form Roll Line: 15 Col: 025

c. Complete the BDN 101 Screen

The BDN screen below is the 101 screen. The following necessary fields must be completed on the 101 screen:

- Section/Unit Number Enter the 4-digit Case Manager number

- Date of Claim Enter the date in mm-dd-yy format
- Press the F10 key to advance to the Next Screen field located at the bottom of the screen
- Enter 435 in the Next Screen field
- Press the Enter key to advance to the Next Screen

The screenshot shows a terminal window titled "Softerm - Modular - VACO". The menu bar includes "File", "Edit", "Options", "Preferences", and "Help". The main display area contains the following text:

```

101          PENDING ISSUE CONTROL ESTABLISHMENT          03-05-13
      FILE NUMBER          00  END PRODUCT 780 CH31      NAME  A C BERNA

NAME      A C BERNA      NAME LINE NO
AND       300 LAKE STREET
ADDRESS   CHITOWN, IL      POWER OF ATTORNEY NONE
                        60619  FIDUCIARY FILE LOC

                        VET STUB NAME      A C BERNA

BENE STUB NAME      BENE BIRTH DATE
END PRODUCT CODE    SECTION/UNIT NO      8373
DATE OF CLAIM       03-05-13
GW REGISTRY PERMIT  FUTURE REASON
SUPPRESS ACKNOWLEDGEMENT LETTER  SPECIAL ISSUE CASE

DISPOSITION DATA
FOLDER WITH CLAIM  DISPOSITION
                  FOLDER REQUEST
PREPARE      FROM FILES  FROM OTHER VA      OTHER FOLDER DELAY
                                                NEXT SCREEN 435
  
```

At the bottom of the window is a control bar with buttons: "Online", "Connect" (with a green circle icon), "Half Duplex", "Capture Off", "Ic", "NumLock", a date/time display "03/05/2013 6:00PM", and "Mark On". Below this is a status bar with "READY", "Replace", "Form", "Roll", and a line/col indicator "Line: 22 Col: 079".

d. Check Dependency Information

VR&E staff must review the 434 screen and update dependency information before processing of the original award. Procedures for accessing dependent information in Share are outlined in section 8.06.c of this chapter. See section 8.08.b of this chapter for further guidance on adding/removing dependent information.

e. Complete the BDN 435 Screen

The BDN screen below is the 435 screen (see original award dated 10-01-10). The following necessary fields must be completed on the 435 screen:

- Entitlement Code (ENT CODE) Enter the appropriate code found in Appendix AQ, BDN Codes
- Facility Enter the facility code found on VAF 28-1905
- Effective Date Enter the appropriate begin date
- Begin Reason Code (RSN) Enter 00 for an original award
- No Pay Date Enter a no pay date that is the day after the last day of the term
- No Pay Reason Code (RSN) Enter the appropriate reason code found in Appendix AQ, BDN Codes
- Dependency Code (DEP TO/TH) Enter the appropriate dependency code found in Appendix AQ, BDN Codes
- Type of Training (TYP TNG) Enter the appropriate type of training code found in Appendix AQ, BDN Codes
- Training Time (TRNG TIME) Enter the appropriate training time code found in Appendix AQ, BDN Codes
- Number of Credits/Hours (HRS) Enter the appropriate hours type code found in Appendix AQ, BDN Codes

Softerm - Modular - VACO

File Edit Options Preferences Help

```

435          CHAPTER 31 AWARD          03-05-13
          FILE NUMBER          -00      END PRODUCT  780      NAME A C BERNA
          STOP          SUSPEND          RESUME          DATE LAST PAID  10-01-10
REMAIN ENT 43-11      ENT USED 04-19      TERM DATE 01-02-12      ENT CODE 07
PAY STATUS A-RUNNING          IWRP CODE 004          CASE STATUS REHAB TO EMP
FACILITY  1-1-0444-11          SER EMP HDCP Y  DEVELOP MIT CIRC N
          EARLIER 00          LATER 00
          EFFECTIVE          NO PAY          SPEC          DEP  TYP TRNG  HRS          WITHHOLD
          DATE  RSN          DATE  RSN          CODE          RATE  TO/TH TNG TIME  T NO  TYPE  AMT
MR * 10-01-10 00 11-30-10 64          554.22 00/00  B    4    S 10
MR
MR
MR
          02-25-13 60^05-15-13 61          585.11 00/00  B    4    S 12

AWARD EXCEEDS TERM DATE - REVIEW          HIT ENTER TO CONTINUE          NEXT SCREEN gad

```

Online ☒ Connect Half Duplex Capture Off Ic NumLock 03/05/2013 6:09PM ☐ Mark On

READY Replace Form Roll Line: 04 Col: 073

f. Complete Processing the Original Award

- Press F10 to go to the Next Screen field and type GAD (Generate Award Data) to ensure there are no errors in the data entered
- If there are errors on the screen, they will be flashing or an error message will be on the screen
- Correct errors
- Press F10 and enter GAD
- Repeat the above steps until all data is accurate
- Press F10 and Enter GAP (Generate and Print) in the Next Screen field
- Press Enter

g. Complete the CAUT Procedure on the BDN 501 screen

It is important to note that an original award requires a second person to authorize it. Give the printed results from the GAP command (VAF 22-8945) to another VR&E staff member with CAUT authority. VAF 22-8945 must be signed by the staff member performing the CAUT procedure and filed on the left side of the Veteran's CER folder. See section 8.08.a.4 for guidance on completing the CAUT procedure on the BDN 501 screen.

8.08 Process Amended Award

a. Amend Rate of Pursuit

1. Complete the BDN Ready Screen

The BDN screen below is the Ready screen. The following necessary fields must be completed on the BDN Ready screen:

- | | |
|--------------------|--|
| • Command | Enter CADJ and the User's pass code (The 4-digit code will not be displayed as you type) |
| • Screen Number | Enter 435 |
| • File Number | Enter Veteran's claim number |
| • Payee Number | Enter 00 |
| • End Product Code | Enter 780 (End Product Codes are found in Appendix AQ, BDN Codes) |
| • Benefit | Enter ch31 |
| • Stub Name | Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name |

- Press ALT/Enter to advance to the 101 screen (use just the Enter key for Windows 7)

NOTE: 781 may be used as an alternate End Product Code when the award is cancelled and reentered on the same day.

2. Complete the BDN 101 Screen

The BDN screen below is the 101 screen. The following necessary fields must be completed on the 101 screen:

- Section/Unit Number Enter the 4-digit Case Manager number
- Date of Claim Enter the date in mm-dd-yy format
- Press the F10 key to advance to the Next Screen field located at the bottom of the screen
- Enter 435 in the Next Screen field

- Press ALT/Enter to advance to the Next Screen (use just the Enter key for Windows 7)

Softerm - Modular - VACO

File Edit Options Preferences Help

101 PENDING ISSUE CONTROL ESTABLISHMENT 03-05-13

FILE NUMBER 00 END PRODUCT 780 CH31 NAME A C BERNA

NAME A C BERNA NAME LINE NO

AND 300 LAKE STREET

ADDRESS CHITOWN, IL 60619

POWER OF ATTORNEY NONE

FIDUCIARY FILE LOC

VET STUB NAME A C BERNA

BENE STUB NAME

END PRODUCT CODE

DATE OF CLAIM 03-05-13

SECTION/UNIT NO 8373

GW REGISTRY PERMIT

SUPPRESS ACKNOWLEDGEMENT LETTER

FUTURE REASON

SPECIAL ISSUE CASE

DISPOSITION DATA

DISPOSITION

FOLDER WITH CLAIM

FOLDER REQUEST

PREPARE FROM FILES FROM OTHER VA OTHER FOLDER DELAY

NEXT SCREEN 435

Online ☒ Connect Half Duplex Capture Off Ic NumLock 03/05/2013 6:00PM ☐ Mark On

READY Replace Form Roll Line: 22 Col: 079

3. Complete the BDN 435 Screen

The BDN screen below is the 435 screen. The following necessary fields must be completed on the 435 screen (see Appendix AQ, BDN Codes for appropriate BDN codes):

- | | |
|----------------------------|--|
| • Effective Date | Enter the appropriate begin date |
| • Begin Reason Code (RSN) | Enter appropriate reason code found in Appendix AQ, BDN Codes |
| • No Pay Date | Enter a no pay date that is the day after the last day of the term |
| • No Pay Reason Code (RSN) | Enter the appropriate reason code found in Appendix AQ, BDN Codes |

- Dependency Code (DEP TO/TH) Enter the appropriate dependency code found in Appendix AQ, BDN Codes
- Type of Training (TYP TNG) Enter the appropriate type of training code found in Appendix AQ, BDN Codes
- Training Time (TRNG TIME) Enter the appropriate training time code found in Appendix AQ, BDN Codes
- Number of Credits/Hours (HRS) Enter the appropriate hours type code found in Appendix AQ, BDN Codes
- Repeat this step for all fields (terms) on VAF 28-1905
- Overpayment may occur if a Veteran reduces his/her enrollment and the subsistence allowance award is not amended until after the payment for that month has been issued
- Press the F10 key to advance to the Next Screen field located at the bottom of the screen and enter 501
- Press the Enter key to display the BDN 501 screen

Softerm - Modular - VACO

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 03-05-13

FILE NUMBER -00 END PRODUCT 780 NAME A C BERNA

STOP SUSPEND RESUME DATE LAST PAID 10-01-10

REMAIN ENT 43-11 ENT USED 04-19 TERM DATE 01-02-12 ENT CODE 07

PAY STATUS A-RUNNING IWRP CODE 004 CASE STATUS REHAB TO EMP

FACILITY 1-1-0444-11 SER EMP HDCCP Y DEVELOP MIT CIRC N

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 10-01-10 00 11-30-10 64 554.22 00/00 B 4 S 10

MR

MR

MR

02-25-13 60^05-15-13 61 585.11 00/00 B 4 S 12

AWARD EXCEEDS TERM DATE - REVIEW NEXT SCREEN gad

HIT ENTER TO CONTINUE

Online ☒ Connect Half Duplex Capture Off lc NumLock 03/05/2013 6:09PM ☐ Mark On

READY Replace Form Roll Line: 04 Col: 073

4. Complete the CAUT Procedure on the BDN 501 Screen

The BDN screen below is the 501 screen. The following necessary fields must be completed on the 501 screen:

- Type Y in the Authorized field
- Press the Enter key to complete the transaction
- If you decide to cancel the transaction, you must enter N in the Authorized field. A screen message will display, "Are there mitigating circumstances?"
- Enter N if you are not developing for mitigating circumstances
- Enter Y if currently developing for mitigating circumstances

VAF 22-8945 must be signed by the staff member completing the CAUT procedure and filed on the left side of the Veteran's CER folder.

Softerm - Modular - VACO

File Edit Options Preferences Help

S01 AUTHORIZATION 84-18-13

FILE NUMBER [REDACTED] -88 END PRODUCT 780-CH31 NAME S A SOMET

TRANSACTION 88R CH31 UPDATE RELATED ISSUES

Y AUTHORIZED SUPPLEMENTAL PYMT PAYEE # EPC

COLLECTION CODE AMOUNT 88 783

LETTER SUPPRESSOR FOLDER PULL REQD 88 789

SC DEATH PENDING SECTION 156 REPS

OVERPAYMENT PARAGRAPH AUD REL A/R DOCUMENT NO

CHANGE END PRODUCT SERVICE VERIFIED

CONTINUE CONTROL SUSPENSE DATE RATING BOARD ACTION

CANCEL PENDING ISSUE

ESTABLISH NEW ISSUE

SPECIAL LETTER ATTACHMENTS

CLOTHING ALLOWANCE (21-8678)

SPECIALLY ADAPTED HOUSING (26-4555)

AUTOMOBILE ALLOWANCE (21-4582)

CHAPTER 31 ELIGIBILITY (28-8898 28-1988)

SPOUSE CHILD CHAPTER 35 ELIGIBILITY (22-73-3 22-5498)

ADD'L DEVELOPMENT PARAGRAPHS

FILE NUMBER: PAYEE: 88 EPC: BENE: CH31 NEXT SCREEN

Online Connect Half Duplex Capture Off Ic Cursor 04/10/2013 6:32PM Mark On

READY Replace Form Roll Line: 07 Col: 016

b. Amend Dependent(s) Information

1. Complete the BDN Ready Screen

The BDN screen below displays the Ready screen. The following necessary fields must be completed the following on the BDN Ready screen:

- Command Enter CADJ and the User's pass code (The 4-digit code will not be displayed as you type)
- Screen Number Enter 434
- File Number Enter Veteran's claim number
- Payee Number Enter 00
- End Product Code Enter 780 (End Product Codes are found in Appendix AQ, BDN Codes)
- Benefit Enter ch31
- Stub Name Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name
- Press ALT/Enter to advance to the 101 screen (use just the Enter key for Windows 7)

Softerm - Modular - VACO

File Edit Options Preferences Help

READY

COMMAND cadj ~

SCREEN NUMBER 434

FILE NUMBER

PAYEE NUMBER 00

END PRODUCT CODE 781

BENEFIT ch31

STUB NAME a c berna

FULL NAME

FIRST a

MIDDLE c

LAST berna

SUFFIX

SOC SEC NUMBER

SERVICE NUMBER

DATE OF BIRTH

REGIONAL OFFICE

INSURANCE NUMBER

REQUESTOR ID ~

BRANCH

DATE OF DEATH

EOD

RAD

Online ☒ Connect Half Duplex Capture Off ☐ NumLock 03/05/2013 6:17PM

READY Replace Form Roll Line: 15 Col: 025

2. Complete the BDN 101 Screen

The BDN screen below displays the 101 screen. The following necessary fields must be completed on the 101 screen:

- Section/Unit Number Enter 28
- Date of Claim Enter the date in mm-dd-yy format
- Press the F10 key to advance to the Next Screen field located at the bottom of the screen
- Enter 434 in the Next Screen field
- Press the Enter key to advance to the next screen

Softerm - Modular - VACO

File Edit Options Preferences Help

101 PENDING ISSUE CONTROL ESTABLISHMENT 03-05-13

FILE NUMBER 00 END PRODUCT 781 CH31 NAME A C BERNA

NAME A C BERNA NAME LINE NO

AND 300 LAKE STREET

ADDRESS CHITOWN, IL 60619

POWER OF ATTORNEY NONE

FIDUCIARY FILE LOC

VET STUB NAME A C BERNA

BENE STUB NAME

BENE BIRTH DATE

END PRODUCT CODE SECTION/UNIT NO 8373

DATE OF CLAIM 03-05-13

GW REGISTRY PERMIT

SUSPENSE DATE

SUPPRESS ACKNOWLEDGEMENT LETTER FUTURE REASON

SPECIAL ISSUE CASE

DISPOSITION DATA

FOLDER WITH CLAIM DISPOSITION

PREPARE FROM FILES FOLDER REQUEST

FROM OTHER VA OTHER FOLDER DELAY

NEXT SCREEN 434

Online Connect Half Duplex Capture Off Ic NumLock 03/05/2013 6:19PM Mark On

READY Replace Form Roll Line: 22 Col: 079

3. Complete the BDN 434 Screen to Add Add/Remove Dependent(s) Information

The BDN screen below is the 434 screen. The following necessary fields must be completed on the 434 screen to add dependency information:

(a) Add Spouse Information

The screen below displays the 434 screen. The following necessary fields must be completed on the 434 screen to add dependency information:

- | | |
|---------------|--|
| • Spouse Name | Enter the spouse's first name |
| • IND field | Enter an X |
| • Add Date | Enter the date that the spouse is being added/modified |

The screenshot shows a terminal window titled "Softerm - Modular - VACO" with a menu bar (File, Edit, Options, Preferences, Help). The main screen displays the following information:

```

434
FILE NUMBER      -00      DEPENDENCY      03-05-13
SPOUSE NAME: SPOUSEWIFE      END PRODUCT 780      NAME A C BERN
      IND      APPORTIONMENTS      REMOVE
SPOUSE      Y      ADD DATE      BEGIN      END      AMOUNT      DATE      RSN
MOTHER
FATHER

CHILD NAME      DOB      STAT

ADDL CHILDREN NOT SHOWN ABOVE: TOTAL      THIS
M/R SHOWS DEPENDENCY TOTAL 00      THIS 00
NEXT SCREEN
  
```

At the bottom, there is a status bar with the following controls and information:

| | | | | | | | |
|--------|--|-------------|-------------|------|---------|-------------------|-------------------------------|
| Online | <input checked="" type="radio"/> Connect | Half Duplex | Capture Off | lc | NumLock | 03/05/2013 6:27PM | <input type="radio"/> Mark On |
| READY | Replace | | | Form | Roll | Line: 03 Col: 015 | |

(b) Add Child Information

The following necessary fields must be completed on the 434 screen to add dependency information (see 434 screen above):

- | | |
|--------------|---|
| • Child Name | Enter the child's first name |
| • STAT field | Enter appropriate dependency code found in Appendix AQ, BDN Codes |
| • DOB field | Enter the child's date of birth |

- Add Date Enter the date that the child is being added
- The End Date and Reason Code fields will be automatically populated by BDN except when the STAT field contains a 2

It is important to note that after the fifth entry, names will no longer display on the screen, but the data will be saved in BDN.

(c) Remove Dependent Information

The following necessary fields must be completed on the 434 screen to remove a dependent (see 434 screen on previous page):

- Remove Date Enter the date that a spouse/child is to be removed as a dependent
- Remove RSN Enter appropriate reason code found in Appendix AQ, BDN Codes

4. Complete the Change in Dependents

The BDN screen below is the 435 screen. Follow the directions below to complete the change in dependents:

- Press F10 on the 434 screen to go to the Next Screen field
- Enter GAD (Generate and Display)
- Press Enter to display the 435 screen
- Review the award for accuracy, ensuring that the dependent information is shown
- Press F10 to go to the Next Screen field

If award information is not accurate:

- Enter 434
- Press the Enter key to return to the dependency screen to correct errors

If the award information is accurate:

- Enter 501
- Press the Enter key
- Give the printed results from the GAP command (VAF 22- 8945) to another VR&E staff member with CAUT authority

Softerm - Modular - VACO

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 03-05-13

FILE NUMBER -00 END PRODUCT 780 NAME A C BERNA

STOP SUSPEND RESUME DATE LAST PAID 10-01-10

REMAIN ENT 43-11 ENT USED 04-19 TERM DATE 01-02-12 ENT CODE 07

PAY STATUS A-RUNNING IWRP CODE 004 CASE STATUS REHAB TO EMP

FACILITY 1-1-0444-11 SER EMP HDCP Y DEVELOP MIT CIRC N

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 10-01-10 00 11-30-10 64 554.22 00/00 B 4 S 10

MR

MR

MR

02-25-13 60 05-15-13 61 725.78 10/10 B 4 S 12

NEXT SCREEN

Online ☒ Connect Half Duplex Capture Off lc NumLock 03/05/2013 6:30PM ☐ Mark On

READY Replace Form Roll Line: 22 Col: 076

5. Complete the CAUT Procedure on the BDN 501 Screen

See section 8.08.a.4 for guidance on completing the CAUT procedure on the BDN 501 screen.

c. Suspend an Award

1. Complete the BDN Ready Screen

The BDN screen below displays the BDN Ready screen. The following necessary fields must be completed on the BDN Ready screen:

- Command Enter SUSP and the User's pass code (The 4-digit code will not be displayed as you type)
- Screen Number Enter 435
- File Number Enter Veteran's claim number
- Payee Number Enter 00
- End Product Code Enter 780 (End Product Codes are found in Appendix AQ, BDN Codes)

- Benefit Enter ch31
- Stub Name Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name
- Press the Enter key to advance to the 101 screen

Softerm - Modular - VACO

File Edit Options Preferences Help

READY

COMMAND susp ~

SCREEN NUMBER 435

FILE NUMBER -----2001

PAYEE NUMBER 00

END PRODUCT CODE 783

BENEFIT ch31

STUB NAME s a somet

FULL NAME

FIRST susan

MIDDLE a

LAST something

SUFFIX

SOC SEC NUMBER

SERVICE NUMBER

DATE OF BIRTH

REGIONAL OFFICE

INSURANCE NUMBER

REQUESTOR ID ~

BRANCH

DATE OF DEATH

EOD

RAD

Online Connect Half Duplex Capture Off Ic Cursor 04/10/2013 6:54PM Mark On

READY Replace Form Roll Line: 22 Col: 025

2. Complete the BDN 101 Screen

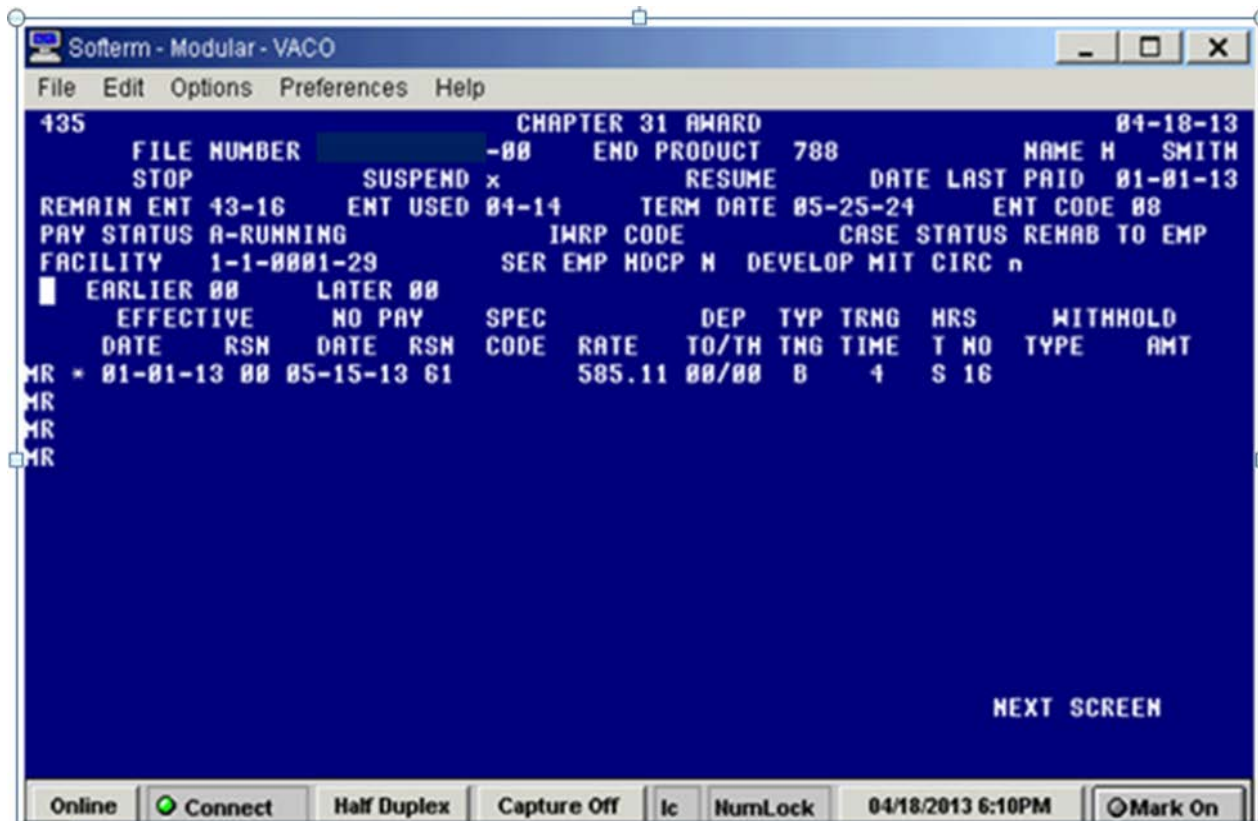
See section 8.07.c of this chapter for guidance on completing the BDN 101 screen.

3. Complete the BDN 435 Screen

The BDN screen below is the 435 screen. The following necessary fields must be completed on the 435 screen:

- Enter the reason code to the right of the Suspend field on the 435 screen

- Press the F10 key to advance to the Next Screen field located at the bottom of the screen and enter 501
- Press the Enter key



4. Complete the CAUT Procedure on the BDN 501 screen

See section 8.08.a.4 for guidance on completing the CAUT procedure on the BDN 501 screen.

d. Resume an Award

When a Veteran's subsistence allowance check is returned for a bad address, etc., it will cause the award to be suspended. If a Veteran calls to say he/she has not received his/her subsistence allowance, and the subsistence allowance has not been stopped, check the M35 screen Master Record Type. If the M35 screen shows Type A Suspended 21, you will need to perform a Resume to release the Veteran's check.

It is also important to check the CADD screen to ensure that the Veteran's address is correct. A change of address may release the proceeds due. Further guidance on using the CADD command can be found in M28R.III.A.3.

1. Complete the BDN Ready Screen

The BDN screen below displays the BDN Ready screen. Complete the following on the BDN Ready screen:

- Command Enter RESU (Resume) and the User's pass code (The 4-digit code will not be displayed as you type)
- Screen Number Enter 435
- File Number Enter Veteran's claim number
- Payee Number Enter 00
- End Product Code Enter 780 (End Product Codes are found in Appendix AQ, BDN Codes)
- Benefit Enter ch31
- Stub Name Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name
- Press ALT/Enter to advance to the 101 screen (use just the Enter key for Windows 7)

Softerm - Modular - VACO

File Edit Options Preferences Help

READY

COMMAND resu ~

SCREEN NUMBER 435

FILE NUMBER

PAYEE NUMBER 00

END PRODUCT CODE 780

BENEFIT ch31

STUB NAME I weaver

FULL NAME

 FIRST lonnie

 MIDDLE

 LAST weaver

 SUFFIX

SOC SEC NUMBER

SERVICE NUMBER

DATE OF BIRTH

REGIONAL OFFICE

INSURANCE NUMBER

REQUESTOR ID ~

BRANCH EOD RAD

DATE OF DEATH

Online ☒ Connect Full Duplex Capture Off Ic NumLock 04/18/2013 5:51PM ☒ Mark On

READY Replace Form Roll Line: 15 Col: 026

2. Complete the BDN 101 Screen

See section 8.07.c of this chapter for guidance on completing the BDN 101 screen.

3. Complete the BDN 435 screen

Complete the following on the BDN 435 screen:

- Enter an X to the right of the Resume field
- Press the F10 key to advance to the Next Screen field located at bottom of the screen and enter 501
- Press the Enter key

4. Complete the CAUT Procedure on the BDN 501 Screen

See section 8.08.a.4 for guidance on completing the CAUT procedure on the BDN 501 screen.

- e. Stop an Award

1. Complete the BDN READY Screen

The BDN screen below displays the Ready screen. The following necessary fields must be completed the following on the BDN Ready screen:

- | | |
|---|--|
| • Command | Enter Stop and the User's pass code (The 4-digit code will not be displayed as you type) |
| • Screen Number | Enter 435 |
| • File Number | Enter Veteran's claim number |
| • Payee Number | Enter 00 |
| • End Product Code | Enter 780 (End Product Codes are found in Appendix AQ, BDN Codes) |
| • Benefit | Enter ch31 |
| • Stub Name | Enter the first initial, a space (using the spacebar), middle initial, a space (using the spacebar), and the first five letters of the Veteran's last name |
| • Press ALT/Enter to advance to the 101 screen (use just the Enter key for Windows 7) | |

Softerm - Modular - VACO

File Edit Options Preferences Help

READY

COMMAND stop ~

SCREEN NUMBER 435

FILE NUMBER -----1036

PAYEE NUMBER 00

END PRODUCT CODE 780

BENEFIT ch31

STUB NAME w g harno

FULL NAME w g harno

FIRST w

MIDDLE g

LAST harno

SUFFIX

SOC SEC NUMBER

SERVICE NUMBER

DATE OF BIRTH

REGIONAL OFFICE

INSURANCE NUMBER

REQUESTOR ID ~

BRANCH EOD RAD

DATE OF DEATH

Online ☒ Connect Half Duplex Capture Off Ic Cursor 04/10/2013 7:33PM ☐ Mark On

READY Replace Form Roll Line: 07 Col: 025

2. Complete the BDN 101 Screen

See section 8.07.c of this chapter for guidance on completing the BDN 101 screen.

3. Complete the BDN 435 Screen

The BDN screen below is the 435 screen. The following necessary fields must be completed on the 435 screen:

- Enter an X to the right of the Stop field
- Enter the date of the first day that the Veteran will not receive pay in the No Pay Date field
- Press the F10 key to advance to the Next Screen field located at the bottom of the screen and enter GAD (Generate and Develop) to verify data entry
- Press the Enter key
- If End Date is correct, press the F10 key to advance to the Next Screen field located at the bottom of the screen
- Enter 501
- Press the Enter key

Softerm - Modular - VACO

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 04-18-13

FILE NUMBER [REDACTED] END PRODUCT 788 NAME H SMITH

STOP x SUSPEND RESUME DATE LAST PAID 01-01-13

REMAIN ENT 43-16 ENT USED 04-14 TERM DATE 05-25-24 ENT CODE 08

PAY STATUS A-RUNNING IMRP CODE CASE STATUS REHAB TO EMP

FACILITY 1-1-0001-29 SER EMP HDOP M DEVELOP MIT CIRC n

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 01-01-13 00 05-15-13 61 585.11 00/00 B 4 S 16

MR

MR

MR

04-01-13 64

NEXT SCREEN gad

Online ☒ Connect Half Duplex Capture Off lc NumLock 04/18/2013 6:12PM ☐ Mark On

4. Complete the CAUT Procedure on the BDN 501 Screen

See section 8.08.a.4 for guidance on completing the CAUT procedure on the BDN 501 screen.

8.09 Process Retroactive Award

Before processing a retroactive award of subsistence allowance, VR&E staff must always verify whether or not the Veteran is in receipt of another award of training allowance (e.g., Ch 31, Ch 30, Ch 33, 1606). Refer to section 8.07.a of this chapter for guidelines on how to check for the concurrent use of education benefits (e.g., Ch 31, Ch 30, Ch 33, 1606).

a. The Veteran Has Used Chapter 33 Benefits During the Time Frame of Retroactive Induction

VR&E must not process a retroactive award of subsistence allowance using the P911SA rate. It is important to remember that transfers from Chapter 33 to Chapter 31, when benefits have already been paid under Chapter 33, must

be effective the term following the Veteran's request to transfer to Chapter 31.

b. The Veteran Has Not Used Chapter 33 Benefits During the Time Frame of Retroactive Induction

1. Use the Original Award procedure to enter the Chapter 31 award (refer to section 8.07 for further guidance) based on the certification of enrollment and the period covered by the Veteran's approved retroactive induction plan.
2. If the Veteran is in receipt of another award of training allowance (other than Chapter 33), VR&E staff must ensure that the following actions have been taken:
 - Any current payment for education benefit has been stopped
 - Any previous education benefit covered by the rehabilitation plan time frame has been set for recovery

It is important to note that a Chapter 31 education award must not be entered in BDN until the actions above have been completed.

Refer to M28R.IV.C.2 for further guidance on retroactive induction.

8.10 Process P911SA

Processing P911SA in BDN requires the use of a special Protected Rate (PR) code that allows VR&E staff with the proper BDN commands to enter the correct BAH rate applicable to the Veteran's enrollment rate and facility zip code. The PR code utilizes existing BDN functionality that has been revised especially for the payment of P911 BAH rate of subsistence allowance. It is not necessary to use the PR code to process awards of the traditional subsistence allowance rates since BDN will calculate the correct monthly amount based on type of training, duration and rate of pursuit. This field has a maximum dollar amount that is periodically adjusted so that the 435 screen can accommodate the highest payable amount of P911SA. It is important to note that the use of Protected Rate invokes a system-edit which requires a second signature. This means that both the originator and the authorizer must sign the award. The BDN screen below is a BDN 435 screen that demonstrates how the special PR code is used.

Softerm - Modular - MGW1 Connection

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 07-20-11

FILE NUMBER [] END PRODUCT 782 NAME 07-20-11

STOP SUSPEND RESUME DATE LAST PAID 12-16-10

REMAIN ENT 39-00 ENT USED 09-00 TERM DATE 01-10-12 ENT CODE 07

PAY STATUS A-RUNNING IWRP CODE 189 CASE STATUS REHAB TO EMP

FACILITY 1-1-0044-11 SER EMP HDCC Y DEVELOP MIT CIRC

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 10-01-10 00 01-01-11 64 554.22 00/00 B 4 S 10

MR 06-01-11 60 554.22 00/00 B 4 S 10

MR 07-27-11 76 08-01-11 76 554.22 00/00 B 4 S 10

MR 08-15-11 60 12-15-11 61 PR 1563.00 00/00 B 4 S 12

NEXT SCREEN gad

Online ☒ Connect Full Duplex Capture Off lc NumLock 07/20/2011 6:14PM ☐ Mark On

READY Replace Form Roll Line: 22 Col: 079

a. Obtain Information Needed for Award Processing

Select one of the following scenarios to determine the next steps toward processing the award in the BDN:

1. The Veteran Has Not Used Chapter 33 Benefits

If the Veteran has not used Chapter 33 benefits for the period elected and has not been paid regular Chapter 31 subsistence for the current period, VR&E staff must take the following steps:

- (a) Contact the Regional Processing Office (RPO) to notify them of the details of the election, verify the Veteran's Chapter 33 eligibility, and ensure that there is not a pending Chapter 33 award for the elected enrollment period
- (b) Document the details of contact with the RPO in CWINRS notes
- (c) Obtain certification of enrollment from the training facility
- (d) Identify the appropriate BAH or OHA to use when determining rate of pay. (See Appendix AW, Calculating Rate of Pay for Post-911 Subsistence Allowance for more guidance.)

(e) Process the P911SA award:

- (1) For the Effective Date on the 435 screen, use the date the election is effective if that is during an approved enrollment period, or use the beginning date of the next term
- (2) If this is an original Chapter 31 award, use 00 as the effective reason code; use 75 if the begin date of this award is earlier than the original Chapter 31 award, otherwise use 29; in either case, use the day after the end of the term as the no pay date with Reason Code 61
- (3) Enter PR under Special Code
- (4) Enter the appropriate rate as determined in Appendix AW, Calculating Rate of Pay for Post-911 Subsistence Allowance for this type of training and training time
- (5) Enter dependency and training information as certified
- (6) Complete GAD, GAP and CAUT screens to authorize the award
- (7) A retroactive payment will be generated for the amount due under Chapter 31, if the enrollment period started but the award was not processed prior to the running of Full File Pass in that month (see Schedule of BDN Operations)
- (8) For award payments at the OHA rate, election cannot be made prior to April 4, 2013

2. The Veteran Has Used or is Currently Using Chapter 33 Benefits

If the Veteran has used or is currently using Chapter 33 benefits for part or all of the enrollment period in which P911SA is elected, VR&E staff must take the following steps:

- (a) Contact the RPO to notify them of the details of the election, verify the Veteran's Chapter 33 eligibility, and explain that there is a current or previous Chapter 33 award for the elected enrollment period
- (b) Request that the RPO stop the Chapter 33 award using the date the election of P911SA is effective as the no pay date (or date of end of previous term if effective date of election is between terms)

- (c) Verify whether an overpayment of Chapter 33 monthly allowance is created as a result of this action
- (d) Coordinate the handling of any tuition, fees, or books that were paid under Chapter 33 for the elected enrollment period
- (e) Document the details of contact with the RPO in CWINRS notes
- (f) Obtain certification of enrollment from the training facility
- (g) Identify the appropriate BAH to use when determining rate of pay
- (h) If an overpayment was created under Chapter 33, contact Finance at your RO to move the overpayment to the Chapter 31 Master Record and change the collection code to Take All
- (i) Process the P911SA award:
 - (1) For the Effective Date on the 435 screen, use the date the election is effective if that is during an approved enrollment period or use the beginning date of the next term
 - (2) If this is an original Chapter 31 award, use 00 as the effective reason code; use 75 if the begin date of this award is earlier than the original Chapter 31 award, otherwise use 29; in either case, use the day after the end of the term as the no pay date with reason code 61
 - (3) Enter PR under Special Code
 - (4) Enter the appropriate rate for this type of training and training time
 - (5) Enter dependency and training information as certified
 - (6) Complete GAD, GAP and CAUT screens to authorize the award
 - (7) A retroactive payment will be generated for the amount due under Chapter 31 minus the amount that will be collected to repay any Chapter 33 overpayment
 - (8) For award payments at the OHA rate, election cannot be made prior to April 4, 2013

3. The Veteran Has Been Paid Regular Chapter 31 Subsistence Allowance for Part or All of the Enrollment Period in Which P911SA is Elected

If the Veteran has been paid regular Chapter 31 subsistence allowance for part or all of the enrollment period in which P911SA is elected, VR&E staff must process the amended award as follows:

- (a) If the date the election is effective is prior to, or on the beginning date of a term for which an award already exists, use the beginning date of the term as the Effective Date with reason code 29
- (b) If the date the election is effective is during a term for which an award already exists, use that date as the Effective Date with reason code 29; in either case, use the day after the end of the term as the No Pay Date with reason code 61
- (c) Enter PR under Special Code
- (d) Enter the appropriate rate for this type of training and training time
- (e) Enter dependency and training information as certified
- (f) Complete GAD, GAP and CAUT screens to authorize the award
- (g) If P911SA rate is higher than the regular Chapter 31 rate, a retroactive payment will be generated for the amount due
- (h) For award payments at the OHA rate, election cannot be made prior to April 4, 2013

b. Procedures for BDN Awards that Exceed the Monthly Rate

BDN allows for manual entry of a dollar amount when using special code PR in processing P911SA awards. This field has a maximum dollar amount that is periodically adjusted so that the 435 screen can accommodate the highest payable amount of P911SA.

In some instances BAH rates for certain high-cost areas will exceed the BDN limit. During the interim period until the increased amounts are available in BDN, stations should process awards that are affected by the increase as follows:

- Obtain the Current BAH rate from <https://www.defensetravel.dod.mil/site/bahCalc.cfm> or <https://www.defensetravel.dod.mil/site/ohaCalc.cfm>
- Enter the current maximum rate payable in BDN and authorize the award
- Retain a copy of VAF 22-8945 with annotation of the correct BAH rate under local control pending BDN rate increase
- Upon verification that the maximum allowable rate has been increased, process an amended award, authorize and file all documents in the CER folder

8.11 Process OJT Award

Processing an OJT award requires the wage schedule information from the employer, beginning and ending dates of the OJT program and the dates of the salary increases. It is important to note when processing OJT awards that all salary increases that occur prior to the end the month become effective the first day of the next month. The following steps outline how to process an OJT award:

a. Complete the following on the BDN 435 screen to start the OJT Award

1. Enter the starting date of the OJT/Apprenticeship (mm-dd-yy) in the Effective Date field
2. Enter code 00 (Original Award) in the Reason Code field; the three most commonly used reason codes are:
 - 00 – Original award
 - 71 – Wage rate change (OJT)
 - 61 – End of term
3. Leave the ending date off if there is a change of salary coming up in the near future; example: enter a salary increase on the next line. If the salary increase is on 12/11/13, the effective date is 01/01/14 (the beginning of the next month); add 01/01/14 and use the reason code 71 (change in salary); the ending date is when the Veteran completes the OJT program, assuming there is no other salary increase, using reason code 61 (end of term)
4. Enter the appropriate dependency code in the DEP TO/TH field (see Appendix AQ, BDN Codes for appropriate BDN codes)

5. Enter G in the TYP TNG field (see Appendix AQ, BDN Codes for appropriate BDN codes)
 6. Enter one of the following training time codes in the TRNG Time field:
 - 1 - Full-Time
 - 2 - Full-Time Combination
 7. Enter C for clock hours in the HRS Type field
 8. Press Enter to display the BDN 436 screen (OJT/Apprenticeship); the BDN 436 screen will automatically bring in the award dates from the BDN 435 screen.
- b. Complete the following on the BDN 436 screen:
1. Enter the monthly salary of the journeyman for that period of time in the Journeyman Monthly field.
 2. Enter the monthly salary of the trainee for that period of time in the Trainee Monthly field.
- c. Complete OJT Award
1. Enter dependency information
 2. Complete GAD, GAP and CAUT screens to authorize the award
 3. It is important to note that all OJT awards require a second signature; this means that both the originator and the authorizer must sign the award

8.12 Overpayments

a. Station Debts

The local Regional Office (RO) finance activity is responsible for debts that the Debt Management Center (DMC) cannot service to include Chapter 31 Revolving Fund Loans (RFL) and Chapter 31 subsistence allowance debts on active records. These debts are entered into BDN or VETSNET Finance and Accounting System (FAS). VR&E staff should be aware of the local RO procedures for handling these debts, including the process for requesting a waiver or consideration for a compromise offer from the appropriate Committee on Waivers and Compromises (COWC) at the RO of jurisdiction.

b. DMC Debts

The DMC is responsible for Chapter 31 debts on inactive records. When the Veteran's account is established with the DMC, they will receive a notice explaining what a waiver is and what VA needs to process it. It is important for VR&E staff to note that to apply for a waiver; a Veteran must submit the following items:

- A written letter that explains why the Veteran feels he/she should not be held responsible for payment of the debt or why collection of the debt would be unfair and create a financial hardship
- Completed and signed VAF 5655 (See Appendix O, VA Forms)
- The waiver and completed and signed VAF 5655 must be mailed to:

US Department of Veterans Affairs
Debt Management Center
P.O. Box 11930
St. Paul, MN 55111

c. Administrative Errors

When an overpayment of subsistence allowance is discovered and corrected back to the first day of the award, a debt is created in the Veteran's name. This debt initiates a collection action by the local Finance activity and the debt is deducted from future payments to the Veteran unless a waiver is granted. Working with the Office of Resource Management (ORM), VR&E determined that when an administrative error by VA is the sole cause of the overpayment, a debt should not be created and cannot be removed by the local Finance activity. A Veteran must not be held financially responsible for overpayment that resulted solely from administrative error.

1. Procedures for Correcting Overpayments of Subsistence Allowance Caused by Administrative Error

38 U.S.C. 5112(b) (10) and 38 CFR 21.7135(v) (2) state that when an administrative error is the sole cause of an erroneous award, VA must reduce or terminate the award effective the date of last payment to avoid an overpayment.

Corrective action should be taken as soon as an overpayment caused by administrative error is identified. VR&E staff should not attempt to correct the award back to the beginning of the award period. The award should be corrected as of the Date Last Paid so that no debt will be established

and no further erroneous payments will be made.

Reason Code 39 should be used for the effective reason code on the 435 screen in BDN when processing the corrected award. The beginning date of the corrected award will be one day after the ending date of the last period paid as noted in the following examples:

- (a) For an award corrected on June 5th in which the May payment had already been made but the June payment had not yet processed, the begin date of the corrected award should be June 1st
- (b) For an award corrected on June 23rd in which the June payment had already been processed, the begin date of the corrected award should be July 1st
- (c) When the sole corrective award action is to end an erroneous award, reason code 39 should be used as the no pay date reason code on the 435 screen and the no pay date should be one day after the ending date of the last period paid
- (d) For an award that is no longer running, no corrective action is needed in BDN but documentation of the error should be made as follows:
 - (1) The case manager must document the administrative error and proposed award correction on a memo for the VR&E Officer's signature, citing 38 U.S.C. 5112(b)(10) and 38 CFR 21.7135(v)(2)
 - (2) The memo must be filed down on the left side of the Veteran's CER folder with any related BDN screens and the award correction should be made promptly after VR&E Officer review and approval

2. Common Administrative Errors

Common administrative errors include but are not limited to the following examples:

- (a) VR&E staff applies regulations incorrectly on rate of pursuit or dependents
- (b) VR&E staff makes data entry errors
- (c) VR&E staff possesses certification of reduced or terminated attendance but unreasonably delays amending the award

It is important to note that it is not an administrative error when an overpayment results from the school or Veteran failing to provide timely

notification of enrollment change. Nor is it in an administrative error when an award is processed using incorrect enrollment information provided by the training facility or the Veteran. In these cases, follow the procedures for providing due process outlined in M28R.III.C.2.

8.13 Apportionment

In accordance with 38 U.S.C. 5307, any subsistence allowance payable to a Veteran participating in the VR&E Program may be apportioned if one of the following conditions is met:

- The Veteran is not living with his/her spouse
- The Veteran's dependent(s) is not in his/her custody

Subsistence allowance may be apportioned between a Veteran and his/her dependent(s) as long as it does not cause the Veteran undue hardship. Care must be exercised to ensure that the Veteran's successful pursuit of his/her vocational goal will not be impaired by granting the apportionment. When a claim for an apportionment of a Veteran's subsistence allowance is received, VA must develop for evidence, decide whether to grant or deny the apportionment claim and notify the Veteran and dependent(s) of the decision. Guidelines on apportionment can be found in 38 CFR 21.330, 38 CFR 3.450, 38 CFR 3.451, 38 CFR 3.458, 38 CFR 3.400(e) and M21-1MR.III.v.3.

a. Requirements

1. Eligibility

In order for a dependent(s) to receive an apportionment of a Veteran's subsistence allowance, the dependent(s) must file a claim for an apportionment and meet one of the following eligibility requirements:

- Demonstrate a need, per the requirements of 38 CFR 3.451
- Live apart from the Veteran and not receive a reasonable level of support, as stated in 38 CFR 3.450

If the requirements for eligibility above are met and the Veteran will not suffer undue hardship, VA may authorize an apportionment of the Veteran's subsistence allowance.

2. Veteran's Subsistence Allowance Not Apportionable

A Veteran's subsistence allowance must not be apportioned in the following situations:

(a) Benefit Too Small

The total benefit payable to the Veteran is so small that it does not allow payment of a reasonable amount to a dependent(s) (38 CFR 3.458 (a)).

(b) Infidelity

The spouse of the Veteran has been found guilty of conjugal infidelity by a court having proper jurisdiction (38 CFR 3.458 (b)).

(c) Spouse Remarried

The spouse of the Veteran has lived with another person and held himself/herself out openly to the public to be the spouse of the other person (38 CFR 3.458 (c)).

(d) Child Adopted Out of Family

The evidence establishes that the Veteran is the natural parent of a child legally adopted outside of the Veteran's family. In this situation, VA will apportion in favor of the child only the additional amount of subsistence allowance payable on account of the existence of the child. The Veteran is not entitled to the additional amount of subsistence allowance payable for the child unless the Veteran is contributing to the child's support (38 CFR 21.330 (c)).

(e) Veteran Convicted of a Felony

The subsistence allowance of a Veteran must not be apportioned if the Veteran is incarcerated because of a felony conviction (38 CFR 21.330(d)).

(f) Child Enters the Military

The Veteran's child under age eighteen enters active military service. Any additional money will be paid to the Veteran until the child's eighteenth birthday, unless the child is included in an existing apportionment to an estranged spouse. In this situation, make no adjustments in the apportioned award to the estranged spouse based on the child's entry into military service.

b. Evidence

When a claim is received for apportionment, the following evidence must be developed to make a decision as to whether the apportionment is appropriate (VAF 21-0788 may be used for this purpose):

1. Evidence from the Veteran

- (a) A statement as to the amount and frequency of any support or contributions being made to or on behalf of the dependent(s), or an explanation of the reasons for non-support if the Veteran is not making any contributions
- (b) If there is conflicting information between the Veteran and the dependent, proof of the Veteran's contributions of support such as canceled checks or any receipts
- (c) A statement of net worth, annual income and expenses
- (d) An explanation of any hardship that would be created or experienced if the apportionment was made

2. Evidence from the Dependent

- (a) A statement of net worth, annual income and expenses
- (b) An explanation of any hardship that would be created or experienced if the apportionment was not made

3. Notice of Proposed Adverse Action

When evidence is requested from the Veteran and the dependent(s) requesting apportionment, he/she must be notified of the following information:

(a) The Veteran

The Veteran must be notified of the following:

- That he/she has thirty days to present evidence and that a decision will be made after thirty days on the basis of the evidence of record, unless an extension is requested (for a required prior notification, VA must allow at least thirty days for the Veteran to respond before finalizing the adverse action; if circumstances warrant, VA may exceed this thirty day period, but the due process may not exceed sixty days)
- The statutory authority for granting an apportionment (38 U.S.C. 5307)
- The fact that his/her award may be reduced by a monthly amount if the apportionment is authorized

- VAF 4107 (see Appendix O, VA Forms)

(b) The Dependent(s)

The dependent(s) must be notified of the following:

- The fact that he/she must present the evidence within thirty days and that a decision will be made after thirty days on the basis of the evidence of record, unless an extension is requested

c. Procedures

1. Determining to Grant or Deny an Apportionment

A determination to grant or deny an apportionment must be based on an evaluation of the evidence. See the following table to determine when to make a decision:

| If the dependent(s) does the following: | Then make an administrative decision to do the following: |
|---|---|
| Responds within thirty days, but the evidence does not demonstrate a hardship on the part of the dependent(s) | <ul style="list-style-type: none"> • Deny the pending claim • Send notification of the decision |
| Does not respond within thirty days and/or the evidence does not demonstrate hardship on the part of the dependent(s) | <ul style="list-style-type: none"> • Deny the pending claim • Send notification of the decision |
| Furnishes evidence of a hardship but payment of an apportionment will create a hardship for the Veteran based on one of the following: <ul style="list-style-type: none"> • The evidence received if both parties respond within thirty days • The evidence of record after the expiration of thirty days | <ul style="list-style-type: none"> • Deny the pending claim • Send notification of the decision |

| | |
|---|---|
| <p>Furnishes evidence of a hardship and the evidence of record does not demonstrate a hardship on the part of the Veteran based on one of the following:</p> <ul style="list-style-type: none"> • The evidence received if both parties respond within thirty days • The evidence of record after the expiration of thirty days | <ul style="list-style-type: none"> • Grant the pending claim • Send notification of the decision (refer to section 8.12.c.4 of this chapter for guidance) |
|---|---|

2. Determining the Amount of an Apportionment

When determining the amount of an apportionment under 38 CFR 3.451, consideration must be given to the following factors:

- The amount of VA benefits payable
- The other resources and income of the Veteran and the dependent(s) claiming an apportionment
- The special needs of the Veteran and the dependent(s) claiming an apportionment

If a decision to grant an apportionment is made, VR&E staff must determine the amount awarded from an equitable assessment of any hardship or demonstrated need on the part of the Veteran and the dependent(s). The amount apportioned should be consistent with the total number of dependents involved. An apportionment of more than fifty percent of the Veteran's subsistence allowance would constitute undue hardship on him/her while apportionment of less than twenty percent of his/her subsistence allowance would not provide a reasonable amount for a dependent(s) claiming apportionment (38 CFR 3.451). When the Veteran is receiving additional subsistence allowance for a dependent(s) and the evidence shows he/she is not reasonably contributing to their support, hardship for the Veteran would not normally result from apportionment of the additional amount payable for the dependent.

3. Effective Date

In accordance with 38 CFR 21.330, the effective date of apportionment

must be as prescribed in 38 CFR 3.400(e). If a decision to grant an apportionment is made, an overpayment may be created because VA will pay the dependent back to the effective date of the Veteran's subsistence allowance award. In accordance with 38 CFR 3.400(e), the effective dates of apportionment are as follows:

- (a) On original claims, in accordance with the facts found
- (b) On other than original claims, apportionment will be effective the day following the date of last payment of the Veteran's subsistence allowance, if a claim for apportionment is received within one year after the Veteran's subsistence allowance

It should be noted that for the purpose of effective date under 38 CFR 3.400(e), "original claim" refers to the effective date of the Veteran's subsistence award, with a presumption that an apportionment claim is received before any subsistence allowance has been paid. The effective date for other than original claims refers to the date of receipt of the apportionment claim after subsistence allowance to the Veteran has already been issued. The concept is to preclude creation of undue overpayment against the Veteran if an apportionment is authorized.

4. Notification of Apportionment Claim

Advise both the Veteran and the dependent(s) of the apportionment decision by sending a notification letter with the following information:

- The effective date of payment, if apportionment granted
- The amount of the apportionment, if granted
- The reasons for the decision
- The evidence that was considered
- The Veteran's and the dependent's right to present new evidence, request a personal meeting and have representation within a thirty day period from the date of the notification letter
- VAF 4107, Your Rights to Appeal our Decision (see Appendix O, VA Forms)

5. Documenting the Apportionment Decision

A formal memorandum for the file is required for both favorable and unfavorable decisions on claims for apportionment. The case manager

must document the decision on VAF 28-1905d and file in the center portion of the Veteran's CER folder.

6. Processing the Award

The apportioned award must be processed in BDN. An apportionment can be identified in the system by a Type A withholding and the use of reason code 27 (apportionment made, changed or discontinued due to separation, change in custody or change in apportionment) in BDN. The effective beginning and end dates for withholding the apportioned amount for a dependent(s) are required entries on the 434 screen. It is important to note that once an apportionment exists, it cannot be ended with just a dependency change. To end the apportionment, enter 0000 (zeroes) in the Apportionment field. If the dependent is no longer entitled to additional benefits because of age, make sure to remove the dependent as well. A higher-level employee (VR&E Officer, Assistant VR&E Officer) must review and sign all apportioned awards. VR&E staff should check to see if Dependency Total equals Dependency This (DEP TO/TH) to determine if the apportionment is established or ended. (Refer to section 8.13.c.9 for examples of the BDN 435 and 434 screens.)

(a) If the apportionment is granted, and the Veteran's award was running at the time the apportionment claim was received, then take the following steps:

- Retroactively adjust the award of the Veteran effective the first day of the month after the date the apportionment claim was received, creating any resulting overpayment against the Veteran
- Make the apportionment award for the dependent(s) effective from the first day of the month after the date the apportionment claim was received

(b) If the apportionment is granted, and the apportionment claim was received with or before the Veteran's original claim, then take the following step:

- Pay the apportionment on the basis of the facts found (it should be noted that this may be from same effective date as the Veteran's award)

(c) If the apportionment is granted, and the apportioned amount is greater than the withheld amount, then take the following steps:

- Pay the apportionment for the amount previously withheld from the effective date

- Determine the additional amount to be apportioned, as well as the effective date
- Send the Veteran an adverse action letter covering the additional amount

7. Adjusting the Veteran's Award Due to the Loss of a Dependent(s)

In most situations, VA uses the end-of-month rule when adjusting a Veteran's award to reflect loss of a dependent. Under this rule, VA continues to pay the Veteran for the dependent through the end of the month in which the event that resulted in the loss took place.

Accordingly, the effective date of the reduced rate is the first day of the month following the date of loss. It is important to note that an apportionment must be discontinued when the Veteran's award is affected by either of the following:

- Discontinued for any reason, or
- Reduced to a rate that would not support a continuation of the apportionment without creating an undue hardship on the Veteran

(a) Loss of a Spouse

This rule applies to loss of a spouse due to one of the following reasons:

- Divorce
- Annulment
- Death

Discontinue the apportionment of a Veteran's award to his/her spouse on the first day of the month following the month in which a divorce becomes final or an annulment decree is issued.

(b) Loss of a Child

This rule also applies to loss of a child due to one of the following reasons:

- Marriage
- Death

- Discontinuance of school attendance

Follow the instructions in the table below when a child dies, marries, or stops attending school.

| If the child does the following: | Then make an administrative decision to do the following: |
|---|--|
| Dies, and is the only apportionee | <ul style="list-style-type: none"> • Discontinue the apportionment for the child effective the first day of the month of death, and • Remove the child from the Veteran's award effective the first day of the month following death |
| Marries, and is the only apportionee | <ul style="list-style-type: none"> • Discontinue the apportionment for the child effective the first day of the month of marriage, and • Remove the child from the Veteran's award effective the first day of the month following marriage |
| Stops attending school, and is the only apportionee | <ul style="list-style-type: none"> • Discontinue the apportionment, and • Remove the child from the Veteran's award effective the first day of the month following the date school attendance ended |
| Marries, dies, or stop attending school, and is included as a dependent on a spouse-apportionee's award | Reduce the spouse-apportionee's award effective the first day of the month following <ul style="list-style-type: none"> • Marriage • Death, or • The date the child stopped attending school |

8. Notifying the Veteran/Dependent When Adjusting an Award

The case manager must advise both the Veteran and the dependent(s) of the decision to adjust the award, and furnish them with an adverse action letter with the following information, as applicable:

- The effective date of the adjustment
- The amount of the apportionment
- The reasons for the decision
- The evidence that was considered and the right of the Veteran and

dependent to present new evidence, request a personal meeting and have representation

- The Veteran's/Dependent's right to present new evidence, request a personal meeting and have representation within a thirty day period from the date of the notification letter
- VAF 4107, Your Rights to Appeal our Decision

9. BDN Screens

The following screens demonstrate how apportionment information is entered in BDN:

(a) 435 Screen

GLINK

File Edit Settings... Line Transfers Help

435 CHAPTER 31 AWARD 84-25-13

FILE NUMBER [REDACTED] -88 END PRODUCT 788 NAME [REDACTED]

STOP SUSPEND RESUME DATE LAST PAID 84-28-13

REMAIN ENT 88-87 ENT USED 24-14 TERM DATE 85-86-85 ENT CODE 88

PAY STATUS E-TERMINATED IWRP CODE 162 CASE STATUS REHAB TO EMP

FACILITY [REDACTED] SER EMP HDCCP Y DEVELOP MIT CIRC

| EARLIER 12 | | LATER 88 | | SPEC | DEP | TYP | TRNG | HRS | WITHHOLD |
|---------------|-----|----------|-----|--------|-------|-----|------|------|----------|
| DATE | RSN | DATE | RSN | | | | | | |
| 18-01-12 | 37 | 18-28-12 | 61 | 729.88 | 11/18 | B | 4 | S 86 | A 125.48 |
| 18-29-12 | 68 | 12-23-12 | 61 | 729.88 | 11/18 | B | 4 | S 86 | A 125.48 |
| 81-07-13 | 68 | 03-03-13 | 61 | 729.88 | 11/18 | B | 4 | S 86 | A 125.48 |
| MR * 83-04-13 | 68 | 84-28-13 | 61 | 382.94 | 11/18 | B | 2 | S 83 | A 125.48 |
| 85-01-13 | 68 | 86-26-13 | 61 | | 11/18 | b | 2 | s 83 | a |

NEXT SCREEN

(b) 434 Screen

The screenshot shows the GLINK software window. The title bar reads "GLINK". The menu bar includes "File", "Edit", "Settings...", "Line", "Transfers", and "Help". The toolbar contains various icons for file operations and navigation. The main display area has a blue background and white text. At the top left, the number "434" is displayed. The title "DEPENDENCY" is centered at the top. On the top right, the date "84-25-13" is shown. Below the title, the following information is displayed: "FILE NUMBER" followed by a redacted value and "-88", "END PRODUCT 788", and "NAME" followed by a redacted value. Below this, "SPOUSE NAME:" is followed by a redacted value. The "APPORTIONMENTS" section includes a table with columns: "IND", "ADD DATE", "BEGIN", "END", "AMOUNT", "DATE", and "RSN". The "REMOVE" column is also present. The "SPOUSE" row shows "X" in the "IND" column and "12-86-93" in the "ADD DATE" column. Below the "SPOUSE" row, the words "MOTHER" and "FATHER" are listed. The "CHILD NAME" section includes a table with columns: "CHILD NAME", "DOB", "STAT", "DOB", "DOB", "DOB", "AMOUNT", "DATE", and "RSN". The first row shows a redacted child name, "89-21-95" for DOB, "1" for STAT, and "89-21-95", "86-27-11", "89-21-13", "125.48", "89-21-13", and "24" for the remaining columns. At the bottom, the text "ADDL CHILDREN NOT SHOWN ABOVE: TOTAL THIS" is displayed, followed by "M/R SHOWS DEPENDENCY TOTAL 11 THIS 18" and "NEXT SCREEN".

434

DEPENDENCY

84-25-13

FILE NUMBER [REDACTED]-88 END PRODUCT 788 NAME [REDACTED]

SPOUSE NAME: [REDACTED]

APPORTIONMENTS

| IND | ADD DATE | BEGIN | END | AMOUNT | DATE | RSN | REMOVE |
|-----|----------|-------|-----|--------|------|-----|--------|
| X | 12-86-93 | | | | | | |

MOTHER

FATHER

CHILD NAME DOB STAT

| | | | | | | | | |
|------------|----------|---|----------|----------|----------|--------|----------|----|
| [REDACTED] | 89-21-95 | 1 | 89-21-95 | 86-27-11 | 89-21-13 | 125.48 | 89-21-13 | 24 |
|------------|----------|---|----------|----------|----------|--------|----------|----|

ADDL CHILDREN NOT SHOWN ABOVE: TOTAL THIS

M/R SHOWS DEPENDENCY TOTAL 11 THIS 18

NEXT SCREEN

(c) M36 Screen

The screenshot shows a software window titled "GLINK" with a menu bar (File, Edit, Settings..., Line Transfers, Help) and a toolbar. The main display area has a blue background and contains the following information:

M36 CH31 AWARD DATA 84-25-13

FILE NUMBER [REDACTED] 88 NAME [REDACTED]

DATE LAST PAID 84-28-13 FACILITY [REDACTED] ENT CODE 88

| | | | | |
|----------------------|------------|------------|------------|------------|
| EFFECTIVE DATE | 18-01-12 | 18-29-12 | 81-07-13 | *83-04-13 |
| EFFECTIVE RSN | 37 | 68 | 68 | 68 |
| NO PAY DATE | 18-28-12 | 12-23-12 | 83-03-13 | 84-28-13 |
| NO PAY RSN | 61 | 61 | 61 | 61 |
| SPEC CODE | | | | |
| MONTHLY RATE | 729.88 | 729.88 | 729.88 | 382.94 |
| DEPEND TOT/THS | 11/18 | 11/18 | 11/18 | 11/18 |
| HOURS TYPE/NO | S/86 | S/86 | S/86 | S/83 |
| TRAINING TYPE | B | B | B | B |
| TRAINING TIME | 4 | 4 | 4 | 2 |
| WITHHOLD TYPE | A | A | A | A |
| WITHHOLD AMT | 125.48 | 125.48 | 125.48 | 125.48 |
| JRNYMN MONTHLY WAGE | | | | |
| TRAINEE MONTHLY WAGE | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| FACILITY | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

EARLIER PERIODS 12 LATER PERIODS 88

NEXT SCREEN

8.14 Electronic Funds Transfer (EFT)

U.S. Department of Treasury Regulation (31 CFR 208) requires that recipients of Federal payments receive payment by Electronic Funds Transfer (EFT).

According to Disbursements and Collections Requirement, Volume VIII - Chapter 2, if a Veteran is currently receiving a Federal payment by check or has just become eligible to begin receiving a Federal payment, he/she may choose to receive the payment in one of the following ways:

a. Direct Deposit

A Veteran may receive payment by direct deposit through the financial institution of his/her choice. Direct deposit is a safe, convenient and reliable way to receive a Federal payment electronically through a financial institution. A financial institution can be a bank, credit union, savings bank, or thrift. A

Veteran must provide VA with his/her local bank account information in order to enroll in the Direct Deposit program. It should be noted that subsistence allowance payments are not connected to compensation and pension payments. This means that the Veteran must set up direct deposit for each payment separately.

When a Veteran submits a request to receive subsistence allowance payments by direct deposit, the case manager should take the following steps:

- (a) Obtain accurate account information from the Veteran. VAF 24-0296 may be used for this. The information may also be obtained by telephone. Email requests should not be encouraged due to confidentiality issues since the Veteran must submit bank account information. The Veteran may need to submit a copy of a voided check or deposit slip. (If the Veteran wants to use the same account information that is already in Share, this information can be obtained from the Payment History Inquiry [TINQ] screen.)
 - (b) Enter the bank account information in BDN under the Veteran's claim number or SSN using the CADD command button. If multiple options show up, put an "x" next to CH31 and hit Enter.
 - (c) On the CADD screen (601) tab to "Document" and type "y."
 - (d) Tab to "CHG" and type "x."
 - (e) Tab to "Routing" and enter the first 8 digits of the financial institution's routing number provided by Veteran. The 9th digit of the routing number will overflow onto the next line marked "Check Digit." (The check digit is used to verify the routing number.)
 - (f) Tab to "Type Acct" and enter "c" for checking, or "s" for savings. (If unsure, enter "c".)
 - (g) Tab to "Acct No" and enter the account number provided by the Veteran.
 - (h) Make sure that the account information is accurate.
 - (i) Press the Enter key to save the new information in the system and complete the process.
- b. Electronic Transfer Account (ETA)

A Veteran may receive some Federal payments through a basic, low-cost account called an ETA. If a Veteran receives a Federal benefit, wage, salary

or retirement payment, he/she is eligible to open an ETA. This account is available for a low monthly fee at many financial institutions. Like Direct Deposit, an ETA is a safe, convenient and reliable way to receive a Federal payment through a financial institution. To check for availability, VA should direct Veterans to the ETA website at <http://www.fms.treas.gov/eta> for a list of providers in his/her respective area.

c. Direct Express Card

A Veteran may receive some Federal payments by Direct Express Card. (Currently the Direct Express Card is not available as an option to receive subsistence allowance.) The Direct Express Card is designed for people who receive Federal benefits such as Social Security and Supplemental Security Income (SSI). Unlike other prepaid debit cards, this card offers cardholders free access to their money. There is no sign-up fee, and no bank account or credit check is required to enroll. For more information about the Direct Express card VA should direct Veterans to Treasury's Web site (<http://www.fms.treas.gov/directexpresscard/index.html>).

d. Temporary Check

A Veteran may temporarily receive a check. If receiving payment electronically would cause a hardship, a Veteran may be permitted to receive his/her payment by check for an interim period. The U.S. Department of Treasury will contact the Veteran within 4 months to discuss options for receiving payments in the future, including how to apply for a waiver from the EFT requirement. For more information or to request a waiver application, VA should direct Veterans to call 800-333-1795.

Chapter 9 REVOLVING FUND LOANS

- 9.01 Introduction
- 9.02 References and Resources
- 9.03 General Information
- 9.04 Revolving Fund Loan Criteria
 - a. Eligibility
 - 1. Type of Plan Prepared
 - 2. Terms and Conditions of Plan
 - b. Approval
 - c. Denial
- 9.05 Revolving Fund Loan (RFL) Processing
 - a. Amount of RFL
 - b. Method of Repayment
 - c. Rate of Repayment
 - d. Required Documentation
- 9.06 VAF 28-1910, Application and Public Voucher for Loan from the Vocational Rehabilitation Revolving Fund
- 9.07 Procedures for Denial
 - a. Informing the Veteran
 - b. Documentation
 - c. Alternatives
- 9.08 Special Considerations
 - a. Veterans Recalled to Active Duty
 - b. Active Duty Servicemembers

Appendix O. VA Forms

Chapter 9 REVOLVING FUND LOANS

9.01 Introduction

This chapter provides the administrative procedures and guidelines for approving and processing a Revolving Fund Loan (RFL).

9.02 References and Resources

Laws: 38 U.S. Code (U.S.C.) 3112
Veterans Education and Expansion Act of 2001

Regulations: 38 Code of Federal Regulations (CFR) 21.274
38 CFR 21.420
38 CFR 21.260

VA Forms (VAF): VAF 1905d, Special Report of Training
VAF 28-1910, Application and Public Voucher for Loan
from the Vocational Rehabilitation Revolving Fund
VAF 4107, Your Rights to Appeal our Decision

9.03 General Information

A RFL is a non-interest loan from the revolving fund established in accordance with 38 U.S.C 3112 and 38 CFR 21.274. The loan may be granted to a Veteran who is not financially able to begin, continue, or reenter a Vocational Rehabilitation and Employment (VR&E) plan of services without assistance.

One of the areas that may need to be explored during the development of the rehabilitation plan is the Veteran's financial management and potential resources for financial aid. This financial review may be conducted routinely during case management to ensure that the Veteran is able to continue with his/her program without any interruption. There may be instances when an advance is necessary as the Veteran would be unable to begin, continue, or reenter a rehabilitation program without the loan from the Revolving Fund.

The Vocational Rehabilitation Counselor (VRC) must check with the VR&E Officer before granting a RFL since the loan is subject to available funding. All approved RFL amounts are recorded on a centralized spreadsheet and maintained by the VR&E Officer so that a running balance on the account is maintained at all times.

9.04 Revolving Fund Loan Criteria

a. Eligibility

Prior to granting a RFL, the VRC must determine if the Veteran meets the following conditions in accordance with 38 CFR 21.274 (c):

1. Type of Plan Prepared

A Veteran may be eligible for a RFL if an Individualized Written Rehabilitation Plan (IWRP), an Individualized Extended Evaluation Plan (IEEP), or an Individualized Independent Living Plan (IILP) has been prepared. Supportive services such as a RFL must not be granted to a Veteran during a period or program of employment services in accordance with 38 CFR 21.254.

2. Terms and Conditions of Plan

The Veteran and VRC must both agree with the terms and conditions of the IWRP, IEEP, or IILP.

b. Approval

If the eligibility requirements are met, the VRC must then determine if the Veteran meets the conditions for approval prior to granting a RFL in accordance with 38 CFR 21.274 (d). A RFL may be approved when the following conditions are met:

1. The reason for the loan must be clearly and directly related to beginning, continuing, or reentering a rehabilitation program.
2. The Veteran would otherwise be unable to begin, continue or reenter a rehabilitation program without the loan.
3. The loan must not exceed the amount needed or twice the monthly subsistence allowance for a Veteran without dependents in a full-time institutional training program. It should be noted that the loan amount must be in multiples of \$10 (e.g., the maximum amount for the current fiscal year is \$1,170).
4. The Veteran must elect, or be in receipt of, subsistence allowance. It is important to note that in some cases a Veteran may meet the conditions for eligibility by having an IWRP, IEEP, or IILP prepared, but will not meet the conditions of approval because he/she will not be in receipt of subsistence allowance.

c. Denial

A VRC may deny a request for a RFL under the following conditions:

1. The Veteran has not fully repaid a previous RFL. The VRC must determine if the Veteran has repaid a previous RFL by using the following steps:
 - Log on to Share
 - Select Corporate Inquiries (located in left column)
 - Enter the Veteran's social security number or file number
 - Click submit
 - Select Award/Ratings
 - Select Award Information
 - Review Receivables Balance (located in the center of screen)
2. The Veteran does not agree to the terms and conditions of repayment.
3. The Veteran is not eligible for future payments of compensation and pension, subsistence allowance, educational assistance, or retirement pay.

9.05 Revolving Fund Loan (RFL) Processing

a. Amount of RFL

The VRC may approve up to \$200 for the amount of the RFL in multiples of \$10.00 based upon the evidence considered to establish need. Refer to the current Chapter 31 Subsistence Allowance Rates (without dependents) that is regularly published prior to the new fiscal year. Post-911 subsistence allowance rates do not apply.

An advance in excess of \$200 requires the concurrence of the VR&E Officer. The VR&E Officer may approve up to twice the amount of the subsistence allowance for a single Veteran at the institutional rate. (See 38 CFR 21.260.)

The VRC must provide the Veteran with alternative resources if the need is greater than the maximum amount of RFL allowable.

b. Method of Repayment

The VRC must determine the method of repayment and inform the Veteran that a RFL is repaid in monthly installments from future payments of subsistence allowance or compensation and pension. If none of these benefits are available at the time of repayment, the debt will be collected in the same manner as any other debt payable to the Department of Veterans Affairs. The VRC must ensure that the Veteran indicates his/her repayment preference.

c. Rate of Repayment

The rate of repayment may not be less than 10 percent of the amount advanced unless the monthly benefit being used for repayment is less than 10 percent of the loan amount. The rate of repayment will automatically default to 10 percent unless otherwise specified on VAF 28-1910. If the Veteran wishes to repay the balance of the debt, the payment should be made to the U.S. Department of Veterans Affairs through the local Regional Office.

d. Required Documentation

The VRC must ensure that the determination to grant the RFL is documented on VAF 28-1905d (See Appendix O, VA Forms) and filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder or in Corporate WINRS (CWINRS) notes. The documentation should include but is not limited to the following:

- The date of the request
- The evidence considered to establish need for the loan, i.e. note from a landlord, electric bill, or statement from Veteran
- The law, regulation, or manual reference supporting the decision
- The determination process, i.e. how the Veteran met the conditions for eligibility and approval, amount of RFL, and method and rate of repayment
- The name of the authorizing VRC

9.06 VAF 28-1910, Application and Public Voucher for Loan from the Vocational Rehabilitation Revolving Fund

The VRC must submit the completed VAF 28-1910 along with the required documentation to the VR&E Officer, who must sign the form. The form should be completed in a timely fashion to ensure that the Veteran can begin or continue his/her rehabilitation program without interruption. (Further guidance on completing VAF 28-1910 can be found in the CWINRS User Guide, Chapter 6.14.8.) The VRC must ensure that the form is completed in CWINRS as shown below:

- Open CWINRS in the Select Folders screen
- Locate and open the Veteran's case
- Select Financial
- Select RFL
- Select ADD
- Select the appropriate Form of Advance (it should be noted that funds are not available on site and a check will either be mailed or deposited electronically, if applicable)
- Select Method of Payment from the drop down list (compensation, pension, or subsistence allowance)
- Enter the amount of the advance in multiples of \$10.00
- Select Print VAF 28-1910. (This will generate the form as a Word document)
- Edit the VAF 28-1910 as necessary
- Print the VAF 28-1910
- Obtain the Veteran's signature on the VAF 28-1910
- Sign the VAF 28-1910
- Obtain VR&E Officer's signature on the VAF 28-1910

The approved advance from the Revolving Fund will be processed as expeditiously as possible, including hand-carrying if possible to the Finance activity. It is essential that this service be provided immediately as the critical nature of the need has already been documented.

9.07 Procedures for Denial**a. Informing the Veteran**

If the Veteran's request for RFL is denied, the VRC must inform the Veteran in writing to explain the reason(s) for the decision, and provide him/her with appellate rights (VAF 4107, See Appendix O) under 38 CFR 21.420.

b. Documentation

The VRC must clearly document the reason(s) for the denial of the RFL relating the determination to the specific conditions for eligibility, approval, or denial. The narrative may be documented on a CWINRS Note or a VAF 28-1905d and filed in the center of the Veteran's CER folder.

c. Alternatives

The VRC should assist the Veteran in resolving the issue that created the need for the RFL and should provide ongoing counseling to the Veteran. A referral to any of the following resources should be offered as appropriate:

- A debt counseling agency
- A financial aid officer
- A work-study option
- A state vocational rehabilitation agency
- A community-based organization
- A referral to the Department of Labor for stopgap employment opportunities

9.08 Special Considerations**a. Veterans Recalled to Active Duty**

Veterans who are recalled to active duty do not need to make payment on an existing RFL until the beginning of the fifth month following discharge or release from active duty under Section 103 of the Veterans Education and Expansion Act of 2001.

b. Active Duty Servicemembers

Active Duty Servicemembers are not eligible for RFL since they must not receive subsistence allowance. This applies to Servicemembers participating in Coming Home to Work (CHTW), Department of Defense Education and Employment Initiative (E2I), Integrated Disability Evaluation System (IDES) and National Defense Authorization Act of 2008 (NDAA).

Chapter 10
AUTHORIZING AND PROCESSING EMPLOYMENT ADJUSTMENT ALLOWANCE

10.01 Introduction

10.02 References and Resources

10.03 General Information

10.04 Eligibility

10.05 Procedures

- a. Required Documentation
- b. EAA Rate of Payment
 - 1. Chapter 31
 - 2. Post-911
- c. Dependents
- d. Out-of-System Payment
- e. Processing EAA Payment in the Benefits Delivery Network (BDN)

10.06 Responsibilities and Accountability

- a. Primary Responsibility for Processing EAA
 - 1. Finance Section
 - 2. VR&E Office
- b. Responsibilities for Ensuring Accuracy and Timeliness
 - 1. Eligibility Termination Date (ETD)
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 - 3. Veteran's Collection of Indebtedness
 - 4. Timeliness of Payment

Appendix O. VA forms

Appendix AA. Rate of Pay for P911SA

Chapter 10

AUTHORIZING AND PROCESSING EMPLOYMENT ADJUSTMENT ALLOWANCE

10.01 Introduction

This chapter provides the administrative procedures and guidelines for processing an employment adjustment allowance (EAA) payment.

10.02 References and Resources

Laws: 38 U.S. Code (U.S.C.) 3103
 38 U.S.C. 3104(a)(5)
 38 U.S.C. 3108(a)

Regulations: 38 Code of Federal Regulations (CFR) 21.44
 38 CFR 21.190
 38 CFR 21.268

10.03 General Information

An Employment Adjustment Allowance (EAA) is paid when a Veteran has achieved rehabilitation to the point of employability and is receiving employment or job ready services. A case manager must make a determination for eligibility prior to authorization of payment.

10.04 Eligibility

An EAA payment may be authorized only after the case manager makes the determination that the Veteran meets the criteria for EAA payment. It is the responsibility of the case manager to ensure that the guidelines and criteria for the determination outlined on Section A, Chapter 3.06 of this part, are properly implemented.

10.05 Procedures

a. Required Documentation

An EAA will not be paid without the authorization from the Veteran's case manager. The case manager must complete VAF 28-0846, Employment Adjustment Allowance Authorization (See Appendix O, VA forms), to provide the required approval. The form must be completed as follows:

To: Name of the employee processing the EAA and the section
 Ex. Ann Example, Finance

- From: Name of the VR&E case manager
- Field 1: Full name of the Veteran
- Field 2: Veteran's complete mailing address
- Field 3: Veteran's C-File Number
- Field 4: Veteran's Eligibility Termination Date. If Veteran has been determined with an SEH, type "indefinite".
- Field 5: Provide the (30-day) period for EAA payment
- A: Beginning date of the 30-day period
- B: Day after the end of the 30-day period
- C: Number of dependents using the Dependency Code
- D: Current full-time rate of payment as specified by the type of training the Veteran completed
- Field 6: Mark "X" to indicate if first or second EAA payment
- Field 7: Provide comments or additional instructions, if any
- Field 8A: Full name of the case manager authorizing EAA
- Field 8B: Title of the case manager
- Field 8C: Case manager's signature
- Field 9: Date of authorization for EAA

The case manager must provide VAF 28-0846 to the employee responsible for processing payment immediately, or no more than three workdays from the Date Authorized.

The employee responsible for processing the EAA payment must review the required form to ensure that the required information has been provided.

b. EAA Rate of Payment

1. Chapter 31

The employee responsible for processing EAA payments must ensure that the rate of payment is accurate. EAA is paid at the full-time rate of subsistence allowance for the type of training that the Veteran was pursuing such as Institution of Higher Learning (IHL), Farm Cooperative, Apprenticeship, Non-paid Work Experience (NPWE), or for Veterans under special programs such as On-job training (OJT) at no or nominal pay in a Federal agency, training in the Home Program, Independent Instructor Program, Cooperative Program, or Self-employment Program. The rates of payment are found on the Chapter 31 Subsistence Allowance Rates published annually before the start of each fiscal year.

2. Post-911

A Veteran who elects to receive Post-911 subsistence allowance (P911SA) rate of payment will receive the EAA payment at the full-time rate of P911SA for the type of training that the Veteran was pursuing.

A Veteran training full-time at a foreign school will receive a payment which is the BAH national average.

A Veteran training full-time solely in-home or on-line will receive a payment which is 50 percent of the BAH national average.

The PS911SA uses the basic allowance for housing (BAH) rate for the zip code of the facility that is in effect for the current calendar year. See Appendix AA, Rate of Pay for P911SA.

The responsible employee can determine the appropriate rate by using the BAH Calculator located at the following website: www.defensetravel.dod.mil/site/bahCalc.cfm. Select the appropriate year, enter the zip code of the facility, agency or employer, and select the E-5 pay grade, then hit the Calculate button. The correct rate is listed under E-5 with dependents. If the rate is less than the previous year, determine whether the Veteran qualifies for continued payment at the previous year's rate.

Guidelines for the EAA rate of payment are provided under Section A, Chapter 3.06 of this part.

c. Dependents

The employee responsible for processing EAA payments must ensure that the dependent(s) of the Veteran is/are appropriately added or removed by reviewing the dependency screen in BDN and Corporate WINRS (CWINRS). Guidelines for adding dependents are provided under Section A, Chapter 3.06 of this part.

d. Out-of-System Payment

EAA payment is customarily paid out-of-system except for an authorized one-time retroactive EAA payment for a period of 60 days that is paid through BDN. An out-of-system payment is entered in BDN by Finance only

and is not charged against the Veteran's entitlement. This payment must be authorized on VAF 28-0846 and submitted to Finance for appropriate action. (See section 10.05.a of this chapter for instructions in completing this form.)

For further information, the case manager may refer to the Finance manual for processing out-of-system payment. (See Reviewer's Notes)

e. Processing EAA Payment in the Benefits Delivery Network (BDN)

BDN processing is performed only for cases in which retroactive EAA authorization is justified. The CADJ command will be accessed using the 780 series End Products.

The BDN screen below is a ready screen, which requires the following entries.

- Command Enter CADJ and the User's pass code
- Screen Number Enter 435
- Payee Number Enter Veteran's claim number
- Payee Number Enter 00
- End Produce Code Enter 780
- Benefit Enter ch31
- Stub Name Enter Veteran's First name initial and first four letters of Veteran's Last Name
- Press ALT/Enter to advance to the next screen.

The screenshot shows a terminal window titled "Softerm - Modular - VACO". The main display area has a dark blue background with white text. At the top, it says "READY". Below that, the following fields are displayed:

| | | | |
|------------------|---------------|-----|-----|
| COMMAND | cadj ~ | | |
| SCREEN NUMBER | 435 | | |
| FILE NUMBER | 101060035 | | |
| PAYEE NUMBER | 00 | | |
| END PRODUCT CODE | 780 | | |
| BENEFIT | ch31 | | |
| STUB NAME | I hawk | | |
| FULL NAME | | | |
| FIRST | I | | |
| MIDDLE | | | |
| LAST | hawk | | |
| SUFFIX | | | |
| SOC SEC NUMBER | | | |
| SERVICE NUMBER | BRANCH | E00 | RAD |
| DATE OF BIRTH | DATE OF DEATH | | |
| REGIONAL OFFICE | | | |
| INSURANCE NUMBER | | | |
| REQUESTOR ID | ~ | | |

At the bottom of the window, there is a status bar with several buttons and fields:

- Buttons: Online, Connect (with a green dot icon), Full Duplex, Capture Off, Ic, NumLock, Mark On (with a magnifying glass icon).
- Fields: 04/24/2012 4:52PM, Line: 15 Col: 024.

The next screen below displays the 101 screen. Make the appropriate entries in the following:

- | | |
|-----------------------|--------------------------------|
| • Power of Attorney | Enter code, if any |
| • Section/Unit Number | Enter the User's assigned code |
| • Date of Claim | Enter current date |

Press ALT/Enter to advance to the next screen.

| Softerm - Modular - VACO | | | | | | | | | |
|--|--|---|--|---------------|--|---|--|-------------------|--|
| File Edit Options Preferences Help | | | | | | | | | |
| 101 | | PENDING ISSUE CONTROL ESTABLISHMENT | | | | 04-24-12 | | | |
| FILE NUMBER | | 101 06 0035 00 END PRODUCT 780 CH31 | | | | NAME L | | HAWK | |
| NAME AND ADDRESS | | L HAWK 275 CHESTNUT ST HINES TEST CASE MANCHESTER, NH 03101 | | | | NAME LINE NO POWER OF ATTORNEY ALG FIDUCIARY FILE LOC | | | |
| | | VET STUB NAME | | | | L HAWK | | | |
| BENE STUB NAME | | BENE BIRTH DATE | | | | | | | |
| END PRODUCT CODE | | SECTION/UNIT NO | | | | 8373 | | | |
| DATE OF CLAIM | | 04-24-12 | | | | SUSPENSE DATE | | | |
| GW REGISTRY PERMIT | | FUTURE REASON | | | | | | | |
| SUPPRESS ACKNOWLEDGEMENT LETTER | | SPECIAL ISSUE CASE | | | | | | | |
| | | DISPOSITION DATA | | | | | | | |
| FOLDER WITH CLAIM | | DISPOSITION | | | | | | | |
| | | FOLDER REQUEST | | | | | | | |
| PREPARE | | FROM FILES | | FROM OTHER VA | | OTHER FOLDER DELAY | | | |
| | | | | | | NEXT SCREEN 435 | | | |
| <div> <div>Online</div> <div> Connect</div> <div>Full Duplex</div> <div>Capture Off</div> <div>lC</div> <div>NumLock</div> <div>04/24/2012 4:53PM</div> <div> Mark On</div> </div> | | | | | | | | | |
| READY | | Replace | | Form | | Roll | | Line: 22 Col: 079 | |

The responsible employee must review the 434 screen and update dependency information, if necessary, ensure that the facility code for last period of training is consistent with the type/rate of EAA, and complete all necessary fields on the 435 screen:

- | | |
|----------------------------|--|
| • Effective Date | Enter the appropriate begin date |
| • Begin Reason Code (RSN) | Enter EA |
| • No Pay Date | Enter a no-pay date that is 60 days after begin date |
| • No Pay Reason Code (RSN) | Enter EA |

- Dependency Code (DEP) Enter the appropriate number of dependents (e.g., 00/00, 12/12, 81/81)
- Type of Training (TYP TNG) Enter the type of training based on the last running award or last training the Veteran had pursued (e.g., IHL = B, NCD = C, OJT = G, Graduate IHL = A)
- Training Time (TRNG TIME) Enter 4
- Type of Training (T) Enter S for IHL, C for NCD or OJT
- Number of Credits/Hours (HRS) Enter 12 for IHL, 22 for NCD, 40 for OJT
- Press F10 to go to the Next Screen field and type GAD (Generate Award Data) to ensure there are no errors in the data entered.

Softerm - Modular - VACO

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 04-24-12

FILE NUMBER 101 06 0035-00 END PRODUCT 780 NAME L HAWK

STOP SUSPEND RESUME DATE LAST PAID 10-01-10

REMAIN ENT ENT USED 12-00 TERM DATE 01-01-12 ENT CODE 07

PAY STATUS A-RUNNING IWRP CODE 050 CASE STATUS REHAB TO EMP

FACILITY 1-1-0044-11 SER EMP HDCP Y DEVELOP MIT CIRC

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 10-01-10 00 10-01-11 61 554.22 00/00 B 4 S 10

MR

MR

MR

02-24-12 ea 04-24-12 ea 00/00 b 4 s 10

NEXT SCREEN gad

Online Connect Full Duplex Capture Off lc NumLock 04/24/2012 4:54PM Mark On

READY Replace Form Roll Line: 22 Col: 079

The next screen displays the Generate and Display review of the entries. Press F10 to go to the Next Screen field and type GAP (Generate and Print). This will automatically generate the Education Award Sheet, VAF 22-8945.

The responsible employee may review the PINQ screen to verify that there is a pending transaction (11R) for payment.

Softerm - Modular - VACO

File Edit Options Preferences Help

435 CHAPTER 31 AWARD 04-24-12

FILE NUMBER 101 06 0035-00 END PRODUCT 780 NAME L HAWK

STOP SUSPEND RESUME DATE LAST PAID 10-01-10

REMAIN ENT 36-00 ENT USED 12-00 TERM DATE 01-01-12 ENT CODE 07

PAY STATUS A-RUNNING IMRP CODE 050 CASE STATUS REHAB TO EMP

FACILITY 1-1-0044-11 SER EMP HDOP Y DEVELOP MIT CIRC

EARLIER 00 LATER 00

EFFECTIVE NO PAY SPEC DEP TYP TRNG HRS WITHHOLD

DATE RSN DATE RSN CODE RATE TO/TH TNG TIME T NO TYPE AMT

MR * 10-01-10 00 10-01-11 61 554.22 00/00 B 4 S 10

MR

MR

MR

02-24-12 EA 04-24-12 EA 566.97 00/00 B 4 S 10

NEXT SCREEN gap

Online ☒ Connect Full Duplex Capture Off lc NumLock 04/24/2012 4:57PM ☐ Mark On

READY Replace Form Roll Line: 22 Col: 079

The next screen provides the Ready Screen, which requires the following entries.

- Command Enter CAUT and the User's pass code
- Screen Number Enter 501
- Payee Number Enter Veteran's claim number
- Payee Number Enter 00
- End Produce Code Enter 780
- Benefit Enter ch31
- Stub Name Enter Veteran's First name initial and first four letters of Veteran's Last Name
- Press ALT/Enter to advance to the next screen

The screenshot shows a terminal window titled "Softerm - Modular - VACO". The window has a menu bar with "File", "Edit", "Options", "Preferences", and "Help". The main display area has a blue background with white text. At the top, it says "READY". Below that, the command "caut ~" is entered. A list of fields follows, each with a value: SCREEN NUMBER (501), FILE NUMBER (101060035), PAYEE NUMBER (00), END PRODUCT CODE (780), BENEFIT (ch31), STUB NAME (I hawk), FULL NAME (I), FIRST (I), MIDDLE, LAST (hawk), and SUFFIX. Below these, there are fields for SOC SEC NUMBER, SERVICE NUMBER, BRANCH (E00), RAD, DATE OF BIRTH, DATE OF DEATH, REGIONAL OFFICE, INSURANCE NUMBER, and REQUESTOR ID (~). At the bottom of the main display area, it says "PROCESSING COMPLETED - START NEW COMMAND ON THIS READY SCREEN". The bottom of the window has a status bar with buttons for "Online", "Connect" (with a green circle icon), "Full Duplex", "Capture Off", "Ic", "NumLock", a date/time display "04/24/2012 4:59PM", and "Mark On". Below the status bar, there is a row of buttons: "READY", "Replace", "Form", "Roll", and "Line: 15 Col: 024".

```

Softerm - Modular - VACO
File Edit Options Preferences Help

READY

COMMAND      caut ~

SCREEN NUMBER  501
FILE NUMBER   101060035
PAYEE NUMBER   00
END PRODUCT CODE 780
BENEFIT       ch31
STUB NAME     I   hawk
FULL NAME     I
FIRST         I
MIDDLE
LAST          hawk
SUFFIX

SOC SEC NUMBER
SERVICE NUMBER      BRANCH      E00      RAD
DATE OF BIRTH        DATE OF DEATH
REGIONAL OFFICE
INSURANCE NUMBER
REQUESTOR ID ~
PROCESSING COMPLETED - START NEW COMMAND ON THIS READY SCREEN

Online  Connect  Full Duplex  Capture Off  Ic  NumLock  04/24/2012 4:59PM  Mark On

READY  Replace  Form  Roll  Line: 15 Col: 024

```

The next screen provides the 501 screen for authorization of the award.

- Type Y in the Authorized field.
- Press Alt/Enter

| Softerm - Modular - VACO | | | | | | | | | |
|---|--|--------------------------------|--|---------------------|--|-------------|----------|----------------|--|
| File Edit Options Preferences Help | | | | | | | | | |
| 501 | | AUTHORIZATION | | | | | 04-24-12 | | |
| FILE NUMBER | | 101 06 0035-00 | | END PRODUCT | | 780-CH31 | | NAME L HAWK | |
| TRANSACTION | | 11R CH31 REOPENED AWARD | | | | | | RELATED ISSUES | |
| | | | | | | | | PAYEE # EPC | |
| y | | AUTHORIZED | | SUPPLEMENTAL PYMT | | | | | |
| | | COLLECTION CODE | | AMOUNT | | | | | |
| | | LETTER SUPPRESSOR | | FOLDER PULL REQD | | | | | |
| | | SC DEATH PENDING | | SECTION 156 REPS | | | | | |
| | | OVERPAYMENT PARAGRAPH | | AUD REL A/R | | DOCUMENT NO | | | |
| | | CHANGE END PRODUCT | | SERVICE VERIFIED | | | | | |
| | | CONTINUE CONTROL SUSPENSE DATE | | RATING BOARD ACTION | | | | | |
| | | CANCEL PENDING ISSUE | | | | | | | |
| | | ESTABLISH NEW ISSUE | | | | | | | |
| SPECIAL LETTER ATTACHMENTS | | | | | | | | | |
| CLOTHING ALLOWANCE (21-8678) | | | | | | | | | |
| SPECIALLY ADAPTED HOUSING (26-4555) | | | | | | | | | |
| AUTOMOBILE ALLOWANCE (21-4502) | | | | | | | | | |
| CHAPTER 31 ELIGIBILITY (28-8890 28-1900) | | | | | | | | | |
| SPOUSE CHILD CHAPTER 35 ELIGIBILITY (22-73-3 22-5490) | | | | | | | | | |
| ADD'L DEVELOPMENT PARAGRAPHS | | | | | | | | | |
| FILE NUMBER: | | PAYEE: 00 | | EPC: | | BENE: CH31 | | NEXT SCREEN | |
| <div> <div>Online</div> <div><input checked="" type="checkbox"/> Connect</div> <div>Full Duplex</div> <div>Capture Off</div> <div>lc</div> <div>NumLock</div> <div>04/24/2012 5:02PM</div> <div><input type="checkbox"/> Mark On</div> </div> <div> <div>READY</div> <div>Replace</div> <div></div> <div></div> <div>Form</div> <div>Roll</div> <div></div> <div></div> <div>Line: 07 Col: 016</div> </div> | | | | | | | | | |

The employee responsible may verify that the payment has been authorized on the M26 screen. The screen below shows the authorized payment from the example above.

Softerm - Modular - VACO

File Edit Options Preferences Help

M36 CH31 AWARD DATA 04-24-12

FILE NUMBER 101 06 0035-00 NAME L HAWK

DATE LAST PAID 10-01-10 FACILITY 1-1-0044-11 ENT CODE 07

EFFECTIVE DATE *10-01-10 02-24-12

EFFECTIVE RSN 00 EA

NO PAY DATE 10-01-11 04-24-12

NO PAY RSN 61 EA

SPEC CODE

MONTHLY RATE 554.22 566.97

DEPEND TOT/TMS 00/00 00/00

HOURS TYPE/NO S/10 S/10

TRAINING TYPE B B

TRAINING TIME 4 4

WITHHOLD TYPE

WITHHOLD AMT

JRNMYM MONTHLY WAGE

TRAINEE MONTHLY WAGE

FACILITY 11004411 11004411

EARLIER PERIODS 00 LATER PERIODS 00

NEXT SCREEN

Online ☒ Connect Full Duplex Capture Off Ic NumLock 04/24/2012 5:03PM ☐ Mark On

READY Replace Form Roll Line: 21 Col: 002

Additionally, the Chapter 31 Transaction/Payment Histories (M38) screen provides the date the transaction is authorized and the amount of payment. See the sample screen below.

Softerm - Modular - VACO

File Edit Options Preferences Help

M38 CH31 TRANSACTIONS/PAYMENT HISTORIES 04-24-12

FILE NUMBER 101 06 0035-00 NAME L HAWK STA NUM 317

| DATE | TRANS | DATE | TRANS | DATE | TRANS | DATE | TRANS |
|----------|-------|----------|-------|----------|-------|----------|-------|
| 04-24-12 | 11R | 04-24-12 | 81R | 03-05-12 | 80C | 03-05-12 | 80C |
| 03-05-12 | 80C | 03-05-12 | 80C | 01-26-12 | 80C | 01-26-12 | 80C |
| 01-26-12 | 22 | 01-26-12 | 03R | 04-18-11 | 80C | 12-13-10 | 80C |

| DATE | TRANS | COST | PAY AUTH | PROCEEDS | OFFSET AMT | PAYMT AMT |
|--------|-------|------|----------|----------|------------|-----------|
| TOTALS | | | | | | |

NEXT SCREEN

Online ☒ Connect Full Duplex Capture Off Ic NumLock 04/24/2012 5:05PM ☐ Mark On

READY Replace Form Roll Line: 22 Col: 076

The case manager must ensure that the generated VAF Form 22-8745 is signed and filed on the left flap of the Veteran's CER folder.

10.06 Responsibilities and Accountability

a. Primary Responsibility for Processing EAA

1. Finance Section

The Finance section is essentially responsible for processing regular EAA payments as out-of-system in BDN.

2. VR&E Office

The VR&E Office is primarily responsible for processing retroactive EAA payments in BDN.

b. Responsibilities for Ensuring Accuracy and Timeliness

The employee responsible for processing EAA payments must review and take the appropriate actions for the items listed below to ensure accuracy and timeliness of payment:

1. Eligibility Termination Date (ETD)

EAA payment may only be authorized for a Veteran with expired ETD if he/she has been determined to have a Serious Employment Handicap (SEH) and the SEH indicator is updated in CWINRS and BDN. If a Veteran's ETD has expired and a determination for SEH has not been made, the responsible employee must return VAF 28-0846 to the case manager for further actions.

2. Duplication of Payment

Prior to processing an EAA payment, the employee responsible must ensure that EAA has not already been paid to the Veteran by reviewing the Veteran's Chapter 31 Payment History. If EAA has been paid, he/she must return VAF 28-0846 to the case manager for further actions.

3. Veteran's Collection of Indebtedness

If a Veteran's Chapter 31 Payment History reflects that the Veteran has an existing debt, the employee responsible must advise the case manager about the indebtedness. The case manager must inform the

Veteran that the EAA payment will be processed; however, he/she will not receive the payment, as it will be applied to his/her present debt. This notification must be documented in CWINRS Notes.

4. Timeliness of Payment

- (a) The VR&E office must submit the EAA Authorization, VAF 28-0846, to the Regional Office (RO) Finance section within five workdays after the case manager has completed it.
- (b) The Veteran's Chapter 31 Payment History in BDN must be monitored regularly to ensure that payment is released to the Veteran in a timely manner. If an EAA payment has not been released after 15 days from the day payment was submitted to Finance for processing, the employee responsible must follow up with Finance to determine the cause of the delay in payment. The employee responsible must document this verification in CWINRS Notes.
- (c) EAA paid after 30 workdays of submission of VAF 28-0846 to Finance is considered unduly delayed if there is no documented reasonable explanation or mitigating circumstances for the delay. The explanation for the delay must be documented in CWINRS Notes and a copy must be filed on the left flap of the Veteran's CER folder.

Chapter 1 FOREIGN CASES OVERVIEW

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1.02 References and Resources

1.03 Definitions

- a. Legal Residence
- b. Abroad or Outside the United States
- c. Foreign Case
- d. Criteria for Establishing Legal Residence in a Foreign Area

1.04 Chapter 31 Services for Foreign Cases

- a. Application Processing and Eligibility Determinations
- b. Initial Evaluations and Entitlement Determinations
- c. Rehabilitation Plan Development
- d. Case Management
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Chapter 1 FOREIGN CASES OVERVIEW

1.01 Introduction

This chapter is an overview of M28R, Part V, Section C, which provides guidelines on processing and managing Vocational Rehabilitation and Employment (VR&E) services for Veterans who reside outside the United States (U.S.). The procedures for foreign cases cover the different phases of the Department of Veterans Affairs (VA) VR&E services, which include application processing, conducting initial evaluation and entitlement determination, developing and implementing rehabilitation plans, and administering financial responsibilities and accountabilities.

1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3114

Regulations: 38 Code of Federal Regulations (CFR) 21.130

1.03 Definitions

a. Legal Residence

Legal residence is defined as the permanent fixed place of residence at a specific address to which one intends to return despite temporary absences or residence elsewhere.

b. Abroad or Outside the United States

Abroad or outside the U.S. refers to any location not within the United States, territories and possessions of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, or the Republic of the Philippines.

c. Foreign Case

A case is considered foreign if one of the following two circumstances exists:

1. The Veteran is, or will be, residing abroad and he/she requires an initial evaluation and possible subsequent development of a vocational rehabilitation plan, or

2. The Veteran has been pursuing a rehabilitation program in the U.S. and, as part of the rehabilitation plan, needs a period of training outside the U.S. to meet the occupational requirements of the vocational goal.
- d. Criteria for Establishing Legal Residence in a Foreign Area
1. The Veteran has accepted employment overseas.
 2. The Veteran is married to a foreign national.
 3. The Veteran is a spouse of an active duty Servicemember assigned overseas.
 4. The Veteran is accompanying his/her spouse, who is employed overseas.

1.04 Chapter 31 Services for Foreign Cases

All aspects of Chapter 31 service delivery for foreign cases, to include processes for providing VR&E services, roles and responsibilities of each stakeholder, documentation requirements, and case management are the same as for non-foreign cases, with the exception of payment processing. Payments to facilities with foreign addresses are made through the Benefits Delivery Network (BDN) since foreign banking addresses cannot be vendorized through the Financial Management System (FMS), and therefore cannot be processed through the Corporate WINRS (CWINRS).

a. Application Processing and Eligibility Determinations

For additional information on application processing and entitlement determinations, refer to M28R.IV.A.2.

b. Initial Evaluations and Entitlement Determinations

For additional information on the initial evaluation and entitlement determination process, see to M28R.IV.B.

c. Rehabilitation Plan Development

For additional information on plan development, refer to M28R.IV.C.

d. Case Management

For additional information on case management services, refer to M28R.V.A.

e. Financial Responsibility and Accountability

For additional information on financial responsibility and accountability, refer to M28R.V.B.

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- 2.02 References and Resources
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Chapter 2 GENERAL PROGRAM INFORMATION ON FOREIGN CASES

2.01 Introduction

The Department of Veterans Affairs (VA) provides Vocational Rehabilitation and Employment (VR&E) services outside the United States (U.S.) to ensure that Veterans who train or reside outside the U.S. receive services and other assistance of the same quality as Veterans training in the U.S. This chapter provides general guidelines for providing VR&E services for Veterans residing in a foreign country; identifies VA Regional Offices (RO) that are assigned jurisdiction for foreign cases; discusses the conditions for transferring foreign cases; outlines how to authorize travel for Veterans residing in a foreign location; and discusses the selection and approval of training facilities abroad. Statutory and regulatory guidance is provided throughout the chapter.

2.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3114
38 U.S.C. 3120

Regulations: 38 Code of Federal Regulations (CFR) 21.130
38 CFR 21.294
38 CFR 21.4250
38 CFR 21.4260

Resource: Veterans Health Administration (VHA) Handbook 1400.06

Websites: www.gibill.va.gov

2.03 Jurisdictional Guidelines for Foreign Cases

The following table provides information on ROs that provide and/or arrange for the provision of vocational rehabilitation services for Veterans residing and/or receiving services outside the U.S.:

| Jurisdictional RO | Country/Providence/State |
|-------------------|--|
| Albuquerque, NM | Chihuahua Mexico |
| Anchorage, AK | Yukon, Canada |
| Buffalo, NY | Ontario, Canada (Thunder Bay and east) |
| Fargo, ND | Manitoba, Canada Ontario, Canada (Thunder Bay and west) Saskatchewan, Canada |
| Ft. Harrison, MT | Alberta, Canada |

| | |
|--------------------------|--|
| Honolulu, HI | Asia: <ul style="list-style-type: none"> • China • Hong Kong • India • Indonesia • Japan • Okinawa • Pakistan • Singapore • South Korea • Thailand • Taiwan Australia New Zealand Pacific Islands: <ul style="list-style-type: none"> • American Samoa • Guam • Johnston Atoll • Midway Island • Pohnpei • Saipan |
| Houston, TX | Caribbean Central America Republic of Mexico South America |
| Phoenix, AZ | Sonora, Mexico |
| Pittsburgh, PA | Africa (including the Malagasy Republic) Europe Middle East (including Iran and Afghanistan) |
| San Diego, CA | Philippines |
| San Juan, PR | Culebra Vieques U.S. Virgin Islands |
| Seattle, WA | British Columbia, Canada |
| Togus, ME | New Brunswick Newfoundland Nova Scotia Prince Edward Island Quebec, Canada (east of Montreal, Canada) |
| White River Junction, VT | Quebec, Canada (west of Montreal, Canada) |

2.04 Transferring Foreign Cases

a. Transferring an Application

If a VR&E office receives an application from a Veteran who resides in a foreign area jurisdiction and the claims folder is available, priority will be given to expedite the processing of the application. This includes:

1. Obtaining a copy of the letter notifying the Veteran of a disability rating, and disability rating.
2. Forwarding the Veteran's application, copies of rating notification letter and disability rating to the RO with foreign area jurisdiction as outlined in section 2.03.

b. Transferring a Case Prior to Development of a Rehabilitation Plan

If a VR&E office receives an application from a Veteran who is currently residing within its jurisdiction, but is planning to relocate to a foreign area jurisdiction, the application will be processed in accordance with M28R.IV.A. The Veteran will be provided with a comprehensive initial evaluation in accordance with M28R.IV.B. Once the Veteran has established legal residence in a foreign area, the Veteran must provide the current VR&E office his/her foreign area address and telephone number. The transferring office must coordinate transfer of his/her case with the receiving office immediately, as outlined in M28R.III.A.3. The receiving office will develop the rehabilitation plan and provide the rehabilitation services.

c. Transferring a Case after the Development of a Rehabilitation Plan

If a Veteran, who currently resides in a VR&E office's jurisdiction and is pursuing a rehabilitation program, notifies the office of a pending relocation to a foreign area jurisdiction, the office must ensure that the Veteran has established legal residence in the foreign area of jurisdiction prior to transfer of his/her case. Once the Veteran provides the foreign area address and telephone number, the VR&E office must coordinate the case transfer to the RO with foreign area jurisdiction as outlined in M28R.III.A.3. The receiving RO with foreign area jurisdiction must update the plan, if necessary, and provide the rehabilitation services.

2.05 Travel Authorization for Foreign Cases

a. VA Employees

The Under Secretary for Benefits (USB) must approve foreign area travel for VA employees unless otherwise delegated to the Director of the Regional

Office. Procedures for processing requests for foreign travel is outlined in VHA Handbook 1400.06, which can be accessed at vaww1.va.gov/vhapublications/ViewPublication.asp?pub_ID=2151

b. Veterans

The VR&E Officer (VREO) must authorize all expenses associated with round-trip travel, including meals, lodging, ground transportation, and other incidental expenses, at the same rate and under the same instructions and conditions as for travel in the U.S. Travel originates from the Veteran's home outside the U.S. to either a contractor's site outside the U.S., or an RO in the U.S.

Example: If a Veteran needs an initial evaluation and lives in Canada, VA pays for travel from the Veteran's home in Canada to the RO in the U.S. that has jurisdiction over the particular foreign area.

c. Travel Arrangements with a Veteran Residing Outside the U.S.

The Vocational Rehabilitation Counselor (VRC) must work closely with the Veteran to arrange travel with sufficient time for the Veteran to adequately plan transportation to and from the airport by the most economical means available and in a manner that not cause hardship to the Veteran.

d. Duration of Travel

The duration of travel is dependent upon the distance between the Veteran's home and the RO or contractor that will be providing VR&E services. If the Veteran has to travel a great distance, it is feasible that the travel may take up to three to four days, as outlined below:

1. Day One

The first day is generally a day to travel to the site of the appointment.

2. Day Two

The second day is for scheduled appointments for initial evaluations; re-evaluations; plan development; etc.

3. Day Three

The third day can be used for additional appointments if needed, or for return travel to Veteran's home.

4. Day Four

If needed, the fourth day is generally a travel day for the Veteran to return home.

e. Veteran Requests to Extend Travel

If the Veteran wishes to return home later than the scheduled date, the Veteran must be informed that VA will not reimburse lodging and meal costs from the last date of service to the date of return to his/her home. The costs will be at the Veteran's expense.

All return travel must be made from the city in which VA furnished the service to the Veteran's home. If the Veteran travels to another location, return travel to the Veteran's home may be from that point only if the travel costs are less than the Government would pay for travel from the site of the service. If the cost of travel to another location exceeds the Veteran's return to his/her home, he/she is responsible for paying the excess amount.

f. VA Requests to Extend Travel

The VA may request to extend the Veteran's travel in order to provide sufficient time to receive all necessary services associated with the scheduled appointment. If the Veteran's stay needs to be extended beyond the anticipated date of return, the following items must be arranged until the actual departure time:

1. A new return ticket for the Veteran.
2. Extended overnight accommodations.
3. Payment for meals and other related expenses.

g. Arranging Commercial Airline Travel

VA may arrange travel to a site in the U.S. by commercial aircraft, unless the travel is originating from an area in Mexico or Canada near the U.S. border.

1. The case manager must document in Corporate WINRS (CWINRS) notes approval for the Veteran's travel and other associated expenditures.
2. The case manager will coordinate with the RO's Support Services Division (SSD) to purchase the Veteran's airline ticket using the RO's Centrally Billed Account (CBA) travel card. Refer to M28R.V.B.6 for additional details.

h. Using a Military Transport Aircraft

If a Veteran residing outside the U.S. applies for VR&E services and states in writing that he/she wishes to travel to the site by military rather than commercial aircraft, the VR&E office must cooperate by being flexible in making an appointment and providing the evaluation. It is important to note that the use of military transport aircraft is limited primarily to military retirees.

i. Lodging and Meals for Foreign Cases

The VR&E office must arrange for meals and lodging for Veteran's travel involving overnight travel, air travel, air travel by a military aircraft or travel outside the U.S., if they are a necessary part of the travel. Payment must be made in the most economical manner.

Note: VA will not pay for lodging or meals for any period once a Veteran has reported to a military air facility and is waiting for a flight.

j. Notifying the Veteran of Travel Arrangements

The requirements for the standard appointment letter for Veterans residing outside the U.S. must include the following information:

1. VA will pay reasonable travel costs for the Veteran to report to the scheduled appointment with VR&E.
2. Costs include travel from home to the RO and return.
3. Flight information, including name of the city and airport from which the flight(s) will originate, name of the airline, flight number(s), date and time of flight(s).
4. Name, address, and phone number of the hotel where the Veteran's lodging is reserved.
5. Instructions on how the Veteran should proceed to the hotel (taxi, bus, or other commercial ground transportation).

2.06 Training Facilities for Foreign Cases

a. Selecting Training Facilities Abroad

For training outside the U.S., the VRC may only authorize use of facilities that meet the criteria contained in 38 CFR 21.294(g). If a course does not meet these criteria, the VREO must obtain such approval before considering

the course for Chapter 31 participants. The VREO will coordinate with VA's Education Service to secure course approval for the following:

1. Facility and Course Selection

Under 38 CFR 21.294(g), VA may use facilities and courses of study outside the United States under Chapters 31, but only if the facilities and courses meet the requirements for approval under 38 CFR 21.4250(c) and 21.4260. These regulations require that the Veteran pursue training leading to a college degree.

2. Foreign Branches of U.S. Colleges and Universities

3. Courses Offered by Foreign Colleges and Universities

4. Course Approved by State Approving Agency (SAA) or Education Service

Although the SAA or the Director of Education Service has already approved the course of study that the Veteran has elected, the VRC must ensure that the institution agrees to conform to Chapter 31 requirements, including provisions for payment of tuition, fees, and supplies.

The VREO must ensure that coordinated efforts are made with the Education Liaison Representative (ELR) to secure the additional necessary information to determine whether Veterans may use the course of study for Chapter 31 program participants.

- b. Approving Agency/Department

1. SAA

SAA approves the foreign branch of a university or college based in the U.S, as well as facilities offered by foreign branches of colleges and universities based in the U.S. in the same manner as those offered by the parent schools in the U.S.

2. Foreign School Approval Group

Foreign school approval group approves foreign college or university. For more information on approvals by the VA Director of Education Service for foreign colleges and universities, go to www.gibill.va.gov

c. Obtaining Approval for Facilities Outside the U.S.

If the necessary training course is at a facility outside the U.S. that has not been approved by SAA or VA Education Service, the VR&E office must obtain approval according to M22-4, Part IX, Chapter 5.

2.07 Using Contractors for Foreign Cases

a. Arranging Contracting Services in Foreign Cases

The RO that has jurisdiction over the foreign case makes the contractual agreements to provide counseling and other services.

b. Selecting Service Providers Outside the U.S.

VR&E makes contractual arrangements with the following service providers outside the U.S.:

1. National Acquisition Strategy Contract approved vendors
2. Counseling centers
3. Qualified individual professionals
4. Professional staff members of other federal agencies located in the area in which the Veteran resides

Note: Qualified professional counselors may be at schools and other establishments, on military bases, or in private practice. In Canada, they may be providing similar services to Veterans with disabilities of the Canadian Department of Veterans Affairs (CDVA).

c. Qualifications of the Contract Counselor for Foreign Cases Selecting Service

Contract counselors are generally expected to meet the educational and experience requirements applicable to a VRC in the VR&E Division. However, applicants with these qualifications may not be available in the foreign areas. The VREO should exercise good judgment on selecting contract service providers. For more information about the qualifications on case management positions in the VR&E Division, refer to M28R.II.A.3.

d. Contract Counseling Services Outside the U.S. is not Available

When the services of a contract counselor outside the U.S. is not available, or it is not practical to use contract counseling services outside the U.S., or an acceptable individual practitioner is not available under contract, the

VREO must arrange an appointment with a contract counseling provider inside the U.S., and arrange for travel.

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3.09 Financial Responsibility and Accountability for Foreign Cases

- a. Agencies Used to Coordinate Payments for Service Providers Outside U.S.
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- c. Direct Reimbursement for Service Foreign Branch of College or University

3.10 Foreign Medical Program (FMP)

- a. Description
- b. Responsibilities
- c. Contact Information for the FMP Office
- d. FMP Enrollment
- e. Chapter 31 and the FMP
- f. Referral to the FMP for Non-Service Connected Disability (NSCD) Treatment
- g. Submitting Claims to the FMP for Payment

3.11 Work Study Abroad

- a. Work-Study Approval
- b. Work-Study Allowance

Appendix O. VA Forms

Chapter 3 CASE MANAGEMENT FOR FOREIGN CASES

3.01 Introduction

This chapter includes information on the development of Vocational Rehabilitation and Employment (VR&E) rehabilitation plans and managing cases for Veterans who reside outside the United States (U.S.) and are receiving VR&E services. It also provides information on the coordination and types of services, and procedures on fiscal responsibilities for foreign cases. Statutory and regulatory references are provided throughout the chapter.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3114
 38 U.S.C. 3120
 38 U.S.C. 3485

Regulations: 38 Code of Federal Regulations (CFR) 21.130

VA Forms (VAF): VAF 28-8861, Request for Medical Services-Chapter 31

Websites: www.state.gov
 www.usembassy.state.gov
 www.va.gov/hac/forbeneficiaries/fmp/fmp.asp
 www.va.gov/hac/factsheets/fmp/FactSheet01-30.pdf
 www.veterans.gc.ca/eng

3.03 Assistance for Foreign Cases

a. Available Resources

The following table provides additional sources available for assistance with foreign cases:

| Source for Assistance | Contact Information |
|--|---|
| American Embassies in Foreign Countries | Varies by location. Refer to www.usembassy.state.gov for contact information of all American Embassies worldwide |
| Canadian Department of Veterans Affairs (CDVA) | CDVA Foreign Operations Branch P.O. Box 8476 Ottawa, Ontario, KTG 38H9 Attn: Service Director |

| | |
|---------------------|--|
| | Telephone Number: 9-613-998-3667 www.veterans.gc.ca/eng |
| Department of State | Director, Office of Special Consular Services The Department of State Washington, DC 20520 Attn: Federal Agencies Section www.state.gov |

b. Types of Assistance

The assistance provided by the American embassies, Department of State, and CDVA include:

- Identifying service providers
- Arranging for counseling and other services
- Following up on the status of individual Veterans with schools or other facilities

Note: In addition, the American embassies also provide general information and assistance, as well as arranging for physical examinations as requested by the Veterans Service Center (VSC) Manager at the Pittsburgh Regional Office (RO).

c. Authority for Correspondence with Sources of Assistance

Generally, the authority for correspondence with one of the sources of assistance must come from the Vocational Rehabilitation and Employment Officer (VREO) from the inquiring RO.

d. Request for Assistance from Foreign Service Posts

Requests for assistance from foreign services posts must be forwarded to the office of foreign area jurisdiction, as outlined in M28R.V.C.2.

3.04 Receiving and Processing Applications for Foreign Cases

a. Responsibility for Processing Applications

The ROs responsible for processing applications for foreign cases for VR&E services are listed in M28R.V.C.2.

b. Applications Received by ROs with no Foreign Area Jurisdiction

If a Veteran residing abroad files an application at an RO that does not have jurisdiction over his/her area of residence, the receiving RO must forward the

application and other existing document or folders to the appropriate office of jurisdiction.

If a Veteran residing in the U.S. applies for Chapter 31 benefits and requests training outside the U.S., the RO that receives the application must complete the processing of application, initial evaluation and plan development.

3.05 Determining Eligibility for Training Abroad

a. Identifying the Need for Training Abroad

Training outside the U.S. may be authorized if the Veteran's education and training is determined not available in the U. S. However, the availability of training is based on current occupation information regarding the requirements for entry into the field of the Veteran's vocational goal.

In addition, a Veteran attending a training facility in the U.S. may be authorized training outside the U.S. if the facility requires that he/she pursue a period of education or training outside the U.S.

b. Authorizing Training Abroad When Training is Available in the U.S.

A Veteran may be authorized to pursue training abroad even if the training is available in the U.S. if requiring the Veteran to pursue training in the U.S. will result in a hardship to the Veteran. However, the Veteran must have a legal basis for residence in the foreign country prior to developing of his/her rehabilitation plan.

The following are samples of hardship conditions:

1. The Veteran is married to a foreign national and his or her family resides in a foreign country.
2. The Veteran's spouse is transferred to a military or civilian job in a foreign country and the Veteran accompanies his/her spouse to that foreign country.
3. The Veteran is employed in a foreign country.

It is important to note that the Veteran's desire to study abroad for personal reasons is not considered a hardship condition.

c. Denying Request to Train Abroad

A Veteran who requires continuing treatment in the U.S. while residing abroad may not be approved for a Chapter 31 program. The Veteran's travel

to the U.S. to secure ongoing treatment for a serious medical condition is generally contraindicated for medical reasons and the disruptive effect of his/her absences would prevent the Veteran from successfully pursuing a rehabilitation plan. Other arrangements must be made to provide training in the proposed program or in a different program in the U.S.

d. Extended Evaluation

A Veteran, who is determined in need of an extended evaluation to determine the reasonable feasibility of a vocational goal, must be provided with the extended evaluation services in the U.S.

If the Veteran does not wish to participate in the extended evaluation or disagrees with the determination for extended evaluation, he/she will be provided with due process.

3.06 Developing a Rehabilitation Plan

a. When to Develop a Plan

The development of a rehabilitation plan for a foreign case must be initiated as soon as the Veteran has been determined entitled to vocational rehabilitation services. Since obtaining agreement and signature on the plan remotely can delay the progress of the Veteran's rehabilitation program, attempts must be made to expedite completion of the plan prior to the Veteran's returning to his/her residence abroad.

b. Extension of the Veteran's Stay in the U.S. for Plan Development

A Veteran's stay in the U.S. may be extended to complete the development of his/her plan. For information on extending the Veteran's stay in the U.S. to complete the development of his/her plan, refer to M28R.V.C.2.

c. Identification of Issues in Providing Rehabilitation Services Abroad

The Veteran's rehabilitation plan and supporting documentation must clearly detail and address the professional and administrative issues involved in providing rehabilitation services out the U.S.

The detailed documentation is required when the training outside the U.S. is the whole, or only a part, of the Chapter 31 program.

d. Inclusion of Employment Services in the Plan

Employment services must be included as part of the Veteran's rehabilitation plan in the same manner that the employment services is incorporated in a

rehabilitation plan for a Veteran residing in the U.S. Additionally, a determination must be made whether the Department of Veterans Affairs (VA) can reasonably provide or coordinate with other agencies or organizations to provide the necessary employment services.

e. Limitations on Types of Services

1. The type of services allowed for foreign cases is limited. Rehabilitation services will not be provided under the following:
 - A plan for independent living services
 - A self-employment plan
 - A plan for extended evaluation services, which include special rehabilitation services for a period of work adjustment training to improve the Veteran's rehabilitation potential
2. If a Veteran needs an excluded service, the Veteran must agree to receive the services in the U.S. However, if the Veteran does not agree to receive the identified services in the U.S., the Veteran must be provided with the proper due process and his/her claim must be disallowed.
3. A plan for self-employment services may be provided outside the U.S. if approved by the VREO only on a case-by-case basis. The VREO must ensure that proper support and resources are available in the foreign area jurisdiction in which the Veteran resides.

Prior to approval of the self-employment plan, the Veteran must provide documentation from the government of the foreign area jurisdiction that allows him/her to engage in self-employment. In addition, the VREO must ensure that strict compliance with all aspects of the Self-employment Standards of Practice is maintained.

3.07 Case Management of Foreign Cases

a. Requirements for Face-to-Face Contact

The general requirements for frequency and face-to-face contact do not apply to Veterans training outside the U.S., including the U.S. Territories. However, Veterans abroad must adhere to the established standards of conduct and cooperation and progress toward the planned goals and objectives.

Note: Foreign cases in Canada and Mexico may allow for direct case management based on their proximity to a VR&E office. Veterans are scheduled for case management appointments in the same manner as Veterans residing in the U.S.

b. Using a Facility's Special Services

Monitoring the progress of a Veteran training abroad often requires special arrangements due to the limited and indirect contact with the Veteran. As a result, it may be necessary to coordinate for special services with the training facility to secure additional information beyond what is generally provided by the school.

c. Contracting Services

Contracting for case management services may be authorized for Veterans training outside the U.S. Contracting activities are conducted in the same manner as those services provided to Veterans residing in the U.S. under the VetSuccess contracts. Refer to M28R.V.B.4 on guidelines for establishing and implementing contracted services.

The Pittsburgh and Honolulu offices are responsible for contracting services provided in Germany and Honolulu, respectively. These are the only two countries that have contract services.

d. Amending the Rehabilitation Plan

A Veteran may be authorized to travel to the U.S. or to the nearest VR&E office when an amendment of the vocational goal or intermediate objectives of the rehabilitation are required or necessary. This required face-to-face contact is charged at VA expense and the VR&E office arranges and pays for the travel in the same manner as the beneficiary travel in the U.S.

3.08 Employment Services for Foreign Cases

a. Policy

Employment services are provided routinely to a Veteran training abroad as part of his/her rehabilitation plan.

b. Feasibility of Employment Services

The case manager must make a determination whether employment services can be reasonably provided or arranged by other agencies and organizations for a Veteran training abroad. This ensures identifying and utilizing necessary resources to assist the Veteran, residing outside the U.S., in obtaining suitable employment.

c. Potential Resources for Employment Services

If the Veteran will be returning to the U.S. following training, or resides in a country bordering the U.S., then the VRC must consider using resources in the country in which the Veteran is training, as well as in the U.S. It may be feasible to use agencies and organizations in the U.S. to assist Veterans seeking employment in countries bordering the U.S.

If the Veteran plans to reside outside the U.S. indefinitely following the completion of his/her training program, then the VRC must consider contracting with the private nonprofit agencies, and/or for-profit agencies in the foreign country.

3.09 Financial Responsibility and Accountability for Foreign Cases

a. Agencies Used to Coordinate Payments for Service Providers Outside U.S.

VA coordinates reimbursement with other federal agencies in paying service providers abroad. These include the Department of Treasury and the Department of State. When coordinating payments for service providers within Canada, the VRC should work with the CDVA. When coordinating payments for service providers in all other countries, the VRC should work with the U.S. Embassy in that country.

b. Reimbursement Processing for Service Providers Outside U.S.

The process for reimbursing service providers outside the U.S. is as follows:

1. The service provider submits a receipt for services to either CDVA or U.S. Embassy in the country.
2. The CDVA or U.S. Embassy reimburses the service provider for incurred expenses and forwards the receipt for services to the applicable RO for reimbursement.
3. The VR&E office receives, approves, and forwards the receipt for service to Finance activity for reimbursement.
4. Finance then reimburses either the CDVA or U.S. Embassy for the services paid.

c. Direct Reimbursement for Service Foreign Branch of College or University

The foreign college or university must be a VA approved facility to be directly reimbursed and must submit a request for direct reimbursement to the VR&E office. Once the request is approved, the foreign college or university must submit the voucher directly to the VR&E office who reviews and approves the voucher in the same manner as for schools in the U.S. Once approved, the voucher is forwarded to Finance for payment.

Unlike the U.S. training facilities, which are paid through the Finance Management System (FMS), all foreign training facilities are paid manually through the Benefits Delivery Network (BDN) by the Finance section at the Support Services Division of the RO of jurisdiction. The foreign facilities cannot be vendorized as their banking system differs from the U.S. bank system. However, all payments must be entered in Corporate WINRS (CWINRS) for proper tracking and auditing.

3.10 Foreign Medical Program (FMP)

a. Description

The FMP is a program established by VA to provide health care benefits to U.S. Veterans rated with service-connected conditions by VA who are residing or traveling abroad.

b. Responsibilities

The FMP is responsible for application processing, verification of eligibility, authorization of benefits and payment of claims. Under FMP, VA assumes the responsibility for payment of necessary medical services associated with the treatment of the service-connected conditions. For Chapter 31 participants, the treatment for non-service-connected conditions may also be paid.

c. Contact Information for the FMP Office

1. Except for the Philippines, all other assistance from FMP may be obtained in writing to the following address:

VA Health Administration Center
Foreign Medical Program (FMP)
P.O. Box 469061
Denver, CO 80246-9061
USA

Telephone Number: 303-331-7590
Fax Number: 303-331-7807

Email: hac.fmp@med.va.gov

2. Information for obtaining medical services in the Philippines, which include procedures for filing claims, may be obtained in writing to the following address:

VA Outpatient Clinic-Manila
Department of Veterans Affairs
PSC 501
DPO AP 96515

Telephone Number: 800-888-8782 or 011-632-318-8387

Fax Number: 011-632-310-5957

d. FMP Enrollment

For a Veteran to enroll in FMP, he/she must send the following information to the FMP office:

- Name
- Social Security Number
- VA Claim Number
- Residential and mailing address
- Copy of the Rating Decision

Once the FMP office verifies the information above, the Veteran will receive a benefits authorization letter that outlines the covered medical conditions.

e. Chapter 31 and the FMP

Under Chapter 31 benefits, Veterans may have potential entitlement to medical and dental services through VA. These benefits must be applied for on an "as needed basis" to determine eligibility. Medical and dental treatment may be provided to facilitate the Veteran's return to active participation in his/her Chapter 31 training program. The case manager must provide the FMP office with information at the beginning and ending date of the Veteran's Chapter 31 enrollment in order to determine eligibility.

For additional information regarding the FMP, refer to www.va.gov/hac/forbeneficiaries/fmp/fmp.asp

f. Referral to the FMP for Non-Service Connected Disability (NSCD) Treatment

A Veteran may be treated for his/her NSCD condition(s). However, the case manager must make the referral to the VA facility in order to authorize services for the NSCD treatment. The referral must be signed and dated by the case manager, and must specify the necessary treatment.

VA Form 28-8861, Request for Medical Services–Chapter 31, must be used to make the medical and/or dental treatment services for non-service-connected disability(ies). See Appendix O for information on how to access this form.

g. Submitting Claims to the FMP for Payment

The Veteran must submit the claim for payment of medical and dental treatment to the address provided in section 3.10(c)(1) or (2), as applicable.

For additional information on how to submit claims to the FMP, refer to www.va.gov/hac/factsheets/fmp/FactSheet01-30.pdf

3.11 Work Study Program Abroad

Work-study is available for Veterans participating in the Chapter 31 program and training abroad. Work assignments for work-study must be compatible with the Veteran's disability condition(s).

a. Work-Study Approval

Approval of VA work-study positions in foreign countries or overseas locations is subject to the following:

1. Work-Study Position to Assist VA Employee in Administering VA Program

Only a few VA employees administer VA programs overseas. These employees are usually assigned at specific sites, such as at military installations or at specific overseas locations. Only positions directly related to assist a VA employee in administering VA programs, such as the Transition Assistance Program (TAP), may be approved at an overseas location.

2. Work-Study Position at a Branch Facility Located Overseas

Work-study positions may be approved at a branch of a U.S. training facility located overseas. Examples of these schools include the University of Maryland European division and the University of Maryland Asian division. The limitations on the assigned duty for the work-study students overseas are the same with those work-study students in the US.

3. Work-Study Position in the Federal Benefits Unit (FBU) of a United States Embassy or Consulate

The work-study position in the FBU may be approved. However, it is restricted to performing outreach services only.

4. Work-Study Position at VA Facilities in the Philippines

This work-study position may be approved and is limited to providing administrative support at VA facilities in the Philippines.

b. Work-Study Allowance

Refer to M28R.V.A.3, Monetary Assistance, for detailed guidelines on authorizing and processing the work-study allowance.

Chapter 1 OVERVIEW OF SPECIAL CIRCUMSTANCES

- 1.01 Introduction
- 1.02 References and Resources
- 1.03 Types of Special Circumstances that Require Benefit Changes
 - a. Servicemembers Found Fit for Duty
 - b. Veterans Participating in the Chapter 31 Program Recalled to Active Duty
 - c. Fugitive Felon and Incarcerated Veterans
 - d. Deceased Veterans
- 1.04 Processing Benefit Changes
 - a. Office of Inspector General (OIG)
 - b. Vocational Rehabilitation and Employment Officer (VREO)
 - c. Vocational Rehabilitation Counselor (VRC)
 - d. Veteran

Chapter 1 OVERVIEW OF SPECIAL CIRCUMSTANCES

1.01 Introduction

This chapter is an overview of M28R, Part V, Section D, which provides information on benefit changes for a Veteran with a special circumstance. It includes information on benefit changes regarding Servicemembers found entitled to Chapter 31 benefits and later determined fit to return to duty; Veterans participating in the Chapter 31 program recalled to active duty; incarcerated and fugitive felon Veterans; and deceased Veterans. The chapter also contains the statutory and regulatory provisions covering general information about these benefit changes.

1.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3108

Regulations: 38 Code of Federal Regulations (CFR) 21.46
38 CFR 21.276

1.03 Types of Special Circumstances that Require Benefit Changes

a. Servicemembers Found Fit for Duty

A Servicemember who is determined fit for duty by a Physical Evaluation Board (PEB) while participating in the Chapter 31 program may not receive further services under Chapter 31, except for employment services to ensure adjustment to the military occupation. See M28R.V.D.2 for additional information on this issue.

b. Veterans Participating in the Chapter 31 Program Recalled to Active Duty

An individual who is recalled to active duty has Veterans Affairs (VA) disability compensation payments terminated. However, the VA service-connected disability rating is not severed. If the individual is able to continue participation in the vocational rehabilitation process, he/she may continue to receive the same Chapter 31 benefits and services as a Servicemember with a memorandum rating. The Vocational Rehabilitation Counselor (VRC) may need to re-evaluate the plan of services to ensure the suitability of the current military job. 38 CFR 21.46 provides the regulatory guidance on this issue. See M28R.V.D.2 for additional information.

c. Fugitive Felon and Incarcerated Veterans

Veterans who are considered to be fugitive felons, or who are incarcerated, have limited access to Chapter 31 services. 38 CFR 21.276 provides the regulatory guidance on this issue. See M28R.V.D.3 for additional information.

d. Deceased Veterans

It is imperative that the VRC process a benefit change as soon as the death of a Veteran who is participating in the Chapter 31 program is verified to ensure that the family of the Veteran does not experience further distress by dealing with an overpayment. See M28R.V.D.4 for additional information on how to process benefit changes following the Veteran's death.

1.04 Processing Benefit Changes

The following information describes the roles and responsibilities for each stakeholder in the rehabilitation process when benefit changes are necessary.

a. Office of Inspector General (OIG)

OIG enters into agreements with law enforcement officials to provide addresses for Veterans who are fugitive felons.

b. Vocational Rehabilitation and Employment Officer (VREO)

The VREO, and/or the Assistant VREO (AVREO), ensure that a record of names and file numbers of all Veterans recalled to active military service are maintained.

c. Vocational Rehabilitation Counselor (VRC)

The VRC:

- Identifies Servicemembers and Veterans in special circumstances who are receiving Chapter 31 benefits and services
- Disallows a request for benefits when appropriate
- Interrupts the Servicemember's or Veteran's case as appropriate
- Suspends awards, such as subsistence allowance awards or Employment Adjustment Allowance (EAA) awards, and other reimbursements when development is needed

- Notifies the Servicemember or Veteran when either his/her claim is disallowed, case is interrupted, and/or benefits are suspended and/or terminated

d. Veteran

The Veteran informs the VRC of any changes in his/her circumstances, and submits appropriate documentation as necessary.

Chapter 2
SERVICEMEMBERS FOUND FIT FOR DUTY
AND VETERANS RECALLED TO ACTIVE DUTY

2.01 Introduction

2.02 References and Resources

2.03 Fit For Duty Determination

- a. Impact on Chapter 31 Services
- b. Case Closure Options

2.04 Recalled to Active Duty

- a. Impact on Chapter 31 Services
- b. Impact on Basic Period of Eligibility
- c. Impact on Subsistence Allowance and Employment Adjustment Allowance
- d. Case Closure Options

2.05 Applications Following Rehabilitation or Discontinuance

Appendix O. VA Forms

Chapter 2
SERVICEMEMBERS FOUND FIT FOR DUTY
AND VETERANS RECALLED TO ACTIVE DUTY

2.01 Introduction

This chapter clarifies policy and procedures regarding Servicemembers who are found entitled to Chapter 31 benefits, and later determined fit to return to duty; and Veterans participating in the Chapter 31 program who are recalled to active duty. Statutory and regulatory references are provided throughout the chapter.

2.02 References and Resources

Laws: 10 United States Code (U.S.C.) 688
 10 U.S.C. 12301
 10 U.S.C. 12302
 10 U.S.C. 12304
 38 U.S.C. 3100
 38 U.S.C. 3101
 38 U.S.C. 3109
 38 U.S.C. 3117

Regulations: 38 Code of Federal Regulations (CFR) 21.46
 38 CFR 21.283
 38 CFR 21.284

VA Forms (VAF): VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation

2.03 Fit For Duty Determination

a. Impact on Chapter 31 Services

A Servicemember who is determined fit for duty by a Physical Evaluation Board (PEB) while participating in the Chapter 31 program may not receive further services under Chapter 31, except for employment services to ensure adjustment to the military occupation.

b. Case Closure Options

1. Rehabilitated

The criteria for rehabilitation at closure would be met only if Vocational Rehabilitation and Employment (VR&E) services helped the individual remain in a suitable job in the military by overcoming the impairment(s) to employability.

2. Discontinued

If the individual cannot continue participation in the Chapter 31 program, or will receive no further services, and does not meet the criteria for declaration of rehabilitated status, he/she should be placed in Interrupted status to prepare for discontinuance. See M28R.V.A.6 for procedures on providing services during interrupted status, and M28R.V.A.7 for procedures on discontinuing cases.

2.04 Recalled to Active Duty

a. Impact on Chapter 31 Services

An individual who is recalled to active duty has Veterans Affairs (VA) disability compensation payments terminated. However, the VA service-connected disability rating is not severed. If the individual is able to continue participation in the vocational rehabilitation process, he/she may continue to receive the same Chapter 31 benefits and services as a Servicemember with a memorandum rating. The Vocational Rehabilitation Counselor (VRC) may need to re-evaluate the plan of services to ensure the suitability of the current military job.

b. Impact on Basic Period of Eligibility

If VA determines that a Veteran is prevented from participating in, or continuing in a program of vocational rehabilitation as a result of being ordered to active duty, the Veteran's period of eligibility and resulting Eligibility Termination Date (ETD) must be extended. 10 U.S.C. 688, 12301, 12302, and 12304 provide the statutory guidance on ordering a return to active duty. 38 U.S.C. 3103 and 38 CFR 21.46 state that the extension is equal in length to the recall period, plus four months. This extension allows for additional vocational assessment and the development of an appropriate rehabilitation plan.

To calculate this extension, subtract the Entered on Active Duty (EOD) date from the Released from Active Duty (RAD) date and add four months. The EOD and RAD dates are found on the Servicemember's or Veteran's Corporate WINRS (CWINRS) folder under the Personal tab. This extension should be processed after discharge so that the actual RAD date can be used and an accurate extension granted.

c. Impact on Subsistence Allowance and Employment Adjustment Allowance (EAA)

A Servicemember on active duty may not be paid a subsistence allowance or an EAA.

d. Case Closure Options

1. Rehabilitated

If the Servicemember meets the criteria for declaration of rehabilitation in accordance with 38 CFR 21.283, follow guidance provided in M28R.V.A.7 to move the case to Rehabilitated status.

To process the rehabilitation in CWINRS:

- Use Reason Code 25, "Alternative Suitable Employment Goal Achieved - Rehabilitated"
- Then select the Detail Reason Code 25C, "Veteran to Return to Active Duty"

2. Discontinued

If the Servicemember meets the criteria for closing the case in Discontinued status with a Maximum Rehabilitation Gain (MRG), then proceed with this action. See M28R.V.A.7 for procedural guidance MRG closures.

If the criteria for MRG are not met, close the case in discontinued status in accordance with guidance provided in M28R.V.A.7.

2.05 Applications Following Rehabilitation or Discontinuance

Individuals reapplying for VR&E benefits using VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation, (see Appendix O, VA Forms) following rehabilitation or discontinuance may reenter the Chapter 31 program based on the entitlement criteria in place at the time of re-application. See M28R.IV.A.2 for procedural guidance on application processing.

Chapter 3 INCARCERATED AND FUGITIVE FELON VETERANS

- 3.01 Introduction
- 3.02 References and Resources
- 3.03 Definitions
 - a. Felony
 - b. Incarcerated Veteran
 - c. Fugitive Felon
 - d. Dependent
- 3.04 Incarcerated Veterans
- 3.05 Services and Assistance for Incarcerated Veterans
 - a. Types of Services and Assistance
 - b. Paying Tuition and Fees for Incarcerated Veterans
 - c. Payment for Supplies and Other Training Expenses
 - d. Subsistence Allowance
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- 3.06 Fugitive Felon Veterans
 - a. VA Office of the Inspector General (OIG)
 - b. Regional Office Actions
 - c. Benefits Delivery Network Records
 - d. OIG Referrals
 - e. Completion of OIG Form FFP-3, Investigative Summary
 - f. Fugitive Felons Not Eligible for Vocational Rehabilitation Benefits
 - g. Identification of Vocational Rehabilitation and Employment Benefits
 - h. Due Process
 - i. Award Adjustment Actions and Termination of Benefits
 - j. Completion of OIG Form FFP-4, Feedback Form
 - k. Time Limit to Return the Completed FFP-4
 - l. Lifting the Ban on Benefits for a Fugitive Felon

Appendix O, VA Forms

Appendix AK, Fugitive Felon Sample Letters

Chapter 3 INCARCERATED AND FUGITIVE FELON VETERANS

3.01 Introduction

When the Vocational Rehabilitation and Employment (VR&E) case manager receives notification that a Veteran is currently incarcerated or is a fugitive felon, the case manager must inform the Veteran and all service providers about benefit changes. Section 505 of Public Law (Pub. L.) 107-103, The Veterans Education and Benefits Expansion Act of 2001, contains the benefit restrictions and provisions of law on fugitive felons. These provisions are designed to assist law enforcement agencies in the apprehension of fugitives, and prevent fugitive felons from receiving Department of Veteran Affairs (VA) benefits. The chapter also contains the statutory and regulatory provisions covering general information about benefit changes for incarcerated Veterans and fugitive felons.

3.02 References and Resources

- Laws: Pub. L. 107-103, Section 505
 38 United States Code (U.S.C.) 3108
 38 U.S.C. 5313B
- Regulations: 38 Code of Federal Regulations (CFR) 3.103
 38 CFR 21.276
 38 CFR 21.283
 38 CFR 21.284(a)(3)
 38 CFR 21.324(b)
 38 CFR 21.350
 38 CFR 21.364
- VA Forms (VAF): Fugitive Felon Program FFP-3, VA Investigative Summary
 Fugitive Felon Program FFP-4, Feedback Form
 VAF 119, Report of Contact
 VAF 5655, Financial Status Report
 VAF 21-4193, Notice to Department of Veterans Affairs of
 Veteran or Beneficiary Incarcerated in Penal Institution
 VAF 28-1900, Disabled Veterans Application for Vocational
 Rehabilitation
 VAF 28-1905, Authorization and Certification of Entrance or
 Reentrance into Rehabilitation and Certification of Status

3.03 Definitions

a. Felony

A felony is defined as a serious crime characterized under federal law and many state statutes as any offense punishable by death or imprisonment in excess of one year.

b. Incarcerated Veteran

Any Veteran physically residing in a federal, state or local prison, jail, or other penal institution for a felony is defined as incarcerated Veteran.

A Veteran pursuing a rehabilitation program under Chapter 31 while residing in a residential re-entry center (formally known as a halfway house), or participating in a work-release program in connection with the conviction of a felony is not considered an incarcerated Veteran.

c. Fugitive Felon

A fugitive felon is a person fleeing to avoid prosecution, custody, or confinement for a felony. This term also includes a person who is a fugitive by reason of violating a condition of probation or parole imposed for the commission of a felony. A person who has an outstanding warrant for a felony offense is considered to be a "fugitive felon" whether or not he/she is literally fleeing.

d. Dependent

For fugitive felons, a dependent includes a spouse, child, surviving spouse of an eligible Veteran or Servicemember or dependent parent of a Veteran.

3.04 Incarcerated Veterans

The Vocational Rehabilitation and Employment Officer (VREO) in every Regional Office (RO) must identify all incarcerated Veterans who are actively participating in the Chapter 31 program. The most common ways for a case manager to discover that a Veteran is incarcerated includes:

- The Veteran contacts the VR&E case manager and informs him/her of the incarceration.
- The Veteran's social worker/case manager contacts the VR&E case manager and informs him/her of the incarceration.

- The VR&E case manager discovers the information in Compensation and Pension Records Interchange (CAPRI) notes.
- The Veteran's family member or friend contacts the VR&E case manager and informs him/her of the incarceration.
- A Veterans Service Center (VSC) employee informs the VR&E case manager of the incarceration.
- The VR&E case manager performs an online search and discovers the Veteran is incarcerated.

3.05 Services and Assistance for Incarcerated Veterans

a. Types of Services and Assistance

Incarcerated Veterans may receive all of the services and assistance needed to succeed in his/her planned vocational rehabilitation program, to include vocational testing and evaluation; payment of tuition, fees, books, supplies; reader service; tutorial assistance; employment services; and any other educational expenses. Services are provided based on the Veteran's unique circumstances and the extent of services provided depends where he/she is currently being held and if he/she can be an active participant.

b. Paying Tuition and Fees for Incarcerated Veterans

The VR&E case manager must send VAF 21-4193, Notice to Department of Veteran Affairs of Veteran or Beneficiary Incarcerated in Penal Institution, with a cover letter to the penal institution when information is needed to determine the nature of a Veteran's conviction, and amount of tuition and fees that the Veteran is responsible for paying (if an overpayment is applicable). The cover letter should provide the reasons why the information is needed. The VR&E case manager should use VAF 28-1905, Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status, or VA ONCE to authorize tuition and fees for the incarcerated Veteran. The VR&E case manager can pay any portion of tuition or fees for an incarcerated Veteran that will not be reimbursed by programs other than VA.

See Appendix O, VA Forms, for information on how to access these forms.

c. Payment for Supplies and Other Training Expenses

Payments for other training expenses, such as supplies and books, are released only after the authorization for tuition and fees has been prepared.

d. Subsistence Allowance

Incarcerated Veterans are not eligible to receive subsistence allowance per 38 U.S.C. 3108(g)(1). If the Veteran has a running subsistence allowance award, the award must be suspended upon incarceration.

e. Employment Adjustment Allowance (EAA)

Incarcerated Veterans are not eligible to receive EAA. However, EAA is available to aid the Veteran in making a transition from training to employment when residing in a residential re-entry center, or participating in a work-release program.

3.06 Fugitive Felon Veterans

A Veteran who is eligible for VR&E benefits may not receive benefits for any period during which he/she is a fugitive felon. The VREO or designee will coordinate with VR&E Service and take action necessary to terminate the Veteran's benefits per 38 U.S.C. 5313.

a. VA Office of the Inspector General (OIG)

The VA Office of the Inspector General (OIG) has primary responsibility for implementation of the Fugitive Felon provisions of section 505 of Pub. L. 107-103. The OIG identifies VA beneficiaries who may be fugitive felons by matching lists of fugitives from federal and state law enforcement authorities to VA records. When a match is identified, OIG notifies the law enforcement agency and provides that agency with information about the Veteran. The OIG matches these lists using information that identifies the Veteran to include the following:

- Name
- Social Security Number (SSN)
- Date of birth

When the OIG identifies a matched record, the OIG will refer specific information about the Veteran to the law enforcement agency with the pending warrant. The OIG holds any referral to other VA elements for 60 days. This allows the law enforcement agency time to apprehend the beneficiary.

At the end of the 60-day waiting period, OIG refers the case to all VA elements providing benefits to the Veteran. This referral includes VR&E Service if the Veteran has a VR&E record. VR&E Service screens the referral

before forwarding it to the RO where the Veteran is receiving benefits for possible award adjustment action.

If the Veteran is receiving subsistence allowance during the 60-day waiting period and it is determined after that time that he/she is a fugitive felon, the VRC will send the fugitive felon a stop payment letter, which may cause an overpayment. The fugitive felon may request a waiver by sending a completed and signed VAF 5655, Financial Status Report, and letter justifying the waiver to:

US Department of Veterans Affairs
Debt Management Center
P.O. Box 11930
St. Paul, MN 55111

OIG makes one referral for each warrant for every Veteran that potentially needs benefits adjusted under this provision of law. Beneficiaries of fugitive felons may not receive any benefits while the Veteran is in a fugitive felon status.

b. Regional Office Actions

Upon receiving a referral from VR&E Service and before discontinuing benefits to a Veteran identified as a fugitive felon, a RO employee must verify the information in the Benefits Delivery Network (BDN), as well as Share.

1. BDN Verification

To verify in BDN, the RO employee must compare the individual's complete name, SSN, and date of birth on the Beneficiary Inquiry (BINQ) screen.

2. Share Verification

To verify information in Share, the RO employee must complete the following steps:

- Corporate Inquires, then
- PreConvsn Master Rcd, then
- Monthly Income & Misc M15 screen, then
- Incarceration Ind (indicates whether the Veteran is incarcerated)

3. Required Actions

If the information on the OIG referral matches the BDN information, then the RO employee can assume the OIG referral is correct and correctly identifies the proper individual, and determine the period the fugitive felon is not entitled to VR&E benefits.

If the information on the OIG referral matches only some of the BDN information, then the RO employee must send an email with detailed information on all discrepancies to VR&E Service corporate mailbox.

The VREO serves as the RO primary Point of Contact (POC) for handling referrals. The VREO should select an alternate POC in his/her absence. The POC and alternate POC must have sensitive access levels at level 7 for BDN and Corporate WINRS (CWINRS).

The RO having jurisdiction over the Veteran's Chapter 31 records as shown in Beneficiary Identification and Record Locator Subsystem (BIRLS) processes the cases referred by the OIG. If the Veteran's record has been transferred to a different RO, the referral must be transferred to that RO.

When the RO receives a referral, the POC determines if VR&E benefits need to be adjusted. If a Veteran's VR&E benefits do not need to be adjusted (no benefits paid during the period the warrant was outstanding, with no entitlement remaining, or delimiting date in the past), the POC does not give the Veteran due process per see 38 CFR 3.103.

If a Veteran's benefits do not have to be adjusted (no VR&E benefits paid during the period the warrant was outstanding), but he/she is eligible for VR&E benefits in the future, the POC should advise the Veteran that he/she is entitled to future benefits.

If a Veteran's VR&E benefits need to be adjusted (VR&E benefits paid during the period the warrant was outstanding), the POC must first provide him/her with due process. Sample letters are located in Appendix AK, Fugitive Felon Sample Letters.

After the due process time limit, the POC must adjust the Veteran's VR&E benefits. After adjusting the Veteran's VR&E benefits, the POC must notify the OIG of the action taken on the referral.

This provision of law pertains to all aspects of VA benefits. These benefits include Compensation, Pension, Loan Guaranty, VR&E, Insurance, Education, hospitalization and other associated medical assistance. The

POCs must, when appropriate, coordinate with OIG to obtain information or evidence to resolve the referrals.

c. Benefits Delivery Network Records

1. Accessing BDN Records

The POC must take the following actions to access the BDN records of each individual identified on the OIG referral worksheet:

- Process a BINQ to ensure that the person the OIG has identified is the same person as in the BDN database.
- For Veterans and transfer cases, review the BIRLS Veteran Identification, Location (LOC), and Miscellaneous (MSC) screens.
- Process a MINQ (Master Record Inquiry) M32 for the Chapter 31 database.

2. Capture of BDN Screens

The POC must review appropriate screens so that the Veteran's information can be compared with the information in the OIG referral. If the screens reflect that the Veteran's information is the same as in the OIG referral, the POC does not have to print or capture those screens. If the screens reflect that the Veteran's information is not the same as in the OIG referral, the POC should capture those screens and forward them to his/her area liaison in VR&E Service. The VR&E Service liaison will compare them to the OIG's referral worksheet to determine if the person referred is a Veteran currently participating in the Chapter 31 program and whether or not that Veteran has been incarcerated.

If these screens are not captured, the POC should make a note in CWINRS that he/she reviewed the screens, stating the specific screens reviewed, and that no action is required.

The POC must review appropriate BDN screens to determine if the Veteran had received benefits during the period in question. If the Veteran had received benefits, and his/her award must be adjusted, capture the screens reviewed.

3. Review of BDN Records

The POC must review the BDN records of each individual identified on the OIG referral worksheet by taking the following actions:

- In cases where all BDN information matches the OIG information, assume the OIG referral is correct and correctly identifies the proper individual.
- In cases where most of the BDN information matches the OIG information, also assume the OIG referral is correct and correctly identifies the proper individual.
- In cases where some of the BDN information does not match the OIG information, do not automatically assume the referral information is correct and correctly identifies the proper individual. The POC will send an email with detailed information on all discrepancies to the VR&E Service liaison. VR&E Service will coordinate with the OIG to resolve the discrepancies before continuing the case.

POCs can encounter cases where identity theft is present. If there is some indication showing that the Veteran's identity has been compromised, contact the OIG. If the OIG determines that the Veteran is a victim of identity theft or fraud, the OIG will notify the POC to disregard that referral. If the POC had already sent the beneficiary the appropriate due process letter, send the person a letter notifying him/her to disregard the letter and notate in CWINRS. The POC needs to inform the Veteran of the notification from OIG that he/she is a victim of identity theft or fraud and to contact his/her banking institution(s) to ensure proper steps are taken to protect him/her from further impact.

d. OIG Referrals

Initially, the OIG refers cases to VR&E Service, and VR&E Service reviews the OIG referral and forwards it to the RO for action. The OIG refers cases using a referral worksheet. This referral worksheet is designated OIG Form FFP-3, Investigative Summary.

One individual can have several outstanding felony warrants. When reviewing OIG information, pay particular attention to the warrant number, date, and referring agency. POCs should only consider the specific warrant on the OIG referral. If other warrants are appropriate, OIG will make a separate referral for each appropriate warrant.

e. Completion of OIG Form FFP-3, Investigative Summary

As part of the initial OIG referral, OIG submits OIG Form FFP-3 to VR&E Service, and VR&E Service forwards the form to the VR&E Division. FFP-3 consists of three sections.

1. Top one third contains the following information:

| Warrant Information | Content |
|----------------------------|--|
| Warrant Date | The date of the outstanding warrant(s). |
| Warrant Number | The reference number(s) assigned by the law enforcement agency for the outstanding warrant(s). |
| Warrant Agency Information | The name, address, and telephone number of the law enforcement agency(ies). |
| Offense | The felony for which the warrant was issued by the law enforcement agency. |
| Fugitive Information | The following information on the individual named on the warrant: <ul style="list-style-type: none"> • First name • Middle initial, when applicable • Last name • Gender • SSN • Date of birth |

2. Middle one third contains the following information:

| Investigative OIG Summary Information | Content |
|---------------------------------------|--|
| Arrest Information | The date that the fugitive felon was apprehended, and the name of the facility or custodian of the fugitive felon. |
| Warrant Validation Information | Indicates whether or not the warrant is still valid. |
| Extradition Information | Indicates whether or not the fugitive felon will be extradited. |

3. Bottom one third contains the following information:

| VA Identification Information | Content |
|-------------------------------|--|
| Source Information | This section contains the source of the VA records used to retrieve matching information. These include, but are not limited to BDN and VA medical center records. |

| | |
|------------------------|--|
| Address Information | The mailing address of the fugitive felon. |
| VA Contact Information | The VR&E Service corporate mailbox. |

The law enforcement agency with jurisdiction over the warrant can choose to whether or not to extradite the Veteran. To determine whether the law enforcement agency will or will not extradite the fugitive felon, the POC must have the Veteran contact the law enforcement agency using the information found on the top part of the FFP-3, and have if the agency will extradite from a local jurisdiction.

If the law enforcement agency having jurisdiction over the warrant is willing to pay for the extradition, then the fugitive felon can surrender to local officials. If the agency is not willing to pay for extradition, then the fugitive felon must return at his/her expense and surrender to the agency in order to clear the warrant.

f. Fugitive Felons Not Eligible for Vocational Rehabilitation Benefits

The POC must review the Veteran's vocational rehabilitation records and employment records and determine if he/she received VR&E benefits during the period in question. The period in which the Veteran was a fugitive felon begins on the latest of the two dates:

- The date of the warrant. This date is shown on OIG FFP-3.
- The date of the law, December 27, 2001.

The Veteran is no longer considered a fugitive felon effective the date the warrant is cleared. The date the warrant is cleared is usually the date the person is arrested. However, the date the warrant is cleared can also be the date that the warrant is administratively cleared, meaning cleared without the person being arrested. This date is known as the "Warrant Invalid Date." If the warrant is cleared, the OIG FFP-3 worksheet should show an entry in "Arrest Date" or "Warrant Invalid Date". This date does not have to be on the OIG form. Some warrants are never cleared. If the date is on this form, the person may continue to receive benefits from that date forward. If this date is not on the form, and there is no ending date, the fugitive felon is not eligible for VR&E benefits as of the date of the law, December 27, 2001.

When there is no ending date on the OIG form, the OIG will notify the POC if the Veteran is arrested at a later time or the warrant is administratively cleared at a later time. This OIG notification will include the date of arrest or

clearance. The VREO will accept notification and restore vocational rehabilitation and employment benefits, if payable, from that date.

g. Identification of Vocational Rehabilitation and Employment Benefits

The POC must review the Veteran's VR&E records and then determine if any benefits were received during the period when the warrant was outstanding.

If the Veteran has not received VR&E benefits during this period, but had received them before it, and could receive them afterwards (has remaining entitlement and a future delimiting date), take the following actions:

- Prepare a note in CWINRS to show that the Veteran is not eligible for VR&E benefits due to the fugitive felon provision of Pub. L. 107-103. Enter the effective date from which the beneficiary is not eligible for VR&E benefits.
- Send the Veteran a letter notifying him/her that he/she will not be eligible for future vocational rehabilitation benefits until the warrant is cleared (see Appendix AK, Fugitive Felon Sample Letters).

If the Veteran has not received VR&E benefits during the period of ineligibility and could not receive them afterwards (has no remaining entitlement and a past delimiting date), annotate his/her records, but do not take any additional actions.

If the Veteran has received VR&E benefits during the period of ineligibility, take the actions shown in subsequent paragraphs.

h. Due Process

1. Due Process Required Before Award Adjustment

Each individual identified on the referral worksheet and subsequently determined by the POC to not be eligible for VR&E benefits because of the fugitive felon provision of Pub. L. 107-103 must receive appropriate due process before the POC adjusts his/her benefits. Due process must include the proposed decision to stop vocational rehabilitation benefits, the reasons for the action, the right to a hearing, and the right of representation. Do not discontinue any Chapter 31 benefits for 60 days as required by due process guidelines.

2. Information from Veteran Received Within 60-Day Limit Before Award Adjustment

In general, a Veteran has to submit evidence showing that he/she is no longer in fugitive status. This evidence must originate with an official source at some level of government. The POC cannot accept uncorroborated statements by the Veteran, a family member or a private attorney. If there are questions about whether the Veteran remains in fugitive status, the POC must contact the law enforcement agency that appears on the referral worksheet. The Veteran may submit the following evidence:

- Official Documentation

Official documentation is usually either a court document or a letter on official stationery from a law enforcement agency. The POC can accept this official documentation as primary evidence showing that the individual is no longer in fugitive felon status.

- Unofficial Documentation

A Veteran can submit the contact information for an official who can verify that the Veteran is no longer in fugitive felon status. These are usually law enforcement or law related officials, such as a parole officer, who can verify the status of the individual.

The POC must verify all unofficial documentation by contacting the law enforcement agency listed on the referral. Explain what information has been received, referring to the specific warrant shown in the OIG referral worksheet. If the law enforcement agency confirms that the individual is no longer in fugitive felon status, document this information in a CWINRS note or VAF 119, Report of Contact. See Appendix O, VA Forms, for information on how to access this VAF.

If the POC is not able to contact the official, he/she must prepare a letter advising the Veteran of this fact and stating that benefits cannot be resumed until proof is received showing that he/she is no longer in fugitive felon status. If the POC contacts the official, but the official is unwilling to release the information, the POC can get assistance from the VA OIG Field Office that handles the state for the Veteran's mailing address.

If the Veteran states that he/she has already submitted this information or evidence as part of a different benefit under this provision of law, such as compensation and/or healthcare benefits,

then the POC must send these details via email to VR&E Service. VR&E Service will obtain OIG guidance for these cases. If the OIG has information that the person has been arrested or the warrant has been cleared, the OIG will notify the POC of this information.

i. Award Adjustment Actions and Termination of Benefits

After 60 days, the POC must adjust the Veteran's award if he/she received Chapter 31 subsistence allowance during the period the warrant was outstanding. The POC must defer adjustment action if the Veteran has requested a hearing.

The POC must terminate a Veteran's subsistence allowance while the Veteran is in fugitive felon status and send the Veteran a letter notifying him/her that benefits have been terminated (see Appendix AK, Fugitive Felon Sample Letters). The earliest date that subsistence allowance can be terminated is December 27, 2001, the effective date of the law.

POCs can reinstate a beneficiary's vocational rehabilitation benefits effective the date that he/she is arrested or is no longer in a fugitive status. If the date that the identified felon is no longer in a fugitive status is not available from an official source, POCs should terminate benefits and cite the termination reason per 38 U.S.C. 5313.

There is no provision for extending a Veteran's VR&E benefits by the length of time that he/she was not eligible to receive them under the fugitive felon provision of Pub. L. 107-103.

j. Completion of OIG Form FFP-4, Feedback Form

As part of the initial OIG referral, OIG submits OIG Form FFP-4, Feedback Form, to VR&E Service. VR&E Service forwards the form to the VR&E Division. FFP-4 consists of two pages. The first page contains the same identification information as form FFP-3. POCs do not have to complete any information on page 1 or the top half of page 2. The bottom half of page 2 contains the blocks the POC must complete:

| FFP-4 Block Heading | Action |
|---------------------|---|
| Action Taken | <ul style="list-style-type: none"> • If VR&E benefits have been terminated, place an "X" in the Benefit Terminated block. • If an overpayment has been created, place an "X" in the Will Attempt to Recover block. • If no action is necessary under the provision of PL 107-103, place an "X" in the No Action block. |

| | |
|-------------------------------|--|
| Types of Benefits Affected | If VR&E benefits are terminated, place "Chapter 31" in this block. |
| Transfer Office/Transfer Date | If the referral originated at another RO place the name and number of this RO and the date that the referral was made to the RO with current jurisdiction in this block. |
| Date Action Taken | If benefits were terminated, place the date of the award authorization in this block. |
| Reason No Action Taken | If no action was taken, place an "X" in this block and state why no action was taken. |
| Monthly Benefit Withheld | If a Chapter 31 debt has been created and is being recouped by a current subsistence award, place the amount of the monthly payment withheld in this block. |
| Overpayment (VBA) | If a Chapter 31 debt has been created and is not being recouped by a current subsistence award, place the amount of the debt in this block. |
| Cost Avoidance | <p>If a Chapter 31 debt has been created, multiply the monthly rate by the number of months beginning from the Date Last Paid (DLP) to the earlier of either</p> <ul style="list-style-type: none"> • The date that benefits are resumed, or • The end of the fiscal year during which the termination was authorized. <p>Put the calculated amount in this block.</p> |

k. Time Limit to Return the Completed FFP-4

POCs must finalize each referral within 120 days after receiving it and return the FFP-4 to VR&E Service.

l. Lifting the Ban on Benefits for a Fugitive Felon

Once the warrant is cleared, the Veteran may resume eligibility, and the case manager may restore Chapter 31 benefits. To resume benefits:

- Enter a note in CWINRS that states the Veteran is again eligible for Chapter 31 benefits, and the effective date (the date the warrant is cleared). If the Veteran's Chapter 31 record has been discontinued, a new GED will be required.
- When appropriate, initiate a new subsistence allowance award. The VRC must ensure that the effective date for the resumption of the subsistence allowance is correct.

Chapter 4 DECEASED VETERANS

- 4.01 Introduction
 - 4.02 References and Resources
 - 4.03 Process Overview of Benefit Changes Following the Death of a Veteran
 - 4.04 Official Notification of Death
 - a. Requirement for Official Notification of Death
 - b. Types of Official Notification of Death
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 - d. Financial Consideration Resulting from a Veteran's Death
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 - a. Sources to Verify a Veteran's Death
 - b. Termination of Benefits
 - c. Overpayment of Subsistence Allowance Waiver
 - 4.06 When Notification of Death Proves to Be False
- Appendix O. VA Forms

Chapter 4 DECEASED VETERANS

4.01 Introduction

This chapter provides information on how to process benefit changes for a deceased Veteran who was participating in Vocational Rehabilitation and Employment (VR&E) program at the time of death. This chapter also contains regulatory guidance on this issue.

4.02 References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 3.211
38 CFR 21.324

VA Forms (VAF): VAF 5655, Financial Status Report

4.03 Process Overview of Benefit Changes Following the Death of a Veteran

The Vocational Rehabilitation Counselor (VRC) or designee must perform the following actions upon notice of the death of a Veteran participating in the Chapter 31 program:

- Verify notification of death
- Suspend any running awards
- Terminate Chapter 31 benefits upon verification of death
- Notify surviving dependents of the benefits change

4.04 Official Notification of Death

a. Requirement for Official Notification of Death

The VR&E program requires official notification of a Veteran's death before terminating Chapter 31 benefits.

b. Types of Official Notification of Death

38 CFR 3.211 provides the regulatory guidance regarding the notification of death. The two types of official notification of death are when:

1. Death Occurs Within the United States

If the death occurs in the United States (U.S.), then the death must be verified by a copy of the death certificate signed by a medical officer; a copy of the coroner's report of death or a verdict of a coroner's jury; or a clinical summary or other report signed by a medical officer.

2. Death Occurs Outside the United States

If the death occurs outside the U.S., then the death must be verified by a U.S. Consular report of death bearing the signature and seal of the U.S. Consul, or a copy of the public record of death authenticated by the U.S. Consul or other agency of the State Department.

c. When Official Notification Cannot be Obtained

If the required evidence for official notification of death cannot be obtained, the reason must be stated and that information must be documented in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder. The fact of death may then be established by affidavits of persons who have personal knowledge of the fact of death, have viewed the body of the deceased, and know it to be the body of the person whose death is being established. The affidavit must set forth all the facts and circumstances concerning the death, to include place, date, time, and cause. For more information on other methods of evidence for confirmation of death, see 38 CFR 3.211.

d. Financial Consideration Resulting from a Veteran's Death

When a benefit check for a deceased Veteran is returned to Veterans Affairs (VA) Finance, the award and any other benefits must be suspended until official notification is received.

4.05 Discontinuing a Deceased Veteran's Case

a. Sources to Verify a Veteran's Death

1. Benefits Delivery Network (BDN)

Review the M32 screen to verify the death of a Veteran using BDN.

2. Share

To verify the death of a Veteran using Share, go to the Veteran Identification Data Screen and Corporate Inquiries, view the "PreConvsn Master Rcd" screen, and the date of death will be listed under the M11 screen.

3. Compensation and Pension Record Interchange (CAPRI)

The date of the Veteran's death may or may not be noted in the Veteran's medical records if he/she died while not under the care of the VA. The VRC should check CAPRI prior to closing a deceased Veteran's case.

4. Veteran's Next of Kin (NOK)

The VRC should attempt to contact the Veteran's NOK telephonically if the VRC suspects a Veteran has died. The VRC should never email the NOK in regard to inquiring about the Veteran's death.

5. Veterans Service Center (VSC)

The VRC may verify the death of a Veteran by contacting a service representative in the VSC.

b. Termination of Benefits

No notice of termination of benefits is required when VA receives evidence that a Veteran has died. Once a notice of death is received, the VRC will immediately terminate the award effective the date of death and send the Veteran's NOK a subsistence allowance reduction – course withdrawal letter. The letter must include information on requesting a debt waiver from finance or debt management if needed. The termination of benefits due to death is governed by 38 CFR 21.324.

To terminate benefits for a deceased Veteran:

1. Discontinue the Veteran's case per M28R.III.A.2 and M28R.V.A.7.
2. Provide written notice of benefit termination to the family of the deceased Veteran, and file a copy of the letter in the Veteran's CER folder.
3. Forward the copy of the death certificate to the VSC for placement in the Veteran's claim folder, if applicable.
4. Document the termination actions in a Corporate WINRS (CWINRS) case note.

c. Overpayment of Subsistence Allowance Waiver

1. Station Debts

Regional Office (RO) Finance Divisions are responsible for debts that the Debt Management Center (DMC) cannot service, to include Chapter 31

Revolving Fund Loans (RFL) and Chapter 31 subsistence allowance debts on active records. These debts are entered into BDN or Veterans Service Network (VETSNET) Finance and Accounting System (FAS). VR&E staff should be aware of the local RO procedures for handling these debts, including the process for requesting a waiver or consideration for a compromise offer from the appropriate Committee on Waivers and Compromises (COWC) at the RO of jurisdiction.

2. DMC Debts

The DMC is responsible for Chapter 31 debts on inactive records. When the Veteran's account is established with the DMC, he/she (in the case of a deceased Veteran, the NOK) will receive a notice explaining what a waiver is and what VA needs to process it.

It is important for VR&E staff to note that for the NOK to apply for a waiver for the overpayment, he/she must submit the following items:

- A letter explaining why the Veteran should not be held responsible for payment of the debt or why collection of the debt would be unfair and create a financial hardship due to the Veteran's demise, and
- A completed and signed VAF 5655, Financial Status Report, (see Appendix O, VA Forms).

The NOK must mail the letter and VAF 5655 to:

US Department of Veterans Affairs
Debt Management Center
P.O. Box 11930
St. Paul, MN 55111

4.06 When Notification of Death Proves to Be False

In the event that a notification of a Veteran's death proves to be false, Chapter 31 benefits must be reinstated. For information on how to reinstate a Veteran from Interrupted (08) status or Discontinued (09) status, see M28R.III.A.2.

PART VI – EMPLOYMENT SERVICES
Section A – VR&E Employment and Placement Services

- Chapter 1: Overview of Employment Services
- Chapter 2: Eligibility and Duration of Employment Services
- Chapter 3: Planning and Case Management during Employment Services
- Chapter 4: Job Readiness, Development and Placement Services
- Chapter 5: Outreach Activities to Employers
- Chapter 6: Partnerships and Memoranda of Agreement/Understanding
- Chapter 7: Special Employer Incentive Program
- Chapter 8: Veterans' Preference and Special Hiring Authorities
- Chapter 9: Self-Employment
- Chapter 10: Post Employment Services and Case Closures

Chapter 1
OVERVIEW OF EMPLOYMENT SERVICES

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- b. Provisions

1.02 References and Resources

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- b. Suitable Employment
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- e. VR&E Staff Members Specific Responsibilities
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 - 2. Case Manager

1.05 Veteran's Responsibilities

Chapter 1 OVERVIEW OF EMPLOYMENT SERVICES

1.01. Introduction

a. Purpose

The purpose of the VA Vocational Rehabilitation and Employment Program is “to provide for all services and assistance necessary to enable Veterans with service-connected disabilities to become employable and to maintain suitable employment.” (Title 38, United States Code (U.S.C.) 3100) The program’s intent is to help Veterans reach suitable employment (or an independent living goal when applicable). VA provides training or education to Veterans when needed in order for them to reach a rehabilitation goal. However, in some cases employment services alone are sufficient to help the Veteran reach suitable employment. Part VI discusses employment services both as a standalone service and as the final element of a program of rehabilitation through long-term or short-term training.

b. Provisions

VA will provide employment services to Veterans when all of the following conditions are met:

1. VA has provided the Veteran a comprehensive evaluation,
2. VA has found the Veteran entitled to Chapter 31 benefits under 38 Code of Federal Regulations (CFR) 21.51, or he/she meets the criteria under 38 CFR 21.47, in which he/she is a current or previous participant in a rehabilitation program,
3. VA has identified the Veteran’s need for employment services, and the case manager has verified that the needed services are available, and
4. The Veteran’s Individualized Written Rehabilitation Plan (IWRP) or Individualized Employment Assistance Plan (IEAP) includes the identified services. (Refer to Chapter 3 of Part VI for Case Management during Employment Services.)

1.02. References and Resources

| | |
|------|----------------|
| Law: | 38 U.S.C. 3100 |
| | 38 U.S.C. 3104 |
| | 38 U.S.C. 3117 |

Regulations: 38 CFR 21.47
38 CFR 21.51
38 CFR 21.73
38 CFR 21.84
38 CFR 21.88
38 CFR 21.196
38 CFR 21.250
38 CFR 21.362
38 CFR 21.364

1.03. Definitions

a. Individualized Employment Assistance Plan (IEAP)

An IEAP is a signed agreement between the Employment Coordinator (EC) or Vocational Rehabilitation Counselor (VRC) and Veteran. An IEAP specifies all necessary services to assist the Veteran obtain and maintain suitable employment. The IEAP also identifies VA's responsibilities, the Veteran's responsibilities, service providers, evaluation criteria and the period of services.

b. Suitable Employment

Suitable employment is employment that is compatible with the Veteran's disability conditions and is consistent with his/her interests, aptitudes and abilities.

c. Entry into Employment

38 CFR 21.72(a)(2) explains that the services to be provided may include training the Veteran to the level generally recognized as necessary for entry into employment in a suitable occupation. It further explains that Veterans will be provided training in a particular degree, diploma or certificate necessary for entry into the planned vocational goal. For example, if it is determined that the most appropriate vocational goal for a Veteran is Social Worker the Veteran will be provided training for a master's degree in Social Work, which is regarded as necessary for employment in that occupation. However, if the most appropriate vocational goal is determined to be Case Aide or Case Worker, the Veteran will instead be provided training for a bachelor's in Social Work.

d. Period of Employment Services

This refers to the period of time during which services will be provided to the Veteran. Services may include counseling, medical, social and other placement and post-placement assistance to be provided to a Veteran under an IEAP.

e. Program of Employment Services

This refers to an IEAP developed for a Veteran whose eligibility is limited to employment services only (38 CFR 21.250(b)(1)).

f. Job Development

1. Job Development Defined

The term "job development" refers to a comprehensive, professional set of services to assist the Veteran in obtaining suitable employment and does not merely consist of soliciting jobs on behalf of the Veteran (38 CFR 21.250(b)(2)). VA staff must engage in job development activities to increase the likelihood that Veterans with disabilities will obtain suitable employment with cooperating employers. Successful job development is advantageous to both employers and Veterans as follows:

(a) Benefit to Employers

Referral of suitably trained and well-prepared Veterans who have received the necessary support services, such as adjustment counseling and job modification, benefits employers directly through the referred Veterans' long-term productivity.

(b) Benefit to Veterans

Successful referrals of Veterans result in suitable employment of the Veterans and contribute to an ongoing benefit by establishing a network of employers who are invested in employing Veterans referred by the VR&E Division.

2. What Job Development May Include

In addition to soliciting employment for Veterans, job development may include:

(a) Enhancing the Veteran's job readiness by assisting with the following activities:

- Resume preparation
- Development of interviewing techniques and strategies
- Other services necessary to enhance the Veteran's job readiness

(b) Referral to Job Clubs

VR&E Divisions may establish a job club or refer Veterans to existing job clubs in the local area. A job club operates in a structured setting where groups of Veterans work together on various activities that may enhance their job search and develop their job-seeking skills.

(c) Access to Job Lab Resources

The VR&E's job lab resources include access to computers with Internet capabilities, which allow Veterans to conduct their job search online and access the VetSuccess.gov website.

1.04. VR&E Division Responsibility

a. Scope

VR&E responsibility does not end when the Veteran completes his/her education, training or job placement. VR&E is responsible for assisting the Veteran until he/she satisfactorily adjusts to employment and the Veteran's condition meets the requirements for declaring him/her rehabilitated under 38 CFR 21.283.

b. Case Management as Critical Element in Employment Services

Success of a Veteran's rehabilitation depends on the final phase of his/her program. This period requires effective caseload management to ensure Veterans are provided with time-sensitive necessary services efficiently. Procedures outlined in Part VI will help case managers carry out these responsibilities. The case manager must ensure the Veteran receives tangible employment services. The case manager may personally provide those services or coordinate them through a Disabled Veterans Outreach Program (DVOP) specialist or contractor. Additional information on Employment Services case management is discussed in M28R.III.A.4.10.

c. Monthly Contacts and Case Reviews for Veterans Receiving Employment Services

The case manager will maintain, at minimum, monthly contact with the Veteran to ensure that each Veteran is progressing according to the employment plan. The case manager may provide these services or coordinate them through a DVOP specialist or a contractor. During these contacts, a case manager should assess the following:

1. Is the Veteran following the job-seeking steps outlined in his/her IEAP?
2. Do the Veteran's circumstances require changes such as services to be provided, service providers, period of services, etc., in his/her IEAP? If changes are required, the case manager and the Veteran must work hand in hand to develop the changes using the appropriate evaluation criteria.

Simultaneously, the case manager must review the Veteran's case to ensure new and current information is updated in the Veteran's records.

d. Veteran's Satisfactory Conduct and Cooperation

1. Case managers must work closely with the Veteran to ensure the Veteran's satisfactory conduct and cooperation while receiving employment services. This includes the collaborative participation of the Veteran in the development of his/her IEAP. The case manager will inform the Veteran of available services to assist him/her in obtaining suitable employment and explain the Veteran's responsibilities in the successful implementation of his/her rehabilitation plan.
2. A case manager may interrupt or discontinue provision of services under 38 CFR 21.362 and 21.364 if the Veteran fails to cooperate. The Veteran may be reinstated into employment services if he/she meets the requirements outlined in Part I, Chapter 10 and 38 CFR 21.364.

e. VR&E Staff Members' Specific Responsibilities

1. VR&E Officer and Assistant VR&E Officer
 - (a) Supervises or delegates authority for contracting employment services as necessary.

- (b) Implements established Memorandum of Understanding (MOU) and VR&E national employment agreements such as Disabled American Veterans (DAV). (See M28R.VI.6.04.(b))
- (c) Ensures appropriate workload distribution for effective case management and timely services to Veterans.
- (d) Conducts special case reviews. The VR&E Officer will personally, or with the assistance of a delegated team, review cases in which the Veteran has not obtained employment after an extensive and thorough job search. The officer and/or reviewers will seek to identify and address obstacles to the success of the Veteran's current plan or recommend redeveloping the plan.

2. Case manager

A Vocational Rehabilitation Counselor (VRC) or an Employment Coordinator (EC) may be assigned case management responsibilities for Veterans receiving employment services. Thus, the term "case manager" may refer to either a VRC or EC. The responsibilities for this case management include, but are not limited to:

- (a) Developing the IEAP
- (b) Authorizing and coordinating the provision of services and assistance to the Veteran
- (c) Authorizing the delivery of goods and services, including reasonable accommodation
- (d) Providing direct services such as development of job-seeking skills and job development
- (e) Conducting the required monthly follow-up contacts with Veterans and monthly reviews of a Veteran's progress toward completing his/her vocational goal

1.05. Veteran's Responsibilities

1. The Veteran shares responsibility in completing the vocational objectives of his/her IWRP, achieving job readiness, and completing the job-seeking objectives of his/her IEAP within the period of services as specified in his/her rehabilitation plan.

2. If a Veteran has difficulty completing the objectives outlined in the IEAP, the case manager must help the Veteran resolve any difficulties that may impede his/her job search. If the difficulties cannot be resolved, the case manager must ensure that the Veteran is provided with re-evaluation and/or re-development of his/her employment plan.

Chapter 2
ELIGIBILITY AND DURATION OF EMPLOYMENT SERVICES

- 2.01 Introduction
- 2.02 References and Resources
- 2.03 Eligibility Criteria
 - a. General Information
 - b. Responsibilities
 - c. Eligibility of Current Participants
 - d. Eligibility of Prior Participants
 - e. Eligibility after General Vocational Rehabilitation Eligibility Has Expired
 - f. Veterans Solely in a Program of Employment Services
- 2.04 Duration of Employment Assistance
 - a. Duration Limited to 18 Months
 - b. Employment Assistance Not Charged Against Entitlement
- 2.05 Authorization of Employment Services
 - a. Commencing Date
 - b. Termination of Employment Services

Chapter 2 ELIGIBILITY AND DURATION OF EMPLOYMENT SERVICES

2.01 Introduction

Vocational Rehabilitation and Employment Services offers employment services to all eligible Veterans. This chapter covers the eligibility criteria, duration and authorization to provide VR&E Services. This chapter provides the foundation and framework, including Title 38, United States Code (U.S.C.) and Title 38, Code of Federal Regulations (CFR) provisions for eligible and job-ready Veterans seeking employment assistance.

2.02 References and Resources

Laws: 38 U.S.C. 3108, 5113
 38 U.S.C. 1114(k)
 38 U.S.C. 3117(a)(2)
 Rehabilitation Act of 1973, as Amended

Regulations: 38 CFR 21.47(a), (b), and (d)
 38 CFR 21.73
 38 CFR 21.88
 38 CFR 21.190(d)
 38 CFR 21.197
 38 CFR 21.250
 38 CFR 21.326
 38 CFR 21.362

VA Form (VAF): VAF 28-1902b, Counseling Record – Narrative Report

2.03 Eligibility Criteria

a. General Information

All Veterans (other than Veterans found in need of a program of independent living services) currently eligible for and entitled to vocational rehabilitation services are eligible for assistance in obtaining or maintaining suitable employment. (38 CFR 21.47(a)) These individuals include:

- Veterans entitled to and needing only employment services
- Veterans who are rehabilitated to the point of employability (38 CFR 21.190(d))

- Veterans who terminated training but now need assistance to find or maintain employment
- Veterans who were either previously rehabilitated or discontinued under the VA Vocational Rehabilitation and Employment (VR&E) Program, and reevaluated and found to have an employment handicap and a vocational goal that is currently feasible
- In addition, a Servicemember who is determined fit for duty by a Physical Evaluation Board while participating in the VA VR&E Program may be offered employment services only if needed to ensure adjustment to the military occupation

b. Responsibilities

VR&E staff will work with all eligible Veterans to help them achieve suitable employment. Employment Coordinators (ECs) and Vocational Rehabilitation Counselors (VRCs) are also responsible for delivering effective employment services to Veterans to assure satisfactory conduct, cooperation and participation in the planned employment services. (38 CFR 21.362)

c. Eligibility of Current Participants

VR&E considers a Veteran eligible for employment services when the Veteran is determined to be "job-ready" in an initial comprehensive evaluation and the Veteran opts for one of the following tracks:

- Rapid Access to Employment
- Reemployment with Previous Employer

Additionally, Veterans who have achieved Rehabilitation To the point of Employability (RTE), are eligible for employment services under 38 CFR 21.190(d).

d. Eligibility of Prior Participants

Past participants enrolled in a vocational rehabilitation program under Chapter 31 or a similar program under the Rehabilitation Act of 1973, as amended, may be eligible for employment assistance. A VRC must determine that the Veteran is employable in competitive employment, sheltered workshops (now referred to as "transitional employment programs"), supported employment or other special situations at the minimum wage.

If the prior participant files a formal claim for vocational rehabilitation and the case is in a discontinued status, then the VRC must reopen the case in order to make an entitlement determination.

If the prior participant's case is in rehabilitated status and there is no reason to overturn it, the VRC must leave the case in Rehabilitated status and provide the Veteran with limited employment services.

Prior participants must also meet the requirement of employability under the following conditions:

1. The Veteran filed a formal claim for vocational rehabilitation.
2. The Veteran has a service-connected disability that meets both of the following conditions:
 - (a) The disability was incurred on or after September 16, 1940.
 - (b) VA is paying at least the 20 percent rate of compensation for the disability, or 10 percent for a Veteran determined to have a serious employment handicap. VA will also pay compensation if the Veteran is not receiving military retired pay. (For individuals, who first applied for vocational rehabilitation before November 1, 1990, the Veteran's combined disability rating must be greater than 0 percent. This includes Veterans, who are only entitled to compensation under 38 U.S.C. 1114(k).
3. The Veteran must have completed one of the following two items:
 - A vocational rehabilitation program under the VA VR&E Program or participated in such a program for at least 90 days on or after September 16, 1940
 - A vocational rehabilitation program under the Rehabilitation Act of 1973, as amended, after September 26, 1975, or participated in such a program for at least 90 days of post-secondary education or vocational training under 38 CFR 21.47(b) and must be employable in competitive employment, a transitional or extended employment program or another special situation at the minimum wage

Prior participants with only employment handicap, who have ratings of 10 percent or more, can receive limited employment services under 38 U.S.C. 3117(a)(2). Limited employment services include the following:

- Direct placement in employment
- Referral to Disabled Veterans Outreach Program (DVOP) specialists and/or Local Veterans' Employment Representatives (LVERs)
- Use of job development and placement specialists at state/federal rehabilitation agencies: Department of Labor Veterans Employment and Training Service, state employment security agencies or state employment services offices, also known as "One-Stop Career Centers"; Office of Personnel Management; or any other public or non-profit organization with placement services
- Use of any for-profit entity if otherwise cost-effective and comparably effective services from the entities above are unavailable

e. Eligibility after General Vocational Rehabilitation Eligibility Has Expired

VR&E may furnish a program of employment assistance to a Veteran even though the Veteran's basic period of eligibility has expired. A Veteran must have an employment handicap and be currently employable in a suitable occupation. (38 CFR 21.47(d))

f. Veterans Solely in a Program of Employment Services

A VRC may determine that a Veteran with an employment handicap is already employable and needs only employment services to obtain or maintain suitable employment. For example, a Veteran may already have transferrable skills from a previous employer or adequate education or training to qualify for a job but needs services such as resume preparation, interviewing and job-search skills training, payment of fees to obtain certification/licensure, etc. to obtain employment. If the VRC determines that a specific vocational goal is currently reasonably feasible, then the VRC should perform the following tasks:

- Document the determination on VAF 28-1902b, Counseling Record - Narrative Report (See Appendix O. VA Forms)
- Complete an Individualized Employment Assistance Plan (IEAP)
- Close Evaluation and Planning (EP) case status
- Assign the Veteran to Job Ready (JR) case status

2.04 Duration of Employment Assistance**a. Duration Limited to 18 Months**

A period of employment assistance is limited to a total of 18 months (not including any time in Interrupted (INT) case status). Sixty days prior to a Veteran completing the training component under his/her Individualized Written Rehabilitation Plan (IWRP), the VRC must complete the Veteran's IEAP. If a combined IWRP/IEAP was initially developed, then the IEAP portion of the plan should be reviewed and revised if necessary at least 60 days prior to completion of training.

During the 18-month period, the VRC will tailor and may modify the type, duration, and phasing of employment services to accommodate the Veteran's needs. The Veteran will concentrate his/her efforts on the activities specified in the IEAP.

A Veteran who has received 18 months of employment services may not receive additional employment services. If a Veteran is unable to achieve suitable employment by the end of the 18-month period, then VR&E must discontinue the case. A Veteran in either Rehabilitated (REH) or Discontinued (DIS) case status may do the following:

- Request additional employment assistance
- Formally reapply to the VA VR&E Program

The Veteran must be determined eligible and entitled to Chapter 31 services. Upon this determination, VR&E will offer the Veteran vocational rehabilitation services, including an additional 18 months of employment services.

NOTE: If a Veteran obtains suitable employment before exhausting 18 months of entitlement to employment services, the case manager may keep the case open and declare the Veteran "rehabilitated" after the 60-day follow-up period has been completed, even if that follow-up period extends past the 18 months. The VRC must document that all services leading to suitable employment were provided during the 18-month eligibility period.

b. Employment Assistance Not Charged Against Entitlement

The period of employment assistance is not charged against the months of entitlement under Chapter 31. (38 CFR 21.73) Accordingly, if an eligible and entitled Veteran is employable in a suitable occupation, then VR&E may

provide employment assistance even though the Veteran has exhausted 48 months of Chapter 31 entitlement and is not eligible for an extension. (38 CFR 21.47(d))

In addition, the period under which a Veteran who has been hired under the Special Employer Incentives (SEI) program does not count toward the 18-month limitation of employment services. The VRC should document the period of SEI services in CWINRS Notes to include a statement indicating the period of services under which SEI was provided should be deducted from the total period of employment services. For example, if the period during which SEI was provided equals six months and the total period the Veteran's record remained in JR status in CWINRS was 23 months, the VRC would subtract six months from 23 months and note that the duration of employment services for the purposes of 28 CFR 21.73 equals 17 months. This documentation should be filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

2.05 Authorization of Employment Services

a. Commencing Date

VR&E will authorize employment services to a Veteran on the day a VRC declares that the Veteran has been rehabilitated to the point of employability and the Veteran is job-ready, and moves the Veteran from RTE case status to JR case status. A Veteran may also be found job-ready when he/she needs only a program of employment services. The Veteran may receive the employment services established in the IEAP once the IEAP is signed.

Once in JR case status, Veterans will begin a period of employment services to work toward suitable employment. Veterans may receive job-related training and other rehabilitation services to achieve the employment objectives in their rehabilitation plan.

b. Termination of Employment Services

The VRC will terminate authorization for employment services the earliest of the following dates:

- The date VA finds that the authorization was in error because of an act of omission or commission either on the part of the Veteran or on the part of another individual who committed or omitted the act with the Veteran's knowledge
- The last day of the month in which severance of service connection becomes final

- The day preceding the date of a fraudulent act
- The date preceding the commission of a treasonable or subversive act for which the Veteran is convicted (38 U.S.C. 3108, 5113)
- The last day VR&E provides employment services under the terms of an IEAP, when the Veteran is rehabilitated or employment services are interrupted prior to discontinuance (38 CFR 21.326)

NOTE: If a Veteran's program is interrupted, then the VRC must establish a specific date for reentry into JR case status under 38 CFR 21.197, unless 18 months of VR&E Employment Services have already been utilized.

Chapter 3
PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

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Appendix O. VA Forms

Chapter 3
PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

3.01 Introduction

Employment services are a primary component of most vocational rehabilitation programs. Effective employment planning begins during the initial comprehensive evaluation. The results of the comprehensive evaluation are incorporated into vocational exploration activities. These activities lead to identification of suitable vocational goals and planning of services and other assistance necessary to enable the Veteran to reach his/her employment goal. Title 38, United States Code (U.S.C.) 3104(a)(5) authorizes the Department of Veterans Affairs (VA) to furnish services necessary to assist eligible Veterans to prepare for, obtain and maintain suitable employment.

This chapter contains guidance and requirements for employment planning, direct services, support services, monitoring the Veteran's progress in employment services, monitoring contractual services and advocacy. Additionally, statutory and regulatory references are provided throughout this chapter.

3.02 References and Resources

| | |
|-----------------|---|
| Law: | 38 U.S.C. 3104 Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.154 38 CFR 21.210-21.224 38 CFR 21.252 38 CFR 21.254 38 CFR 21.268 38 CFR 21.282 38 CFR 21.370-21.376 |
| Directive: | VHA Directive 2010-022, dated May 14, 2010 |
| Resource: | Job Accommodation Network (JAN) |
| Website: | www.askjan.org |
| VA Forms (VAF): | VAF 119, Report of Contact VAF 28-0846, Employment Adjustment Allowance Authorization |

VAF 28-8872, Rehabilitation Plan
VAF 28-1905d, Special Report of Training

3.03 Employment Planning

a. Role of Employment Planning in the Rehabilitation Process

1. General Information

The goal of the VA Vocational Rehabilitation and Employment (VR&E) Program (except in the cases where the program goal is to increase independence in daily living) is for the Veteran to obtain and maintain suitable employment based on his/her interests, aptitudes and abilities. The Individualized Employment Assistance Plan (IEAP) should clearly state a specific vocational goal and outline specific employment activities necessary for the Veteran to achieve his/her vocational goal. Among these employment activities, the IEAP might include:

- Registering with the college or university placement office
- Registering with the state employment office
- Joining a local professional organization

2. Early and Thorough Employment Planning

Detailed planning is essential to the provision of effective employment services. In effect, planning for employment begins with the evaluation process. The key to a successful employment plan is addressing employment barriers (e.g. lack of experience or training in the chosen field) and developing strategies to overcome those barriers at the onset of the counseling relationship.

b. Responsibilities During Employment Planning

1. Veteran

A Veteran participating in the employment planning process assists the case manager in identifying his/her employment needs and goals. It is imperative that the Veteran openly and candidly discusses personal strengths, goals, obstacles to goal attainment, and other pertinent information during counseling sessions with the Vocational Rehabilitation Counselor (VRC) or Employment Coordinator (EC).

2. VR&E

VRCs and ECs are responsible for establishing positive counseling relationships with the Veteran to ensure, to the maximum extent possible, that he/she receives quality services. This includes, but is not limited to, the following concepts:

- (a) The Veteran and his/her case manager are equal partners in the employment planning process.
- (b) The Veteran's perceptions regarding employment planning and vocational goal attainment must be addressed early and throughout the process. This is critical to attaining a successful employment outcome.
- (c) The identification of a suitable vocational goal is the foundation of a successful employment plan. Case managers assist the Veteran in identifying that goal by utilizing a variety of resources. These resources may include any combination of the following:
 - Veteran's self-report
 - Record of past training, employment, volunteer activities and educational experiences
 - Descriptive occupational literature and various web-based resources
 - Information-seeking interviews with prospective employers or those who are currently working in the field
 - Career and aptitude testing designed to identify the Veteran's interests, aptitude and abilities
 - Reviewing labor market information to determine if the vocational goal is viable in that area
 - Information about the Veteran's disability, including any functional limitations and capacities

c. Development of the IEAP

The IEAP guides Veterans through their program of employment services designed to lead to suitable employment. Case managers prepare the IEAP

on VAF 28-8872 (see Appendix O, VA forms, for information on how to access this form), Rehabilitation Plan. By signing this plan, the case manager and the Veteran mutually agree to complete specific activities intended to result in the Veteran obtaining and maintaining suitable employment. The IEAP outlines and ranks the tasks in terms of preferred sequence of completion. The IEAP will be developed:

- No later than 60 days prior to the projected end of the period of training and/or other rehabilitation services as outlined in the rehabilitation plan
- If employment services constitute the Veteran's sole plan of services, as determined by the evaluation

d. Selection of Services and Categories

The case manager's assessment of a Veteran's employment assistance needs should include a review of the following important considerations:

1. What are the Veteran's personal strengths that support attainment of the program goal?
2. What additional support does the Veteran need to achieve his/her program goal?

3.04 Direct Services

The case manager works closely with the Veteran to develop a list of value-added services to promote attainment of the vocational goal. Direct Services may include the following:

a. Skill Development Needs

The Veteran may need to develop or improve his/her employment-seeking skills, to include:

- Interviewing techniques
- Resume preparation
- Grooming and hygiene habits
- Personal marketing skills
- Communication skills

- Networking skills

The case manager will provide the necessary assistance to enable the Veteran to achieve these skills, either through direct assistance or with the support of additional resources as defined below.

b. Information Development Needs

The case manager and the Veteran need to work together to acquire factual and realistic data about the job market. Case managers assist the Veteran not only in the development of a suitable vocational goal, but also in the development of a clear understanding of his/her perceptions of that goal, and what he/she may anticipate following the achievement of the goal in terms of salary and benefits.

c. Resources and Referrals

In addition to providing direct services, case managers utilize the following resources to ensure that the Veteran has every opportunity to achieve his/her vocational goal:

1. Department of Labor (DOL)

DOL employs Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) to work as Veterans' employment liaisons. DVOP specialists and LVERs assist Veterans in securing temporary employment, internships and placement into suitable employment. Case managers encourage Veterans to work closely with their DVOP specialist and LVER.

2. VA Medical Facilities

Veterans Health Administration (VHA) facilities provide therapy and other medical treatment options to Veterans with disabilities participating in the VA VR&E Program. For more information on the scope of these services, refer to VHA Directive 210-022, dated May 14, 2010.

3. Community Resources

Community resources may include placement services at the Veteran's technical school, college or university, state vocational rehabilitation agencies and other locally based not-for-profit facilities.

3.05 Employment Adjustment Allowance

An Employment Adjustment Allowance (EAA) is an allowance consisting of a two-month payment at the full-time rate of subsistence allowance for the Veteran's type of training.

a. Eligibility Criteria

In order to be eligible to receive EAA, all of the following actions must occur:

- A Veteran's case must have progressed through Rehabilitation to the Point of Employability (RTE) status to Job Ready (JR) status following the provision of services under an Individualized Written Rehabilitation Plan (IWRP).
- Training must have been provided at a VA approved facility during RTE status, except as specified in 38 CFR 21.268(c). This includes short-term training, such as resume preparation, job seeking and interview skills, designed to enable the Veteran to become job ready.
- There must be documented declaration of job-readiness by the VR&E case manager in the Counseling/Evaluation/Rehabilitation (CER) folder at the time the Veteran's case is placed in JR status.
- The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before the first payment of EAA may be authorized, and participate for an additional 30 days before a second payment is authorized (38 CFR 21.268).

If authorized, EAA will be processed at the full-time rate for the type of program the Veteran was last pursuing. This includes authorization of EAA at the Post 9/11 subsistence allowance rate, if the Veteran had been paid at that rate during the most recent training for which he/she was paid a subsistence allowance.

b. Natural and Other Disasters Impact on EAA

If a Veteran lives in an area where a natural disaster is declared by the Governor and/or the President of the United States and is displaced by the disaster, then he/she may qualify for two additional months of EAA payments.

1. Eligibility Requirements

To qualify for this benefit, all of the following eligibility requirements must be met:

- The Veteran must be receiving EAA at the time of the disaster.
- The Veteran must be satisfactorily following a program of employment services at the time of the disaster.

This benefit is applicable to Veterans who have been displaced by a natural or other disaster occurring after August 6, 2013.

2. Procedures for Authorization and Payment

The payment process for the additional two months of EAA as a result of a natural or other disaster remains the same. However, the VR&E case manager must identify the additional payments as a benefit payable under Public Law 112-154 and document the impact of the disaster by:

- Completing VA Form 28-0846, Employment Adjustment Allowance Authorization.
- Noting on VA Form 28-0846 that the EAA payment is the 1st or 2nd additional payment per Public Law 112-154. The Public Law must be cited on the form.
- Documenting the natural disaster and the impact on the Veteran. This documentation can be made in Corporate WINRS (CWINRS) notes, or on VA Form 119, Report of Contact.
- Submitting this information to the VR&E Officer, or designee, for approval.
- Providing a list that includes the Veteran's name, claim number, name and date of the natural or other disaster, and the amount of additional EAA payments to VA Central Office and the Office of Field Operations on a monthly basis. This information must be submitted no later than the 10th of the month following the month EAA was paid.

3.06 Supportive Services

a. General Information

Case managers authorize a broad range of supportive services for Veterans seeking employment. Supportive services may include, but are not limited to, the following:

- Medical treatment, care and services
- Supplies
- Payment for licenses, certifications and other fees
- Special services for individuals who are blind and/or deaf
- Transportation assistance
- Services to the Veteran's family
- EAA

b. Responsibilities

Case managers carefully evaluate the Veteran's need for supportive services, and coordinate provision of services in a timely manner.

c. Types of Supportive Services

1. Supplies

Supplies may be provided to a Veteran who is receiving employment services under the provision of 38 CFR 21.210-21.224.

2. Job Accommodations

A job accommodation is any modification or adjustment to a job or the work environment that will enable a qualified Veteran with a disability to participate in the application process or to perform essential job functions. Case managers may authorize the purchase of equipment or payment for an assistive technology specialist to travel to the Veteran's workplace and assess his/her worksite to ensure it is ergonomically correct and meets the Veteran's needs (38 CFR 21.254(a)). For more information on how to provide workplace accommodations visit www.askjan.org, Job Accommodation Network (JAN).

3. Travel

Case managers can pay for intraregional and interregional travel (but not moving expenses) to the place of employment under certain conditions (38 CFR 21.370-21.376). Payment for this travel is limited to the Veteran's transportation costs and does not include the costs associated with the travel of dependents or possessions. Prior to authorization, the case manager must determine that the travel at government expense is necessary for the Veteran to obtain and maintain suitable employment.

(a) Limited Travel for Interviews

Case managers may authorize intraregional travel (travel within the jurisdiction of the regional office) for a Veteran to report to a prospective employer-trainer (for on-the-job training) for an interview prior to induction into training. There must be a definite assurance in advance of approving the travel that, upon the interview, the employer will start the Veteran in training, if the employer finds the Veteran acceptable (38 CFR 21.370, (b)(2)(ii)). Case managers may also authorize interregional travel (travel outside the jurisdiction of the regional office) when the Veteran needs to report to the chosen school for a personal interview prior to induction into training when the school requires the interview as a condition of admission. There must be assurance before the travel is approved that the Veteran's records (school, counseling, etc.) show that he/she meets all the basic requirements for induction under 38 CFR 21.282, and that the Veteran submits a transcript of his/her high school credits and a transcript from any school he/she attended following high school to the school (38 CFR 21.370, (b)(2)(iii)(A-C)).

(b) Travel to Report for Work

Case managers may approve intraregional and/or interregional travel at government expense for a Veteran to report to a place of prearranged satisfactory employment upon completion of his/her program of vocational rehabilitation for the purpose of beginning work (38 CFR 21.370 and 21.372).

(c) Special Transportation Assistance

A case manager may authorize a special travel allowance to cover the extraordinary costs of transportation the Veteran incurs while he/ she is receiving employment services. The case manager will determine the need for a transportation allowance with the assistance of a medical consultant to determine the need for special transportation assistance and to develop transportation arrangements that do not

unduly tax the Veteran's ability to travel and pursue a rehabilitation program. Transportation assistance includes mileage, parking fees, a reasonable fee for a driver, transportation furnished by a rehabilitation facility or transitional employment facility, and other reasonable expenses that may be incurred in local travel. For more information on how to authorize special transportation assistance, see 38 CFR 21.154.

4. Payment For Licenses, Certifications and Fees

The case manager may authorize payment for a license, certificate or fee when an employer requires it to fulfill the occupational or professional qualifications of the Veteran's employment goal. The case manager may approve it either while the Veteran is in JRS or after he/she becomes employed as a condition of the employment. Payment may include the cost of examinations required to obtain the license, permit or certificate. The Veteran must meet all prerequisites for taking the examination, such as successful completion of training, prior to the VA authorizing payment (38 CFR 21.254(a)).

d. Excluded Services

The following services may not be provided to a Veteran during a period or program of employment services (38 CFR Part 21.254(b)):

- Subsistence allowance, or payment of an allowance at the educational assistance rate paid under Chapter 30 for similar training, except for EAA
- Education and training services, other than brief courses, such as review courses necessary for licensure
- Revolving Fund Loan
- Work-study allowance

3.07 Monitoring Veteran's Progress in Employment Services

The case manager must monitor the Veteran's participation in employment services within 30 days after the Veteran is declared job-ready, and at least monthly until the Veteran is declared rehabilitated. Monitoring may include a face-to-face or videoconference meeting with the Veteran. Services must be adapted according to the Veteran's needs and must be immediately provided to assist in the Veteran's ability to obtain and maintain employment.

If the Veteran has no special needs or no barriers are identified, other methods such as telephone or email may be used to determine the Veteran's progress. Additionally, a DVOP specialist, LVER or a VA contractor can assist the case manager by making the required contacts.

All contacts or meetings with the Veteran must be clearly documented on VAF 28-1905d, Special Report of Training or in CWINRS notes and should include the following topics for discussion:

- a. Is the Veteran following the employment-seeking actions outlined in the IEAP?
- b. Is the Veteran receiving the appropriate level of assistance or is more assistance needed?
- c. Do circumstances require modification of the IEAP, including changes in services or service providers? If the plan requires modification, the case manager must redevelop the IEAP with the Veteran using a comprehensive evaluation.
- d. Is the Veteran employed? If so, does the job meet his/her needs?

3.08 Contracting for Employment Services

a. Areas Appropriate for Contract Services

Provision of effective employment services is generally a labor-intensive activity requiring specialized skills. The case manager and the Veteran must identify the specialized employment services needed, such as:

- Resume preparation
- Interviewing techniques
- Marketing, such as conducting informational interviews with employers
- Networking
- Job search techniques

Once the case manager and the Veteran have identified the services, three factors affect the decision whether or not to contract for these services:

1. Does VR&E have the resources to provide the services directly?

2. Is the impact of the Veteran's disability such that specialized placement assistance would be beneficial?
3. Are there available resources, including public and private agencies, that can provide adequate assistance on a no-charge basis?

b. Selection of Service Providers

Contracts are awarded at a national level. Authority from VR&E Service is required in order to develop local contracts. VR&E Service may contract with for-profit entities if the VA determines comparable services from non-profit or public-sector agencies are not available in the Veteran's community, but services by for-profit agencies are available locally. Examples include:

- The Veteran needs highly individualized services which are not available from public-sector or not-for-profit agencies
- Receiving the services from a public-sector or not-for-profit agency would constitute a hardship for the Veteran
- The VA cannot obtain comparable services cost-effectively from other sources, such as public-sector or not-for-profit agencies

c. Monitoring Contractual Services

When using contractual services, case managers must make sure it is clear that the VRC/EC is accountable for ensuring the Veteran receives these services. The VRC/EC is also responsible for the provision of employment services to ensure that the Veteran's progress is monitored regularly and that services are provided appropriately and in a timely manner.

In addition, the case manager must address all employment needs that the VA contractor identifies and coordinate the necessary services, to include amending the IEAP if necessary.

3.09 Advocacy Responsibility

Case managers ensure that Veterans receiving Chapter 31 employment services benefit from all applicable provisions of the laws and regulations providing for special consideration, emphasis, or preference in placement or training (38 CFR 21.252(c)). To advocate for the Veteran, case managers perform, but are not limited to, the following activities:

- Encouraging prospective employers to recognize that Veterans with disabilities are excellent workers and hiring Veterans with disabilities is consistent with good business practices
- Creating a more favorable climate for job-seeking Veterans with disabilities through public awareness programs to educate employers on the advantages of hiring Veterans with disabilities through the use of outreach programs
- Working closely with hiring managers to identify and develop job modifications to accommodate Veterans with disabilities
- Supplying technical assistance for the modification of jobs, facilities, and equipment when assistance is necessary for a Veteran to obtain and maintain suitable employment
- Providing post-placement assistance to Veterans to aid in job orientation, how to address unexpected problems, and provide other services to ensure a suitable adjustment to employment
- Assisting the Veteran with filing a complaint if the Veteran believes the employer has discriminated against him/her or has not carried out affirmative action obligations
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Chapter 4
JOB READINESS, DEVELOPMENT AND PLACEMENT SERVICES

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- c. Job-Seeking Skills
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Appendix O. VA Forms

Chapter 4 JOB READINESS, DEVELOPMENT AND PLACEMENT SERVICES

4.01 Introduction

Most Veterans' employment programs, whether administered by the Department of Veterans Affairs (VA), Department of Labor (DOL), Office of Personnel Management (OPM), Small Business Administration (SBA), or another federal agency, are designed to contribute to the Veteran's readjustment to civilian life. Public Law 96-466 established suitable employment as a fundamental criterion of successful readjustment for Veterans participating in VA's Vocational Rehabilitation and Employment (VR&E) Program. Employment services, including job development and placement, are central to VR&E's mission.

This chapter provides detailed information on job accommodations, job readiness, direct placement services, job development and analysis, and modifications to the job. Statutory and regulatory references are also cited in this chapter.

4.02 References and Resources

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|--------------|--|
| Laws: | Public Law 96-466 Americans with Disabilities Act |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.250(b)(2) 38 CFR 21.252 |
| Resources: | Dictionary of Occupational Titles Occupational Outlook Handbook |
| Websites: | www.disability.gov www.askjan.org www.wave.net/upg/immigration/dot_index.html#MENU www.bls.gov/OCO www.dol.gov/vets |

4.03 Job Readiness

a. General Information

A Veteran must first be declared "job ready" before a case manager provides him/her employment services or post-employment services. Job ready refers to a Veteran's ability to obtain and maintain suitable employment after

receiving the services necessary to become suitably employable as outlined in his/her rehabilitation plan.

A Veteran with a disability who is job ready should meet the same expectations as any applicant for employment who does not have a disability. In general, an employer's expectations for an applicant include the following:

- Demonstrates proper workplace decorum
- Works effectively with others
- Understands the requirements of the job
- Acts responsibly and with dignity
- Has the skills and knowledge required to perform the duties of the job

b. Requirements

It is the case manager's responsibility to make a determination for declaring a Veteran job ready before he/she is provided employment services. The determination must include the following verifications:

1. Documentation such as a diploma, certification from a training facility or transcript of records that demonstrate the Veteran has completed the education or other training outlined in his/her Individualized Written Rehabilitation Plan (IWRP)
2. Completion of any required certification or license
3. No barriers, such as disability conditions, family situations, etc., that may prevent the Veteran from obtaining or maintaining suitable employment
4. Possession of job-seeking skills

c. Job-Seeking Skills

The case manager must assess the Veteran's job-seeking skills before declaring the Veteran to be job ready. This includes ensuring that the Veteran possesses adequate job-seeking skills needed to begin his/her job search. Job-seeking skills training may be provided by a Vocational Rehabilitation Counselor (VRC), Employment Coordinator (EC), community agency or private contractor, if the Veteran is determined in need of this

training. Job-seeking skills and other factors needed to begin a job search include, but are not limited to, the following:

- Creating a comprehensive resume and cover letter
- Utilizing the Internet to search and apply for jobs
- Networking with others
- Utilizing local labor market information to identify growing occupational fields
- Preparing for and participating in an interview
- Negotiating salary requirements
- Following up after an interview

d. Documentation for Job Ready Declaration

The case manager must accurately and clearly justify and document the declaration of the Veteran's job readiness on VAF 28-1905d, Special Report of Training (See Appendix O. VA Forms), or CWINRS Notes. The narrative must clearly explain that there are no impediments in the Veteran's ability to obtain or maintain suitable employment. This documentation must be filed in the middle flap of the Counseling/Evaluation/Rehabilitation (CER) folder.

Additionally, the case manager must ensure that the Veteran's CER folder contains a documented contact with the Veteran that clearly demonstrates that the case manager has established communication with the Veteran while making the job ready determination.

e. Effective Date for Opening Job Ready Status

The effective date for declaring a Veteran job ready is the date the documentation for the declaration is completed. A Veteran cannot be declared job ready on the sole basis that the Veteran obtained suitable employment.

The effective date for placing the case in Job Ready (JR) Status is the same date as the declaration of the Veteran's job readiness.

f. No Retroactive Declaration of Job Readiness

A case manager cannot make a retroactive declaration of a Veteran's job readiness. This will include instances in which a Veteran completed the objectives of his/her IWRP but cannot be located or does not respond to motivational contacts, or obtained suitable employment and resumes contact with his/her case manager. Determination for job readiness may begin at the time the case manager re-establishes contact with the Veteran. This contact must be clearly documented on VAF 28-1905d or CWINRS Notes and filed in the middle flap of the Veteran's CER folder.

g. Veteran Determined Not Job Ready

If a case manager determines that the Veteran is not currently job ready, the case manager must work with the Veteran to determine the services he/she needs to become ready to obtain or maintain suitable employment. Once the services are identified, the case manager must modify the Veteran's IWRP to include the additional services to be provided.

4.04 Job Placement

a. Direct Placement Service

This requires the case manager's active involvement and personal intervention with employer on behalf of the Veteran. Direct job placement occurs within a network that involves employers, employees and service providers.

1. Direct placement entails the following activities:

- Matching the Veteran's needs, abilities and aspirations to the demands, salary and other characteristics of a specific employment objective
- Communicating the terms of the match to the parties involved and working to bring about a successful job interview for both the Veteran and employer
- Establishing and maintaining placement aid tools (e.g., networking information on file or database to facilitate matching and communication activities, etc.)

2. Successful placements are mutually beneficial to the employer, Veteran, and VA. Direct placement involves actively and personally intervening with employers on behalf of the Veteran. Direct job placement occurs

within a network of employers, job-seeking Veterans and service providers.

(a) Employers

Employers are concerned about timeliness in filling job vacancies and the productivity of newly hired employees. When collaborating with employers, the case manager is regarded as the service provider. The case manager functions as a salesperson in a consumer-oriented market. Successful placement of Veterans creates goodwill with employers and often results in long-lasting working relationships that aid in future placements. Therefore, the case manager should consider the employers' time constraints and staffing needs. This means that the case manager refers only qualified and carefully matched applicants.

(b) Veterans

The primary considerations in determining whether a Veteran is a qualified candidate for a specific job are experience, credentials and academic or vocational training. However, other evaluations and supportive services may be necessary to ensure that the Veteran is job ready. For example, interpersonal and readjustment issues may require resolution before a Veteran is ready to seek employment.

(1) Employment Services as Part of an IWRP

The IWRP may include employment objectives, even if employment-related activities are not planned to take place until after the Veteran completes formal training or education. The case manager may provide services such as developing interviewing and job-seeking skills to improve the Veteran's employability while the Veteran is participating in an IWRP.

(2) Job Interview Referrals Prior to the Declaration of Job Readiness

A referral to a job interview is a disservice to both the Veteran and potential employer if the Veteran is not job ready. The Veteran's future employability may be impaired and the service provider's credibility with the employer may be damaged if a referral for a job interview is made prematurely.

The case manager can provide a variety of services to ensure that the Veteran is ready to proceed to the interview phase of the job

search process prior to the referral for a job interview. Examples of these services include, but are not limited to:

- Mock interviewing sessions
- Informational interviewing
- Development of a comprehensive resume
- Training in successful interviewing techniques

(c) Service Providers

A case manager may utilize services available from various service providers as tools to increase the Veteran's marketability, connect with potential employers and address any employer issues. These services may include, but are not limited to, the following:

- (1) Job analyses, modifications to the job, and post-placement services are utilized to ensure a successful placement.
- (2) Services available to the Veteran such as supplies, training and payment of license fees will increase the Veteran's marketability.
- (3) Special hiring programs are useful in placing Veterans. Programs such as noncompetitive placement in a public sector agency and unpaid work experience are direct placement tools (refer to M28R.VI.A.8 for more information on these programs, as well as other special hiring authorities).

b. Job Development

According to 38 CFR 21.250(b)(2), job development is defined as "a comprehensive professional service to assist the individual Veteran to actually obtain a suitable job, and not simply the solicitation of jobs on behalf of the Veteran." Since job development is a difficult and demanding activity, the case manager may need to coordinate with a variety of service providers to accomplish aspects of job development, to include:

1. Public sector agencies, such as local, state and federal government agencies. The Veterans' Employment and Training Service (VETS), which is a Department of Labor program, provides employment and training services to eligible Veterans at the state level through two principle programs:

- Disabled Veterans' Outreach Program (DVOP). A DVOP specialist provides outreach and offers assistance to Veterans with disabilities and other Veterans by promoting community and employer support for employment and training opportunities.
- Local Veterans' Employment Representatives (LVERs). An LVER is a state employee located in state employment offices and provides employment assistance to Veterans, including processing complaints regarding the observance of Veterans' preference.

For more information on these programs, see www.dol.gov/vets.

2. Not-for-profit organizations such as public post-secondary schools, vocational schools, colleges and universities provide career services to assist students with job placement. On-campus recruiting and job fairs are common practice in these settings, providing excellent opportunities for job development.
3. For-profit entities, such as employment agencies. Employment agencies serve both large and small organizations across all industry sectors, thus providing opportunities for job development in a variety of occupational settings.

4.05 Job Analysis

a. General Information

Job analysis is an essential aspect of direct placement. It is a process used to identify and determine the particular job duties and requirements, and the relative importance of these duties for a given job. An important concept is that the analysis is conducted on the specifics of the job, not the person performing the duties of the job. Job analysis is particularly useful when dealing with small businesses, as many of the jobs in this setting have a variety of ancillary duties.

b. Methodology

A case manager may need to conduct an on-site analysis of a prospective job when precise information about job task requirements and the work environment are not known. A job analysis should identify the following factors of a job:

1. Key tasks and responsibilities

2. Required problem-solving and decision-making skills
3. Management responsibilities
4. Contact with others
5. Job complexity
6. Work environment
7. Physical and cognitive demands
8. Education, experience, license and/or certification requirements

c. Job Profile

A case manager may utilize the Dictionary of Occupational Titles (DOT) and the Occupational Outlook Handbook (OOH) to identify several aspects of an occupation, to include:

- Training and education requirements
- Earnings
- Working conditions
- Expected job growth/decline rate
- Physical demands
- Essential job duties

This information, coupled with an understanding of the Veteran's strengths and weaknesses, will increase the likelihood of a successful placement.

For more information on or access to the DOT and/or OOH see www.wave.net/upg/immigration/dot_index.html#MENU and www.bls.gov/OCO.

d. Other Important Considerations

Additional issues may prove to be barriers to employment. For example, the location of accessible parking, entrances, restrooms and dining facilities are

part of a comprehensive job site analysis. The identification of these barriers assists in the development of an individualized accommodation plan.

4.06 Modifications to the Job

The Americans with Disabilities Act, Title I, requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the limitations of otherwise qualified individuals with disabilities.

Reasonable accommodations and workplace modifications provide the same stability to employees with disabilities, allowing the opportunity to capitalize on their strengths and independence. The case manager must assist the Veteran in identifying and requesting these services from the employer. The Job Accommodation Network that is found at www.askjan.org is a valuable resource in the identification of possible accommodations. Additionally, lists of public, not-for-profit and private sector organizations and programs providing information and assistance on reasonable accommodation and job modifications may be found at www.disability.gov under the topics of "Employment" and "Technology." For more information on reasonable accommodation, refer to M28R.VI.A.8.

Chapter 5
OUTREACH ACTIVITIES TO EMPLOYERS

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- 5.02 References and Resources
- 5.03 Promotion of Training and Employment Opportunities
- 5.04 Role of the Employment Coordinator (EC)
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 - g. Partnership with U.S. Department of Labor, Veterans Employment and Training Service (DOL/VETS)
- 5.06 Federal Veterans Employment Initiative

Chapter 5 OUTREACH ACTIVITIES TO EMPLOYERS

5.01. Introduction

- a. Outreach is a proactive, intentional effort by individuals in an organization to connect its ideas or practices to the efforts of other organizations, groups and individuals. Along these lines, Vocational Rehabilitation and Employment (VR&E) staff is authorized and directed to contact Veterans with service-connected disabilities, employers, community organizations and other entities in order to:
 1. Promote training opportunities supported by VR&E to all potentially eligible and entitled Veterans
 2. Increase community awareness of the VR&E Program
 3. Connect employers with VR&E as a potential source of training for Veterans and a potential source of Veterans for employment
 4. Establish employment opportunities for VA VR&E Program participants
 5. Develop community relationships and support
- b. Through outreach, VR&E staff helps individuals and groups learn about VR&E services and how to access them. In this chapter, topics include promotion of training and employment opportunities, employer outreach and marketing, and Internet marketing.

5.02. References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 21.252(b)
 38 CFR 21.256
 38 CFR 21.296
 38 CFR 21.299

Websites: www.VetSuccess.gov
 www.facebook.com/VeteransBenefits?v=wall
 www.twitter.com/VAVetBenefits
 www.youtube.com/user/DeptVetAffairs
 www.dol.gov/vets
 www.va.gov/vecs
 www.va.gov/cfbnpartnerships
 www.VocRehab.com

www.canar.org/index.php

5.03. Promotion of Training and Employment Opportunities

- a. Per requirements under the provision of 38 CFR 21.232(b), VR&E offices are directed to promote the establishment of employment, training and related opportunities to provide eligible Veterans with compensable service-connected disabilities all services and assistance necessary to enable them to become employable and to obtain and maintain employment.
- b. Effective promotion of training and employment opportunities for Veterans includes:
 - 1. Coordination and cooperation with other disability and employment placement service providers and interested parties
 - 2. Participation in job fairs and related community activities
 - 3. Engagement in outreach activities to employers
 - 4. Providing employers with valuable consultation services such as:
 - (a) Training on the Americans with Disabilities Act (ADA) and other relevant disability law
 - (b) Assistance in determining and providing assistive technology or other reasonable accommodations needed by a Veteran

5.04. Role of the Employment Coordinator (EC)

One of the EC's primary duties is conducting outreach activities to employers. These outreach duties include, but are not limited to:

- a. Establishing effective relationships with potential employers within the regional office's (RO) jurisdiction
- b. Serving as the primary consultant and point of contact for the VR&E staff members, employers, Veterans and the community regarding employment services
- c. Providing labor market information (LMI) to assist case managers in developing suitable vocational goals

- d. Advocating for the placement of Veterans in suitable employment through active networking with employers
- e. Providing guidance to the Veterans and employers regarding access to the VetSuccess.gov website through assistance with the registration process and the listing of employment opportunities
- f. Utilizing state-of-the-art marketing techniques to promote the hiring of Veterans with service-connected disabilities. This should include media events and job fairs with employers within the office's jurisdiction

5.05. Outreach Activities

a. Marketing

Good marketing is essential for successful outreach with employers. All VR&E offices are directed to market the VR&E program and the employment of Veterans with service-connected disabilities within their jurisdiction.

- 1. Each VR&E Office's responsibilities include but are not limited to the following:
 - (a) Conducting informational briefings to local and national employers
 - (b) Developing local Memoranda of Understanding (MOU) with various employers for job training and placement of Chapter 31 Veterans
 - (c) Encouraging employers to register and list job openings on the VetSuccess.gov website

b. VetSuccess Website at www.vetsuccess.gov

1. Features

This website contains valuable information and links to provide employers with qualified Veteran applicants and serves as resource center for the Veterans. These include:

- A repository of Veterans' resumes (Resume Books) for registered employers to review for hiring
- Online space for employers to list job openings

- Information on Special Hiring Events in the RO's jurisdiction
- Tips for preparing applications, writing resumes and interviewing

2. Requirements for VR&E staff

The case manager must ensure that each Veteran in his/her caseload is registered in the VetSuccess website and must assist them in registering and using the website.

c. Marketing Material

Each VR&E office is directed to distribute promotional materials developed by VR&E to employers and the community. These may include, but are not limited to:

- DVDs or other video media developed for this purpose
- Printed materials – QuickBooks, pamphlets, brochures, posters, flyers, etc.
- Promotional products – pens, lapel pins, bumper stickers, tote bags, sticky notes, etc.

Each EC is provided an EC portfolio. This is an organizer that contains various items including a VA VR&E Program Standardized PowerPoint Presentation, forms for various employment programs, and informational brochures, DVDs and handouts. The EC portfolio should also be used to carry the resumes of the Veterans the EC is seeking to place. The portfolio is used as the EC's resource center when meeting with employers.

These marketing materials may be distributed during the following and other relevant activities:

- Vocational rehabilitation employers' network meetings
- Industry expositions such as Chamber of Commerce events
- Job fairs sponsored by state employment offices
- Job fairs sponsored by non-government organizations (e.g., Goodwill Industries)
- Veterans Employment and Training Service (VETS) sites

- State vocational rehabilitation offices

d. Marketing Strategies

1. Targeted Marketing

VR&E endeavors to market the VR&E program and the employment of Veterans with disabilities using a marketing strategy with well-defined target employers. Each VR&E division will analyze the local labor market using available resources and develop a list of local employers that are partners in the employment of Veterans with disabilities or that have potential for collaboration with VA. When developing a list of priority targets for focused marketing, consideration should be given to:

- Employers with a history of hiring VR&E participants
- Federal, state and local government agencies
- Employers with a large number of employees
- Defense contractors, who can be found at www.defense.gov/advisories/advisory.aspx?advisoryid=597
- Other federal contractors available at www.gsa.gov/portal/content/100020
- Veteran-owned businesses listed at www.vetbiz.gov

2. Cold Calling

VR&E staff is directed to generate a database or list of potential employers both in order to locate current career openings for Veterans and to promote systematic marketing efforts. Cold calling will often be necessary for both of these aims and should not be avoided. VR&E staff must research the company or agency prior to contacting it and maintain professionalism throughout all contacts. When calling, the VR&E staff member should be simple and direct, first introducing himself/herself and then asking to speak to the hiring manager. He/she should ask the hiring manager for an appointment to discuss the possibility and benefits of employing Veterans who are pre-screened, trained and job-ready.

A list of employers to contact should be compiled from available sources including but not limited to:

- Data-mining job announcements online or in newspapers for employer information
- Collaborating with the DVOP specialist or LVER at the Department of Labor's Veterans' Employment and Training Service (VETS) to identify potential employers
- Reviewing local Chamber of Commerce listings of companies by location and number of employees
- Searching the U.S. Securities and Exchange Commission listing of publicly held companies for local employers' names, contact addresses and phone numbers at www.sec.gov/edgar/searchedgar/companysearch.html
- Searching business information aggregators such as www.guidestar.org (for non-profits) or www.hoovers.com

3. Employer Accounts

Once a company or government agency is determined to be a potential source of employment for Veterans in the VR&E program, the EC will work with the employer to create a relationship in which the employer regards VR&E as a first-class source of pre-screened, trained, job ready candidates for employment. VR&E staff will assist the employer in setting up an account on www.Vetsuccess.gov. The EC will also work with the employer's hiring manager to determine an appropriate schedule and preferred method of contact for VR&E staff to reach the company to discuss available openings.

e. Social Media

VA has established a substantial online presence utilizing the most current social media. The VA Social Media Office can be found online at www.va.gov/opa/SocialMedia.asp. The main goal of VA social media is to interact with the "millions of Veterans and their family members" who already use social media each day. Currently, most social media websites are blocked on VA computers but access can be granted with approval of the VR&E Officer and the local Information Security Officer.

Due to VR&E's responsibility to protect the Veteran's privacy and the Veteran's assumption of the confidentiality of VA communications, it is not appropriate for VR&E staff to communicate directly with Veterans, Servicemembers, and/or their families using social media sites. In addition,

VR&E staff will not respond as a VR&E employee to any posting on social media sites unless officially designated to do so by a senior management official.

The established media for VA are:

1. VBA Facebook at www.facebook.com/VeteransBenefits

VBA manages a Facebook page to allow real-time feedback on various programs and services. This page is also used to notify Veterans and stakeholders of upcoming events and to make other announcements. VR&E staff is responsible for providing a Facebook posting biweekly.

2. VBA Twitter at www.twitter.com/VAVetBenefits

Twitter is a social networking and microblogging service similar to Facebook but limiting written posts to 140 characters. VR&E staff is responsible for providing a microblog called a "tweet" on a weekly basis.

3. VA Flickr at www.flickr.com/photos/VeteransAffairs

This photo-sharing site is used to "put a face on" VA personnel, facilities, services and Veterans.

4. VAntage Point at www.blogs.va.gov/VAntage

This is the official blog of the VA and provides a forum for Veterans, active-duty military, their families and the general public to learn about the Department and its initiatives and to contribute feedback. Since VA employees are encouraged to submit guest blogs, VAntage Point may also be used in local outreach and marketing efforts if approved by the VR&E Officer and the RO Director.

5. VA YouTube Channel at www.youtube.com/user/DeptVetAffairs#g/c/A93A5833057D78B7

YouTube provides a video posting site for individuals to share and view videos. The website also provides a forum for response to videos by written reply or video reply. VR&E Service will solicit and may post testimonial-type videos featuring Chapter 31 participants discussing their experiences in the VetSuccess program. VR&E Service may also utilize YouTube to reach out to employers to market VA Vocational Rehabilitation Program services and to encourage them to consider VR&E as a hiring resource. Staff must contact the VA Office of Public and

Intergovernmental Affairs and the VA Social Media Office before submitting a video.

f. Partnerships

Establishing partner relationships with employers not only assists in expeditiously placing Veterans in suitable employment, but also is beneficial when regular hiring proves difficult for Veterans who have special and complicated circumstances.

1. On-the-Job Training

For more information regarding on-the-job training (OJT), refer to 38 CFR 21.296 and M28-1.I.3.2.

2. Non-Paid Work Experience Program

For more information on the Non-Paid Work Experience (NPWE) program, refer to 38 CFR 21.299 and M28-1.I.3.2.

3. Special Employer Incentive

For more information on the Special Employer Incentive (SEI) initiative, refer to 38 CFR 21.256 and M28R.VI.7.

4. Partnerships and MOUs

See M28R.VI.6 and www.VetSuccess.gov for a list of partners. MOUs are developed to increase employment and training opportunities for Veterans with disabilities. MOUs provide for a pre-established agreement on shared costs and responsibilities between the employer and VR&E. For more information on VR&E's national MOUs, refer to M28R.VI.6.

g. Partnership with U.S. Department of Labor, Veterans Employment and Training Service (DOL/VETS)

The VETS staff provides direct job-placement services to Veterans. VETS offers Veterans assistance with Veterans' preference eligibility information, Uniform Services Employment and Reemployment Rights Act (USERRA) guidance, and Hire Vets First initiatives. VETS utilizes DVOPs and LVERs in the field to facilitate outreach and job placement efforts on behalf of DOL and VA. For more information on VETS, refer to www.dol.gov/vets.

5.06. Federal Veterans Employment Initiative: Executive Order 13518, dated November 9, 2009

This executive order enhances and promotes recruitment of Veterans for employment opportunities within the executive branch. It establishes an interagency Council on Veterans Employment (Council) and requires each federal agency to develop an Operational Plan for the employment of Veterans. Each agency on the Council must also provide a full-time Human Resources Specialist to serve as the agency's Veterans Employment Program Coordinator. This specialist is responsible for coordinating and managing employment of Veterans and must perform outreach activities at the agency, including helping with the placement of Veterans with disabilities. More information is available at www.fedshirevets.gov. Any VRC/EC assisting a Veteran in Job Ready Services should utilize this site both as a one-stop shop for information on federal employment of Veterans and as a directory to find the Veterans ECs at different federal agencies.

Chapter 6
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

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 - 2. Partnership with Office of Personnel Management (OPM)
 - 3. Partnership with Veteran Employment Services Office (VESO)/VA for Vets
 - 4. Partnership with the VA's Center for Faith-based and Neighborhood Partnerships (FBNP)
 - 5. Partnership with State Rehabilitation Agencies
 - 6. Partnership with the Small Business Administration (SBA)
 - 7. Partnership with SCORE
 - 8. Partnership with the VA's Office of Small and Disadvantaged Business Utilization (OSDBU)
 - 9. Partnership with Disabled American Veterans

Appendix K. Signed MOUs

Chapter 6

PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

6.01 Introduction

Vocational Rehabilitation and Employment (VR&E) believes partnerships with other organizations help us to provide quality and timely training and employment services to Veterans with disabilities. This chapter supplies information on service providers, intra-agency and interagency coordination, and the highly visible and important partnership with Department of Labor's Veterans' Employment and Training Service (DOL/VETS). This chapter also contains the statutory and regulatory provisions covering subject matter related to partnerships, Memoranda of Agreement (MOA) and Memoranda of Understanding (MOU).

6.02 References and Resources

- Laws: Wagner-Peyser Act of 1933, as Amended
 38 United States Code (U.S.C.) 4103A
 38 U.S.C. 4214
 Rehabilitation Act of 1973, as Amended
 Americans with Disabilities Act of 1990, as Amended
 Freedom of Information Act
 Privacy Act of 1974, as Amended
 Health Insurance Portability and Accountability Act of 1996
- Regulation: 38 Code of Federal Regulations (CFR) 21.252
- Guidance: U.S. Department of Labor Veterans' Employment and
 Training Service and U.S. Department of Veterans Affairs
 Vocational Rehabilitation and Employment Service Technical
 Assistance Guide (TAG), December 2008
 Memorandum of Agreement between VR&E and
 Rehabilitation Services Administration, October 3, 2005
- Websites: www.fedshirevets.gov
 www.dol.gov/vets/REALifelines/index.htm
 www.doleta.gov/programs/Wagner_Peyser.cfm
 www.sba.gov
 www.va.gov/osdbu
 www.dol.gov/vets
 www.doleta.gov/usworkforce/wia/act.cfm
 www.va.gov/cfbnpartnerships
 www.vaforvets.va.gov
 www.dav.org/

VA Form (VAF): VAF 3288, Request for and Consent to Release of Information from Claimant's Records

6.03 Overview of Service Providers

a. General Information

Effective VR&E job development and placement services are dependent upon the Vocational Rehabilitation Counselor's (VRC) and Employment Coordinator's (EC) ability to make full use of available resources. Each VR&E Regional Office (RO) needs to develop and cultivate a referral network that includes the following organizations and programs:

- DOL/VETS
- State Workforce Agencies (SWA) or state employment services' offices
- Programs authorized by the Rehabilitation Act of 1973, as Amended
- Office of Personnel Management (OPM) and federal agencies' Human Resources (HR) offices
- Other public, non-profit or for-profit organizations offering placement services
- Disabled American Veterans (DAV)

b. Local Government Agencies

All government agencies are required to provide employment opportunities to Veterans. In some geographical locations, employment services may be available through local agencies, including county and municipal governments. The availability of local services may depend on other circumstances in addition to an individual's Veteran status.

c. State Employment Services' Offices

In accordance with the Wagner-Peyser Act of 1933, as Amended, a system of public employment offices known as Employment Service, provides job-seekers (with priority to Veterans) and employers with a variety of employment-related labor exchange services, including but not limited to the following:

- Job-seeker assessment of skill levels, abilities and aptitudes

- Career guidance
- Job referral assistance
- Placement assistance
- Recruitment services to employers with job openings
- Matching job-seeker experience with job requirements, skills and other attributes
- Assisting employers with special recruitment needs

Veterans receive priority referral to jobs and training, as well as special employment services and assistance. The system provides specialized attention and service to individuals with disabilities. DOL exercises some administrative control over state employment services' offices by distributing funding and prescribing regulations. Each state employment services office participates in employment-related services through a network of state employment agencies.

d. Federal Government

DOL is responsible for maintaining the national system of state employment services offices. DOL does not directly deliver employment services to Veterans; instead, it monitors and evaluates the delivery of these services by the state employment services offices.

For more information on the Wagner-Peyser Act, as Amended, and state employment services offices go to www.doleta.gov/programs/wagner_peyser.cfm.

6.04 Other Agencies Coordination

a. Referrals

VRCs should research and network with other agencies to identify available services and programs, and to determine what personal information they require to provide services. The VRC should inform the Veteran of the nature of the information provided, and any exchange of personal information must meet applicable state and federal laws (e.g., Freedom of Information Act and Privacy Act) and agency regulations and policies. The Veteran's written consent should accompany the exchange of information in the form of a VAF

3288, Request for and Consent to Release of Information from Claimant's Records.

The Veteran's Individualized Employment Assistance Plan (IEAP) should clearly show all intra-agency (agencies inside the VA) and interagency (agencies outside the VA) referrals. It should contain specific information about the methods, services and activities that the Veteran will use in achieving identified goals and objectives. The agency should be identified by name, address, telephone number and email address on the IEAP. The VRC should make contact with the agency liaison through a face-to-face, email or telephone contact in advance of the referral. The VRC and/or EC are ultimately responsible for ensuring Veterans receive the services that they need to help them obtain employment (38 CFR 21.252).

b. Coordination with Public and Private Agencies

VRCs should have a clear understanding of the roles and responsibilities of public and private agencies providing job placement and related services. VRCs will develop innovative methods of cooperation and determine how to coordinate activities with these agencies to assist Veterans with their employment goals. Close contact with state employment services and state rehabilitation agencies will help to minimize duplicate agency contacts.

1. Partnership with DOL/VETS

Efficient and seamless service is the common goal and responsibility of interagency staff when assisting Veterans with disabilities, particularly those receiving VR&E services. Effective communication and coordinated efforts from all agencies involved will ensure Veterans receive the most comprehensive and professional service possible.

A team approach and partnership between VR&E, DOL/VETS and SWAs are fundamental to a seamless experience for Veterans receiving VR&E services as they move through the evaluation, training, job search and employment phases of their program. For more information on the DOL/VETS and VR&E partnership, refer to:

- VR&E Knowledge Management Portal, Useful Links & Resources - User Guides
- U.S. Department of Labor Veterans' Employment and Training Service and U.S. Department of Veterans Affairs Vocational Rehabilitation and Employment Service Technical Assistance Guide (TAG), December 2008

- DOL Veterans' Employment and Training Service at www.dol.gov/vets

2. Partnership with OPM

Executive Order (EO) 13518, November 9, 2009, Employment of Veterans in the Federal Government, states that it is the policy (of the administration of President Barack Obama) to enhance recruitment of and promote employment opportunity for Veterans within the executive branch, consistent with merit system principles and Veterans' preferences prescribed by law. The federal government will thereby help lead by example in promoting Veterans' employment. For more information on EO 13518, see Appendix AH, EOs. In addition and in accordance with 38 U.S.C. 4214, the agency responsible for planning, implementing, and overseeing the employment of Veterans in the federal government and the Disabled Veterans Affirmative Action Program (DVAAP) is OPM. VRCs should maintain a working relationship with OPM and other federal agencies' HR offices in the recruitment and retention of Veterans with disabilities.

For more information on the employment of Veterans with disabilities in the federal government and DVAAP, refer to M28R.VI.8 and www.fedshirevets.gov.

3. Partnership with Veteran Employment Services Office (VESO)/VA for Vets

VR&E and VA for Vets have a similar mission, which is to increase employment opportunities within the VA for Veterans. Specifically, VA for Vets offers Veterans the tools they need to launch or advance their civilian careers through thorough military skills translation and career matching services. The service also offers professional development and deployment lifecycle support for current Veteran and Military Service Member employees, and online training and personalized services for supervisors, human resources professionals, hiring managers and coworkers who work with current Veteran employees. The Veteran Employment Services Office (VESO) is a strategic program management office that oversees all VA Veteran employment initiatives and manages VA for Vets.

For more information on VESO/VA for Vets, go to www.vaforvets.va.gov.

4. Partnership with the VA's Center for Faith-Based and Neighborhood Partnerships

VR&E and the VA's Center for Faith-Based and Neighborhood Partnerships (FBNP) partner to provide faith-based and secular organizations with information on the benefits of hiring Veterans with disabilities. VR&E and FBNP conduct quarterly roundtable meetings at selected ROs to discuss issues of concern and to meet with employers.

For more information on the FBNP, refer to www.va.gov/cfbnpartnerships.

5. Partnership with State Rehabilitation Agencies

VR&E ROs should expand cooperation and provision of employment services to Veterans through the assistance of state rehabilitation agencies and other programs authorized under the Rehabilitation Act of 1973, as Amended. The MOU between VR&E and the Department of Education Rehabilitation Services Administration, (RSA) is in Appendix K.

Before referring a Veteran to a state rehabilitation agency, the VRC and state rehabilitation counselor must collaboratively review the Veteran's case to determine what services the state is able to provide to the Veteran. If, after collaborating with the state rehabilitation counselor, agreement is reached on what services the state is able to provide to the Veteran, the VRC should make the referral. One advantage of the VA/state rehabilitation agency partnership is that state rehabilitation agencies are able to provide services that VA cannot legally provide to the Veteran, such as a clothing allowance and some transportation allowances. Also, state rehabilitation agency offices are usually spread out across the state and can serve Veterans who do not live close to a Regional Office or out-based VR&E office. State rehabilitation agencies are particularly advantageous to Veterans who live in areas with limited employment and placement opportunities.

6. Partnership with the Small Business Administration

VRCs should contact the Small Business Administration (SBA) during the development of an Individualized Written Rehabilitation Plan (IWRP) and/or IEAP for self-employment. Examples of services provided by the SBA are as follows:

- Offers training sessions in management and marketing techniques, some tailored exclusively to Veterans
- Publishes extensive materials on business practices

- Maintains a list of local business people available to consult with would-be entrepreneurs

The SBA can assist VRCs and Veterans with plan development concerning business trends, funding and marketing, and can assist in obtaining bank loans by guaranteeing payments against default.

For more information on the SBA and the services it provides, visit www.sba.gov.

For more information on self-employment, see M28R.VI.A.9.

7. Partnership with SCORE

Another agency to consider when developing either an IWRP and/or IEAP for a self-employment goal is SCORE. SCORE is a nonprofit association dedicated to educating entrepreneurs and helping small businesses start, grow and succeed nationwide. SCORE is a resource partner with the SBA and has been mentoring small business owners for more than 40 years.

SCORE is a valuable network of 13,000+ volunteers who offer small business entrepreneurs confidential business counseling services at no charge. SCORE volunteers have the knowledge and experience to help any small business owner get the help he/she needs.

SCORE also provides local workshops and events throughout the country to connect small business owners with the people and information they need to start, grow and maintain their businesses, as well as online workshops available 24 hours a day 7 days a week. SCORE provides resources, templates and tools to assist entrepreneurs in developing tools and plans they need to navigate their way to small business success.

For more information on SCORE, go to www.score.org.

8. Partnership with the VA's Office of Small and Disadvantaged Business Utilization

VRCs must be aware of the Veteran-owned Small Business Outreach Program in VA's Office of Small and Disadvantaged Business Utilization (OSDBU). The Veteran-owned Small Business Outreach Program solicits Veteran-owned small businesses and provides for possible VA contract opportunities.

The OSDBU provides outreach and liaison support to business owners (small and large) and other members of the private sector concerning small business acquisition issues. OSDBU is responsible for monitoring VA implementation and execution of socioeconomic programs. OSDBU conducts different outreach efforts to assist Veteran-owned businesses, to include:

- Advising the Veteran business community of contract opportunities
- Coordinating outreach activities with national service organizations
- Sponsoring Veterans to attend business opportunity conferences
- Publishing a Veteran-owned small business resource list
- Developing news releases aimed at Veterans in business
- Maintaining a dialogue with the SBA

9. Partnership with Disabled American Veterans

In 88 offices throughout the United States and in Puerto Rico, the Disabled American Veterans (DAV) employs a corps of approximately 260 National Service Officers (NSOs) who represent Veterans and their families with claims for benefits from VA, the Department of Defense and other government agencies. Veterans need not be DAV members to take advantage of the assistance, which is provided free of charge.

NSOs function as attorneys-in-fact, assisting Veterans and their families in filing claims for VA disability compensation and pension; vocational rehabilitation and employment; education; home loans; life insurance; death benefits; and health care. The DAV also provides information seminars, counseling, and community outreach to Veterans and their families.

For more information on DAV, go to www.dav.org/.

Chapter 7 SPECIAL EMPLOYER INCENTIVE PROGRAM

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- a. General Information
- b. Determining Need for and Type of SEI Opportunities
- c. Search for Placement Opportunities
- d. Amend Individual Employment Assistance Plans (IEAPs)
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- f. Conduct Case Management
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 - 1. Reimbursement Limited to Direct Expenses
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 - (a) Submission of Vouchers for Payment
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7.05 Direct Benefit Payments to Veterans

- a. Subsistence Allowance
- b. Chapter 30 Allowance

7.06 Duration of Employer Payments

Appendix O. VA Forms

Appendix Q. Special Employer Incentive Contract

Appendix R. Schedule I

Chapter 7 SPECIAL EMPLOYER INCENTIVE PROGRAM

7.01 Introduction

The Special Employer Incentive (SEI) program is a private-sector initiative that connects job-seeking Veterans with employers for training while on the job and employment opportunities.

This chapter provides an overview of the SEI program, steps required to arrange SEI opportunities, information on direct benefit payments to Veterans as well as the duration and limitations of employer payments. Statutory and regulatory provisions are also contained in this chapter.

7.02 References and Resources

| | |
|-----------------|--|
| Laws: | Pub. L. 112-56 Rehabilitation Act of 1973, as Amended 38 United States Code (U.S.C.) 4211(1) 38 U.S.C. 4212 |
| Regulations: | 38 Code of Federal Regulation (CFR) 21.256 (superseded by Pub. L. 112-56) 38 CFR 21.290 38 CFR 21.190 38 CFR 21.292 38 CFR 21.294 38 CFR 21.7136 |
| VA Forms (VAF): | VAF 28-1904, Agreement to Train on the Job Disabled Veterans VAF 28-1905c, Monthly Record of Training and Wages VAF 28-1905d, Special Report of Training VAF 28-1905m, Request for Supplies VAF 20-8206, VA Statement of Assurance of Compliance with Equal Opportunity Laws VAF 22-8794, Designation of Certifying Official(s) VAF 119, Report of Contact |

7.03 Program Overview

a. General Information

The SEI program provides Veterans who face extraordinary obstacles to obtaining employment with additional assistance in finding employment in the private sector. Some Veterans may not be able to locate suitable employment opportunities in their local commuting areas; other Veterans may face additional challenges due to their disabilities. The goal of the program is to place Veterans who are generally qualified for employment, but may lack some specific training or work experience in an on-the-job training experience in an effort to gain the skills necessary to obtain and maintain employment.

The advantage to private-sector employers is that Vocational Rehabilitation & Employment (VR&E) Services will reimburse a portion of the expenses incurred as a result of either providing direct employment or on-the-job training opportunities to Veterans. VR&E staff will not make payments to government employers, including federal, state, or local agencies, as a part of this initiative.

b. Program Requirements

1. Veterans' Eligibility Requirements

Veterans may participate if the following occurs:

- (a) The Veteran has been determined generally qualified for employment.
- (b) The Veteran has been declared job ready.

2. Employers' Eligibility Requirements

(a) Course and Facility Approval

Employment Coordinators (ECs) and Vocational Rehabilitation Counselors (VRCs) must establish that potential employers comply with the course and facility approval provisions. These provisions are outlined under 38 CFR 21.290 and 21.292.

(b) Equal Employment Opportunity Requirements

ECs and VRCs must ensure that employers comply with the Rehabilitation Act of 1973, as Amended, and with 38 U.S.C. 4212 regarding equal employment opportunity requirements for Veterans with disabilities (as defined in 38 U.S.C. 4211(1)). The Department of Labor (DOL) publishes a list of non-complying employers. Unless a question arises regarding an employer's compliance, the case manager

will consider that an employer not on this list meets these compliance requirements.

VR&E staff members should direct questions concerning compliance to the local DOL representative or to the Education Liaison Representative at the VA Regional Office.

c. Program Benefits

1. Benefits for Veterans

The benefits for Veterans include:

- (a) Assistance with overcoming barriers to employment.
- (b) Increased opportunities for permanent placement.

2. Benefits for Employers

The benefits for employers include:

- (a) Reimbursement of up to 50 percent of the Veteran's salary during the SEI opportunity to cover compensation for the following:
 - Additional expenses incurred for cost of instruction
 - Loss of production
 - Additional supply and equipment costs
- (b) Minimal paperwork.
- (c) Case manager support to enable a successful employer/employee match.
- (d) Employee training at employer's standards.

7.04 How to Set Up SEI Opportunities

a. General Information

SEI should be arranged whenever the VRC or EC determines that this service is needed for the Veteran to obtain employment. All ECs and VRCs should be

familiar with the process and requirements. Setting up an SEI opportunity should be a streamlined process, which requires the following steps:

1. Determine the need for SEI.
2. Locate an employer and conduct a site visit survey (38 CFR 21.294).
3. Amend the Individualized Employment Assistance Plan (IEAP).
4. Coordinate the Contract for Education and Training and Schedule I form with the contracting specialist or VR&E Officer.
5. Complete the following forms and justification (See Appendix O, VA Forms):
 - VAF 22-8794, Designation of Certifying Official(s)
 - VAF 20-8206, VA Statement of Assurance of Compliance with Equal Opportunity Laws
 - VAF 28-1904, Agreement to Train On The Job Disabled Veterans
 - VAF 28-1905m, Request for Supplies (if applicable) (See M28-1,III,6 for information on the authorization of supplies.)
 - Perform follow-up efforts

b. Determining Need for and Type of SEI Opportunities

1. Case managers must identify whether eligible Veterans need SEI opportunities.
2. Case managers will determine whether SEI opportunities are necessary to overcome obstacles such as age, disability(ies), work history, a limited number of employers in the commuting area and/or adjustment problems. Oftentimes available local employers will offer on-the-job training or employment only if VA offers to reimburse them for direct expenses to the degree permitted under this program. (38 CFR 21.256 (b))
3. The case manager must work closely with the Veteran to determine the most appropriate SEI program. Some Veterans will benefit from a program that focuses on the development of a specific set of skills, whereas some Veterans may need the opportunity to develop and/or improve basic employment skills.

c. Search for Placement Opportunities

The search process for SEI opportunities involves two important steps. ECs and VRCs will perform the following tasks:

1. Locate potential employers (a state vocational rehabilitation placement specialist, local DOL Disabled Veterans' Outreach Program (DVOP) specialist, or state employment representative may be contacted to assist in this effort). Cold calls are another way to identify potential employers. A Veteran may find his/her own employer as well.
2. Inform employers that the paperwork involved is minimal and that the EC or VRC will assist the employer with voucher preparation, if necessary.

d. Amend IEAPs

The case manager will amend the Veteran's IEAP after an employer is found and the Veteran agrees to participate in the program. The amended IEAP should list the steps necessary for the Veteran to maintain employment.

e. Coordinate Contract Agreements

Once the case manager determines that the employer meets the qualifications of the SEI program, he/she will coordinate the signing of the contract. Additionally, the case manager must ensure that the Veteran's Counseling, Evaluation and Rehabilitation (CER) folder contains the following:

- Verification of the employer's compliance with applicable laws and regulations, documented on VAF 28-1905d, Special Report of Training (See Appendix O) and in CWINRS case notes
- SEI Contract (See Appendix Q, Special Employer Incentives Contract for a sample of an SEI contract)
- Schedule I form (See Appendix R, Schedule I)
- A statement on the SEI contract: "The contractor will ensure the Veteran will not displace a current employee or prevent the recall of a laid-off employee."

The case manager should ensure that a veteran does not start work before the contract is signed. If an employer hires a Veteran without the SEI, an

SEI cannot be set up after the fact. The SEI is designed to encourage the employer to hire the Veteran.

f. Conduct Case Management

The Employment Services case manager must provide the same level of supervision provided to other Veterans receiving employment services. The Veteran will be provided an initial "face-to-face" supervision within 30 days of beginning the SEI opportunity and each month thereafter.

The case manager shall provide the level of support necessary to ensure the successful completion of the SEI program. Early intervention, should problems arise, will help to stabilize the veteran during and after participation in the SEI program. The case manager must perform follow-up efforts to address the employer's feedback regarding the Veteran's progress.

g. Complete Documentation

For all SEI programs, the case manager will maintain progress notes. Progress notes will be kept on VAF 28-1905d (See Appendix O, VA Forms) or in CWINRS notes and VAF 28-1905c, Monthly Record of Training and Wages (See Appendix O, VA Forms), which is completed by the employer and submitted to the case manager for review.

h. Reimburse Employers

VR&E can reimburse an employer up to a maximum of one-half the wages the employer pays the Veteran. These wages should be agreed upon prior to the time the contract is signed, but cannot be less than the wages other employees receive in the same or similar jobs for that period of time.

1. Reimbursement Limited to Direct Expenses

Employers may receive reimbursement only for direct expenses. Direct expenses include:

- Instructional costs (paying supervisors to instruct the Veteran and purchasing instructional aids)
- Training materials and supplies
- Modification of equipment or working areas to permit the Veteran to be as productive as other workers

- Any significant loss of company productivity

Employers should base all of these expenses on objective data and cannot approximate the data. For example, employers must show workers in the same occupational classification as a Veteran are more productive than the Veteran, but the workers and Veteran are paid a similar salary. If this is clearly verified by the case manager, the employer can charge VR&E a percentage of the wages the Veteran received during the SEI opportunity, not to exceed 50 percent.

2. Employer Responsible for Productivity Determination

The employer is responsible for making the decision regarding loss of productivity. VR&E staff members may NOT review productivity or similar records beyond the brief justification, which the employer submits to VR&E in claiming reimbursement for the loss of productivity.

3. Limitations on Amounts an Employer can Claim

The employer may NOT claim reimbursement for more than one-half the total wages paid to the Veteran (projected in item #5 of Schedule I of the contract). The employer will project the amount for reimbursement in item #6 of Schedule I of the contract. The employer may itemize each of the expense factors (e.g., 30 percent due to loss of productivity) or submit a single figure encompassing all of the factors for which reimbursement may be claimed.

4. Vouchers

(a) Submission of Vouchers for Payment

The employer may submit vouchers on a monthly or quarterly basis or a voucher at the end of the Veteran's SEI opportunity. The voucher must include the following:

- (1) Start and end dates of the period for which the employer is claiming reimbursement.
- (2) Wages the employer paid during this period to the Veteran.
- (3) Wages the employer paid during this period to employees in the same or similar jobs, if applicable.

(4) Amount of reimbursement the employer claims for the following items:

- Instruction costs
- Productivity losses
- Supply and equipment expenses

(b) Review Vouchers

Case managers will perform the following tasks:

(1) Review vouchers.

(2) Ensure the figures correspond with Schedule I of the contract and VAF 28-1905c (See Appendix O, VA Forms) that the employer previously submitted.

(3) Ensure the total claim does not exceed 50 percent of item #5 of Schedule I of the contract and not more than 50 percent of the salary paid for the time period invoiced.

(4) Determine if the claim is incorrect and return the total voucher to the employer with an explanation of the reasons for the return.

(5) Forward the voucher to the Contracting Specialist for payment following approval in the same manner as other vouchers.

i. Perform Follow-Up

Case managers will follow up with their Veterans for at least 60 days after completion of the SEI program. Case managers must ensure the following:

1. Confirm with the employer that the Veteran has reached his/her goals.
2. If the Veteran's employment is stable, complete recommendations for rehabilitation.
3. If the Veteran's employment is not stable, determine interventions.

The following documents (See Appendix O, VA Forms) must be completed, signed, and collected during the follow-up period:

- VAF 28-1905c, Monthly Record of Training and Wages
- VAF 28-1905d, Special Report of Training or CWINRS notes
- VAF 119, Report of Contact or CWINRS notes, if appropriate
- Employer invoices

j. Placement Termination or Reevaluation

1. A Veteran may have to leave his/her position due to performance, the deterioration of his/her disability or other issues. The case manager may need to reevaluate a participating Veteran's current employment needs. After the reevaluation, the EC or VRC and Veteran may decide to pursue and develop another SEI opportunity with a different employer. This new SEI opportunity may occur without regard to the number of months of entitlement used in the previous SEI opportunity.

Case managers should carefully monitor entitlement usage for Veterans who do not have a serious employment handicap (SEH) to ensure that these Veterans do not use more than 48 months of entitlement. Upon completion of the SEI, case managers, in coordination with the contracting officer and VR&E Officer, must ensure that the contract with the employer is officially closed out.

2. Additional SEI Program Approvals

Before a Veteran can participate in a second or subsequent SEI opportunity, the Regional Office Director and the VR&E Service Director must approve the new opportunity.

k. Charge against Entitlement

The case manager will not charge basic Chapter 31 entitlement for the period during which the employer is entitled to reimbursements of direct expenses under the program.

7.05 Direct Benefit Payments to Veterans

a. Subsistence Allowance

No Veteran may receive Chapter 31 subsistence allowance while participating in an SEI program. However, SEI participants are eligible for all services that Veterans can receive under VR&E's Employment Services.

b. Chapter 30 Allowance

In accordance with 38 CFR 21.256, if the SEI meets the criteria for approval of on-job training under Chapter 30, the Veteran may be paid at the educational assistance rates provided for this type of training under Chapter 30 to the extent that he/she has remaining eligibility and entitlement under Chapter 30 and has elected to receive a subsistence allowance in accordance with 38 CFR 21.7136.

7.06 Duration of Employer Payments

Per 38 CFR 21.256, the period for which the employer is paid may not exceed the period necessary to accomplish on-job training or to begin and maintain employment at the journeyman level for at least 2 months. The period for which payment may be authorized may not exceed 6 months, unless the VR&E Officer approves a longer period. The VRC may request up to two additional 3-month periods of SEI if it is reasonable to assume the extended period of service would increase the Veteran's marketability and/or employment options.

Chapter 8
VETERANS' PREFERENCE AND SPECIAL HIRING AUTHORITIES

8.01 Introduction

8.02 References and Resources

8.03 Veterans' Preference in Federal Employment

- a. General Information
 - 1. For Competitive Service
 - 2. For Excepted Service
- b. Preference Requirements
- c. Responsibilities
 - 1. VR&E
 - 2. Office of Personnel Management (OPM)
 - 3. Department of Labor's Veterans' Employment and Training Service (DOL/VETS)
- d. Required Documentation
 - 1. For Claiming 5-Points Preference
 - 2. For Claiming 10-Points Preference
 - 3. For Claiming to be a Spouse or Child of a Qualifying Veteran (10-Points Preference)

8.04 Special Appointing Authorities

- a. General Responsibilities
- b. Authorities for Veterans and Individuals with Disabilities
 - 1. Veterans' Recruitment Appointment (VRA)
 - (a) General Information
 - (b) Appointment Options
 - (c) Requirements
 - (d) References
 - 2. 30 Percent or More Disabled Veterans' Authority
 - (a) General Information
 - (b) Appointment Options
 - (c) Requirements
 - (d) References
 - 3. Disabled Veterans Enrolled in a VA Training Program Authority
 - (a) General Information
 - (b) Equivalency with Non-Paid Work Experience (NPWE)
 - (c) Specific Employment Coordinator (EC) and Vocational Rehabilitation Counselor (VRC) Responsibilities for this Authority
 - (d) Certificate of Training

- (e) References
- 4. Veterans Employment Opportunities Act (VEOA) of 1998, as Amended
 - (a) General Information
 - (b) Requirements
 - (c) References
- 5. Schedule A. Appointment for Persons with Disabilities
 - (a) General Information
 - (b) Requirements
 - (c) Documentation
 - (d) Specific EC and Vocational Rehabilitation Counselor VRC Responsibilities for this Authority
 - (e) References

8.05 Equal Employment Opportunity Programs

- a. General Information
- b. Responsibilities
- c. Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994
 - 1. General Information
 - 2. References
- d. Work Opportunity Tax Credit (WOTC)
- e. Selective Placement Program (SPP)
 - 1. General Information
 - 2. Selective Placement Program Coordinator (SPPC)
 - 3. Job Candidate Referral Options
 - 4. Responsibilities
- f. Reasonable Accommodation
 - 1. General Information
 - 2. Types of Reasonable Accommodation
 - 3. References
- g. Section 508 of the Rehabilitation Act of 1973, as Amended
 - 1. General Information
 - 2. Requirements
 - 3. Responsibilities
 - 4. Computer/Electronic Accommodations Program (CAP)
 - 5. References
- h. Special Emphasis Programs (SEPs)
 - 1. General Information
 - 2. People with Disabilities Program

Appendix AG. Employment Resources

Appendix AB. Work Opportunity Tax Credit

Appendix AC. Schedule A Letter

Chapter 8 VETERANS' PREFERENCE AND SPECIAL HIRING AUTHORITIES

8.01 Introduction

This chapter provides a summary of Veterans' preference, special appointing authorities, and federal and departmental equal employment opportunity programs and resources. This chapter contains the statutory and regulatory provisions that deal with the employment of Veterans with disabilities.

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program has a variety of employment resources, some described in this chapter. See Appendix AG, Employment Resources, for a list of other recruitment programs and initiatives related to employment of individuals, including Veterans with disabilities.

8.02 References and Resources

| | |
|--------------|---|
| Laws: | Title VII of the Civil Rights Act of 1964, as Amended Civil Rights Act of 1991 Rehabilitation Act of 1973, as Amended Americans with Disabilities Amendments Act Veterans' Preference Act of 1944, as Amended Jobs for Veterans Act 2002, Public Law (P.Law) 107-288 Veteran Employment Opportunity Act, P.Law 105-339 Veterans Millennium Health Care and Benefit Act, P.Law 106-117 Vow to Hire Heroes Act 2011, P.Law 112-56 5 United States Code (U.S.C.) 2108 5 U.S.C. 3112 5 U.S.C. 3304 5 U.S.C. 3309 29 U.S.C. 794(d) 38 U.S.C. 31 38 U.S.C. 4211 38 U.S.C. 4214 38 U.S.C. 4301-4335 |
| Regulations: | 5 Code of Federal Regulations (CFR) 3.1 5 CFR 211 5 CFR 213.3102(u) 5 CFR 302 5 CFR 302.201 5 CFR 307 |

5 CFR 307.103
5 CFR 315.604
5 CFR 315.611
5 CFR 315.705
5 CFR 315.707
5 CFR 315.709
5 CFR 316.301-302
5 CFR 316.401-402
5 CFR 332.401
5 CFR 335.106

Executive Orders: Executive Order (EO) 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation

VA Directives: VA Directive 5975, March 6, 2007
VA Directive and Handbook 5975.1, May 30, 2002

OPM Resources: VetGuide
Delegated Examining Operating Handbook and Memoranda

Websites: www.fedshirevets.gov
www.va.gov/VECS
www.doleta.gov/business/Incentives/opptax
www.eeoc.gov/laws/guidance/enforcement_guidance.cfm
www.askjan.org
www.section508.va.gov
www.tricare.mil/cap/disabilities

8.03 Preference in Federal Employment

a. General Information

Veterans' preference is a tool to assist in the placement of Veterans in federal government positions, providing a "first consideration." Veterans' preference was established by the Veterans' Preference Act of 1944, as amended, and is found in various provisions of 5 U.S.C. 2108.

Veterans' preference applies to permanent and temporary positions in both the competitive and excepted services, which are two classes of jobs in the federal government. For the competitive service, applicants must compete with other individuals for positions that are posted on the USAJOBS website through a structured process. In the excepted service, applicants such as Veterans with disabilities may be noncompetitively considered and hired

through a number of special appointing authorities that agencies may utilize to fill jobs. The excepted service contains certain agencies and entities, groups of individuals, and positions that are outside the competitive service. The methods used for the competitive and excepted services differ:

1. For Competitive Service

Veterans' preference gives eligible Veterans additional points toward a passing examination score or rating. Eligible Veterans are also placed at the top of hiring certificates for positions, except for professional and scientific positions at grade GS-09 and above. Eligible Veterans who apply for professional or scientific positions still receive points and are listed ahead of other applicants having the same rating. (5 U.S.C. 3309 and 3313(1) and (2)(A); 5 CFR 332.401(b))

2. For Excepted Service

Veterans' preference allows eligible Veterans to apply noncompetitively under special appointing authorities.

- b. Preference Requirements

Veterans must be discharged from active duty under an honorable or general discharge to be eligible for Veterans' preference. Veterans' preference does not:

1. Guarantee that a Veteran will be selected for employment
2. Apply to internal agency actions, such as promotions, transfers, reassignments and reinstatements
3. Apply to the Senior Executive Service, positions in the legislative and judicial branches of the federal government or positions in certain exempted agencies, such as the Central Intelligence Agency

- c. Responsibilities

1. Vocational Rehabilitation and Employment

VR&E will partner with VA's Veterans Employment Coordination Service (VECS) and its regional offices to support the Department's National Veterans Employment Program in the marketing, advocacy and education of Veterans' preference. VECS is an organization within VA's Office of Human Resources management created to attract, recruit and hire

Veterans within VA, particularly severely injured Veterans from Operations Iraqi Freedom and Enduring Freedom.

More information on VECS may be found at www.va.gov/VECS.

VR&E staff members must be thoroughly familiar and current with Veterans' preference regulations and documentation requirements. Vocational Rehabilitation Counselors (VRCs) and Employment Coordinators (ECs) act as resources to perform the following tasks:

- Provide guidance on Veterans' preference and assist job ready Veterans in completing federal vacancy applications
- Review applications and ensure Veterans have complete packages including appropriate Veterans' preference and required documentation
- Educate Human Resources (HR) personnel and managers on the importance of hiring Veterans with disabilities and Veterans' preference regulations and rules. (Hiring managers have at their discretion the ability to select applicants from various lists, some of which may not contain any Veteran applicants.)
- Develop a basic understanding of the Office of Personnel Management's (OPM) Delegated Examining Operating Handbook (DEOH) and its regularly occurring memoranda (www.opm.gov/deu), which provide updated information on Veterans' preference. (The DEOH provides operational procedures for agencies to use in the staffing and placement process for competitive examining of positions.)

2. Office of Personnel Management (OPM)

OPM is responsible for prescribing and enforcing regulations in the administration of Veterans' preference in the competitive and excepted services. OPM is also the deciding agency in requests for selecting non-Veterans over Veterans in the job selection process. OPM's guidance is found in the VetGuide at www.fedshirevets.gov and in the DEOH.

3. Department of Labor's Veterans' Employment and Training Service (DOL/VETS)

VETS assists Veterans in determining their eligibility for Veterans' preference. VETS developed a web-based questionnaire to determine eligibility, which may be found at www.dol.gov/vets.

d. Required Documentation

Veterans who claim Veterans' preference must submit the following documentation with their federal job applications. If a Veteran does not submit the required documentation, then Veterans' preference will not apply.

1. For Claiming 5-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)

2. For Claiming 10-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)
- Purple Heart Recipients: Purple Heart must be listed on the DD214 or other official documentation
- SF-15, Application for 10-Point Veteran' Preference
- Letter from the VA Regional Office stating the Veteran's percentage of disability

3. For Claiming to be a Spouse or Child of a Qualifying Veteran (10-Points preference)

- DD214, Certificate of Release or Discharge from Active Duty (must show the Veteran's character of service upon discharge)
- SF-15, Application for 10-Point Veterans' Preference
- Letter from the VA Regional Office showing that the Veteran is unemployable or 100-percent service-connected
- If Veteran is deceased, a copy of the death certificate

NOTE: Veterans must contact their local VA Regional Office to obtain a Veterans' preference letter at (800) 827-1000.

8.04 Special Appointing Authorities

Special appointing authorities are noncompetitive and excepted service appointing authorities, which federal agencies can use entirely at their discretion. These authorities provide flexibility in staffing hard-to-fill positions and overcoming underrepresentation, and allow for quick and easy hiring.

a. General Responsibilities

1. VR&E will make every effort to educate HR personnel, managers, and Veterans on these special appointing authorities. VRCs and ECs will be knowledgeable about the various authorities' regulations and provide guidance to HR personnel, hiring managers and Veterans. In addition, ECs should promote the use of these authorities.
2. When Veterans are searching and applying for federal employment, ECs and Veterans will check the vacancy announcements, which clearly state "Who May Apply." This section in the vacancy announcements will identify the individuals and authorities that may be considered. ECs will provide Veterans an overview of vacancy announcements and their structure, including what to look for in key sections as Veterans begin their federal job search.

NOTE: Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) may also perform this function.

b. Authorities for Veterans and Individuals with Disabilities

The most common authorities available to hiring managers, HR personnel and Veterans and individuals with disabilities include:

- Veterans' Recruitment Appointment (VRA)
- 30 Percent or More Disabled Veterans' Authority
- Disabled Veterans Enrolled in a VA Training Program Authority
- Veterans' Employment Opportunities Act (VEOA)
- Schedule A for Persons with Disabilities

These authorities offer multiple approaches to the employment of Veterans. Generally, the authorities provide for the following:

| Overview of Authorities | |
|---|---|
| VRA | VRA gives agencies the discretion to appoint eligible Veterans to positions in the federal government without competition. Veterans may be appointed to any grade level in the General Schedule through GS-11 or equivalent). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. Applicants must meet the basic qualifications for the position to be filled. |
| 30 Percent or More Disabled Veterans' Authority | Veterans may be initially appointed noncompetitively to a temporary or term appointment. Then, as early as day 61 of employment under this authority, hiring managers may convert Veterans to a career or career-conditional appointment. There is no grade-level limitation for this authority. Applicants must meet all qualification requirements for the position to be filled. |
| Disabled Veterans Enrolled in a VA Training Authority | This authority is the equivalent to the Non-Paid Work Experience (NPWE) program. Veterans eligible for training through VR&E may enroll in training or work experience under an agreement between any government agency (local, state or federal) and VA. Veterans are not considered government employees for most purposes. Training is tailored to the individual's needs and goals. Certificates of Training are provided at the end of the training/work experience, which allows agencies to appoint Veterans noncompetitively under status quo appointments. Those appointments may be converted to career or career-conditional at any time. |
| VEOA | This authority, unique to the competitive service, allows Veterans to apply to positions under merit promotion procedures (inside the federal government) when the agency is recruiting outside of its own workforce. Veterans' preference is not a consideration when selections are made for these appointments. |
| Schedule A for Persons with Disabilities | This excepted service authority is an alternative to authorities specifically designed for Veterans. Schedule A provides a way to hire individuals with physical, psychiatric or cognitive impairments without competition. Schedule A employees can be converted to permanent positions in the competitive service after completing two years on the job |

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| | and demonstrating satisfactory performance (with or without reasonable accommodation). |
| Employment of Veterans with Disabilities who have Completed a Training Course under Chapter 31 (5 CFR 315.604) | This authority, unique to the competitive service, allows any agency to appoint a Veteran with a disability noncompetitively to positions or class of positions for which he/she is trained. Veterans with disabilities must satisfactorily complete an approved course of training prescribed by VR&E. |

More information on these authorities is listed below:

1. VRA

(a) General Information

VRA is an excepted service authority that allows agencies to appoint eligible Veterans without competition. Veterans can be appointed under this authority at any grade level up to and including GS-11 or equivalent (promotion potential of the position is not a factor). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. This special appointing authority is a good tool for filling entry-level to mid-level positions.

(b) Appointment Options

In most cases, this authority's duration is two years. In accordance with 5 CFR 307.103, after successfully completing two years of employment, Veterans must be converted to a career or career-conditional appointment in the competitive service.

Agencies can use VRA to fill noncompetitive temporary (not to exceed one year) or term (more than one year but not to exceed four years) positions based on an individual's eligibility for VRA. The temporary or term appointment must be at the grades authorized for VRA, but is not a VRA itself and does not lead to conversion to the competitive service. For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years

of a term appointment from OPM. At the conclusion of the temporary or term appointment and extension, if needed, Veterans may be considered for new jobs or other VRAs, provided they qualify.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' Veterans Employment Program Managers (VEPMs), Special Placement Program Coordinators (SPPCs), HR personnel, or hiring managers
- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPMs and SPPCs, VR&E and other outside resources

(2) Veterans' preference applies under 5 CFR 302.201 and 211 when using this authority.

(3) Specific eligibility requirements for this authority are provided in 38 U.S.C. 4214 and 5 CFR 307.

(4) Agency-prescribed education/training is required for Veterans with less than 15 years of education.

(d) References

For more information on the VRA, see the VetGuide and the following references:

- VRA Authority, Pub. L. 107-288
- 38 U.S.C. 4211 and 4214
- 5 CFR 211, 302.201, 307, 315.705, 316.301-302 and 316.401-402

2. 30 Percent or More Disabled Veterans' Authority

(a) General Information

Under 5 U.S.C. 3112, a Veteran with a compensable service-connected disability of 30 percent or more may receive a noncompetitive appointment in a federal agency if the Veteran meets the job qualification standards. This special appointing authority is a good tool for filling positions at any grade level quickly. Another key feature of this authority is the ability for federal employers to convert Veterans under this authority from a temporary appointment to permanent status after a relatively brief period of employment.

(b) Appointment Options

HR personnel will first place Veterans on a time-limited appointment of at least 60 days. Hiring managers may convert them upon day 61 or later to a career or career-conditional appointment in the competitive service.

Additionally, temporary (not to exceed one year) or term (more than one year, but not more than four years) appointments are other appointment options under this authority. For this authority, temporary and term appointments may lead to conversion to career or career-conditional employment. If a Veteran meets the qualifications for the position and is appointed to the position, a manager may convert the appointment, without a break in service, at any time during the temporary or term appointment.

NOTE: For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years of a term appointment from OPM.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' VEPMs, SPPCs, HR personnel, or hiring managers

- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPs and SPPCs, VR&E, and other outside resources

(2) Specific eligibility requirements for this authority are provided in 5 CFR 315.707(a)(1)-(2).

(3) There is no grade-level restriction.

(4) A VA letter or military discharge papers substantiating the service-connected disability is required.

(5) The applicant must meet the job qualifications including any required employment testing.

(6) Reasonable accommodation must be provided for testing.

(d) References

For more information on the 30 Percent or More Disabled Veterans' Authority, see the VetGuide and the following references:

- 5 U.S.C. 3112
- 5 CFR 316.301-302, 316.401-402 and 315.707

3. Disabled Veterans Enrolled in a VA Training Program Authority

(a) General Information

This authority is a useful resource for providing Veterans with the necessary training and work experience they need at no or nominal cost. Eligible Veterans may be placed in training or work experience at government agencies. The purpose of the Veterans' training or work experience is to:

- Gain exposure in a particular field
- Learn the skills needed for a specific position
- Develop the knowledge and abilities required for the position
- Keep their resumes up-to-date with current and continual work experience

VR&E will establish a formal training agreement with the participating government agency. The training or work experience will provide for tailored duties and assignments to meet the individual's needs and goals. Duration has no required set length.

NOTE: If the training is intended to prepare the individual for an eventual position at the government agency rather than just work experience, the government agency must insure that the training will enable the Veteran to meet the qualification requirements for the position.

(b) Equivalency with Non-Paid Work Experience (NPWE)

This authority is the equivalent of the NPWE Program.

(c) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Work with HR personnel and managers in the creation of opportunities under this authority and provide guidance.
- (2) Promote the use of this authority and instruct HR personnel and managers to code in their personnel management system the work experience or training under NPWE as this authority. (This will give the federal agencies credit in utilizing the authority and add toward their Disabled Veterans Affirmative Action Program (DVAAP) accomplishments report, which federal agencies submit to OPM.)
- (3) Educate HR personnel and managers on the DVAAP and importance of hiring Veterans with disabilities, in an effort to assist in the marketing of the NPWE so more agencies utilize the authority and program.

(d) Certificate of Training

Upon successful completion of the training, the government agency and VA will give the Veteran a Certificate of Training showing the occupational series and grade level of the position for which trained. The Certificate of Training allows any agency to appoint the Veteran noncompetitively to a position, which may be converted to career or career-conditional at any time.

(e) References

For more information on the Disabled Veterans Enrolled in a VA Training Program Authority, see the VetGuide and the following references:

- 38 U.S.C. Chapter 31
- 5 CFR 3.1 and 315.604

4. Veterans Employment Opportunities Act (VEOA) of 1998, as Amended

(a) General Information

VEOA is a competitive service appointing authority. This authority is different from the excepted and noncompetitive appointing authorities that make up the special appointing authorities, and can only be used when filling permanent, competitive service positions. It allows Veterans to apply to announcements that are only open to "status" candidates, which means "current competitive service employees." The VEOA allows managers to consider highly qualified, non-status preference eligibles and Veterans without using more restrictive competitive examination procedures.

(b) Requirements

Eligible Veterans' latest discharge must be issued under honorable conditions. When federal agencies recruit from outside their own workforce under merit promotion (internal) procedures, vacancy announcements must state "VEOA is applicable" and be posted on the USAJOBS website. Current or former federal employees meeting VEOA eligibility can apply. However, current employees applying under VEOA are subject to time-in-grade restrictions like any other General Schedule employee. Veterans' preference does not apply to internal agency actions, such as promotions, transfers, reinstatements and reassignments. Specific eligibility requirements for this authority are provided in 5 CFR 335.106 and 5 U.S.C. 3304(f).

Federal agencies must consider VEOA applicants with other status candidates. HR personnel perform the following activities:

- Determine which applicants are qualified
- Rate and rank applicants based on their qualifications

- Issue a selection certificate in accordance with the agency merit promotion plan

Veterans are not subject to geographic area of consideration limitations. This simply means that Veterans from outside the geographic area of the position may be considered. Applicants should factor in whether any relocation allowances/incentives are being afforded before applying. (Agencies are under no obligation to provide relocation assistance.) If a VEOA-eligible candidate is selected, he/she is given a career-conditional or career (as appropriate) appointment.

(c) References

For more information on the VEOA, see the VetGuide and the following references:

- Pub. L. 105-339
- Veterans Millennium Health Care Act (Pub. L. 106-117)
- 5 U.S.C. 3304(f)
- 5 CFR 315.611 and 335.106

5. Schedule A, Appointment for Persons with Disabilities

(a) General Information

In accordance with 5 CFR 213.3102(u), individuals, including Veterans, with severe physical, cognitive or psychiatric disabilities may apply for federal jobs noncompetitively. Veterans with disabilities have the option of applying noncompetitively either to a vacancy announcement from USAJOBS or via a resume submission to an agency's SPPC under this authority. A listing of agencies' SPPCs may be found on OPM's website. Refer to M28R.VI.8.05(d)(1-4) for more information on the Selective Placement Program (SPP) and SPPC. The job seeker with a disability must be at least minimally qualified to perform the position.

This authority is a two-year excepted service appointment. After two years of successful employment and approval by the supervisor, the individual may be converted to a career-conditional appointment under the competitive service.

(b) Requirements

Specific eligibility and administration of the authority are provided in the regulation. Veterans who wish to be considered under this authority should note on either the vacancy application package or resume submission for the noncompetitive process, "Applying under 5 CFR 213.3102(u)" or state, "I am an individual with a disability eligible for a Schedule A appointment." The reference and statement are best placed within the cover letter for the application package or resume submission or the top of the application or resume. Sometimes, the accompanying documentation will identify the reference citation.

(c) Documentation

For consideration under this authority, documentation known as a "Schedule A letter" from a licensed medical professional or other entity, such as from VR&E, must be provided with the Veterans' vacancy application packages or resume submissions. The documentation must indicate proof of disability and job readiness certification. See Appendix AB, Schedule A Letter, for a copy of VAF 2157, which is to be used as the "Schedule A letter" for VRCs/ECs and Veterans' use.

(d) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Provide training to HR personnel and managers as well as guidance on this authority
- (2) Assist Veterans interested in being considered under this authority, including:
 - Determining that the Veteran has a disability and the disability constitutes a barrier to securing employment
 - Evaluating the Veteran's specific job skills, functional abilities and functional limitations
 - Reviewing the requirements of the position that interests the Veteran
 - In some cases, working in close cooperation with the prospective employer and conducting on-site visits to determine

any possible adaptations and/or modifications of the position and the worksite, and identifying reasonable accommodations

- Evaluating the Veteran's ability to meet the requirements of a particular job and work situation
- Establishing the Veteran's ability to perform the duties of the position with or without reasonable accommodation
- Certifying in writing that the applicant is a qualified individual with a disability and is job ready. See Appendix AC, Schedule A Letter, for a copy of VAF 2157

(e) References

For more information about this authority, see 5 CFR 213.3102(u) and 315.709, and www.opm.gov/disability.

8.05 Equal Employment Opportunity Programs

a. General Information

VA's Equal Employment Opportunity (EEO) program is committed to ensuring that all employees and applicants for employment have equality of opportunity in the federal workplace. EEO is established by laws, which are shaped into programs by regulatory agencies such as the Equal Employment Opportunity Commission (EEOC) and OPM. These programs are designed to prevent unlawful discrimination and retaliation for filing discrimination claims or other protected activity.

b. Responsibilities

VR&E Service supports diversity management and EEO in VA and across the federal government. VR&E staff perform the following tasks:

- Assist managers and HR personnel government-wide in the recruitment, development and retention of a diverse workforce
- Advocate employment of Veterans with disabilities and ensure that job-seeking Veterans are treated with dignity and respect
- Work in partnership with VA's Office of Diversity Management and Equal Employment Opportunity (ODMEEEO) to conduct training on affirmative employment for Veterans with disabilities

- Work with managers and HR personnel to conduct accessibility evaluations in the workplace and workstation and identify reasonable accommodations for Veterans with disabilities
 - Analyze hiring and separation trends to project, identify and coordinate recruitment needs
 - Coordinate, market and arrange opportunities with colleges, affinity groups, advertising outlets for specific communities, professional associations, etc.
- c. Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

1. General Information

USERRA prohibits discrimination in employment, retention, promotion or any benefit of employment based on a Veteran's uniformed service. The Department of Labor assists individuals with USERRA claims. VR&E staff assists Veterans and the Department of Labor, as appropriate.

2. References

For more information about USERRA, see 38 U.S.C. 4301-4335 and www.dol.gov/vets/programs/userra/main.htm.

d. Work Opportunity Tax Credit (WOTC)

The WOTC is a federal tax credit incentive that Congress provides to private-sector businesses for hiring individuals from 12 target groups who have consistently faced significant barriers to employment. Pub. L. 112-56, Vow to Hire Heroes Act of 2011 was enacted on November 21, 2011. Specifically, under Section 261 of the Act, the "Returning Heroes and Wounded Warriors Work Opportunity Tax Credits" amended and expanded the definition of WOTC's Veteran target groups. The target groups include Veterans or returning Servicemembers who are participating in the VR&E program, particularly those Veterans who have been unemployed for a significant period. In addition, Section 261 specifies the WOTC limit and a sunset date. See Appendix AB, Work Opportunity Tax Credit. These provisions became effective November 22, 2011, through December 31, 2012. Since the tax credits limit and dates are changed periodically, this appendix will be updated as the changes occur.

The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability. The WOTC joins other workforce programs that assist in workplace diversity and facilitate access to good jobs for American workers.

For more information on the WOTC, refer to www.doleta.gov/business/Incentives/opptax.

e. Selective Placement Program (SPP)

1. General Information

The SPP is a federal recruitment resource that does the following:

- Connects job seekers, including Veterans, with disabilities with HR personnel and hiring managers
- Promotes employment
- Provides options to fill jobs quickly and easily

The program serves as a repository of items not to be limited to resumes and Schedule A letters; information on current federal employment laws; hiring programs and resources; and federal agency employment opportunities. The job-seekers who submit resumes to the SPPCs must be at least minimally qualified to perform the positions they are seeking.

2. Selective Placement Program Coordinator (SPPC)

Each federal agency's SPP has a SPPC or a cadre of SPPCs department-wide. OPM oversees the overall federal SPP. OPM also maintains a listing of all SPPCs government-wide on its website. The SPPCs serve as liaisons between job seekers and hiring managers and HR personnel. The roles of the SPPCs are very similar to the roles of the ECs. Some of the tasks of the SPPCs include:

- Serve as the technical expert on special hiring authorities and the process for applying for positions under those authorities
- Research vacancies in their geographic area

- Identify appropriate vacancies for particular job seekers and provide assistance with the vacancy applications
- Identify possible resumes for hiring managers and HR offices
- Train hiring managers in the utilization of special hiring authorities, and advocate their use

3. Job Candidate Referral Options

The referral options are as follows:

- (a) Job seekers may submit their resumes and Schedule A letters directly to a federal agency's SPPC. When a SPPC receives resumes and Schedule A letters from job seekers with disabilities, the SPPC will forward the resumes only to prospective managers that may have vacant positions or are able to create new positions. The managers may review the resumes, arrange interviews and make direct selections.
- (b) SPPCs may work with job-seeking Veterans and submit resumes and Schedule A letters to HR in their agencies to be considered under the special appointing authority for individuals with disabilities (5 CFR 213.3102(u)) to fill open vacancy announcements. Refer to M28R.VI.A.8.04(b)(5) for more information on this special appointing authority. SPPCs and ECs must remind and train hiring agencies' HR offices on keeping information on an individual's disability and medical condition confidential. SPPCs and HR personnel may inform hiring managers that applicants are applying noncompetitively and remind them about the importance of diversity.
- (c) Hiring managers and HR personnel may request from SPPCs and HR personnel resume referrals of job-seekers with disabilities in particular fields. Managers may also request assistance in recruitment activities, such as job fairs, to locate prospective employees. Managers may make selections from the resumes provided by the SPPCs. HR personnel will assist managers in hiring the new employees noncompetitively without posting a vacancy announcement.

4. Responsibilities

VA station directors oversee their SPP. VR&E Officers or their designees coordinate with their ECs and VRCs and station personnel officers and SPPCs. Together they develop job opportunities within VA facilities and

other federal agencies in the same geographical area. The VR&E Officer, with the assistance of VRCs and ECs, participate in the station's overall program as follows:

- (a) Serve on the station committee on employees with disabilities.
- (b) Consult with the station's SPPC and serve as a resource person in the following areas:
 - Placement of job seekers with disabilities
 - Analysis of physical and other requirements of positions to determine suitability of positions
 - Modification of worksites and environment, and restructuring job tasks
 - Resolution of problems of job adjustment related to disability
 - Career development planning
 - Orientation/sensitivity training for supervisors and coworkers of employees with disabilities
 - Certification of applicants with severe disabilities for appointment

f. Reasonable Accommodation

1. General Information

According to VA Directive 5975, a reasonable accommodation is defined as: "Any modification or adjustment to the work environment, or to the manner or circumstances under which work is customarily performed, that enables a qualified individual with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability." The Americans with Disabilities Act (ADA) requires reasonable accommodation in three aspects of employment:

- Equal opportunity in the application process
- Performance of the essential functions of a job by a qualified individual with a disability

- Enjoyment of equal benefits and privileges of employment by an employee with a disability

A federal agency must make reasonable accommodation to the known physical, cognitive and psychological limitations of a qualified applicant or employee unless the agency can show that the accommodation would impose an undue hardship on its operations.

2. Types of Reasonable Accommodation

There are many types of reasonable accommodations, including:

- Making facilities accessible to and usable by individuals with disabilities
- Restructuring job duties
- Modifying work schedules
- Adjusting or modifying examinations
- Acquiring assistive technology or modifying equipment or devices

3. References

For more information on reasonable accommodation, see:

- VA Handbook 5975.1; EO 13164
- EEOC Guidance on Reasonable Accommodation at www.eeoc.gov/laws/guidance/enforcement_guidance.cfm
- Rehabilitation Act of 1973, as Amended
- Americans with Disabilities Amendments Act
- Job Accommodation Network, a service of the Office of Disability Employment Policy at www.askjan.org

g. Section 508 of the Rehabilitation Act of 1973, as Amended

1. General Information

29 U.S.C. 794d, 508 requires federal agencies to procure, use, maintain and develop accessible electronic and information technology, unless

doing so imposes an undue burden. Section 508 was enacted to eliminate barriers in information technology to make available new opportunities for individuals with disabilities and encourage the development of technologies that will help achieve these goals. One resource that assists in this effort is the Architectural and Transportation Barriers Compliance Board (the Access Board).

2. Requirements

Section 508 requires agencies to provide federal employees with disabilities access to information and data that is comparable to the access provided to federal employees without disabilities. National security systems are exempt.

3. Responsibilities

VR&E must ensure information provided to employees, applicants and Veterans with disabilities is accessible and compliant with the laws and regulations that govern Section 508. This includes marketing items such as brochures, videos and websites. VRCs and ECs must ask the Veterans they serve what format of information is best for them or assist them in determining that need and provide the necessary format.

4. Computer/Electronic Accommodations Program (CAP)

CAP, a Department of Defense program, provides assistive technology and services to federal employees, including Veterans, with disabilities. CAP provides necessary accommodations at no cost to federal agencies.

5. References

For more information on Section 508 and CAP, visit:

www.section508.gov

www.section508.va.gov

www.tricare.mil/cap/disabilities

h. Special Emphasis Programs (SEPs)

1. General Information

ODMEEO has responsibility for Special Emphasis Programs (SEPs). SEPs and related special observances are designed to increase awareness of diverse groups. SEPs are focused on issues such as eliminating employment barriers and discriminatory practices, decreasing underrepresentation and improving cross-cultural awareness.

For each SEP, there is a Special Emphasis Program Manager (SEPM). SEPMs are required at each VA field facility. Participation in any of the SEPs shall be open to all employees.

2. People with Disabilities Program

One of the SEPs required by regulation is the People with Disabilities Program (PWDP). The coordinator of this SEP is the Disability Program Manager (DPM).

The PWDP is a resource to assist VR&E in marketing and educating managers and employees on the VR&E program. The VR&E Officer shall designate a representative to assist in the following activities:

- Collaborate and coordinate with the DPM on various programs and resources, such as reasonable accommodation, to increase recruitment and employment opportunities for Veterans with disabilities
- Serve on the PWDP committee and appropriate subcommittees

Chapter 9 SELF-EMPLOYMENT

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 - a. Individualized Written Rehabilitation Plan (IWRP)/Individualized Employment Assistance Plan (IEAP) Development
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9.08 Self-Employment Services in Conjunction with a State Rehabilitation Agency

9.09 **Limited and Specifically Defined Employment Assistance**

9.10 Required Documents for the Delivery of Self-Employment Services

- a. The Self-Employment Fact Sheet
- b. Preliminary Self-Employment Evaluation
- c. VAF 28-0795, Business Plan Review Guide
- d. VAF 28-0794, Self-Employment Plan Approval Request
- e. VAF 28-8872, Rehabilitation Plan
- f. Case Support - CWINRS' case notes, VAF 28-1905d, and VAF 119

Appendix O. VA Forms

Chapter 9 SELF-EMPLOYMENT

9.01 Introduction

The self-employment track is designed for Veterans who have the necessary job skills to start a business. Self-employment may also be the right track for Veterans who have limited access to traditional employment or require a more accommodating work environment due to the effects of a disability. This chapter provides guidance on the self-employment process, the assignment of categories for self-employment assistance, and self-employment in conjunction with a State Vocational Rehabilitation agency. Statutory and regulatory references are also provided throughout this chapter.

9.02 References and Resources

| | |
|-----------------|---|
| Laws: | Small Business Act of 1953, as Amended 38 United States Code (U.S.C.) 3104 38 U.S.C. 3107 38 U.S.C. 3117 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.50 38 CFR 21.84 38 CFR 21.88 38 CFR 21.98 38 CFR 21.184 38 CFR 21.214 38 CFR 21.252 38 CFR 21.257 38 CFR 21.258 38 CFR 21.282 |
| VA Forms (VAF): | VAF 119, Report of Contact VAF 28-0794, Self-Employment Plan Approval Request VAF 28-0795, Business Plan Review Guide VAF 28-1902b, Counseling Record-Narrative Report VAF 28-1902n, Counseling Record-Narrative Report (Supplemental Information) VAF 28-1905d, Special Report of Training VAF 28-8872, Rehabilitation Plan |
| Websites: | www.sba.gov www.vetbiz.gov |

9.03 Self-Employment Overview

Self-employment is a viable rehabilitation objective for many Veterans. The conditions under which Vocational Rehabilitation and Employment (VR&E) can furnish self-employment services are outlined in 38 CFR 21.257. VR&E encourages self-employment as an objective for Veterans who are unlikely to achieve rehabilitation through employment with existing companies, agencies, or organizations.

a. Self-Employment Principles

VR&E's self-employment program framework is based on the following principles:

1. Enhance vocational opportunities for Veterans.
2. Assist Veterans in identifying self-employment potential and candidacy based on eligibility criteria for Category I or Category II levels of service (for additional information on the determination of categories, see M28R.VI.A.9.05).
3. Complete, coordinate, or contract for preliminary evaluations of Veterans' potential for self-employment, including identifying any areas of concern or barriers to the successful pursuit of self-employment.
4. Ensure adequate resources are available for the development of a proposed business plan.
5. Conduct a thorough feasibility analysis of all proposed business plans.
6. Establish realistic self-employment goals based on sound business research.
7. Provide services based on economic viability and severity of disability.
8. Monitor, evaluate, measure and verify all self-employment plans/goals.
9. Provide services and assistance that lead to sustaining a successful self-employment business that continues after rehabilitation services are completed.

b. Self-Employment Services for an Existing Business

Veterans who have an existing business may apply for chapter 31 benefits. As with any applicant, entitlement must be determined before the delivery of service. See M28R, Part IV, Section B, Chapter 2, Evaluation and Planning Determinations, for instruction on the determination of entitlement. If the self-employment position is suitable, which is defined as employment that is consistent with the Veteran's abilities, interests and aptitudes, the criteria for entitlement would not be met. Therefore, the delivery of chapter 31 benefits would not be authorized. VR&E cannot provide services solely to expand or update an existing suitable business.

If the Veteran meets all the entitlement criteria, and the self-employment position is not suitable, then the criteria for entitlement to chapter 31 services would be met. Therefore, the delivery of services would be authorized. Complete the steps outlined in this chapter to address the barriers that make the self-employment position unsuitable, or to develop a new self-employment vocational goal.

9.04 Completion of a Comprehensive Evaluation

A preliminary self-employment evaluation assesses the Veteran's needs, potential, suitability and readiness to start a business. The evaluation will also identify and address all issues or barriers to the successful pursuit of a self-employment plan. This evaluation is completed during the evaluation and planning phase of service delivery as outlined in 38 CFR 21.184.

a. Responsibilities

The Vocational Rehabilitation Counselor (VRC) must work closely with the Veteran to foster an open line of communication to ensure that the evaluation process is successful. It is imperative that the VRC have a clear understanding of the Veteran's motivation, functional ability, and interest, as self-employment is one of the most demanding tracks to employment. It is much more challenging than simply obtaining and maintaining employment in a traditional setting. It is the responsibility of the VRC to assist the Veteran make an informed decision regarding this track to employment.

Examples of the demands and challenges associated with pursuing self-employment include the following:

- Developing a viable business plan
- Obtaining funding
- Securing a business location

- Hiring staff
- Obtaining an initial stock
- Advertising and marketing
- Understanding business and tax law
- Learning purchasing and accounting skills
- Developing a strong support system

Veterans are responsible for actively participating in the self-employment process from the onset of service. The Veteran must agree to use resources to assist in the development and implementation of a business plan. It is imperative that the Veteran has a clear understanding of the self-employment process before the pursuit of this track to employment. The intensive nature of the evaluation and planning process is lengthy and can take several months to complete. An informed Veteran will be better prepared to anticipate and work within the self-employment framework and timeline.

b. Preliminary Self-Employment Evaluation Questions

The following questions provide structure for VRCs when gathering information to determine the Veteran's suitability and readiness to start a business:

- What business would the Veteran like to start?
- Will the Veteran's disability pose any barriers to operating the business? If yes, what reasonable accommodations can be developed to address those barriers?
- What qualifications does the Veteran possess to ensure he/she has the ability to start and operate a business?
- What skills and/or knowledge will the Veteran need to acquire to operate this business?
- Why does the Veteran want to start this type of business?
- Where will the business be located?

- What hours and days will the business operate?
- Who will use the Veteran's service and/or buy the product(s)?
- Where are the Veteran's business/customers located?
- If you were a potential customer, why would you use this business? What would keep you coming back to this business?
- Is there another business like the one the Veteran proposes operating in the same area? If so, is it successful? Why or why not?
- How will the Veteran advertise his/her business?
- How many customers does the Veteran estimate he/she will have during the first and second year?
- How much money will be required to start the business? What are the likely sources for securing the start-up funds?
- How much money does the Veteran estimate he/she will earn during the first and second year?
- Will the Veteran hire employees? If so, how much will the Veteran pay the employees?
- Who will do the ordering, customer contact and bookkeeping?
- What equipment will be needed? How will the Veteran acquire this equipment?

The VRC may consider asking the Veteran to address these questions before the evaluation and planning meeting. This will not only be a useful tool to assess the Veteran's motivation and interest, but the responses can guide the meeting and ensure that a complete evaluation is obtained.

c. Preliminary Self-Employment Evaluation Findings

The preliminary self-employment evaluation findings will assist the VRC in determining if either of the following applies:

1. Self-employment is warranted. If so, then the VRC will assist the Veteran in the development of a business plan.

2. Self-employment is not warranted at this time. If so, then the VRC will consider alternative rehabilitation services.

NOTE: The VRC may use a contract counselor to complete this process if contractual agreements are in place for the use of for-profit entities.

9.05 Categories Assignment for Self-Employment Assistance

The VRC must assign Veterans to one of two categories of services when the self-employment track is elected. The category assignment is based on information obtained from the initial entitlement orientation, as well as the preliminary evaluation for self-employment services. The provision of services is dependent on the category assignment and governed by 38 CFR 21.214, 21.252 and 21.257.

a. Category I

Veterans designated as Category I must meet the following four conditions:

1. Serious employment handicap (SEH).
2. Most-severe service-connected disabilities.
3. Employability limitations so severe that self-employment is the only option to achieve the rehabilitation goal.
4. All other reasonable employment goals are unsuitable due to the severity of the Veteran's service connected disability(ies).

b. Category II

Veterans designated as Category II must have one of the following:

1. Employment handicap, or
2. SEH, but the service-connected disability(ies) is not considered most severe.

c. Provision of Service

The provision of service is based on category assignment.

1. Services Available to Veterans Classified as Category I

VR&E may provide the following level of special services and assistance to Veterans assigned to Category I:

- (a) Comprehensive training in the vocational goal, and in the operation of a small business.
- (b) Minimum stocks of materials such as an inventory of salable merchandise or goods.
- (c) Expendable items required for day-to-day operations, and items which are consumed on the premises.
- (d) Essential equipment, including machinery, occupational fixtures, accessories and appliances.
- (e) Incidental services such as business license fees.
- (f) If the Veteran incurred costs for training or other rehabilitation services, and the VRC determines that the training and/or other rehabilitation services were reasonably needed to achieve the goals of the rehabilitation plan, then those costs can be reimbursed per 38 CFR 21.282(c).

2. Services Available to Veterans Classified as Category II

VR&E may provide the following level of special services and assistance to Veterans assigned to Category II:

- (a) Comprehensive training in the vocational goal.
- (b) Incidental training in the management of a small business.
- (c) License or other fees required for employment.
- (d) Personal tools and supplies that are required of all individuals to begin employment in the approved occupational field.
- (e) If the Veteran incurred costs for training or other rehabilitation services, and the VRC determines that the training and/or other rehabilitation services were reasonably needed to achieve the goals of the rehabilitation plan, then those costs can be reimbursed per 38 CFR 21.282(c).

3. Services and assistance Veterans Affairs (VA) may not authorize

Certain discrete services may not be provided to Veterans participating in the self-employment track. VA must not authorize any of the following:

- (a) Full or partial payment to purchase land or buildings.
- (b) Lease or rental payments.
- (c) Purchase or rentals of cars, trucks, or other vehicles.
- (d) Stocking either a farm for animal husbandry operations or a fishery.

9.06 Develop a Proposed Business Plan

a. Business Plan Development

1. Responsibilities

The VRC coordinates services and assists the Veteran develop a proposed business plan. The proposed business plan will address all items identified on VAF 28-0795, Business Plan Review Guide. See Appendix O, VA Forms, for a copy of VAF 28-0795. For existing businesses, the business plan must address barriers that existed to make the business unsuitable. The Veteran is responsible for developing the written business plan for VR&E's consideration. The VRC will ensure that the Veteran works with a professional business consultant, either on a voluntary or contractual basis, as a guide in this process. The business consultant may:

- Recommend potential funding resources
- Assist in developing a funding package
- Suggest marketing strategies
- Conduct a feasibility analysis of the business plan
- Recommend actions to increase the viability of the business plan

2. Resources

The following resources are available to assist in the development of a business plan:

- (a) U.S. Small Business Administration (SBA)

The SBA is a government agency designed to provide counseling, advice, and information on starting a business. SBA has district offices located around the country that provide these services through a variety of programs, including the following:

- (1) Service Corps of Retired Executives (SCORE) is a non-profit association of volunteer business counselors trained to serve as advisors and mentors to people who are attempting to start a business.
- (2) Small Business Development Centers (SBDC) are partnerships primarily between the government and colleges/universities. SBDCs provide education services to people who are attempting to start a business. SBDC services include assisting small businesses with financial, marketing, production, organization, engineering and technical issues, and feasibility studies.
- (3) Veterans Business Outreach Centers (VBOC) are designed to provide entrepreneurial development services, such as business training, counseling, and mentoring services. VBOCs provide pre-business plan workshops, concept assessments, business plan preparations and comprehensive feasibility analysis.

These services are free and community based. See www.sba.gov for additional information on programs administered, and services offered, by the SBA.

- (b) Center for Veterans Enterprise (CVE) assists Veterans who own or want to start a business by providing counseling services to meet financial, management, and technical needs. CVE also assists VA Contracting Officers identify Veteran-owned small businesses, which have priority in the award process in certain government contracting situations. See www.vetbiz.gov for additional information on CVE.
- (c) Other public or private small business consulting agencies, such as universities, colleges, and business development centers.

b. Review and Analysis of Business Plan

1. Addressing Viability and Feasibility

The VRC must review and analyze the Veteran's business plan to ensure that it is viable and the proposed vocational goal is feasible, and in the

case of an existing business to ensure the barriers that existed to make the business unsuitable have been addressed. All proposed and formal business plans should address the following areas in order for the VRC to conduct a thorough analysis of the plan:

- (a) The location and if applicable the cost of the site selected for the business.
- (b) A financial statement describing the availability of non-VA financing, including the Veteran's financial resources.
- (c) A study of the economic viability of the proposed business plan, which must discuss the following issues:
 - Business location in relation to the geographic distribution of the population that the business would serve
 - Population traffic patterns, which would bring business to the Veteran's proposed site of operation
 - Probability that the business could serve as a subcontractor to larger organizations
 - Probability that the business could provide contract goods or services to VA or other federal agencies
 - Competition the Veteran would face from similar businesses in the market area
 - Comparison of the operational expenses and projected growth in gross and net income from the business over the first five years of operation
 - The Veteran's ability to absorb losses in the early years of operation until the business develops an adequate market share
- (d) A cost analysis specifying the types, amounts, and estimated costs of services, initial stocks and other supplies.
- (e) A working outline for developing a market strategy for the business' services or products.
- (f) A detailed description of the business' operation plan.

- (g) A schedule of the training needed for successful operation of the business.
- (h) Results of contacts with the SBA to secure consideration under Section 8 of the Small Business Act of 1953, as Amended.

The VRC should provide this information to the Veteran in advance of his/her meeting with the agency who will be assisting in the development of the business plan. This will ensure that all questions are addressed initially, reducing the likelihood that the Veteran will propose an incomplete business plan.

2. Responsibilities

The VRC must ensure the following events occur:

- (a) Assessment of the economic viability of the proposed business plan is conducted, arranged, or contracted.
- (b) Arrangement of professional consultations on either a voluntary or contractual basis to assist with the development and assessment of the business plan.
- (c) Determination that the Veteran's business plan addresses all items in the Business Plan Review Guide, VAF 28-0795.

3. Resources for Business Plan Analysis

To assist with the analysis of the business plan, VRCs may consult with a variety of organizations and entities, including, but not limited to:

- Business associations
- Economic development corporations
- College business programs

c. Summation of Business Plan Analysis

VRCs must complete a summation of the business plan analysis. This summation answers the questions outlined in the Business Plan Review Guide, as well as any additional supporting documentation relevant to the Veteran's request for self-employment services. The summation should

clearly identify the viability of the business plan and rehabilitation services needed. The VRC must:

1. Summarize information from the business plan analysis into a written report, either in a VAF 28-1902b, VAF 28-1902n, or in a Corporate WINRS (CWINRS) case note. See Appendix O, VA Forms, for a copy of these forms.
2. Obtain the written report from the contractor/vendor who assisted in completing the evaluation of feasibility for a proposed business plan, if applicable. Include a copy of this report in the Veteran's Counseling Evaluation Rehabilitation (CER) folder.

9.07 Develop and Implement a Self-Employment Rehabilitation Plan

a. Individualized Written Rehabilitation Plan (IWRP)/Individualized Employment Assistance Plan (IEAP) Development

The VRC and Veteran will discuss the findings of the business plan review and feasibility assessment in an effort to develop an IWRP that will incorporate components or vocational objectives of an IEAP. The plan must clearly outline the Veteran's goals and objectives, as well as criteria for measuring the success of those goals and objectives. The VRC must ensure that the objectives of the IWRP/IEAP specifically address all identified needs to prepare for, obtain, and maintain self-employment as outlined in 38 CFR 21.84 and 21.88, including:

- Allocation of resources
- Purchasing of equipment, inventory and supplies
- Training needs
- Required licenses and permits
- Funding needs
- For existing businesses, all barriers that made the business unsuitable must be clearly addressed

b. Self-Employment Plan Concurrence

Per 38 CFR 21.258, the VR&E Officer (VREO) must approve all self-employment plans with an estimated or actual cost of up to \$25,000 for the

total cost of the plan. The VR&E Service Director must approve a self-employment plan with an estimated or actual cost of \$25,000 or more. The VRC must submit the self-employment plan and VAF 28-0794, Self-Employment Plan Approval Request, to the VREO for approval before obtaining the Veteran's signature or authorizing any service. See Appendix O, VA Forms, for a copy of VAF 28-0794.

If the VREO approves the self-employment plan, then the Veteran and VRC both sign VAF 28-8872, Rehabilitation Plan. See Appendix O, VA Forms, for a copy of VAF 28-8872. The VRC will provide a copy of the signed VAF 28-8872 to the Veteran and place the original form on the right side of the CER folder.

If the VREO does not approve the self-employment plan, then the VRC must perform one of the following tasks:

1. Take the recommended corrective action(s) for approval of a revised self-employment plan.
2. Consider alternative rehabilitation options if revision will not result in approval.

If the VREO does not approve the self-employment plan, and efforts by the VRC did not meet the Veteran's expectations or request for service, the Veteran can appeal the disagreement over the development of the plan per 38 U.S.C. 3107 and 38 CFR 21.98. In this situation, the Veteran must submit a written statement to the VRC requesting a review of the proposed plan and detailing his/her objections to the terms and conditions of the proposed plan.

c. Case Management

The VRC moves the case to rehabilitation to the point of employability status for the implementation and provision of services once all approval and signatures are obtained for the self-employment plan. During this time, the VRC provides case management services to ensure that the objectives and goals of the rehabilitation plan are being addressed and met. Additionally, the VRC will discuss any concerns with the Veteran and take appropriate action(s) to address those concerns, ensuring that the Veteran has every opportunity to succeed.

The VRC must make a determination of the Veteran's job-readiness after all necessary services have been provided to successfully establish the business and to ensure that the business is viable and there are no impediments in

operating the business. Once the Veteran is declared job-ready, the VRC must change the case status to Job Ready Status (JRS).

The VRC must perform the following case management tasks during this status:

1. Determine Veteran's eligibility for EAA payment. If Veteran is eligible, authorize EAA payment.
2. Conduct supervision at least monthly to monitor the Veteran's progress and satisfactory conduct and participation.
3. Conduct follow-up contacts for a minimum of 12 months after the successful start of a business to ensure that the Veteran's business is successful and all needs are addressed and met.

9.08 Self-Employment Services in Conjunction with a State Vocational Rehabilitation Agency

VR&E may furnish self-employment services to a Veteran who has trained for self-employment under a State Vocational Rehabilitation agency per 38 U.S.C. 3117. The Veteran must meet the requirements for self-employment for Veterans with the most severe disabilities in accordance with 38 CFR 21.257(b), which states that the Veteran's service-connected disability(ies) result in limitations so severe that self-employment is the only reasonably feasible vocational goal. The Veteran must complete an initial evaluation to determine the level of employment handicap and if the achievement of a vocational goal is feasible per the provisions of 38 CFR 21.50. The following conditions must also be met:

- a. The Veteran is eligible for VA-sponsored employment assistance.
- b. An official of the State Vocational Rehabilitation agency with responsibility for administering self-employment programs certifies the following:
 1. The Veteran has successfully completed training for a self-employment program.
 2. The assistance needed is not available through non-VA sources.
 3. The state program's training/employment plan describes the VA assistance needed.
- c. The VR&E Service Director approves the request.

9.09 Limited and Specifically Defined Employment Assistance

Veterans who are employable and previously completed a vocational rehabilitation program for self-employment in a small business enterprise under Chapter 31, or who trained under a State Vocational Rehabilitation program with the objective of self-employment in a small business enterprise, can receive specifically defined employment assistance described in this section. Per 38 U.S.C. 3104(a)(12), these specifically defined services and assistance are limited to the following:

- a. Employment service is limited to facilitation of services required to secure an SBA-backed loan to buy equipment necessary to establish a business, and assistance to ensure receipt of the special consideration provided for in section 8 of the Small Business Act (15 U.S.C. 633(b)).
- b. For Veterans with the most severe service-connected disability, VA can provide license fees, supplementary equipment, initial stocks, and supplies that the VRC determines are necessary to establish a business.

To provide this assistance, the VRC must conduct an initial evaluation to determine that the Veteran is employable in an occupation consistent with his/her abilities, aptitudes, and interests. An IEAP is required. Determinations of employment handicap, serious employment handicap, and current reasonable feasibility are not applicable, unless the evaluation indicates that the Veteran is not employable. In that situation, entitlement to other Chapter 31 services and assistance must be determined. These limited and specifically defined services are subject to the 18-month employment services entitlement limitation.

9.10 Required Documents for the Delivery of Self-Employment Services

- a. The Self-Employment Fact Sheet covers a variety of information, including:
 - Identification of supplies and related assistance that VR&E may not authorize
 - Definition of Category I and II and outline of the types of assistance available in each category
 - Description of the business consultant's role
- b. The Preliminary Self-Employment Evaluation provides guidance on gathering information to determine the Veteran's suitability and readiness to start a business.

- c. VAF 28-0795, Business Plan Review Guide, provides guidance on conducting a feasibility analysis of a proposed business plan.
- d. VAF 28-0794, Self-Employment Plan Approval Request, details the submission request for the proposed self-employment plan for concurrence to the VR&E Officer.
- e. VAF 28-8872, Rehabilitation Plan, outlines the services necessary to obtain and maintain suitable self-employment.
- f. VAF 28-1905d, Special Report of Training, VAF 119, Report of Contact, or CWINRS' case notes can be used to document and monitor services provided to a Veteran.

See Appendix O, VA Forms, for a copy of these forms.

Chapter 10
POST EMPLOYMENT SERVICES AND CASE CLOSURES

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Appendix O. VA Forms

Chapter 10 POST-EMPLOYMENT SERVICES AND CASE CLOSURES

10.01 Introduction

Post-employment services and case closure are the final phases in the Veteran's vocational rehabilitation process. This chapter provides information and guidance on post-placement services, periods of employment services, and determining rehabilitation and discontinuance of cases in employment services.

10.02 References and Resources

| | |
|----------------|--|
| Laws: | Rehabilitation Act of 1973, as Amended 38 United States Code (U.S.C.) 3117 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.190(d) 38 CFR 21.194(d)(I) 38 CFR 21.196 38 CFR 21.197 38 CFR 21.283 38 CFR 21.284 |
| VA Form (VAF): | VAF 4107, Your Rights to Appeal our Decision VAF 28-1902b, Counseling Record – Narrative Report VAF 28-1905d, Special Report of Training VAF 28-0850, Checklist for Proposed Rehabilitation VAF 28-8872, Rehabilitation Plan |

10.03 Post-Employment Services

a. Purpose

Post-placement services are provided to ensure that the Veteran is able to maintain suitable employment. Suitability of employment means that the Veteran's employment is compatible with his/her disability condition(s), requires reasonably developed skills, and is consistent with his/her interests, aptitudes, and abilities.

b. Maintaining Suitable Employment

When a Veteran obtains employment, the case manager must obtain the necessary information that includes but is not limited to the following:

- Date of employment

- Name and contact information of employer
- Job title
- Essential duties or position description
- Monthly salary
- Type of employment (full-time, part-time, permanent, temporary, etc.)
- Employment benefits (health, vacation, etc.)

The case manager may obtain the employment information from the Veteran through direct communication by email, letter, or telephone, or from a third party as well. The third party may be the employer, a Disabled Veterans Outreach Program (DVOP) specialist, Local Veterans' Employment Representative (LVER), or a school employment coordinator.

The date of employment is the date the Veteran was hired for the position. The follow-up period for post-employment services begins from the date the case manager received notification of Veteran's employment.

The case manager must use VAF 28-1905d (See Appendix O, VA Forms) or CWINRS Notes to clearly document the Veteran's relevant contact and employment information. Documentation must be filed appropriately in the Veteran's Counseling, Education, and Rehabilitation (CER) folder.

c. Services

The case manager will provide employment assistance to a Veteran who has completed the vocational objectives outlined on his/her rehabilitation plan and who has obtained suitable employment. Services that may be authorized during this period may include but are not limited to the following:

1. Counseling

The first few months is the critical period for a Veteran starting a new position. Within this period a new employee is expected to:

- Become reasonably skilled in performing the work requirements
- Effectively relate to supervisors and coworkers

- Gain experience in the work environment

Therefore, it is essential that counseling be provided to the Veteran to ensure that he/she is able to maintain employment. This is also useful in identifying and addressing potential problems such as time management, task management, following directions, job modification, or conflicts with coworkers, management, and/or customers. Some key factors that may also affect satisfactory work adjustment and therefore need to be addressed may include:

- Transportation
- Child and family care
- Personal budgeting and financial management
- Use of leisure time
- Family and marital relationships

2. Job Modification/Reasonable Accommodation

Job modification and reasonable accommodation provides a Veteran with disabilities with the necessary work conditions and tools to perform his/her job duties. The case manager is responsible for ensuring that the Veteran is provided with job modification or reasonable accommodation as soon as the need is established.

Generally, a job modification or reasonable accommodation may be identified while the Veteran is still participating in his/her training program. However, the need may not become evident until after a Veteran has begun working. In this instance, necessary modification or reasonable accommodation must be addressed as soon as possible.

In order to assist the Veteran, employers must be informed regarding provision of job modification and reasonable accommodation.

For job modification and reasonable accommodation for Veterans with disabilities and available resources, refer to M28R.VI.A.4 and 8.

3. Payment of Employment Adjustment Allowance (EAA)

A Veteran who has completed a period services while in Rehabilitation to the point of Employability (RTE) Status, has been declared job ready, and is actively participating in employment services, may be provided an EAA. The EAA payment may be authorized after a determination that the Veteran has satisfactorily participated in post-placement services for at least 30 days and again after 60 days.

Additionally, a Veteran who resides in an area where a natural or other disaster is declared by the Governor and/or the President of the United States and is displaced by the disaster, then he/she may qualify for two additional months of EAA payments. The Veteran must be receiving EAA payments at the time of the disaster and be successfully following a program of employment services to qualify for this additional benefit.

d. Follow-Up Activities

The case manager must follow up with the Veteran at least monthly during the post-employment phase. The follow-up contacts may also be provided by a DVOP specialist or a VA contractor, under the supervision of the case manager. This monthly follow-up is intended to monitor the Veteran's progress in his/her job and to determine if further services are needed to ensure the Veteran's successful adjustment to his/her new employment position. These follow-up activities may be extended beyond the required 60-day period until the Veteran is declared rehabilitated.

1. Required Monthly Follow-Up

The case manager must monitor the Veteran's employment progress through a monthly contact, for a minimum of 60 days from the day the Veteran began his/her employment.

If the Veteran obtains suitable employment prior to completion of his/her vocational training, the monthly contact will begin after the Veteran has completed his/her vocational training objective, has been declared job ready, and an Individualized Employment Assistance Plan (IEAP) has been developed.

If the Veteran obtains suitable employment and the case manager discovers the employment at a later date, the monthly contact will begin after the date of the discovery of the Veteran's employment, the Veteran has been declared job ready, and an IEAP has been developed.

The follow-up activities must address but are not limited to the following:

- (a) Is the Veteran adjusting well to the work environment?
- (b) Is the Veteran able to perform his/her work duties without any difficulties?
- (c) Is the Veteran able to maintain satisfactory relationships with his/her co-workers, supervisors, customers, etc.?
- (d) Is there any impediment that may prevent the Veteran from maintaining employment?

2. Extended Follow-Up

Provision of the minimum 60-day post-placement follow-up does not necessarily indicate that the Veteran has satisfactorily adjusted to his/her employment. Some Veterans may need continued monitoring of their employment progress beyond this 60-day period, to ensure their successful adjustment.

Additionally, a Veteran may need services beyond those identified in his/her current employment plan. In this instance, the case manager must ensure the IEAP is updated to reflect the additional services. As necessary, the period of services outlined in the IEAP must also be extended to ensure validity of the services. However, the case manager should ensure that the employment services do not exceed the regulatory limit of 18 months.

3. Required Extended Follow-Up for Specific Employment

The case manager must ensure that an extended follow-up is provided for Veterans participating in the following employment services:

- (a) Self-Employment – minimum of one year extended follow-up.
- (b) Temporary Employment – minimum of one year extended follow-up.
(See definition in M28R.VI.A.10.04.c) If employment is converted to a permanent position, the case manager must make the 60-day follow-up from the date of the conversion of the employment. The case manager must ensure and verify that there are no impediments to the Veteran's ability to maintain employment.

e. Documentation of Follow-Up Activities

Follow-up activities include face-to-face meetings or communications with the Veteran via telephone, fax, email, or other written correspondence.

The case manager must ensure that all follow-up activities and contacts made with the Veteran and/or a third party are documented on VAF 28-1905d (See Appendix O, VA Forms) or CWINRS Notes. Documentation must be filed on the middle flap of the Veteran's CER folder. Email communications between the Veteran and the case manager must be printed and filed in the CER file.

The documentation should clearly demonstrate that the Veteran is adjusting to his/her employment, and should outline all services provided to resolve issues encountered.

Follow-up activities specified in M28R.VI.A.10.03.d.1(a)-(d) must be documented as well.

10.04 Rehabilitation

a. Declaration of Rehabilitation

A case manager may declare a Veteran rehabilitated for employment only under the conditions outlined in 38 CFR 21.283 (a)-(d).

Rehabilitated status, as defined in 38 CFR 21.196, is the status in which the goals of a Veteran's Individualized Written Rehabilitation Plan (IWRP) or IEAP are substantially achieved. Therefore, a case manager cannot declare a Veteran rehabilitated until the Veteran has substantially achieved the goals of his/her rehabilitation program.

b. Progression to Rehabilitation

The conditions under which a case may be placed in Rehabilitated status from Job Ready (JR) status are prescribed under 38 CFR 21.196. There is an expected sequence of actions, which follows completion of education or training under an IWRP that leads to the declaration of rehabilitation. This is described in the following order of progression:

1. The case manager determines that the Veteran has achieved rehabilitation to the point of employability under 38 CFR 21.190(d) and the Veteran has been declared job ready.
2. The Veteran receives the necessary services to assist in active search for employment as outlined in his/her IEAP.

3. The Veteran obtains employment in either the same occupation as specified in the IEAP or in a closely related occupation. If the Veteran obtains employment in a closely related occupation, the case manager must determine that wages and benefits in the current employment are commensurate with those received by workers in the same occupation outlined in the original IWRP.
4. Subsequent to the required post-employment follow-up, the case manager makes a determination of whether the employment is suitable and that the Veteran is well adjusted to the job.

c. Determination of Nature of Employment

The case manager must make a determination of the nature of the Veteran's employment for suitability.

1. Permanent Employment

A case manager may declare a Veteran who has been hired in a suitable and permanent position as rehabilitated. A permanent position is one in which the Veteran can expect to maintain employment as long as his/her performance is satisfactory and the hiring organization continues as a viable enterprise.

Employment through a federal government special appointing authority, such as Veterans Recruitment Assistance (VRA), is considered a permanent position.

2. Temporary Employment

A case manager may not declare a Veteran rehabilitated in an employment that is temporary in nature. An employment is considered temporary if the Veteran is hired for a limited period and is not eligible for benefits. When a Veteran is hired for temporary employment, the appointment must be converted to permanent status and the Veteran must maintain this permanent status for at least 60 days before the case manager can declare him/her rehabilitated.

If the temporary employment is not converted to permanent status, the case manager must provide the Veteran with additional employment services, not to exceed the regulatory requirement of 18 months.

3. Seasonal Employment

The case manager will consider seasonal employment, such as construction work, as permanent if this is the occupational pattern.

4. Self-employment

The case manager must defer declaration of a Veteran's rehabilitation for self-employment for one year. The one-year period for employment service will begin after the case manager has determined that the business is operational and the Veteran is successfully adjusted. The extended follow-up services will ensure stability of the Veteran's employment.

5. Veteran Employed in the Vocational Goal Outlined on His/Her IWRP

A case manager may declare a Veteran who has completed the vocational objectives of his/her rehabilitation plan rehabilitated if the Veteran has been employed in the same occupation as outlined in his/her IWRP and has maintained the employment for at least 60 continuous days or one year in self-employment.

6. Veteran's Employment Differs from the Planned Goal

When a Veteran obtains employment in a different field from the training he/she has received under the VA Vocational Rehabilitation and Employment (VR&E) Program, the case manager must make a determination if the employment is closely related to the occupational goal outlined in the IWRP. To make this determination, the case manager must examine both the content of training and the depth of training required for both occupations. A Veteran should be able to use the training he/she has received both in terms of content and depth of training to consider a particular field as closely related to the original vocational goal.

The Occupational Outlook Handbook (OOH) is generally the accepted source for occupational information and offers substantial assistance in making the determination for closely related occupations. It contains useful information, including nature of the work, working conditions, training, other qualifications, and advancement.

The handbook also provides information on related occupations. However, the case manager must review this section carefully since occupations listed under the "Related Occupations" does not necessarily

mean that they meet the Chapter 31 requirements for determination of being closely related occupations. For example, the Related Occupations entry for “drafters” states: “Other workers who are required to prepare or understand detailed drawings, make accurate and precise calculations and measurements, and use various measuring devices. This occupational classification includes architects, engineering technicians, engineers, photogrammetrists, landscape architects, and surveyors.” In this example, a case manager should not consider the physically demanding occupation of a surveyor as closely related to the sedentary job of a drafter using the framework of the VA VR&E Program.

The case manager must keep in mind that for a determination of rehabilitation, a Veteran must be employed in a suitable occupation, meaning employment that is compatible with the Veteran’s disability condition(s) and is consistent with the Veteran’s interests, aptitudes, and abilities.

7. Veteran Does Not Complete the Vocational Objectives of the IWRP

A case manager may be able to declare a Veteran rehabilitated even if the Veteran has not completed the vocational objectives of the rehabilitation plan. However, the Veteran must substantially achieve the goals of his/her rehabilitation program and the case manager ensures the following:

- (a) The Veteran has obtained and retained employment significantly using the services provided under his/her IWRP or IEAP.
- (b) The Veteran’s employment is consistent with his/her interests, aptitudes and abilities.
- (c) The Veteran has been provided the maximum services to assist in maintaining his/her employment.
- (d) The Veteran is employed for 60 continuous days, or one year for temporary employment or self-employment, in the same occupation outlined in his/her rehabilitation plan and is determined to have successfully adjusted to the occupation.

8. Veteran Received Employment Services Only

A Veteran who has been provided with employment services only under an IEAP and has failed to complete the objectives of the plan may still be declared rehabilitated under the same criteria used for a Veteran who

failed to complete all of the objectives of his/her IWRP. The case manager may cite 38 CFR 21.283d for declaration of rehabilitation.

9. Veteran Employed in an Occupation Unrelated to the Vocational Goal Outlined in the Rehabilitation

A case manager may declare the Veteran rehabilitated in an occupation that is unrelated to the vocational goal in his/her rehabilitation plan if the following applies:

- (a) The Veteran has been employed for at least 60 continuous days or one year of self-employment.
- (b) By developing a new IEAP, the Veteran agrees to the change in his/her vocational goal, and the Veteran's employment meets the following conditions:
 - (1) Has been obtained after unsuccessful intensive efforts to secure employment in the occupation outlined in his/her IWRP or related occupation
 - (2) Is consistent with the Veteran's aptitudes, interests, and abilities, and
 - (3) Utilizes some of the academic, technical or professional knowledge and skills that were provided under the VA Vocational Rehabilitation Program.

10. Veteran Elects to Pursue Further Education

A case manager may declare a Veteran rehabilitated if the Veteran pursues additional education or training instead of obtaining employment after completing his/her training under Chapter 31. However, the case manager must ensure that the following criteria are met:

- (a) The additional education or training that the Veteran is pursuing has been considered and is not approvable as part of his/her rehabilitation program.
- (b) The vocational goal that has been determined consistent with the Veteran's aptitudes, abilities, and interests will be enhanced by the Veteran's completion of the additional education or training.

10.05 Case Closures

a. Discontinued

For specific guidelines for Discontinuance case closures, follow procedures outlined in M28R.V.A.7.

b. Rehabilitated

1. Justification for Suitability of Employment

When a Veteran is declared rehabilitated, the case manager must clearly explain the rehabilitation decision in a closure statement. The closure statement must cite the applicable paragraph in 38 CFR 21.283, which supports the declaration of rehabilitation. In addition, the case manager must provide a summary of the case that includes but is not limited to the following items:

- The Veteran's impairments to employability
- Vocational rehabilitation services provided to the Veteran
- Explanation as to how the rehabilitation services contributed to the Veteran's ability to overcome his/her impairments through suitable employment
- Required employment data

There are instances when a determination of suitability of a Veteran's employment is necessary to validate the rehabilitation decision. This may include occasions when a Veteran accepts employment that is not the same as the vocational goal in his/her rehabilitation plan. The case manager must explain the rehabilitation decision in terms of wages, benefits, and the Veteran's abilities, limitations, and interests.

In cases where a Veteran chooses to maintain current employment that the case manager determines to be unsuitable, the case manager may not declare the Veteran rehabilitated. However, the case manager must re-evaluate the Veteran's rehabilitation program for another potential plan of services that may lead to the Veteran's successful rehabilitation.

2. Closure Statement

The case manager must provide a written justification for the rehabilitation decision in a closure statement. Guidelines for justification of rehabilitation decisions are provided in M28R.VI.A.10.04. The case manager is required to explain clearly the basis of the rehabilitation decision in terms of suitability and nature of the Veteran's employment.

The closure narrative should also include but is not limited to the following information:

- Date of closure statement
- Remaining entitlement
- Current service-connected disability conditions and rating
- SEH Determination
- Vocational goal
- Training objective
- Type and description of degree
- Dates training began and completed
- Cumulative GPA
- Begin date of employment
- Place of employment
- Title of position
- Supervisor's name and contact information
- Work requirements

3. Other Required Documentation

The case manager must ensure that the following documentations are included in the Veteran's CER file:

- A copy of the Veteran's diploma/certificate or transcript of records

- Narrative for the required declaration of the Veteran's job readiness
 - Current IEAP
 - Verification of EAA payments (if applicable)
4. VR&E Officer's (VREO's) Concurrence for Closure

Prior to the actual closure of the case, the case manager must submit the VAF 28-0850, Checklist for Proposed Rehabilitation (See Appendix O, VA Forms) with the Veteran's CER folder to the VREO or Assistant VREO for review and concurrence. The checklist must be completed and properly signed and dated by the reviewing officer. The checklist must be filed on top of the middle flap of the CER folder.

5. CWINRS and BDN Update

The case manager must ensure that the Veteran's employment data are correctly entered in CWINRS and BDN. The closure in BDN and CWINRS must reflect the accurate Reason Code (RC). The effective date of a case closed as Rehabilitated in CWINRS and BDN should not be earlier than the date of the VREO's concurrence with the rehabilitation decision, and should match the date of the Rehabilitation notification letter sent to the Veteran.

6. Required Notification Letters

The case manager must inform the Veteran of any actions taken during his/her rehabilitation program:

- (a) Notification of Proposed Rehabilitation

- (1) Further Education

If rehabilitation is proposed for a Veteran as a result of his/her pursuit of further education, or the Veteran obtains suitable employment that is not the same as the occupational goal outlined in his/her rehabilitation plan, the case manager must provide the Veteran a notification letter informing him/her of the proposed declaration of rehabilitation. The letter must include the Veteran's appellate rights. If the Veteran does not respond after 30 days from the date of the proposed rehabilitation notification letter, the case manager may proceed to close the case as "Rehabilitated."

(2) Suitable Employment

A notification letter of the proposed rehabilitation is not required if rehabilitation of the Veteran is a result of completion of the vocational objectives outlined in his/her signed IWRP.

(b) Notification of Rehabilitation Decision

Upon receipt of the VREO's approval for the rehabilitation closure, the case manager must provide the Veteran a notification letter informing him/her of the rehabilitation decision. The letter must include the effective date of the closure, clear explanation or justification of the decision, and VAF 4107, Veteran's Appellate Rights (See Appendix O, VA Forms).

10.06 Re-entrance into a Rehabilitation Program

A Veteran who has been previously declared rehabilitated may receive additional vocational rehabilitation services under provisions of 38 CFR 21.284. The case manager must make a determination as to whether the previous rehabilitation decision must be overturned prior to re-opening a Veteran's claim for Chapter 31 benefits.

a. Rehabilitated

1. Criteria

A Veteran who has been declared rehabilitated under provisions of 38 CFR 21.283 may be provided additional period of training or services only if the Veteran has a compensable service-connected disability and either:

- (a) The Veteran's service-connected disability has worsened to the extent that it precludes him/her from performing the job requirements for which he/she was previously declared rehabilitated, or
- (b) The Veteran's previous employment for which he/she was previously declared rehabilitated is found to be unsuitable based on the Veteran's specific employment handicap and capabilities.

2. Determination

The case manager must make a determination for overturning the previous rehabilitation decision immediately upon receipt of the Veteran's reapplication for vocational rehabilitation. The Veteran will be scheduled

for a comprehensive evaluation to determine if he/she meets the criteria for overturning the previous rehabilitation decision. This determination must be documented on VAF 28-1902b (See Appendix O, VA Forms) and filed in the Veteran's CER folder.

(a) If the determination results in a negative decision, the Veteran must be informed in writing to explain the reason(s) for the decision, and be provided with his/her appellate rights (VAF 4107, See Appendix O).

(b) If the determination results in a positive decision:

(1) The case manager must submit the case to the VREO for concurrence.

(2) Upon the VREO's concurrence, the Veteran's application will be processed immediately using the Auto-Generated Eligibility Determination (GED) processing.

(3) The Veteran will be scheduled for an appointment for further evaluation and planning of additional services.

b. Periods of Employment Services

A Veteran who has been receiving employment services may be provided an additional period of training and related services, if any of the following conditions is met:

1. The rehabilitation services originally provided to the Veteran are currently determined as inadequate to make the Veteran employable in the occupation for which he/she pursued rehabilitation.

2. The vocational goal or employment that was originally developed for the Veteran is no longer suitable, or

3. Due to technological changes that occurred after the Veteran has been declared job ready, the Veteran is no longer able to:

(a) Perform the duties of the occupation for which he/she trained, or those of a related occupation, or

(b) Obtain employment in the occupation for which he/she trained, or in a related occupation.

c. Multiple Periods of Employment Services

A Veteran may be eligible for employment assistance even if the Veteran has been provided employment services previously in either the VA Vocational Rehabilitation Program or a vocational rehabilitation program under the Rehabilitation Act of 1973, amended. The Veteran must have completed or participated in employment services for at least 90 days. For eligibility criteria for employment services, refer to M28R.VI.A.2.

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Chapter 1
CHAPTER 36 SERVICES:
EDUCATIONAL AND VOCATIONAL COUNSELING

1.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program provides a wide range of educational and vocational counseling services to Servicemembers still on active duty, as well as Veterans and dependents who are eligible for one of VA's educational benefit programs. These services are designed to help the individual choose a vocational goal and determine the course needed to achieve the chosen goal. These services are governed by 38 United States Code (U.S.C.), Chapter 36, Educational and Vocational Counseling.

1.02 References and Resources

Laws: 38 U.S.C. 3697
 38 U.S.C. 3697A

VA Forms (VAF): VAF 28-8832, Educational/Vocational Counseling Application
 VAF 22-1990, Application for VA Education Benefits
 VAF 22-1995, Request for Change of Program or
 Place of Training
 VAF 28-1985, VR&E Contract Referral Form
 VAF 28-1902n, Counseling Record-Narrative Report
 (Supplemental Sheet)
 VAF 119, Report of Contact

Websites: www.gibill.va.gov
 www.bls.gov/ooh
 www.occupationalinfo.org
 www.onetonline.org
 www.yellowribbon.mil
 www.vetsuccess.gov/vetsuccess_on_campus

1.03 Purpose and Scope

a. Purpose

The purpose of Chapter 36 services is to provide professional, educational and vocational counseling services to Servicemembers, Veterans and dependents so they may do the following:

- Explore their patterns of abilities, skills and interests
- Identify an educational or vocational objective
- Develop a suitable program of education or training
- Select an educational or training facility
- Address problems that may interfere with achieving a vocational goal

b. Scope of Service

Professional Vocational Rehabilitation Counselors (VRCs) provide a variety of services through the provision of Chapter 36 services, including:

1. Educational Counseling

VRCs provide counseling to individuals regarding educational issues, such as course and program selection, class scheduling and registration, study habits and adjustment to post-secondary settings.

2. Vocational Counseling

Vocational counseling is a broad term that encompasses the delivery of services that assist with the identification of a vocational goal that is consistent with an individual's interests, aptitudes and abilities.

3. Adjustment Counseling

Adjustment counseling is designed to help individuals understand and overcome personal, social or behavioral problems affecting educational and/or vocational situations.

4. Career Assessment

Career assessment helps Servicemembers and Veterans identify civilian careers that are similar to the occupations that they performed while in the military. In addition, these assessments identify suitable occupations that are consistent with the individual's interests, aptitudes and abilities.

5. Interest and Aptitude Testing

Interest and aptitude testing is designed to evaluate the individual's abilities, aptitudes, interests and personality characteristics to ensure that the choice of educational and/or vocational goal is suitable.

6. Occupational Exploration

Occupational exploration is a methodical process to identify employment opportunities within the individual's local labor market. This process provides the individual with specific information on the occupational opportunities, salary range, education and experience requirements, and essential functions of the chosen occupation. This information ensures the individual makes an informed decision regarding his/her choice of occupation.

7. Identification of Training Facilities

The VRC works closely with the individual to identify and compare training facilities that offer the program of training/education that the individual is interested in pursuing.

These services are designed to facilitate decision-making when choosing an appropriate education or career goal. The participant is encouraged to develop a plan of action to reach his/her specific goals. This plan addresses academic needs, any necessary accommodations and barriers to employment, and identifies possible funding sources. These services are provided on a voluntary basis upon request to those who meet the eligibility criteria. Those individuals who are found to be incompetent by the VA and are seeking education benefits through a VA program must be provided educational and vocational counseling.

1.04 Eligibility for Chapter 36 Services

38 U.S.C. 3697A governs eligibility for Chapter 36 services. The following is a list of persons eligible to receive Chapter 36 services:

a. Servicemembers

Servicemembers who are within 180 days of discharge or release from active duty can receive Chapter 36 services. The anticipated discharge must be under conditions other than dishonorable.

b. Veterans

Veterans who are within one year from the date of discharge or release from active duty are eligible to receive Chapter 36 services. The discharge must be under conditions other than dishonorable.

c. Others

Current beneficiaries of the following VA education assistance programs are eligible to receive Chapter 36 services:

1. Benefits for Children of Vietnam Veterans (Chapter 18)

VA provides monetary allowances, vocational training and rehabilitation, education services and health care benefits to certain Korea and Vietnam Veterans' birth children who are born with spina bifida. See M28R.VII.A.3 for additional information on the implementation of Chapter 18 services.

2. Montgomery GI Bill (Chapter 30)

To qualify for the Montgomery GI Bill (MGIB), active-duty Servicemembers enroll and pay \$100 per month for 12 months to be entitled to receive a monthly education benefit once they have completed a minimum service obligation. The MGIB provides up to 36 months of education benefits. This benefit may be used for degree and certificate programs, flight training, apprenticeship/on-the-job training and correspondence courses. Remedial, deficiency and refresher courses may be approved under certain circumstances. Generally, benefits are payable for 10 years following release from active duty.

3. Veterans Educational Assistance Program (Chapter 32)

Veterans Educational Assistance Program (VEAP) is available to those who entered service for the first time between January 1, 1977, and June 30, 1985. VEAP benefits can be used for degree, certificate, correspondence, apprenticeship/on-the-job training programs and vocational flight training programs. In certain circumstances, remedial, deficiency and refresher training may also be available. Benefit entitlement is up to 36 months.

Generally, benefits are payable for 10 years following release from active duty.

4. Post-9/11 GI Bill (Chapter 33)

The Post-9/11 GI Bill provides financial support for education and housing to individuals with at least 90 days of service on or after September 11, 2001, or individuals discharged with a service-connected disability.

Approved training under the Post-9/11 GI Bill includes graduate and undergraduate degrees, vocational/technical training, on-the-job training, flight training, correspondence training, licensing and national testing programs, and tutorial assistance. The program pays for tuition and fees, in addition to a monthly housing allowance and a stipend for books and supplies. Benefit entitlement is up to 36 months. Generally, benefits are payable for 15 years following release from active duty.

5. Survivors' and Dependents' Educational Assistance Program (Chapter 35)

Survivors' and Dependents' Educational Assistance provides education and training opportunities to eligible dependents of certain Veterans. These benefits may be used for degree and certificate programs, apprenticeship and on-the-job training. Remedial, deficiency and refresher courses may be approved under certain circumstances. The program offers up to 45 months of education benefits. The period of eligibility varies as it is based on a number of factors.

For more information on Chapter 35 services, see M28R.VII.A.2.

6. MGIB Selected Reserve (Chapter 1606)

A Reservist must be actively drilling and have a six-year obligation in the Selected Reserve to be eligible for services under Chapter 1606.

Approved training under this benefit includes graduate and undergraduate degrees, vocational/technical training, on-the-job or apprenticeship training, correspondence training and flight training. Benefit entitlement is up to 36 months. Entitlement to this benefit is generally contingent upon continued service in the Selected Reserve.

7. Reserve Educational Assistance Program (Chapter 1607)

The Reserve Educational Assistance Program (REAP) is an educational program that provides assistance to members of the Reserve components who are called or ordered to active service. Approved training under REAP includes graduate and undergraduate degrees, vocational/technical

training, on-the-job or apprenticeship training, correspondence training and flight training. Benefit entitlement is up to 36 months. Entitlement to REAP is generally contingent upon continued service in the Reserve Components.

See www.gibill.va.gov for additional information on entitlement criteria for VA educational assistance.

1.05 Application Process

a. Identifying Participants

VA participates in a number of outreach programs through which possible participants of Chapter 36 services can be identified. A few of these are listed below:

1. Yellow Ribbon Events

Sponsored by the Department of Defense, Yellow Ribbon events are designed to connect Servicemembers with resources and information on health care, education/training opportunities, financial assistance and legal benefits throughout the deployment cycle. For more information on the Yellow Ribbon program, go to www.yellowribbon.mil.

2. VetSuccess on Campus Program

Sponsored by VA, the VetSuccess on Campus (VSOC) program provides Servicemembers, Veterans and dependents extensive support to ensure their needs are met as they transition from military to civilian life while pursuing their educational goals. VSOC counselors are trained vocational rehabilitation counselors and are located on various campuses throughout the United States. For more information on the VSOC program, see www.vetsuccess.gov/vetsuccess_on_campus.

3. Transition Assistance Program Presentations

Transition Assistance Program (TAP) is a collaborative effort between the Departments of Defense, Labor, Homeland Security and Veterans Affairs. TAP is designed to meet the needs of separating Servicemembers and their spouses during their period of transition from military to civilian life. TAP offers counseling, assistance in identifying and obtaining employment and training opportunities, information about Veterans' benefits programs and other related information and services.

4. Coming Home to Work Program

The Coming Home to Work (CHTW) program is an outreach and intervention program sponsored by VR&E. This program provides opportunities for Servicemembers and Veterans to develop skills needed to transition to civilian employment, determine potential career opportunities and obtain and maintain suitable employment.

For more information on the CHTW Program, see M28R.III.B.3.

b. Requesting Services

Servicemembers, Veterans and dependents who are interested in pursuing educational and vocational counseling or individuals who wish to re-open a previously closed Chapter 36 case, can request services in a variety of ways, including the following:

1. VAF 28-8832
2. VAF 22-1990
3. VAF 22-1995
4. Signed Written Request

An individual who is interested in receiving educational and vocational counseling can submit a signed written request requesting access to these services. The request should include at a minimum the following information:

- Name
- Social Security number
- Contact information
- Discharge information, such as a copy of his/her Certificate of Release or Discharge from Active Duty (DD214)

See Appendix O, VA Forms, for access to the forms listed above.

c. Submitting Requests

Requests for educational and vocational counseling can be submitted in the following ways:

- Mail or deliver to a Military Service Coordinator
- Mail or deliver to a VA Regional Processing Office
- Mail or deliver to a VA Regional Office

d. Processing Requests

The application or request for service must be date-stamped the day it arrives at a VA facility. All requests for Chapter 36 services must be reviewed to ensure the individual meets the eligibility criteria to receive educational and vocational counseling. Once eligibility is determined, the request is forwarded to the VR&E division of jurisdiction for processing. VR&E verifies eligibility via the BINQ screen to check character of service, type of discharge and service dates, and the MINQ screen for eligibility to other VA education programs and history of Chapter 31 claim on the Benefits Delivery Network (BDN).

e. Establishing a Corporate WINRS Record

Once eligibility is confirmed, VR&E will create a counseling folder and establish a Corporate WINRS (CWINRS) record. The CWINRS record will be opened in Applicant status effective the date of the first VA date stamp. VR&E will assign a case manager to coordinate and provide services. Services can be provided by either a VRC employed by VR&E or by a contract counselor.

f. Scheduling Appointment for Counseling

The first step in the delivery of services is for the assigned VRC or contract counselor to schedule an appointment for counseling using the Chapter 36 appointment letter. See Appendix AF, VA Letters, for information on how to access this letter. The appointment letter must be filed on the right side of the counseling folder. Use CWINRS Scheduler to establish an appointment in CWINRS.

1.06 Providing Counseling Services

a. Service Providers

The following staff and contractors can provide educational and vocational counseling services available through Chapter 36:

1. VRC Employed by VA

The VR&E program employs a staff of professional VRCs at a variety of locations across the nation who provide educational and vocational counseling.

2. Contract Counselors

VA has established contracts with a number of entities that employ professional counselors. These contracted services are provided to the majority of regional offices under a national contract referred to as the VetSuccess contract.

Those regional offices that do not have a VetSuccess contract can establish local contracts. If the station's need for contract services exceeds \$25,000 per fiscal year, VR&E Service and the Center for Acquisition and Innovation will assist the station with centralized VetSuccess contract procurements. While these stations will have different start-up dates for their VetSuccess contracts, all other requirements will be the same as those identified in the VetSuccess contract.

If the station's need for contract services is less than \$25,000 per fiscal year, the VR&E Division may procure those same services locally with the support of a warrant-holding Contracting Officer. An Administrative Contracting Officer (ACO) and Contracting Officer's Representative (COR) must be assigned to these local procurements, and stations must comply with the requirement to obligate funds with the Administrative and Loan Accounting Center (ALAC).

The use of VAF 28-1985 is mandatory when utilizing the services of a contract counselor. This form is generated when the referral is entered into the Centralized Administration Accounting Transaction System (CAATS). Note that the name of the form has been changed from "Authorization for Services Related to Counseling" to "VR&E Contract Referral Form." VAF 28-1985 must be filed on the left side of the counseling folder.

The VR&E Officer is responsible for coordinating referrals for counseling to contract counselors and ensuring that the funds for counseling services provided by contract counselors are obligated in CAATS. The VR&E Officer must monitor the funds obligated to contract counseling as Congress places a statutory limit on the amount of money that can be

used for these types of services. Presently, the cost for these services may not exceed \$6 million per fiscal year, as outlined in 38 U.S.C. 3697.

b. Day of the Counseling Appointment

It is necessary to perform specific tasks on the day of the scheduled counseling appointment. These tasks are based on the following situations:

1. The Individual Attends the Counseling Appointment

When the individual arrives for the counseling appointment, the case should be left in Applicant status and the necessary counseling services should be provided.

It is important to note that Chapter 36 cases do not move through Evaluation and Planning status. The proper case status movement is from Applicant to either Closed with Counseling or Closed without Counseling. See M28R.VII.A.1.07 for additional information on case closure.

2. The Individual Does Not Attend the Counseling Appointment

If the individual does not attend the scheduled counseling appointment, a telephone call should be placed to him/her during the time of the scheduled appointment to determine if he/she would like to reschedule. If he/she declines service or cannot be located, a letter should be sent informing the individual that he/she has 10 days to reschedule the appointment before action on the application will be stopped. The case remains in Applicant status during this period.

c. Counseling Process

The following steps are required when providing educational and vocational counseling:

1. Educational/Vocational Assessment and Counseling

Educational and vocational assessment and counseling encompasses several steps and processes, including the following:

- (a) Obtain a complete account of the individual's medical, educational and vocational history, including barriers to employment, functional capacity and assessment of transferrable skills. For those individuals with a service-connected disability, it is imperative that the individual be made aware of eligibility for Chapter 31 services. It is important to

note that not all individuals seeking Chapter 36 services will have a disabling condition, so there may or may not be a need to address medical conditions.

- (b) Complete testing that includes an assessment of academic functioning, interests, aptitudes and abilities.
- (c) Perform a transferable skills analysis that includes an analysis of the individual's work traits, intellectual level and personal characteristics as compared to the characteristics and demands of specific jobs. The analysis shall also outline transferable skills for direct employment or skills that can be built upon for future employment.
- (d) Provide vocational exploration guidance and counseling that considers transferable skills, impact of disability condition(s), vocational testing results, labor market conditions and demands, assistive technology and job modifications, and other factors. Vocational exploration results in the identification of suitable employment goals and steps needed to achieve the goal, including further education or training.

If the initial assessment is completed by a counselor providing services under the VetSuccess contract, the report of the findings from the initial assessment are due to the VR&E Officer or designee within 30 calendar days after date of the referral for services.

If the initial assessment is completed by a counselor providing services under a local contract, the guidelines outlined in the local contract must be followed with regards to quality review and invoice payment.

2. Educational and Vocational Adjustment Counseling

This part of the process refers to individual counseling sessions designed to assist with the resolution of academic, medical, financial or other barriers interfering with progress in meeting the individual's specified goal. Additionally, the VRC will address any adjustment issues the individual is currently experiencing, as well as anticipate adjustment issues that may arise in the future as a result of transitioning from military to civilian employment, changing careers and/or beginning an educational or training program. The VRC will coordinate any referrals necessary to address these issues.

The following guidelines must be adhered to if educational and vocational career counseling is performed by a counselor providing services under the VetSuccess contract:

- The initial counseling session must be completed within seven calendar days of receipt of the referral for services
- Career counseling services are limited to a one-time counseling session to assist with the resolution of academic, medical, financial or other barriers interfering with progress in the educational program, and coordination of necessary referrals
- The written report of the counseling session must be submitted to the VR&E Officer or designee within seven calendar days of the counseling session

If the contract counselor is providing services under a locally developed contract, then the requirements specified in that contract should be followed.

3. Educational/Vocational Narrative

The results of the initial assessment and counseling sessions must be summarized into a comprehensive report that addresses the following criteria:

(a) Eligibility Data

This section's content must include the following eligibility information:

- Date VAF 28-8832 was received
- Referral source
- Education program to which the Servicemember, Veteran or dependent is entitled
- Information provided to the Servicemember, Veteran or dependent to explain use of the education program benefits

(b) Individual's History

The content of this section includes background information related to the individual's personal, educational, vocational and, if applicable, military history. It should address the following areas:

- Place of birth

- Home of residence (if relocating)
- Name/location of schools attended and degrees conferred
- Marital and dependent status
- Employment history, to include experience with supervision, adjustment to work assignments and performance
- Military history, to include branch of service, Military Occupational Specialty, rank, length of service and separation date
- Financial history and funding sources for proposed plan

(c) Disability Condition(s)

The content of this section includes any history of injury/illness that may have occurred as a result of the individual's military service, as well as any other disabling conditions. If available, records should be reviewed from the following sources:

- Service Treatment Records
- Military Evaluation Board
- Physical Evaluation Board
- All other medical records that are available, including information from private physicians

It is important to note not only the medical findings, but also the individual's perception of his/her current level of functioning and the impact of the disability on daily living. Additionally, any learning disabilities or special needs the individual experienced in past educational settings should be noted to identify any needed learning supports.

(d) Assessment of Interests, Aptitudes and Abilities

This section must include the following information:

- The assessment instruments used, including a copy of all administered tests, and an explanation of the purpose of each test

- The result of the assessment as it relates to the individual's stated interests, aptitudes and functional abilities
- The vocational significance of each test result and estimated outcomes based on the results of the assessment – for example, noting that remedial classes will be necessary to prepare the individual to successfully compete in a post-secondary setting

(e) Vocational Exploration

This section includes identification of transferable skills and a comparison of those skills with current labor market information. It is important to note that the current labor market is specific to the area in which the individual plans on residing after discharge or the completion of a training program. Identifying appropriate training programs or on-the-job training opportunities where the individual can build his/her competitive skills are a vital part of vocational exploration. Resources to assist in the completion of the vocational exploration include, but are not limited to, the following:

- Occupational Outlook Handbook (OOH) at www.bls.gov/ooh
- Dictionary of Occupational Titles (DOT) at www.occupationalinfo.org
- O*NET at www.onetonline.org
- Websites from schools, employers and professional organizations

(f) Synthesis of Educational/Vocational Counseling

This section should include the following information:

- Summary of the individual's background
- Statement on the individual's vocational preparation
- Identification of transferable skills
- Education/training options
- Support systems and funding options

- Employment goals and steps to accomplish the goals
- Name, location and point of contact for more information on VA services
- Name, location and point of contact for State Vocational Rehabilitation services, if applicable
- Referral to local VA for the establishment of a service-connected disability claim, if applicable

The narrative must be submitted on VAF 28-1902n. See Appendix O, VA Forms, for information on how to access this form. A copy of this form must be filed on the right side of the counseling folder and an electronic version placed into the individual's CWINRS file. If the narrative is completed by a VRC providing services under the VetSuccess contract, then it is due to the VR&E Officer or designee within 30 calendar days after the date of the referral for services. If the VRC is providing services under a locally developed contract, then the requirements specified in that contract should be referred to.

It is imperative that the counselor discusses the findings and recommendations of the narrative with the individual to ensure that all areas of concern have been addressed and the individual has enough information to make an informed choice concerning educational and vocational training, as well as VA benefits. This review should be completed during an in-person counseling session. However, if that is not possible due to the individual's circumstance (relocation, inability to attend a follow-up counseling appointment, etc.) the VRC can complete the review via telephone or teleconference. Once the review is complete, the individual should be provided a copy of the narrative.

d. Securing Information

Educational and vocational counseling under Chapter 36 is often provided in off-site locations, outside a VA facility or office. As such, the rules governing the protection of Personally Identifiable Information (PII) must be followed. See M28R.II.A.5 for a complete description of this process and the specific requirements for securing PII.

e. Limitations

1. The law that governs the delivery of educational and vocational counseling services, 38 U.S.C. 3697, limits the cost of these services to 6 million dollars per fiscal year.
2. Chapter 36 services are only available in the U.S., territories and possessions of the U.S. and the Commonwealth of Puerto Rico.
3. Travel expenses incurred to attend counseling under Chapter 36 are not reimbursable unless the counseling is required, as in the case of an individual who has been determined incompetent.

1.07 Completing Chapter 36 Services

It is necessary to update CWINRS with information on the completion of Chapter 36 services by selecting one of the following statuses:

a. Completed with Counseling

If the individual participated in any aspect of the counseling process, the narrative has been completed and the individual has no additional questions or concerns, VAF 28-8606, Notes from Counseling and Next Steps should be completed. The individual's signature on VAF 28-8606 should be obtained, the original provided to the individual and a copy filed on the right side of the individual's folder. On the Claim Processing tab in CWINRS, select Update Disposition and complete the active fields, including Date Closed. In the Counseling Claim Disposition field, select 002 Counseling Services Completed as the claim disposition. Next, select Status, and in the Change Case Status menu, choose Completed With Counseling. Select OK and the record will be closed and archived. The Chapter 36 counseling services will be preserved in CWINRS Case History.

b. Completed without Counseling

If the individual did not participate in any aspect of the counseling process, document the reason for closure on the Claim Processing tab in CWINRS. Select Update Disposition and complete the active fields as applicable, including Date Closed. In the Counseling Claim Disposition field, select either 001 Non Pursuit – Did Not Report or 003 Counseling Services Incomplete as the claim disposition. Next, select Status, and in the Change Case Status menu choose Completed Without Counseling. Select OK and the record will be closed and archived. The Chapter 36 counseling services will be preserved in CWINRS Case History.

Letter CS05, Closed without Counseling, should be sent to the individual indicating that no continued action will be taken on his/her request for services. A copy of this letter should be filed on the right side of the counseling folder. See Appendix AF, VA Letters for information on accessing VA Letters.

Note: Completing Chapter 36 services is not considered an adverse action. Therefore, it is not necessary to provide advance notice of the action or an explanation of rights.

Chapter 2
CHAPTER 35 BENEFITS PROVIDED BY VR&E

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 - (f) Closure and Maintenance of SVT Cases

2.05 Training in the Home

2.06 Other Program of Education

Appendix O. VA Forms

Chapter 2

CHAPTER 35 BENEFITS PROVIDED BY VR&E

2.01 Introduction

This chapter describes the benefits offered under 38 United States Code (U.S.C.) Chapter 35 that provide educational assistance to Veterans' dependents, spouses and surviving spouses whose education and opportunity for self-support might be impeded because of the Veteran's service-connected permanent and total disability or death, or the Servicemember's involuntary detainment. This benefit also provides assistance to eligible individuals with a physical or mental health condition to overcome or lessen the effects of the condition and to participate in an educational program, special vocational program or other appropriate goal.

This chapter also describes services the Vocational Rehabilitation and Employment (VR&E) program provides to assist individuals eligible for Chapter 35 benefits. These additional services include educational and vocational counseling, special restorative training and specialized vocational training.

2.02 References and Resources

| | |
|-----------------|---|
| Law: | 38 U.S.C. Chapter 35 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.3300 through 21.3307 38 CFR 21.3333 38 CFR 21.4105 38 CFR 21.4232 38 CFR 21.4276 |
| VA Forms (VAF): | VAF 22-5490, Dependents' Application for VA Education Benefits VAF 28-1905d, Special Report of Training VAF 28-1902n, Counseling Record – Narrative Report (Supplemental) VAF 28-8832, Application for Counseling VAF 28-8872, Rehabilitation Plan VAF 4107, Your Right to Appeal Our Decision |

2.03 Overview

a. Basic Eligibility

Eligible individuals under Chapter 35 are Veterans' and Servicemembers' dependents, spouses and surviving spouses who have been found eligible by the Regional Processing Office (RPO) because of one of the following:

- The Veteran's death was caused by the service-connected disability
- The Veteran is rated for total and permanent service-connected disability
- The Servicemember is Missing In Action (MIA)
- The Servicemember is captured in the line of duty
- The Servicemember is forcibly detained for longer than 90 days

b. Roles and Responsibilities

1. Applicant

- Submitting a signed application
- Providing information and supporting evidence needed to establish eligibility and entitlement

2. RPO

- Receiving and processing Chapter 35 applications
- Determining applicant's eligibility for Chapter 35 benefits
- Determining whether remaining entitlement exists
- Creating an electronic Dependent's Educational Assistance (DEA) folder
- Forwarding the counseling request to the VR&E office of jurisdiction if counseling is required, has been requested or the applicant has a disability
- Authorizing Chapter 35 services
- Authorizing payment and entitlement charges

3. Vocational Rehabilitation Counselor (VRC)

- Determining needs and feasibility for Special Restorative Training (SRT), Specialized Vocational Training (SVT), special assistance or educational and vocational counseling
- Consulting with the Vocational Rehabilitation Panel (VRP) or medical specialists at the VA Medical Center (VAMC) to determine the need and feasibility for SRT and SVT
- Providing comprehensive rehabilitation, educational and vocational counseling, evaluation services, plan development, redevelopment and implementation, and case support as needed during the eligible individual's training program

4. Approvals

(a) The VRC must develop and approve the plan of services.

(b) The Director of VR&E Service must give prior approval for the following:

- A plan for SRT exceeding 12 months
- A plan for SVT exceeding 45 months

5. Required Use of the VRP

The VRC must consult with the VRP when determining the need for and feasibility of SRT, SVT or special assistance services. After consulting with the panel and considering the panel's report of its findings and recommendations, the VRC must determine whether the eligible individual with disability(ies) needs a program of SRT, SVT or special assistance and whether this training or special assistance is currently reasonably feasible.

When an eligible child completes or discontinues a program of SRT without having selected an objective and a program of education or other training, the VRC, in consultation with the guardian or parent of the child, must provide additional counseling and planning services to assist the child in selecting a suitable objective and program. The VRC must consider and use the services of the VRP as needed in the planning of a training and education program that is compatible with the functional limitations of the eligible individual and that is adapted to his/her needs and abilities.

6. Evaluation in Special Educational or Rehabilitation Facilities

When it is difficult to evaluate the potential of an eligible person who, because of mental retardation, emotional problems or other reasons, has been unable to function in a regular school setting, the VRC may have to arrange for evaluation in special education or rehabilitation facility to determine whether the individual is able to undertake a program of education, training, SRT or SVT. As in other SRT or SVT cases, the VRC must refer the case through the VR&E Officer to the VRP for its assistance in the evaluation and planning process (38 CFR 21.3300, 21.3301 and 21.4105).

c. Entitlement

1. Months of Entitlement

- (a) An eligible child may receive a maximum of 45 months of DEA or the equivalent in part-time training. Entitlement may not be extended except when a program of SRT exceeding 45 months is authorized for an additional period of time needed to complete the training. See 38 CFR 21.3300 (d) and M22-4, Part 7, Chapter 4.05, Special Restorative Training Award.

Note: If a child qualifies for Chapter 35 benefits based on the service of two parents (i.e., death of both parents in a common accident while on active duty), the child still only qualifies for a total of 45 months. However, if the child claimed both Veterans, he/she would qualify for twice the full-time rate monthly, but the child would be receiving 22 and a half months of entitlement from each parent for a total of 45 months.

- (b) An eligible spouse or a surviving spouse is entitled to 45 months of DEA entitlement or the equivalent in part-time training. Entitlement may not be extended.
- (c) Eligible individuals under Chapter 35 may receive certain secondary level training without charge to entitlement as described below:

(1) High School Training

Benefits are payable at the applicable institutional rate for training in a program to receive a high school diploma or equivalency certificate to eligible Chapter 35 recipients who have not previously received such a diploma or certificate.

(2) Deficiency and Remedial Training

Benefits are payable for training in deficiency and remedial courses which are necessary to qualify for admission to an educational institution or educational program. The institution providing the training must properly certify these courses.

(3) Refresher Training

Benefits are payable to an eligible Chapter 35 recipient for refresher training only at the elementary or secondary level to review or update material previously covered in a course that has been satisfactorily completed. There is no limit on the amount of refresher training an individual may receive as long as the claimant properly establishes the need for such training.

- (d) The total entitlement to educational benefits for those having eligibility under two or more VA education programs may not exceed 48 months.

2. Entitlement Charges

- (a) For institutional training, VA will charge a full day of entitlement for each day paid at the full-time rate. If the claimant enrolls at less than full-time, VA will reduce the entitlement charge proportionately. If the claimant enrolls at less than half time, VA will charge entitlement at one-quarter the full-time rate.
- (b) For apprenticeship and other on-the-job training, VA will charge a full day of entitlement for each day of training, except that if the claimant works fewer than 120 hours per month, both the entitlement charge and the benefits paid will be reduced proportionately.
- (c) For correspondence training, VA will charge one month of entitlement for a benefit amount equal to the monthly rate for full-time institutional training.
- (d) For secondary-level training (including noncredit refresher, deficiency and remedial training), VA will charge no entitlement for the first five months of full-time training. After five months of such training, VA will charge entitlement on the same basis as institutional training.
- (e) For tutorial assistance, there is no entitlement charge.

- (f) For certain overpayment cases in which the debt is written off, VA will charge entitlement.

3. Award Processing and Entitlement Computations

For Chapter 35 and SRT award processing and entitlement computations, refer to M22-4, Part 7, Chapter 4, Award Processing and Other Authorization Issues.

See www.gibill.va.gov/resources/benefits_resources/rate_tables.html for DEA rate tables.

d. Administering Chapter 35 Benefits

1. Application Processing

The RPO performs the following actions:

- Reviews the application and determines if the applicant is eligible for Chapter 35
- Creates an electronic DEA folder for the applicant
- Forwards the counseling request to the VR&E office of jurisdiction if counseling is required, counseling is requested, or the eligible individual has a disability

2. Counseling and Evaluation

The VR&E Division performs the following steps

- Receives the counseling request from the RPO
- Creates a Counseling/Evaluation/Rehabilitation (CER) folder
- Assigns the case to a VRC, who schedules an appointment for counseling and evaluation with the applicant
- Provides counseling and evaluation, and coordinates referral to the VRP
- If appropriate, develops a plan of services with the eligible applicant and parent or guardian (SRT) and the eligible applicant and the VRP (SVT)

- Approves payment for services
- Supervises and monitors the case for SRT, SVT and special assistance, if appropriate
- Notifies the RPO of the results of required counseling and provides requested documentation

e. Required Documentation

1. VA Form 22-5490

This form serves as an official request for Chapter 35 benefits.

2. VA Form 28-8832

This form serves as an official request for counseling.

3. VA Form 28-1902n and CWINRS Notes

These options are used to document information developed during determination of need and feasibility for SRT or SVT, certification for remedial math and English, counseling for plan development or redevelopment, results of vocational evaluation, and exploration of educational and vocational options.

4. VA Form 28-1905d and CWINRS Notes

These options are used to document information regarding a change in training and provide a narrative format for reporting the content and outcome of case management.

5. VA Form 28-8872

This form outlines the specifics of the eligible individual's plan, including the program goal, timeframe for program completion, objectives, services to be provided, evaluation criteria, evaluation procedure and evaluation schedule.

2.04 Chapter 35 Services Provided Under the VR&E Program

a. Educational and Vocational Counseling

1. Purpose and Scope of Services

The purpose of Chapter 35 educational and vocational counseling is to assist an eligible individual to select an educational or employment goal, develop an educational program, select a training facility, and address personal problems that may interfere with training or employment.

Educational and vocational counseling is provided after:

- Eligibility for Chapter 35 has been established by the RPO
- The eligible individual requests services
- The CER folder has been received in the VR&E Division

A VRC or contract counselor may be assigned responsibility for providing Chapter 35 educational and vocational counseling.

2. Eligible Participant

This includes any dependent, spouse or surviving spouse who has been determined eligible by the RPO for Chapter 35 who requires counseling, requests counseling, or has a disability.

If a Chapter 35-eligible individual is also eligible for other Veterans Affairs (VA) benefits, the VRC is responsible for informing the eligible individual about the other program(s), or referring the eligible individual to the appropriate VA department for more information.

3. Scheduling Educational and Vocational Counseling

A VRC schedules the eligible individual for educational and vocational counseling. This is the only service provided to eligible individuals who do not have a disability.

4. Phases for Educational and Vocational Counseling Services

(a) Vocational Interview

The vocational interview provides individual counseling to obtain and record history and background information. It is completed during the initial appointment.

(b) Vocational Evaluation

The purpose of the vocational evaluation is to administer interest, aptitude, ability and temperament tests to assist with vocational/educational exploration. It is completed after the initial vocational interview.

(c) Vocational Counseling and Exploration

The purpose of vocational counseling and exploration is to explain test results, explore potential objectives and facilitate development of an education or employment program that includes the potential need for special assistance or training. It is completed after vocational interview and vocational evaluation.

(d) Personal Adjustment and Counseling

Personal adjustment counseling provides brief counseling to address personal problems that may interfere with the program of education or employment goal. It is provided during the vocational counseling and exploration process.

(e) Services

The eligible individual must be provided with services necessary to perform the following actions:

- Select an educational or employment goal
- Develop an educational program
- Select a training facility
- Address personal problems that may interfere with the educational program

(f) Documenting Education and Vocational Counseling

The VRC must document the Chapter 35 educational and vocational counseling in a written narrative for the evaluation and planning on VAF 28-1902n. See Appendix O, VA Forms for information on how to access this form.

b. Special Assistance

1. Purpose and Scope of Services

A program of special assistance is provided to assist the eligible Chapter 35 individual even if he/she does not need SRT or SVT. The eligible individual may receive this assistance when the VRC determines the effects of a physical or mental health condition or personal adjustment problems will hinder his/her ability to successfully pursue a program of education.

This program provides up to five months of secondary school, remedial, refresher or preparatory courses without charge to entitlement.

For training, a VRC can only certify the need for remedial courses in basic English and math for enrollment in courses such as basic reading, writing, speaking or essential mathematics.

An educational institution may certify the dependent child's need for remedial courses in basic English and math. The certifying educational institution must be the facility in which the eligible individual attends training or is seeking admission.

2. Eligible Participant

This refers to an individual who is eligible for Chapter 35 and who is above the age for compulsory education, has not completed a high school diploma or has been certified to require remedial, refresher or preparatory course(s) to enroll in an educational program.

3. Limitations of Chapter 35 Special Assistance

This special assistance is limited solely to secondary school courses for eligible individuals who have not received a secondary school diploma.

4. Scheduling Educational and Vocational Counseling

A VRC or contract counselor schedules a participant for educational and vocational counseling. If academic deficiencies are identified, the VRC must explore the need for additional secondary school education, remedial, refresher or deficiency courses to qualify for admission to an appropriate educational institution.

5. Services

The VRC must certify and document the need for special assistance and

send the certification to the RPO. The RPO then authorizes the monthly educational assistance at the rates specified in 38 CFR 21.3131, computes the charges against entitlement, and grants up to five months of educational assistance to the eligible individual without charge to entitlement, if the training is certified as necessary special assistance.

6. Documenting Special Assistance

(a) Evaluation

The VRC must document the Chapter 35 special assistance by writing the narrative for the evaluation and outcome on VAF 28-1902n.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

(b) Rehabilitation Plan

Plan of services must be outlined on an Individualized Written Rehabilitation Plan (IWRP) on VAF 28-8872.

All documentation must be filed in the individual's CER folder.

c. SRT

1. Purpose and Scope of Services

SRT is provided to assist eligible individuals overcome or lessen the effects of a physical or mental health disability and enable attainment of an educational, specialized vocational or other appropriate goal through a comprehensive rehabilitation evaluation, plan development or redevelopment and case management.

Services are provided when the need for SRT services has been established and a plan of services has been developed. A VRC or contract counselor may provide SRT services. An eligible individual may receive a maximum of 45 months of entitlement.

2. Eligible Participants

Eligible participants include a dependent child between the ages of 14 and 31 and a spouse, or surviving spouse, who qualifies for Chapter 35 benefits and may need SRT because of a disability.

3. Determining Need for SRT

When a request for Chapter 35 counseling is received and the potential need for special training has been identified, the VRC must perform the following actions:

- Conduct comprehensive rehabilitation counseling to explore the eligible individual's background, history, academic performance, employability, and disability limitations and requirements
- Obtain sufficient information to determine the need for and feasibility of SRT
- Determine what specific services may be needed to overcome or lessen the effects of the disability to pursue and successfully complete an educational or vocational goal. See 38 CFR 21.3104 for additional information.

(a) Consultation

To determine the nature and scope of individualized services to be provided under Chapter 35, the VRC may need to arrange an evaluation in a special educational or rehabilitation facility, or consult with Veterans Health Administration (VHA) medical specialists.

The VRC must obtain approval from the individual's parent, guardian or legal custodian prior to referring for a medical examination an eligible individual who is either not of legal age, or whom a court has declared to be incompetent.

(b) Referral to the VRP

After the initial evaluation, the VRC must document findings in a referral to the VRP to consider the need for and feasibility of Chapter 35 special training. In turn, the VRP will provide the VRC with a written report of its recommendations about the need for special training or assistance, as well as the types of assistance that should be provided. Following consultation with the VRP, the VRC must make the determination of the need and feasibility of special training. See 38 CFR 21.3040 and 38 CFR 21.3041 for more information on the VRP.

4. Services

- (a) If the need for SRT has been established, the VRC must develop and implement a plan of services.
 - (b) If the need for SRT is not established, the VRC must notify the applicant of the disallowance of his/her claim.
 - (c) The VRC, after consulting with the VRP, may authorize the following courses:
 - Speech and voice correction or retention
 - Language retraining
 - Speech (lip) reading
 - Auditory training
 - Braille reading and writing
 - Training in ambulation
 - One-handed typing
 - Non-dominant hand writing
 - Personal, social and work adjustment training
 - Remedial reading
 - Courses at special schools for those with physical or mental health disabilities
 - Courses provided at facilities which are adapted or modified to meet special needs of students with disabilities
5. Notification of Disallowance

The VRC must inform the eligible individual, or parent, guardian or legal custodian, in writing if special training will not materially improve the eligible person's condition or is not in his/her best interest. The VRC must also inform the eligible individual, or parent, guardian or legal custodian, of due process and appellate rights.
6. Developing and Implementing a SRT Plan of Services

When it is determined that there is a reasonable possibility that a course of SRT services can overcome or lessen the effects of the dependent's disability, the VRC develops an individualized SRT program as part of an Individualized Extended Evaluation Plan (IEEP). This IEEP is comparable to an IEEP developed under Chapter 31. The overall program may be tentative in nature, but the VRC must ensure that the purpose and extent of SRT must be clearly related to the subsequent education or training, as anticipated in carrying out the total educational plan. In certain situations, the total education plan for a severely handicapped eligible person may be SRT followed by a program of SVT.

(a) Plan Development

- (1) Following consultation with the VRP, the VRC must determine the need for and feasibility of SRT. If the eligible individual is found to need SRT, the VRC must develop an individualized written plan comparable to that of an extended evaluation under 38 U.S.C. Chapter 31.
- (2) The VRC, the eligible individual, or parent, guardian or legal custodian, and the VRP should work together to develop the SRT plan.
- (3) An SRT plan should assist the VRC, the eligible individual and the service provider(s) to work together to meet the goals of the SRT program.
- (4) The SRT plan must include the plan's goal, types of services being provided, service providers, responsibilities of the VRC and the eligible individual, program duration, evaluation criteria and evaluation schedule.
- (5) The documentation for a Chapter 35 plan of services must include a specifically defined delimiting date for receipt of benefits. The VRC must refer cases to the Director of VR&E Service for approval if the plan exceeds 12 months.
- (6) The courses for SRT must be related to restoration necessary for enrollment in an educational program, a special vocational program or other appropriate goal as described in the plan of service. See 38 CFR 21.3300 for information regarding SRT courses.

(b) SRT Services

(1) To provide suitable and necessary SRT services, the VRC must assist in coordinating agreements with public or private educational institutions, other appropriate facilities, such as rehabilitation centers, or qualified individuals if no suitable facility is available.

(2) Limitations of an SRT program include the following:

- Eligible individuals must be between 14-31 years old
- Participation in SRT requires completion of counseling and development of an approved plan by VR&E
- SRT does not include medical or psychiatric treatment
- SRT may not exceed 12 months without prior approval by the Director of VR&E Service
- Services may not be provided in a VA facility
- Services may not be authorized solely to enable the individual with a disability to enter and pursue a regular program at a public school
- Training must be pursued on a full-time basis (See 38 CFR 21.3303 for full-time training requirements)

(c) Required Case Management During SRT

The VRC must provide personal, timely and sustained case management to ensure satisfactory progress is maintained and any needed adjustments for training are timely addressed (38 CFR 21.3304). It should include sufficient monitoring to evaluate progress in relation to the goals and objectives of the plan, ongoing assessment of effectiveness of service, identifying and addressing any minor concerns that could interfere with satisfactory progress, referral to VRP to address any major concerns including redeveloping the plan if necessary, and documenting progress and case support activities.

The VRC must provide monthly supervision or case management appointments to eligible individuals.

During case management, the VRC must perform the following actions:

- (1) Coordinate with the corresponding RPO to ensure that appropriate payments are authorized to the eligible individual and training facility.
- (2) Evaluate progress of the eligible individual.
- (3) Assist the eligible individual and the instructor with training and adjustment matters.
- (4) Maintain adequate records of progress, including attendance, personal conduct and diligence in the course.
- (5) Arrange for other needed services to be provided by the VA or other agencies.
- (6) Arrange for and coordinate the provision of employment services by other agencies.

(d) Documenting SRT

(1) Evaluation

VAF 28-1902n should be used to record the Chapter 35 evaluation, planning and case support and to document the development of the plan.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

(2) Rehabilitation Plan

If the dependent child's program consists exclusively of SRT services, VAF 28-8872 should be used to outline the plan of services for an IEEP.

A copy of the rehabilitation plan and all associated documentation for services must be provided to the corresponding RPO.

(3) Case Management

VAF 28-1905d should be used to document case management and progress.

All forms and documentation must be filed in the CER folder.

(e) Interruption of SRT Services

Continuous training shall be provided for each eligible individual whenever possible. A VRC may interrupt SRT services as necessary under any of the following conditions:

- During scheduled breaks when no instruction is given, such as summer breaks
- During a prolonged period of illness or medical infeasibility
- When the eligible individual voluntarily abandons SRT
- When the eligible individual fails to make satisfactory progress in the SRT course
- When the eligible individual fails to maintain satisfactory conduct in accordance with the rules of the facility, or fails to make progress due to negligence, lack of application or misconduct

The VRC must notify the parent, guardian or legal custodian in writing regarding the interruption with a copy to the eligible individual and the training facility. The notification letter must provide the reason for interruption and a statement that the eligible individual cannot return to SRT without authorization from the VA. Procedures for an adverse action will also be completed under Chapter 31.

(f) Reentrance into SRT Services After Interruption

When an eligible individual's SRT has been interrupted requests continuation of services, the VRC must take the appropriate action as follows:

- (1) Approve reentrance when SRT was interrupted for a scheduled break, such as a summer break, a short period of illness, or other reasons that permit reentrance in the same course as outlined on the SRT plan without corrective action.
- (2) Provide further counseling when SRT was interrupted for failure to maintain satisfactory conduct or progress, or any other reason which requires corrective action, such as a change in training location, course, personal adjustment, etc.

- (3) Approve any necessary adjustments if the conditions that caused interruption can be resolved.
- (4) Coordinate with the parent, guardian, legal custodian or dependent (if of age and competent) and the school for reentrance if further training is approved.
- (5) Determine infeasibility for a vocational training if all efforts failed to result in proper adjustment and there is substantial evidence that additional efforts will be unsuccessful.

(g) Discontinuance of SRT Services

If after consulting with the VRP the VRC determines that further SRT cannot be authorized after the interruption, the eligible individual's case will be placed in Discontinued status. The VRC must execute the following actions:

- (1) Notify the parent, guardian or legal custodian, or the eligible individual (if of age and competent) in writing of the action taken.
- (2) Explain the intent and purpose of the discontinuance, describing the actions taken.
- (3) Provide information about potential rights to other programs of education.
- (4) Provide the eligible individual, or the parent guardian or legal custodian of a notice of the eligible individual's procedural and appellate rights (VAF 4107, Your Right to Appeal our Decision).

The eligible individual is precluded from pursuit of SRT until a VRC determines that the cause of discontinuance has been removed.

(h) Closure and Maintenance of SRT Cases

When an eligible individual completes or discontinues SRT without selecting an objective, the VRC must provide additional counseling to assist in selecting a program of education, SVT, or other appropriate goal, and the VR&E Division must file the CER folder in inactive storage.

The Regional Office may later destroy inactive folders in accordance

with Records Control Schedule (RCS) VB-1, Part I, Item No. 07-620.022.

7. Developing Agreements for SRT

(a) Negotiation of Agreements

Agreements for SRT are prepared by the VRC with public or private educational institutions or other appropriate facilities, such as rehabilitation centers. If no suitable facility is available, agreements may be made with qualified individuals. When there are no established customary charges for the specific training and services to be provided, appropriate charges will be determined by applying the same general criteria used under Chapter 31.

The agreement must specify the following:

- (1) The name and address of the institution or individual furnishing the training.
- (2) The name and address of the guardian or legal custodian of the eligible person.
- (3) The name and claim number of the eligible person.
- (4) A complete, individualized and detailed training program designed to overcome or lessen the effects of the eligible person's disability, which will show the major units of study or work, the hours and schedule allotted to all instructional phases, and the course length.
- (5) A statement that any change in course content or length will be made only as agreed upon between the institution or individual instructor and the VA and authorized by the VA in writing.
- (6) A statement that the institution or individual providing training will maintain records of attendance, conduct and progress and will make these available to the VA as needed to properly supervise the trainee. This will include prompt reporting of the beginning of the course, completion of each discrete phase of the course (e.g., a semester or term) and all interruptions or terminations.
- (7) A statement that a VA representative may visit the place of instruction as necessary to examine the facility and the eligible person's training performance.

- (8) A list of all charges to be made to the parent, guardian, legal custodian, or dependent (if of age and competent) and the services to be provided to the dependent for these charges.
- (9) The basis on which the parent, guardian, legal custodian or dependent (if of age and competent) will make payments.
- (10) A statement that, if the eligible person interrupts or terminates his/her course, he/she may not resume the course without written authority from the VA.
- (11) The method of prorating of charges or the refund arrangement when an eligible person withdraws from the course prior to completion of the term, quarter, semester or other period covered by the agreement.

(b) Signing the Agreement

The agreement must be signed by the following individuals:

- (1) The authorized representative of the institution or the person furnishing the training.
- (2) The parent, guardian, legal custodian, or dependent (if of age and competent) indicating agreement to pay the stated charges for the services provided.
- (3) The authorized representative of the VA to show that the terms of the agreement are in accordance with VA laws and regulations.

Note: The legal guardian or legal custodian may elect to pay the costs for tuition and fees by accelerated payment if the total costs for the monthly special training allowance exceed the rate specified in 38 CFR 21.3333(a). As a result, the eligible individual's entitlement will be reduced accordingly. See Rate Tables published each fiscal year for Accelerated Charge and Entitlement Reduction calculation at www.gibill.va.gov/resources/benefits_resources/rate_tables.html. A separate statement of this election will be signed by the parent, guardian, legal custodian, or dependent (if of age and competent) and made a part of the eligible person's training records.

(c) Distribution of the Agreement

The document must be distributed as follows:

- Original to the institution or individual furnishing instruction
- One copy to the parent, guardian, legal custodian or the dependent if the dependent signed the agreement
- One copy retained in the VR&E Division and made a part of the eligible individual's CER folder

(d) Inducting the Eligible Individual into Training

The VRC prepares a letter in duplicate for the institution or individual providing the SRT. The letter authorizes the entrance of the eligible person into the course and is used in lieu of VAF 28-1905.

The copy is used for endorsement by the institution providing the training to justify payment of the special training allowance based on the enrollment of the eligible individual.

The endorsed copy is returned to the VA. Upon receipt of the endorsed copy, VAF 28-1905 will be prepared to justify payment of the special training allowance based on the eligible person's entrance into training. VAF 28-1905 will be used also to establish new rates of payment of the special training allowance based on course changes.

(e) Length of the Course

Ordinarily, SRT may not exceed 12 months. If it appears that a longer period of time will be needed, refer the case to the Director of VR&E Service for approval prior to granting the additional period requested. An SRT course will be prescribed on a full-time basis as determined in each individual case under 38 CFR 21.3303 (a) through (c).

d. SVT

1. Purpose and Scope of Services

SVT is a training program, which includes specialized vocational training or a combination of specialized vocational training and other courses needed to accommodate an eligible individual with psychological or physical disabilities to achieve a predetermined vocational goal.

2. Eligible Participants

SVT is provided to a Chapter 35 qualified individual who has a psychological, emotional or physical condition; who is at least 14 years old; does not require SRT; and has been determined by a VRC to be in need of SVT to achieve a vocational goal.

The VRC must consult with the VRP in determining the need for SVT.

3. Services

A SVT program leading to a vocational objective may be provided after a determination has been made by a VRC that the program is required and feasible. A VRC or VA contract counselor provides a SVT evaluation and case support services.

4. Determining Need for SVT

When a request for Chapter 35 counseling is received and the potential need for special training has been identified, the VRC must perform the following actions:

- Conduct comprehensive rehabilitation counseling to explore the eligible individual's background, history, academic performance, employability and disability limitations and requirements
- Obtain sufficient information to determine the need for and feasibility of SVT, and determine the specific services needed to overcome or lessen the effects of the disability to pursue and successfully complete an educational or vocational goal (See 38 CFR 21.3104)

(a) Consultation

To determine the nature and scope of individualized services to be provided under Chapter 35, the VRC may need to arrange an evaluation in a special educational or rehabilitation facility, or consult with VHA medical specialists.

The VRC must obtain approval from the eligible individual's parent, guardian or legal custodian prior to referring for a medical examination an eligible individual who is either not of legal age or whom a court has declared to be incompetent.

(b) Referral to the VRP

After the initial evaluation, the VRC must document findings in a referral to the VRP to consider the need for and feasibility of Chapter 35 specialized training. In turn, the VRP will provide the VRC with a written report of its recommendations about the need for specialized training or assistance and the types of assistance that should be provided. Following consultation with the VRP, the VRC must make the determination of the need and feasibility of special training. See 38 CFR 21.3040 and 38 CFR 21.3041 for more information on the VRP.

5. SVT Services

- (a) If the need for SVT is established, the VRC must develop and implement a plan of services.
- (b) If the need for SVT is not established, the VRC must notify the applicant of the disallowance of his/her claim.

6. Developing and Implementing SVT Plan of Services

(a) Plan Development

- (1) Following consultation with the VRP, the VRC must determine the need for and feasibility of SVT. If the eligible individual is not found in need of SRT, but in need of SVT, the VRC must develop an individualized written plan comparable to that of a rehabilitation plan under 38 U.S.C. Chapter 31.
- (2) The VRC, the eligible individual, or parent, guardian or legal custodian and the VRP must work together to develop the SVT plan.
- (3) A SVT plan must assist the eligible person, the VRC and the service provider(s) in working together to meet the goals of the SVT program.
- (4) The SVT plan must include the vocational goal, types of services being provided, service providers, responsibilities of the VRC and the eligible individual, program duration, evaluation criteria and evaluation schedule.
- (5) The documentation for Chapter 35 SVT plan of services must include a specifically defined delimiting date for the receipt of benefits. The VRC must refer cases to the Director of VR&E Service for approval of an SVT plan of services exceeding 45 months.

- (6) Courses suitable for an SVT program are those needed to accommodate the eligible individual's physical or mental health condition(s). The courses must be part of a program leading to a vocational objective. See CFR 21.4232 for more information on SVT courses.

(b) Required Case Management During SVT

The VRC must provide a personal, timely and continued case management. It should include sufficient monitoring to evaluate progress in relation to the goals and objectives of the plan, ongoing assessment of effectiveness of service, identifying and addressing any minor concerns that could interfere with satisfactory progress, referral to VRP to address any major concerns including redeveloping the plan if necessary and documenting progress and case support activities.

The VRC must coordinate with the corresponding RPO to ensure that appropriate payments are authorized to the eligible individual and training facility.

The frequency of case management activities is determined by the needs of the eligible individual.

(c) Documenting SVT

(1) Evaluation

Use VAF 28-1902n to record the Chapter 35 evaluation, planning and case support, and to document the development of the plan.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

(2) Rehabilitation Plan

Use VAF 28-8872 to outline the plan of services for an IWRP for a dependent child or spouse.

A copy of the rehabilitation plan and all associated documentation for services must be provided to the corresponding RPO.

(3) Case Management

VAF 28-1905d should be used to document case management and progress.

All forms and documentation must be filed in the CER folder.

(d) Interruption of SVT Services

A VRC may interrupt SVT services as necessary under the following conditions:

- (1) During a prolonged period of illness or medical infeasibility.
- (2) When the eligible individual voluntarily abandons SVT, fails to make satisfactory progress, fails to maintain satisfactory conduct in accordance with the facility's rule, or fails to make progress due to negligence, lack of application or misconduct.

(e) Reentrance into SVT Services After Interruption

When an eligible individual requests reentrance following an interruption of SVT services, the VRC must perform the following actions:

- (1) Approve reentrance when SVT was interrupted for a short period of illness or other reasons that permit reentrance in the same course of SVT without corrective action.
- (2) Provide further counseling when SVT was interrupted for failure to maintain satisfactory conduct or progress, or any other reason that requires corrective action, such as changes in training location, course, personal adjustment, etc.
- (3) Consult with the VRP, if needed.
- (4) Approve any necessary adjustments if the conditions that caused interruption can be overcome, or make a finding of infeasibility if all efforts to effect proper adjustment in the case have failed and there is substantial evidence that additional efforts will be unsuccessful.

(f) Closure and Maintenance of SVT Cases

- (1) When an eligible individual completes SVT, he/she will be able to pursue a vocational objective, will be referred to placement services

as appropriate and VR&E Division will file the CER folder in inactive storage.

- (2) The Regional Office may later destroy inactive folders in accordance with RCS VB-1, Part I, Item No. 07-620.022.

2.05 Training in the Home

When an eligible dependent child is limited to such an extent that he/she is homebound, the VRC must make the arrangements necessary for training to be provided in the home and provide assistance during training, as specified in this chapter. In the case of SVT or other program of education, this in-home training must be arranged with an educational institution. An educational institution or independent instructor may provide SRT in the home.

2.06 Other Program of Education

Special training assistance will be provided to a dependent under 38 CFR 21.4276 when the VRC determines that, although the dependent is not in a program of SRT or SVT, the dependent will require help to successfully pursue a program of education. This assistance will relate to the handicapping effects of either a physical or mental health condition or personal adjustment problems.

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Chapter 3
CHAPTER 18 BENEFITS, SERVICES AND PROGRAM ADMINISTRATION

3.01 Introduction

Under Chapter 18, Department of Veteran Affairs (VA) Vocational Rehabilitation and Employment (VR&E) provides services to children of Vietnam Veterans born with spina bifida (except for spina bifida occulta), children of female Vietnam Veterans born with certain birth defects that are associated with the service of those Veterans in the Republic of Vietnam that resulted in a permanent physical, cognitive or psychological disorder, or children born with spina bifida to Veterans exposed to herbicides who served in or near the Demilitarized Zone (DMZ) in Korea. Services include a comprehensive evaluation to determine if the child requires independent living services, education and/or vocational training, employment services, referrals for vocational, psychological, employment and/or personal adjustment counseling, and placement and post-employment adjustment services. This chapter contains the statutory and regulatory provisions covering the receipt of Chapter 18 benefits and services.

3.02 References and Resources

| | |
|-----------------|---|
| Laws: | 38 United States Code (U.S.C.) Chapter 18 38 U.S.C. 1804 38 U.S.C. 1814 |
| Regulations: | 38 Code of Federal Regulations (CFR) 21.122 through 38 CFR 21.134 38 CFR 21.40 38 CFR 21.41 38 CFR 21.198 38 CFR 21.210 through 21.276 38 CFR 21.8010 through 21.8016 38 CFR 21.8020 38 CFR 21.8050 38 CFR 21.8140 38 CFR 21.8284 38 CFR 21.8370 38 CFR 21.8380-21.8410 |
| VA Forms (VAF): | VAF 21-0304, Application for Benefits for Certain Children with Disabilities Born of Vietnam and Certain Korea Service Veterans VAF 28-1902b, Counseling Record – Narrative Report |

VAF 28-1902i, Counseling Record – Medical Information and Related Findings

VAF 28-1902n, Counseling Record – Narrative Report (Supplemental)

VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status

VAF 28-1905d, Special Report of Training

VAF 28-8872, Rehabilitation Plan

Optional Form 41

Routing and Transmittal Slip

References: Records Control Schedule (RCS) VB-1, Part I, Section VII
07-630.010 – 07-630.016, dated 11/04/1997

Website: www.vba.va.gov/bln/21/Rates/special2.htm

3.03 Eligibility Under Chapter 18

Individuals eligible to apply for VR&E services under Chapter 18 as defined by 38 CFR 21.8010 include:

- Biological children of Vietnam Veterans diagnosed with spina bifida (a defect in the developing fetus that results in incomplete closing of the spine), including all forms of spina bifida except spina bifida occulta
- Children of women Vietnam Veterans born with certain birth defects that are associated with the service of those Veterans in the Republic of Vietnam that result in a permanent physical, cognitive or psychological disorder, and do not result from a familial disorder, a birth-related injury or a fetal or neonatal infirmity with well-established causes
- Children born with spina bifida to Veterans exposed to herbicides who served in or near the DMZ in Korea between September 1, 1967 and August 31, 1971

3.04 Roles and Responsibilities

a. Applicant

The applicant submits a signed VAF 21-0304 and provides information and supporting evidence needed to establish eligibility and entitlement.

b. Denver Regional Office

The Denver Regional Office (RO) receives and processes Chapter 18 applications for vocational training, verifies the individual's monthly monetary allowance, forwards the vocational training request to the VR&E Division of jurisdiction, and authorizes payment of monetary allowance.

c. Vocational Rehabilitation Panel

The Vocational Rehabilitation Panel (VRP) provides assistance to the Vocational Rehabilitation Counselor (VRC) to determine the types of services that should be provided to the eligible person.

For more information on the VRP, see M28R.II.A.4.

d. Vocational Rehabilitation Counselor

The VRC determines the eligible person's feasibility of achieving a vocational goal, and the need for educational and vocational training, independent living services, or employment services. The VRC also consults with the VRP as needed.

The VRC may provide:

- Entitlement to services decision
- An evaluation to assess the eligible individual's reasonable feasibility of achieving a vocational goal
- Plan development or redevelopment
- Remedial and rehabilitative services
- Training resulting in a diploma, certificate, degree, qualification for licensure, or employment
- Psychological, vocational, personal adjustment, employment and educational counseling
- Case support as needed during the training program
- Comprehensive job-seeking skills training and direct placement assistance

3.05 Process Overview

a. Denver RO Service Center

The Denver RO Service Center receives and reviews the application, and if the applicant is eligible for services, the Service Center forwards a counseling request to the VR&E Division of jurisdiction. The request contains the child's name, file number, and Social Security number. The RO confirms the award date of the monthly allowance if available and indicates whether the award is rated as disability level I, II, III or IV. If available, the Service Center will forward the child's claim folder to VR&E.

For more information on disability and rate levels, see www.vba.va.gov/bln/21/Rates/special2.htm, Spina Bifida Benefit and Children of Women Vietnam Veterans Born with Certain Birth Defects rate tables.

b. VR&E Division

VR&E receives the counseling request, creates a Chapter 18 benefits Counseling/Evaluation/Rehabilitation (CER) folder and assigns the case to a VRC or contract counselor.

c. VRC or Contract Counselor

The VRC or contract counselor schedules the next available appointment with the eligible individual for the development of evaluation information and implements follow-up if the appointment must be delayed. The counselor must establish a local diary for no more than six months, maintain contact with the eligible individual, and schedule an appointment when changes in circumstances warrant it. The counselor also gathers information needed to assist with determining the feasibility to achieve a suitable vocational goal and vocational/educational exploration.

1. VRC

The VRC performs the final phase of the evaluation including:

- Conducting an in-person review of the contractor's report
- Determining the need for further assessment services
- Determining reasonable feasibility
- Discussing the above determination with the eligible individual
- Discussing the selection of a vocational training objective
- Documenting the results of the evaluation

2. VRC or Contract Counselor

The VRC or contract counselor provides case support to facilitate successful completion of a program of services.

3.06 Documentation Required to Provide Chapter 18 Benefits

The following forms are used to request and document Chapter 18 services. They are located in Appendix O, VA Forms:

- VAF 21-0304, Application for Benefits for Certain Children with Disabilities Born of Vietnam and Certain Korea Service Veterans serves as the official request for Chapter 18 benefits
- VAF 28-1902b, Counseling Record – Narrative Report contains information developed during the evaluation (do not complete items 5 through 11)
- VAF 28-1902n, Counseling Record – Narrative Report (Supplemental Sheet) is a continuation sheet for VAF 28-1902b
- VAF 28-1902i, Counseling Record – Medical Information and Related Findings contains results of medical consultation, diagnosis, care, treatment and related services
- VAF 28-8872, Rehabilitation Plan contains the specifics of the eligible individual's plan, including the program goal, duration of training, rate of training and services needed to achieve the vocational goal
- VAF 28-1902n, Counseling Record-Narrative Report or VAF 28-1905d, Special Report of Training contains information on case-support activities

3.07 Evaluation Process

The Chapter 18 evaluation may include all the assessment methods that are appropriate for Chapter 31 Veterans. The purpose of the evaluation is to gather sufficient information about the eligible individual's background, mental health status, and physical capabilities. It helps the VRC determine whether or not the individual can achieve a vocational goal, and if so, identify a vocational goal and services needed, and develop a plan.

a. Evaluation Criteria for Chapter 18 Evaluation

VR&E Division will evaluate each child who:

1. Applies for a vocational training program, and
2. Has been determined to be an eligible child as defined in 38 U.S.C. 1804(a) and 1814, and 38 CFR 21.8010.

b. Scheduling the Chapter 18 Evaluation

The applicant should receive the first available appointment with the same priority as a Chapter 31 Veteran. Either a VRC or a contract counselor may schedule the evaluation. The individual will receive notification of the appointment via a letter that explains:

- The purpose of the appointment
- Benefits of the evaluation
- Date, time, duration and address of the appointment
- Name, telephone number and email address of the assigned VRC or contract counselor
- Travel costs that may be paid by the VA
- Instructions on how to reschedule the appointment, if necessary

Note: If the applicant fails to report for a scheduled evaluation appointment, the VRC will send a locally developed letter to the applicant explaining the reasons for the letter, benefits of the evaluation, procedure to reschedule, consequences of not rescheduling within one year, and due process and appellate rights.

c. Conducting the Chapter 18 Evaluation

The table below describes the Chapter 18 evaluation and counseling process conducted by VR&E:

| Service | Description | When to Provide |
|---------------------------------------|--|---|
| Initial interview | Develop information necessary for VRC to make feasibility and entitlement determinations | During the initial appointment |
| Vocational evaluation | Administer interest, aptitude, ability, and temperament tests to assist with vocational/educational exploration | During or following the initial interview |
| Review of contract counselor's report | If initial interview and vocational evaluation were contracted, schedule eligible person with VRC to review the contract counselor's report and continue the evaluation process | At completion of contracted portion of the evaluation process |
| Determination of feasibility | Evaluate feasibility of achieving vocational goal. Use consultation or referral services as needed to make the determination (a contract counselor cannot determine feasibility) | As soon as possible after developing sufficient information to determine feasibility |
| Vocational counseling and exploration | Explain and discuss results of the evaluation and, if feasible, explore potential objectives and develop a plan of services leading to suitable employment. If not feasible, explain this decision in person, explore alternative resources to obtain requested services and notify applicant and the Power of Attorney (POA) of this result in writing. | After determination of feasibility |
| Adjustment counseling | Counseling to address any concerns that may interfere with participation in the program or achievement of the goal | During the vocational counseling and exploration process and during provision of planned services |

d. Services Used to Determine Reasonable Feasibility

The following services are used to determine reasonable feasibility:

- Diagnostic services
- Psychological assessments

- Consideration by the VRP, if needed
- Medical consultation, diagnosis, treatment and related services to include completion of VAF 28-1902i
- Evaluation of employability in a specialized rehabilitation
- Reader services, as needed
- Interpreter services, as needed
- Other appropriate resources, as needed

e. Chapter 18 Evaluation Outcomes

Chapter 18 evaluation outcomes will be handled as follows:

1. If the VRC determines that there is a reasonable feasibility of achieving a vocational goal, the VRC will work with the eligible individual to select a suitable vocational goal, select a training facility if training is needed, develop a plan of services and address any concerns that may interfere with participation in the program.
2. If the VRC determines that the reasonable feasibility of achieving a vocational goal is questionable, the VRC will obtain additional diagnostic information necessary to make a determination and resolve all doubt in favor of the eligible individual.
3. If the VRC determines that it is not reasonably feasible that the individual can achieve a vocational goal, the VRC will explain this determination in person, discuss alternative resources to obtain requested services and notify applicant and the POA of the decision in writing.
4. If the VRC determines that the applicant failed to cooperate in the evaluation, the VRC will take appropriate action to discontinue the case and notify the applicant and the POA in writing of this action.

f. Due Process and Appellate Rights

Following the evaluation, if the VR&E Division denies entitlement to services, the applicant must be provided due process, appellate rights, and information about the availability of an administrative review (see M28R.III.C.3).

If the applicant or eligible individual has designated a POA, the VR&E Division must send the POA a copy of all notices concerning the applicant or eligible individual's eligibility, entitlement or vocational training and rehabilitation program.

g. Chapter 18 Eligible Individuals Who May Be Eligible for Other Benefits

If an individual eligible under Chapter 18 may be eligible for other VA benefits, the VRC is responsible for informing him/her about the other program(s) or referring him/her to the appropriate VA Division for more information. The individual must declare in writing which benefit he/she wishes to use (38 CFR 21.8016).

3.08 Folder Maintenance Procedures

a. Creating Chapter 18 CER Folders

Counselors must use CER folders to maintain forms and documents for Chapter 18 benefits and services.

b. Identifying Chapter 18 CER Folders

The CER folder will be identified along the upper left trailing edge with the eligible individual's name and file number. Each CER folder must also have a single strip of green self-adhesive tape or a green stripe made by marking the folder with a single green stripe at least ¼ inch wide using a felt-tip marker placed immediately to the left of the qualified individual's name.

c. Filing Documentation in the Chapter 18 CER Folder

The CER folder should contain all documentation that pertains to the eligible individual's eligibility for, entitlement to and participation in the training program.

The following documents should be filed down in reverse chronological order on the right side of the CER folder:

- Evaluation-related documents
- Counseling-related documents
- If available, a copy of the Veteran's latest rating decision
- All other pertinent information in support of the claim

The following document(s) should be filed down in reverse chronological order in the center of the CER folder:

- Case-support documents, including VAF 28-1902n or VAF 28-1905d

The following documents should be filed down in reverse chronological order on the left side of the CER folder:

- Qualified child's application
- Latest spina bifida monetary award (copy from the claim folder)
- Records of payments

d. Back-filing Chapter 18 Documents

The following documents should be back-filed in the Chapter 18 CER folder:

- A copy of the designation of POA (right side)
- VAF 28-8872, Rehabilitation Plan (right side)
- Optional Form 41 (right side)
- Routing and Transmittal Slip or other local form stating, "Vocational Training Case" (left side)

e. Storing Chapter 18 CER Folders

CER folders for Chapter 18 participants should be maintained in a central location in the VR&E Division and kept separate from the CER folders for Veterans participating in the Chapter 31 program.

f. Disposing of Chapter 18 CER Folders

Chapter 18 CER folders should be disposed of using the guidelines in Records Control Schedule (RCS) VB-1, Part I, Section VII, 07-630.010 – 07-630.016, dated November 4, 1997.

3.09 Determination of Feasibility for Chapter 18

a. Initial Evaluation

When an application for Chapter 18 services is processed, the VRC will conduct an initial evaluation to explore the following aspects about an eligible individual:

- Background
- History
- Past academic performance
- Employability disability limitations and requirements

The VRC should refer to the latest rating decision from the claims folder (if available); obtain sufficient information to determine the reasonable feasibility of achieving a vocational goal; and determine what specific services may be needed to pursue and successfully complete a vocational goal.

b. Criteria for Reasonable Feasibility

Achievement of a vocational goal is reasonably feasible when:

- A suitable vocational goal has been identified
- The eligible individual either possesses the physical and mental capability to begin a training program or will be able to pursue vocational training if provided remedial or rehabilitative services

If the VRC believes the participant may benefit from additional time to assimilate into the workforce, the VRC may authorize the eligible individual to participate in work adjustment activities.

c. Consultation When Determining Feasibility

To determine feasibility, as well as the nature and scope of individualized services to be provided by VR&E under Chapter 18, it may be necessary to arrange an evaluation in a special educational or rehabilitation facility, or consult with Veterans Health Administration (VHA) medical specialists.

Note: Prior to referring an eligible individual for medical services who is either not of legal age or whom a court has declared to be incompetent for a medical examination, the VRC must obtain approval from the individual's parent, guardian or legal custodian.

d. Referral to the VRP When Determining Feasibility

After gathering the information in the initial evaluation, the VRC may also use the technical and professional assistance of the VRP to consider the feasibility of achieving a vocational goal under Chapter 18. The VRP may prepare a report of its recommendations about feasibility and the types of assistance or further evaluation that should be provided. The VRC will make the determination of feasibility.

e. Re-determination of Feasibility

A VRC must re-determine entitlement to Chapter 18 services including reasonable feasibility when VA has discontinued the case under any of the provisions as described under 38 CFR 21.198. If a prior Chapter 18 participant requires additional training after he/she was declared rehabilitated, one of the following conditions must apply per 38 CFR 21.8284:

1. The disability has worsened and the duties of the occupation for which he/she was previously rehabilitated can no longer be performed.
2. The occupation for which he/she was previously rehabilitated is now unsuitable.
3. The services provided no longer make the eligible individual employable in the planned occupation.
4. Employment in the previous objective should not reasonably have been expected when that plan of services was developed.
5. Due to technological changes, the eligible individual is now unable to perform the duties of or secure employment in the planned or a related occupation.

f. Review and Appeal of Feasibility Decisions

A qualified individual or his/her accredited representative may appeal VR&E decisions on reasonable feasibility to the Board of Veterans Appeals (BVA) or request an administrative review by the VR&E Officer or the Director, VR&E Service before filing an appeal.

g. Determination of Feasibility Outcome

1. If the achievement of a vocational goal is feasible and the need for vocational improvement is established, further evaluation and planning to provide the following services should be provided:

- If training or education is established, a plan of services similar to an Individual Written Rehabilitation Plan (IWRP) under Chapter 31 should be developed and implemented
 - If employment services is established, a plan of services similar to an Individual Employment Assistance Plan (IEAP) under Chapter 31 should be developed and implemented
2. If the achievement of a vocational goal is not feasible, alternative resources to obtain the requested services should be discussed with the individual and the applicant and his/her POA should be notified of the disallowance.

h. Notification of Disallowance

The VRC will inform the eligible individual and POA or parent, guardian or legal custodian of the disallowance in writing if the achievement of a vocational goal is not feasible or the applicant does not complete the evaluation process. The VRC will also inform the eligible individual and POA or parent, guardian or legal custodian of due process and appellate rights.

3.10 Chapter 18 Educational and Vocational Training

a. Eligibility Criteria

Chapter 18 participants are eligible for a program of educational and vocational training when the following eligibility criteria are met:

- They are not concurrently enrolled in Chapter 35 services, and
- Achievement of a suitable employment goal is determined reasonably feasible, and
- Educational and vocational training is required to achieve the suitable employment goal, and
- The expected duration of training will not exceed 24 months unless another 24 months is authorized per 38 CFR 21.8020, and
- A plan of educational or vocational training has been signed by the Chapter 18 participant and the VRC.

b. Approval Authority

A VRC approves all programs of educational and vocational training services.

c. When to Provide Benefits and Services

To prepare a qualified Chapter 18 participant for a suitable employment goal, VR&E provides educational and vocational training, tuition, books, equipment, supplies and handling charges. These services are provided at specialized training programs, vocationally oriented training programs, education programs at institutions of higher learning or professional education programs. Chapter 18 educational and vocational training can only be provided after an evaluation has been completed, the achievement of a vocational goal has been determined reasonably feasible and a plan of education and vocational training has been signed by the Chapter 18 participant and VRC.

d. Limitations

Training services may not include loans, subsistence allowance, Employment Adjustment Allowance (EAA), automotive adaptive equipment, and room and board, except when required for no more than 30 days at a specialized rehabilitation facility.

For more information on limitations, see 38 CFR 21.8050(c).

3.11 Developing and Implementing a Chapter 18 Vocational Training Plan

a. Purpose of an IWRP

An IWRP is a roadmap used to assist the VRC, the qualified individual and the service provider(s) to work together to meet the individual's vocational goal. An IWRP may include training and services necessary to improve the eligible individual's vocational potential.

b. Staff Responsible for Developing an IWRP

The following individuals work together to develop an IWRP:

- Chapter 18 Participant
- VRC
- Contract Counselor

- VRP Members

c. When to Develop an IWRP

Following the initial evaluation, including any necessary consultations, the VRC will determine the feasibility of achieving a vocational goal. If achievement of a vocational goal is feasible and the qualified individual may need services to better prepare for training and employment to improve vocational potential, the VRC will develop an IWRP comparable to an IWRP under Chapter 31.

d. Improvement of Vocational Potential

Services to improve vocational potential follow these criteria:

- May be provided during an initial or extended evaluation, or pursuit of a vocational training program
- Provide a basis for planning a program of services to improve the qualified individual's ability to benefit from vocational training and employment or a vocational training program consisting only of services to improve vocational potential
- May include diagnostic services and medical treatment, personal and work adjustment training, vocationally oriented independent living services, training in adaptive techniques and use of adaptive equipment, orientation, adjustment, mobility and related services, and other services to assist functioning in the proposed training or work environment
- May not exceed the equivalent of nine months of full-time training whether part of a plan of services leading to a vocational goal or the entire plan is to improve vocational potential

For more information on vocational potential, see 38 CFR 21.8140.

e. What to Document in an IWRP

The IWRP includes the following:

- Vocational goal
- Services being provided
- Service providers

- Responsibilities of the VRC and the qualified individual
- Program duration
- Evaluation criteria
- Evaluation schedule

f. Selecting Services Provided in an IWRP

Courses selected for a Chapter 18 IWRP usually result in a diploma, certificate, degree, qualification for licensure, or employment. These services may include but are not limited to:

1. Educational and training services, such as remedial, deficiency and refresher training.
2. Training leading to a vocational objective, such as all types of courses presented in 38 CFR 21.122 through 21.132, except flight training (38 CFR 21.134).
3. Programs in an Institution of Higher Learning (IHL) if they lead to qualification for employment in the planned goal.
4. Vocationally oriented IL services necessary to achieve the vocational goal and retain gainful employment.

g. Limitations of Services Provided

The following IHL training programs are specifically prohibited:

1. Any two-year program, which does not lead directly to employment, such as an associate degree program if the majority of the program is not vocationally oriented.
2. The first two years of a four-year baccalaureate program, unless other resources are identified to complete the last two years of the vocationally oriented baccalaureate degree.
3. The last two or more years of a four-year baccalaureate program unless it leads directly to employment, such as majors in engineering, teaching, etc.

4. Advanced degree programs, except when required for entry into the planned objective, such as a master's degree in social work.
 5. A program consisting solely of extended evaluation or IL services.
- h. Vocationally Oriented Independent Living Services as Part of an IWRP

Vocationally oriented independent living (IL) services provided to those pursuing vocational training (38 CFR 21.8050) that may be provided as part of an IWRP include, but are not limited to:

1. Training in vocationally oriented IL skills.
 2. Health education and management programs.
 3. Identification of necessary housing accommodations.
 4. Personal care attendants for a period not to exceed two months.
- i. Case Support During IWRP
- Case support should be personal, timely and sustained, and include:
1. Sufficient monitoring to evaluate progress in meeting the goals and objectives of the plan.
 2. Ongoing assessment of the effectiveness of services.
 3. The identification and addressing of any minor concerns that could interfere with satisfactory progress.
 4. The addressing of any major concerns through further evaluation and counseling, including redeveloping the plan if necessary.
 5. Consultation with the VRP or medical specialists, and documenting progress and case-support activities.
- j. Interrupting Chapter 18 Services

Services under a Chapter 18 IWRP will be interrupted as necessary under the following conditions:

- During a prolonged period of illness or medical infeasibility

- When the eligible individual voluntarily abandons the pursuit of a vocational goal
- When the eligible individual fails to make satisfactory progress
- When the eligible individual fails to maintain satisfactory conduct in accordance with the criteria specified in the IWRP

The qualified individual will be notified in writing of the reasons for interruption and given notice to contact the VRC within 30 days or have his/her case discontinued.

k. Actions During Interruption

When an eligible individual whose Chapter 18 training program has been interrupted and he/she requests reentrance into the program, the VRC may do the following:

1. Approve reentrance when the training program was interrupted for a short period of illness or adjustment that has been resolved or for other reasons that permit reentrance in the same training program without corrective action.
2. Provide further counseling when the training program was interrupted for failure to maintain satisfactory conduct or progress, or for any other reason that requires corrective action, such as changes in place of training, change of course, personal adjustment, etc.
3. Consult with the VRP or other medical specialists, if necessary.
4. Approve any necessary adjustments if it is determined that the conditions that caused interruption can be overcome.
5. Make a finding of infeasibility if corrective action is not possible or all attempts have failed, and there is substantial evidence that additional efforts will be unsuccessful.

l. Discontinued Status

If a qualified individual's plan is discontinued, the VRC will:

1. Notify the qualified individual and the POA or the parent, guardian or legal custodian of the action.

2. Inform the eligible individual and the POA, parent, guardian or legal custodian of due process and appellate rights.
3. Inform the qualified individual and the POA or the parent, guardian or legal custodian of the qualified person's potential eligibility for other VA benefits programs.

Note: The qualified individual is precluded from pursuit of further services under Chapter 18 until a VRC determines that the cause of discontinuance has been removed.

m. Outcome of Chapter 18 Services Under an IWRP

The outcome of Chapter 18 services under an IWRP will be one of the following:

1. Rehabilitated

When a qualified individual successfully completes an IWRP, he/she will be able to achieve a vocational goal and be provided placement assistance.

2. Discontinued

When a qualified individual fails to complete an IWRP, the VRC will evaluate whether he/she may be able to benefit from placement assistance at that time, notify the eligible individual and the POA of pending adverse action, and take appropriate action to interrupt or discontinue the program.

3.12 Chapter 18 Employment Services

a. Services

Qualified Chapter 18 individuals are provided employment services for the purpose of obtaining and adjusting to suitable employment or self-employment. These services may include:

- Short training courses
- Job-search skills training
- Job development and placement services

- Schedule A letter (see Appendix AC, Schedule A Letter)
- Job adjustment counseling
- Job modification assistance
- Employment-oriented IL services
- Special transportation assistance
- Case support

b. Eligibility

Eligibility for employment services and assistance is established when the qualified Chapter 18 individual:

- Has the skills to obtain suitable employment without additional training
- Does not complete training, but is employable
- Has completed training and is employable
- Previously completed employment service but requires additional employment service and assistance

c. When to Provide Employment Services

A program of Chapter 18 employment services and assistance can be provided when:

- An evaluation has been completed
- The achievement of the employment goal has been determined reasonably feasible
- The need for employment services has been established
- A plan for employment services is signed by the Chapter 18 participant and VRC

d. Duration

A program of employment services and assistance may not be initially planned for more than 24 months or include an EAA.

3.13 Developing and Implementing an Individual Employment Assistance Plan

a. Purpose

The Individual Employment Assistance Plan (IEAP) is the roadmap used to assist the qualified individual, VRC and the service provider(s) to work together to meet the individual's vocational goal. An IEAP may include services necessary to help the qualified individual prepare for, obtain and maintain suitable employment.

b. Staff Responsible for Developing an IEAP

The following may work together to develop an IEAP:

- VRC
- The qualified individual
- VRP
- Employment Coordinator

c. When to Develop an IEAP

Following the evaluation process, if the eligible individual is found in need of employment services to achieve a vocational goal, the counselor and Chapter 18 participant will develop an IEAP comparable to that of an IEAP developed under Chapter 31.

d. What to Document in an IEAP

The IEAP includes the following:

- Vocational goal
- Services being provided
- Service provider(s)
- Responsibilities of the VRC and of the eligible individual

- Program duration
- Evaluation criteria and evaluation schedule

e. Selecting Services Provided Under an IEAP

VR&E should provide thorough employment assistance including, but not limited to, the following services:

- Direct placement assistance by the staff of VR&E, state rehabilitation agencies, rehabilitation centers and state employment services
- Payment for incidental training, course reviews, licenses, examinations, tools and equipment required for employment in the planned goal
- Comprehensive job-seeking skills training
- Vocationally oriented IL services
- Personal and work adjustment training
- State rehabilitation agency on-the-job training programs
- Assistance in developing a network of community contacts
- Job clubs and other support groups
- Local community employment assistance programs
- Services leading to self-employment
- Employment and training at federal agencies
- VA employer incentive program
- Interagency cooperative arrangements or Memoranda of Understanding (MOU)

f. Required Case Support During an IEAP

The following case-support activities are required during an IEAP:

- Personal, timely attention and sufficient monitoring to evaluate progress in meeting the goals and objectives of the plan

- An ongoing assessment of effectiveness of service that identifies and addresses minor concerns that could interfere with satisfactory progress
- The addressing of any major concerns through further evaluation and counseling, including redeveloping the plan if necessary
- Consultation with the VRP or medical specialists
- Documentation of progress and case-support activities

Note: The frequency of case support is determined by the needs of the individual.

g. Interruption of IEAP Services

Services under a Chapter 18 IEAP will be interrupted as necessary under the following conditions:

- During a prolonged period of illness or medical infeasibility
- When the eligible individual voluntarily abandons the pursuit of an employment goal, fails to make satisfactory progress or fails to maintain satisfactory conduct in accordance with the criteria specified in the IEAP

h. Actions During Interruption

When a qualified individual requests reentrance into the program after being interrupted, the VRC will do the following:

1. Approve reentrance when the IEAP was interrupted for a short period of illness or adjustment that has been resolved, or other reasons which permit reentrance under the same IEAP without corrective action.
2. Provide further counseling when the IEAP was interrupted for failure to maintain satisfactory conduct or progress, or any other reason which requires corrective action.
3. Consult with the VRP.
4. Consult with the individual's medical specialist(s), if necessary.
5. Approve any necessary adjustments if it is determined that the conditions that caused interruption can be overcome.

6. Make a finding of infeasibility if corrective action is not possible or all attempts have failed, and there is substantial evidence that additional efforts will be unsuccessful.

- i. Outcome of IEAP

When the individual completes services under a Chapter 18 IEAP, he/she will be suitably employed. If he/she fails to complete an IEAP, the VRC will notify the individual and POA of pending adverse action and take appropriate action to redevelop the plan or discontinue the program.

3.14 Approving and Authorizing Chapter 18 Services and Payments

- a. Approval Authority for Services and Payments

The VRC approves Chapter 18 payments for required counseling and other services.

- b. Limitations on Monetary and Other Assistance

Based on 38 CFR 21.8050, VA may not provide a Chapter 18 participant with the following assistance:

- Subsistence allowance
- EAA
- Advances from a Revolving Fund Loan
- Room and board (other than that provided for 30 days or less in a special rehabilitation facility as part of an Individual Extended Evaluation Plan (IEEP) or to improve and enhance vocational potential)
- Automotive adaptive equipment

Note: A program participant may receive payment in a VA work-study position.

- c. Approving Contract Payments

Before approving payment for contract services, the VRC must determine that the following requirements were met:

- The services were provided in the manner specified in the contract
- Service unit or task is complete
- Charges are consistent with the contracted fee schedule
- Quality is consistent with contract requirements

VAF 28-1905 is not used to authorize payment of contracting charges unless the facility has a published schedule of fees for services. If there is no published fee schedule, the VR&E Division must negotiate a contract.

d. Education and Training Services Costs

VR&E staff must consider cost in selecting a facility if there is more than one facility within reasonable commuting distance or if the eligible individual wishes to train at a facility in another area (even though training is available in the local area). When substantial differences in cost exist and the facilities are otherwise equivalent, the case manager will authorize services at the higher-cost facility only if training at the lower-cost facility will adversely affect the eligible individual's ability to achieve the goals of the rehabilitation plan, and the concurrence of the VR&E Officer is obtained prior to authorizing training. Factors that may indicate enrollment in the lower-cost facility would have an adverse effect include:

- Significantly fewer support and special services for individuals with disabilities
- Significantly lower placement rate
- Substandard employment assistance
- Negative employer attitudes

e. Payment for Services

VAF 28-1905 or a VA Online Certification of Enrollment (ONCE) notification form from the facility are documents used to authorize the following:

- Payment of tuition and fees
- Requests for supplies

- Up to 30 days of room and board in a specialized rehabilitation facility during the evaluation of employability, if these fees are paid for other residents in the facility
- Other training and employment services and assistance

f. Chapter 18 Approved Transportation Costs

Using routine procedures governing payment of travel and incidental expenses for the purposes of evaluation, counseling, vocational training and employment, VA may pay transportation costs for intraregional and interregional travel.

For more information on approved transportation costs, see 38 CFR 21.8370.

g. Chapter 18 Payment References

References for payments during periods of evaluation, training, and employment services are included under 38 CFR 21.210 through 21.276.

3.15 Chapter 18 Vocationally Oriented Independent Living Services

a. Scope of Chapter 18 Vocationally Oriented Independent Living Services

Vocationally oriented IL services or other remedial or rehabilitative services may be included in a plan of training or employment only to the extent necessary to improve the qualified person's vocational potential or train for and become employed in the vocational goal.

b. Eligibility Criteria for Chapter 18 Vocationally Oriented IL Services

Vocationally oriented IL services or other remedial or rehabilitative services may be provided to any Chapter 18 participant who has been found qualified for a vocational training or employment program and for whom these services are needed to achieve a vocational goal.

c. Staff Responsible for Providing Chapter 18 Vocationally Oriented IL Services

A VRC or contract counselor may arrange or coordinate vocationally oriented IL services or other remedial or rehabilitative services with VHA resources, other governmental agencies, private non-profit facilities and specialized rehabilitation facilities.

d. When to Provide Chapter 18 Vocationally Oriented IL Services

Vocationally oriented IL services and other remedial or rehabilitative services can be provided after these services have been identified and are included in a signed rehabilitation plan for training or employment.

e. Limitations to Chapter 18 Vocationally Oriented IL Services

The following cannot be provided to the Chapter 18 applicant:

- A sole program or program primarily of vocationally oriented IL or other remedial or rehabilitative services
- More than nine months of remedial or other services to improve vocational potential
- Any program of combined training and assistance initially planned for more than 24 months of full-time entitlement or the part-time equivalent

3.16 Termination of Chapter 18 Services by VR&E

The VRC may terminate services provided by VR&E under Chapter 18 under the following circumstances:

- If eligibility or entitlement to services was established through fraud, the VRC will terminate training services by VR&E as of the date VA first began to pay benefits
- If eligibility or entitlement was awarded through administrative error, the VRC will terminate training services by VR&E the first calendar day of the next full month which occurs 60 days after notification of proposed termination (for example, error is discovered and proposed termination sent March 12, 60 days later is May 11, terminate award June 1)
- If VA finds the qualified individual no longer has a covered birth defect, the VRC will terminate any training services by VR&E effective the last day of the month, during which that determination becomes final (for example, determination becomes final March 12, terminate award March 31)
- If the qualified individual fails to cooperate in the evaluation, training or employment process, the VRC will terminate any training services by VR&E the first calendar day of the next full month that occurs 60 days after notification of proposed termination (for example, error is discovered and proposed termination sent March 12, 60 days later is May 11, terminate

award June 1)

Chapter 4
VA VOCATIONAL REHABILITATION AND EMPLOYMENT SERVICES IN
CONJUNCTION WITH VA EDUCATION BENEFITS AND SERVICES

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Chapter 4
VA VOCATIONAL REHABILITATION AND EMPLOYMENT SERVICES IN
CONJUNCTION WITH VA EDUCATION BENEFITS AND SERVICES

4.01 Introduction

The Department of Veterans Affairs (VA) offers a variety of education, training and employment benefits and services to Veterans. This chapter provides a summary on how Vocational Rehabilitation and Employment (VR&E) services are provided in conjunction with other VA education training benefits, discusses regulatory guidance and provides procedural information on how to assist the Veteran in utilizing VA benefits and services.

4.02 References and Resources

Laws: 10 United States Code (U.S.C.) 1606
 10 U.S.C. 1607
 38 U.S.C. 1804
 38 U.S.C. 3105
 38 U.S.C. 3322
 38 U.S.C. 3695
 Public Law (Pub. L.) 78-346
 Pub.L. 96-342
 Pub.L. 111-377

Regulations: 38 Code of Federal Regulations (CFR) 21.21
 38 CFR 21.73
 38 CFR 21.78
 38 CFR 21.260
 38 CFR 21.264
 38 CFR 21.334
 38 CFR 21.4020

Website: www.gibill.gov

4.03 Education Benefits Available to Servicemembers and Veterans

There are a number of education benefits available to Servicemembers and Veterans. The following are the most prevalent:

a. Education Benefits Under 38 U.S.C.

38 U.S.C. governs the delivery of Veterans' benefits. Title 38 includes the VR&E program, which is outlined in Chapter 31, as well as a number of Veterans' education benefits, including:

1. Montgomery GI Bill (Chapter 30)

To qualify for the Montgomery GI Bill (MGIB), active-duty Servicemembers enroll and pay \$100 per month for 12 months to be entitled to receive a monthly education benefit once they have completed a minimum service obligation. The MGIB provides up to 36 months of education benefits. This benefit may be used for degree and certificate programs, flight training, apprenticeship/on-the-job training and correspondence courses. Remedial, deficiency and refresher courses may be approved under certain circumstances. Generally, benefits are payable for 10 years following release from active duty.

2. Veterans' Educational Assistance Program (Chapter 32)

Veterans' Educational Assistance Program (VEAP) is available to those who entered service for the first time between January 1, 1977, and June 30, 1985. VEAP benefits can be used for degree, certificate, correspondence, apprenticeship/on-the-job training programs and vocational flight training programs. In certain circumstances, remedial, deficiency and refresher training may also be available. Benefit entitlement is up to 36 months. Generally, benefits are payable for 10 years following release from active duty.

3. Post-9/11 GI Bill (Chapter 33)

The Post-9/11 GI Bill provides financial support for education and housing to individuals with at least 90 days of service on or after September 11, 2001, or individuals discharged with a service-connected disability. Approved training under the Post-9/11 GI Bill includes graduate and undergraduate degrees, vocational/technical training, on-the-job training, flight training, correspondence training, licensing and national testing programs, and tutorial assistance. The program pays for tuition and fees in addition to a monthly housing allowance and a stipend for books and supplies. Benefit entitlement is up to 36 months. Generally, benefits are payable for 15 years following release from active duty.

4. Survivors' and Dependents' Educational Assistance (Chapter 35)

Survivors' and Dependents' Educational Assistance provides education and training opportunities to eligible dependents of certain Veterans. These

benefits may be used for degree and certificate programs, apprenticeship and on-the-job training. Remedial, deficiency and refresher courses may be approved under certain circumstances. The program offers up to 45 months of education benefits. The period of eligibility varies as it is based on a number of factors.

For more information on the delivery of these services, see M28R.VII.A.2.

5. Educational and Vocational Counseling Services (Chapter 36)

Free educational and vocational counseling services under Chapter 36 are provided to transitioning Servicemembers and Veterans six months prior to discharge to one year following discharge. Additionally, current beneficiaries of educational assistance in the programs discussed in M28R.VII.A.1.1.03 qualify for service under Chapter 36.

For more information on the delivery of these services, see M28R.VII.A.1.

6. Benefits for Children of Vietnam Veterans and Certain Other Veterans (Chapter 18)

VA provides monetary allowances, vocational training and rehabilitation, education services and health care benefits to certain Korea and Vietnam Veterans' birth children who are born with spina bifida.

See M28R.VII.A.3 for additional information on the implementation of Chapter 18 services.

Benefits under the Vietnam Era Veterans' Educational Assistance Program, Chapter 34, are no longer payable as of December 31, 1989. Veterans who previously participated in this program had the option to transfer any remaining benefit to Chapter 30. Those instances are commonly referred to as 34/30 conversions.

For more information on VA education benefits, see www.gibill.va.gov.

b. Education Benefits Under 10 U.S.C.

10 U.S.C. provides the delivery of education benefits to Veterans who are currently serving in the Reserve Components, as follows:

1. Selected Reserve Educational Assistance Program (Chapter 1606)

A Reservist must be actively drilling and have a six-year obligation in the Selected Reserve to be eligible for services under Chapter 1606. Approved training under this benefit includes graduate and undergraduate degrees, vocational/technical training, on-the-job or apprenticeship training, correspondence training and flight training. Benefit entitlement is up to 36 months. Entitlement to this benefit is generally contingent upon continued service in the Selected Reserve.

2. Reserve Educational Assistance Program (Chapter 1607)

Reserve Educational Assistance Program (REAP) is an educational program that provides assistance to members of the Reserve Components who are called or ordered to active service. Approved training under REAP includes graduate and undergraduate degrees, vocational/technical training, on-the-job or apprenticeship training, correspondence training and flight training. Benefit entitlement is up to 36 months. Entitlement to REAP is generally contingent upon continued service in the Reserve Components.

c. Education Benefits Under the National Defense Authorization Law

Pub.L. 96-342, the National Defense Authorization Law, provides education services to a distinct section of the Veteran population. Those programs include the following:

1. Educational Assistance Test Program (Section 901)

Section 901 is available to individuals who entered active duty after September 30, 1980, and before October 1, 1981. Educational services are limited to onsite training at post-secondary institutions only. Benefit entitlement is up to 36 months. Generally, benefits are payable for 10 years following release from active duty.

2. Educational Assistance Pilot Program (Section 903)

Educational benefits are available under section 903 to Servicemembers or Veterans who enlisted on active duty after November 30, 1980, and before October 1, 1981. Benefits can be used for degree, certificate, correspondence, apprenticeship/on-the-job training programs and vocational flight training programs. In certain circumstances, remedial, deficiency and refresher training may also be available. Benefit entitlement is up to 36 months. Generally, benefits are payable for 10 years following release from active duty.

4.04 Integration of Education Benefits with VR&E Services

Servicemembers and Veterans have a number of education benefits available for use. As a result, many times a Veteran will have eligibility and/or entitlement to more than one education benefit. When a Veteran applies for VR&E services, it is imperative that a review of eligibility for other education benefits is addressed to ensure that the Veteran is utilizing his/her benefits in the most advantageous manner. The Veteran may opt to apply for GI Bill education benefits while pursuing an entitlement determination for VR&E services. VA Education Services will complete a review of the Veteran's eligibility for education services and send the Veteran a Certificate of Eligibility (COE). The COE will identify the amount of VA education benefits available for use and the delimiting date. This information is useful when assisting the Veteran in making an informed decision about the use of his/her VA benefits.

a. Election Required if Eligible Under More than One Chapter

When a Veteran has entitlement to more than one education benefit, the Veteran must elect which benefit to receive per 38 U.S.C. 3322 and 38 CFR 21.21. Under no circumstance can a Veteran receive payment from one of the education benefits listed above while receiving Chapter 31 subsistence allowance.

b. Prior Training as Part of a Rehabilitation Program

When developing the Individualized Written Rehabilitation Plan (IWRP), the VRC must evaluate any prior training the Veteran possesses to ensure that the Veteran is taking full advantage of past experience per 38 CFR 21.21. To the extent possible, the utilization of prior training may reduce the amount of remaining training required and lead to employability in an expedient manner.

4.05 Entitlement Limitations and Extensions

Veterans who train under more than one chapter of the law are limited in their total period of entitlement per 38 U.S.C. 3105, 38 U.S.C. 3695 and 38 CFR 21.4020.

a. Entitlement Limitations

The total period for which a Veteran may receive assistance under two or more of the programs listed in M28R.VII.A.4.03 and VR&E services may not exceed a combined period of 48 months (or the part-time equivalent), unless one of the conditions outlined in M28R.VII.A.4.05.b are met.

b. Entitlement Extensions

38 CFR 21.78 allows a Veteran who previously utilized education benefits outlined in M28R.VII.A.4.03 and is currently participating in Chapter 31 services, to extend the 48-month limitation (or the part-time equivalent) if it is determined that additional months of benefits under Chapter 31 are necessary to achieve the Veteran's rehabilitation goals. The extension of benefits beyond the 48-month period of entitlement is based on the following factors:

1. Veterans Classified as Having an Employment Handicap

A rehabilitation program for a Veteran with an Employment Handicap (EH) may be extended beyond 48 months under any of the following:

- (a) The Veteran previously completed training in an occupational field, but the Veteran's service-connected disability(ies) worsened to the point that performing the duties of that occupation is no longer feasible, and a period of retraining in the same or a different field is necessary. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (b) The occupation the Veteran previously trained for is found to be unsuitable due to the Veteran's functional limitations. An extension beyond 48 months under Chapter 31 alone shall be authorized for this purpose.
- (c) The Veteran previously utilized VA education benefits, and the additional period of assistance under Chapter 31 needed for the Veteran to become employable will result in more than 48 months being used under all VA education benefits. Under these conditions the number of months necessary to complete the program may be authorized under Chapter 31, provided the length of the extension will not result in authorization of more than 48 months under Chapter 31 alone.

2. Veterans Classified as Having a Serious Employment Handicap

If a Veteran is classified as having a Serious Employment Handicap (SEH), the extension of benefits beyond 48 months under Chapter 31 is allowable when the extension provides for the following:

- (a) Enables the Veteran to complete a period of rehabilitation to the point of employability.

- (b) Is used in conjunction with a period of extended evaluation to ensure that the Veteran can complete a period of rehabilitation to the point of employability.
- (c) Provides a program of Independent Living (IL) services, including cases in which an achievement of a vocational goal becomes feasible as a result of IL services.
- (d) Follows a determination of rehabilitated to the point of employability and additional training is needed due to the following circumstances:
 - The Veteran is unable to secure employment despite intensive efforts
 - The skills developed in training are no longer adequate to maintain employment in that field
 - The Veteran's service-connected disability(ies) has worsened to the point that he/she cannot perform the duties of the occupation for which he/she received training
 - The occupation no longer is suitable due to the Veteran's functional limitations

3. Approval of Entitlement Extension

Per 38 CFR 21.78, all extensions of benefits beyond 48 months of total entitlement require the approval of the Vocational Rehabilitation and Employment Officer (VREO). Factors, such as justification for the approval, the number of months requested, the anticipated completion date of the Veteran's rehabilitation and any additional information specified by the VREO should be included in the memo. Approval must be provided in writing and placed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

Note: It is permissible to exceed 48 months of entitlement if the program of service consists only of a period of employment assistance since employment assistance is not charged against the months of entitlement under Chapter 31 per 38 CFR 21.73.

4.06 Provisions Specific to Veterans Eligible for Chapter 30 and Chapter 33 Benefits

The law allows special provisions for Veterans who are eligible to receive VA education benefits under Chapter 30 or Chapter 33 when used in conjunction with VR&E services.

a. Provisions Specific to Chapter 30 Recipients

A Veteran who is entitled to services under VR&E may elect to receive payment at the educational allowance rate and other assistance furnished under Chapter 30 in lieu of receiving a subsistence allowance through VR&E if he/she meets the entitlement criteria for Chapter 30 per 38 CFR 21.264.

1. Qualifications

To receive the educational allowance and other assistance furnished under Chapter 30 while participating in VR&E services, the Veteran must meet the following criteria:

- (a) Have remaining eligibility for, and entitlement to, educational services under Chapter 30, and
- (b) Enroll in an approved program of training under Chapter 30, and
- (c) Follow the approved training program as part of an IWRP.

2. Service Provision

A Veteran who elects to receive payment and other assistance at the Chapter 30 rate while participating in the VR&E program is provided the same training and rehabilitation services as other Veterans receiving VR&E services, with the exception of the following:

- Subsistence allowance
- Advances from the Revolving Fund Loan
- Payment for vocational or training services, supplies and individual tutoring assistance

b. Provisions Specific to Chapter 33 Recipients

A Veteran who has entitlement to VA education benefits under Chapter 33 and elects to use Chapter 31 benefits may elect to receive a subsistence allowance based on the military basic allowance for housing in lieu of the amount of subsistence otherwise payable under Chapter 31. This subsistence

allowance is referred to as the Post-9/11 subsistence allowance. It is important to note that this rate is not adjusted for dependents. Entitlement to all Chapter 31 services and assistance remain when this election is made. The only difference between Veterans who qualify to utilize this benefit and other Veterans in the VR&E program is the amount of monthly subsistence. See 38 CFR 21.260 for additional information on the payment of the Post-9/11 subsistence allowance.

c. **Reelection of Subsistence Allowance**

38 CFR 21.264 and 21.334 outline the reelection of benefits. A Veteran who is receiving either the education allowance payable under Chapter 30 or the Post-9/11 subsistence allowance under Chapter 33 can reelection payment of benefits at the Chapter 31 subsistence allowance rate only after completion of an educational term, quarter or semester, unless the following criteria are met:

- Entitlement to Chapter 30 or Chapter 33 expires
- Failure to approve immediate reelection would prevent the Veteran from continuing in his/her program

Appendix K
MEMORANDUM OF UNDERSTANDING

A list of all Memorandum of Understanding (MOU), with access to each, is currently being developed in a format that is compatible with the Sharepoint platform.

If you require immediate access to an MOU, please contact your assigned field liaison.

Appendix O VA FORMS

VA Forms can be accessed from a variety of sources:

Knowledge Management Portal (KMP)

1. Click <https://vaww.portal.va.gov/sites/VRWKM/pages/home.aspx> to access the KMP.
2. From the left navigation menu, click Forms and Letters.
3. Click on the associated hyperlink to be directed to the form.

CWINRS

1. From the home page, use the drop down menu under View on the top navigation menu.
2. Choose Forms.
3. Or, from the Veteran's file, click forms on the bottom navigation menu.
4. Scroll through the list of forms, or type the VA Form number or name in the search box, to find the appropriate form.

Note: When a form is accessed through the Veteran's file from CWINRS, some pertinent information, such as name, address, and file number, will be populated automatically. In addition, CWINRS documents forms that have been accessed from a Veteran's file under the history tab on the bottom navigation menu.

Electronic Performance Support Systems (EPSS)

1. Click http://epss.vba.va.gov/vre_jst/default.html to access EPSS from the VA Intranet.
2. Click http://www.vba.va.gov/bln/vre/epss/VRE_JST/default.html to access EPSS externally from the Internet.
3. Choose "VRC Gateway".
4. The needed forms can be accessed through EPSS by Duty through the left navigation menu.

VA Forms

1. Go to http://www.va.gov/vaforms/search_action.asp.
2. To search, go to the bottom of the page and input either the VA form number or title, then click search.

Appendix Q
SPECIAL EMPLOYER INCENTIVE CONTRACT NO:
Re: NAME ***_**_***

(TITLE 38, UNITED STATES CODE CHAPTER 31)

This contract is made as of this Number day of Month Year, between the DEPARTMENT OF VETERANS AFFAIRS and Name of Business, (hereinafter referred to as the Employer), an institution located at Address of Business.

WITNESSETH: _____

WHEREAS, the Department of Veterans Affairs is authorized to pay for courses of vocational rehabilitation for Veterans under the provisions of 38 USC § 3104, and

WHEREAS, the Employer is approved for vocational rehabilitation of Veterans under 38 USC Chapter 31 by the Department of Veterans Affairs.

NOW, THEREFORE, in consideration of the promises and mutual convenience and agreements hereinafter contained, the parties hereto do mutually agree as follows:

ARTICLE 1. INSTRUCTION

- (a) The Employer will provide on-job instruction and necessary books, supplies, and equipment therefore set forth in paragraphs (c) and (d) below. During the period beginning _____ and ending _____, such Veterans described herein may be accepted or retained by the Employer as students in courses described or identified in Schedule I attached hereto.
- (b) This contract shall apply to Veterans, who are approved and designated by the Department of Veterans Affairs as being entitled to vocational rehabilitation training under 38 USC Chapter 31.
- (c) The Employer will provide such courses of instruction at the charges listed and described in Schedule I attached hereto, or as set forth in the catalogs, bulletins, or other publications of schedules, which are submitted herewith and identified in Schedule I as part of this contract.
- (d) The Employer will furnish outright to the Veteran, as needed, such books, supplies, and equipment as are necessary for the satisfactory pursuit and completion of the courses as referred to in paragraph (c) above. It is

understood and agreed that the books, supplies, and equipment furnished will consist of those forms required, but in no instance greater in variety, quality, or amount that are required by the Employer to be provided personally by other and all students pursuing the same or similar courses.

- (e) The Department of Veterans Affairs will compensate the Employer for the on-job training, books, supplies, and equipment as provided in Schedule I attached hereto.

IN WITNESS THEREOF, the parties hereto have executed this contract as of the day and year first above written:

Name of the Company

TWO WITNESSES - EMPLOYER

DEPARTMENT OF VETERANS AFFAIRS

Name

By: _____
Title: VR&E Officer

Address

Address: VA Regional Office

Name

By: _____
Title: Case Manager

Address

Address: VA Regional Office

TAX ID NUMBER:
CITY/COUNTY BUSINESS LICENSE NUMBER:
WORKERS COMPENSATION POLICY NUMBER:

Appendix R
Schedule I

1a. Position: _____

1b. Duration of Work Experience Program: _____

1c. Duration of On-Job Training Program: _____

2a. Starting Date: _____ 2b. Ending Date: _____

3. Starting Hourly Wage: \$ _____

X Average Number of Hours Veteran Works Monthly: _____

= Monthly Rate: \$ _____

4. Number of Months of the Program: _____

X Monthly Rate from Item #3 Above: \$ _____

= Total Wages: \$ _____

5. Total Wages Projected for the Veteran during all Phases
of the SEI Initiative (for only 1 phase = item #4): \$ _____

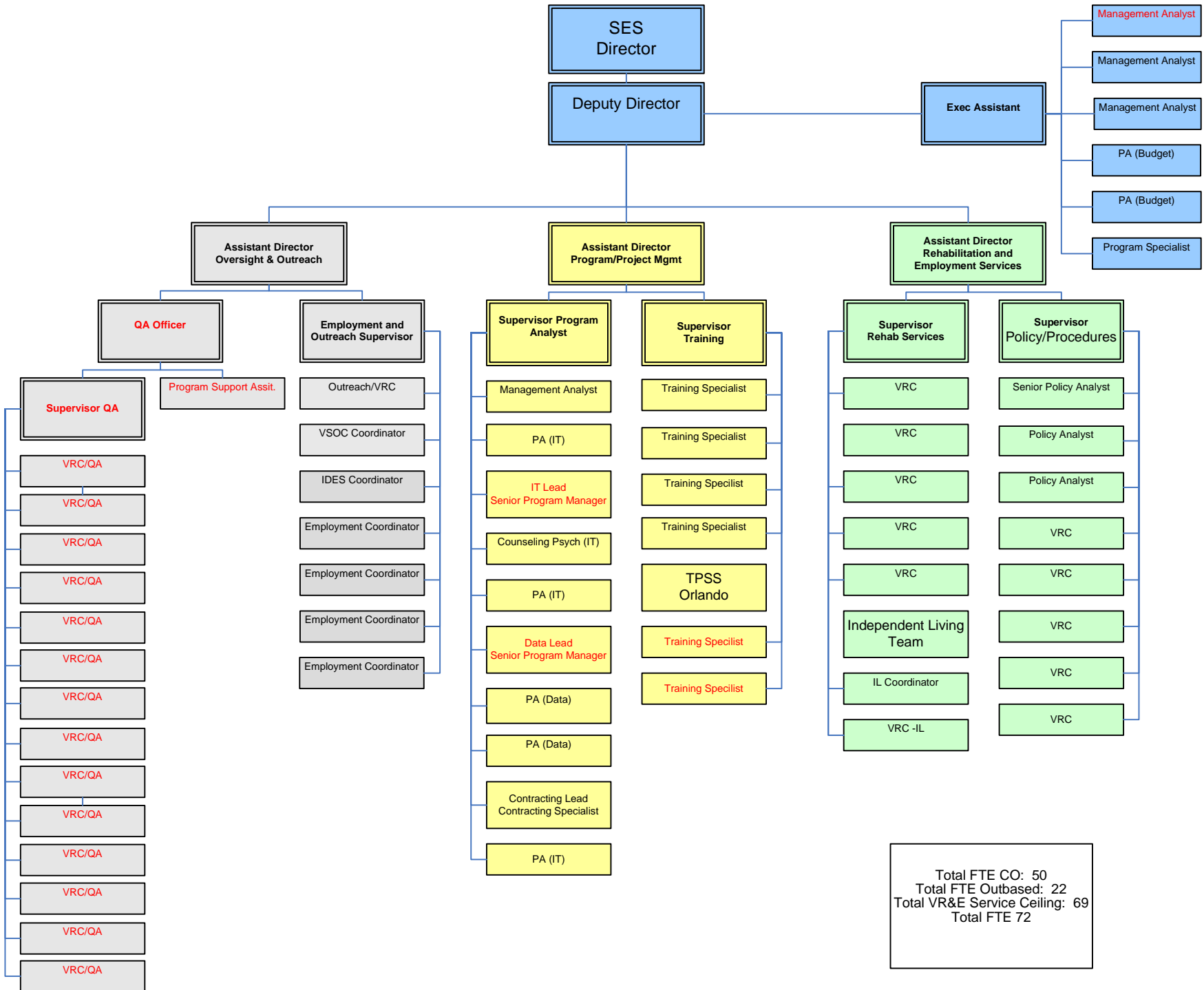
6. Maximum Total Reimbursement (equals 50 percent
of the total in item #5 above): \$ _____

a. Maximum Reimbursement for Instruction to include Time
of both Supervisors and Peers: \$ _____

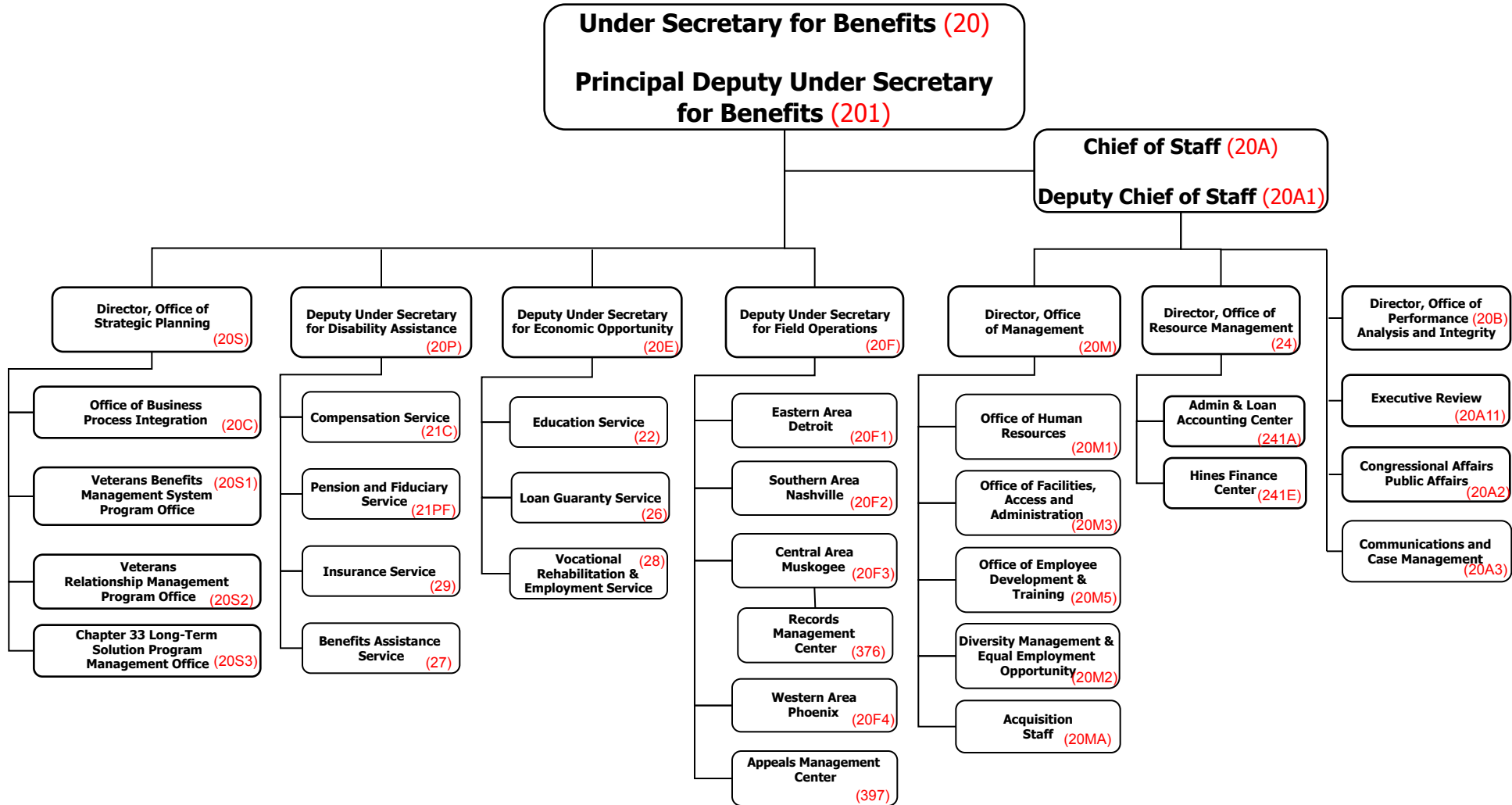
b. Maximum Reimbursement for Productivity Losses: \$ _____

c. Maximum Reimbursement for Supplies and Equipment
(e.g., instructional aids, training materials, supplies,
and minor modifications to equipment): \$ _____

NOTE: If there are two or more phases of the SEI initiative, which are paid at different wage rates, repeat items #2, 3, and 4 for each phase. Give the total for all phases of the initiative in item #5.



Veterans Benefits Administration



Appendix T REGIONAL OFFICE SISTER STATIONS LIST

Regional Office Sister Stations

| Initiating Station | Sister Station |
|----------------------------|-------------------------------|
| Albuquerque, New Mexico | Waco, Texas |
| Anchorage, Alaska | Seattle, Washington |
| Atlanta, Georgia | Montgomery, Alabama |
| Baltimore, Maryland | Providence, Rhode Island |
| Boise, Idaho | Fort Harrison, Montana |
| Boston, Massachusetts | Manchester, New Hampshire |
| Buffalo, New York | New York, New York |
| Cheyenne, Wyoming | Salt Lake City, Utah |
| Chicago, Illinois | Milwaukee, Wisconsin |
| Cleveland, Ohio | Detroit, Michigan |
| Columbia, South Carolina | St. Petersburg, Florida |
| Denver, Colorado | Salt Lake City, Utah |
| Des Moines, Iowa | Chicago, Illinois |
| Detroit, Michigan | Pittsburgh, Pennsylvania |
| District of Columbia (WRO) | Wilmington, Delaware |
| Fargo, North Dakota | St. Paul, Minnesota |
| Fort Harrison, Montana | Seattle, Washington |
| Hartford, Connecticut | White River Junction, Vermont |
| Honolulu, Hawaii | San Diego, California |
| Houston, Texas | Phoenix, Arizona |
| Huntington, West Virginia | Winston-Salem, North Carolina |
| Indianapolis, Indiana | Louisville, Kentucky |
| Jackson, Mississippi | St. Louis, Missouri |
| Lincoln, Nebraska | New Orleans, Louisiana |
| Little Rock, Arkansas | Wichita, Kansas |
| Los Angeles, California | Oakland, California |
| Louisville, Kentucky | Nashville, Tennessee |
| Manchester, New Hampshire | Togus, Maine |
| Manila, Philippines | San Diego, California |
| Milwaukee, Wisconsin | Des Moines, Iowa |
| Montgomery, Alabama | Columbia, South Carolina |
| Muskogee, Oklahoma | Little Rock, Arkansas |
| Nashville, Tennessee | Cleveland, Ohio |
| New Orleans, Louisiana | Jackson, Mississippi |
| New York, New York | Newark, New Jersey |
| Newark, New Jersey | Buffalo, New York |
| Oakland, California | Reno, Nevada |
| Philadelphia, Pennsylvania | Indianapolis, Indiana |
| Phoenix, Arizona | Albuquerque, New Mexico |
| Pittsburgh, Pennsylvania | Philadelphia, Pennsylvania |

| Initiating Station | Sister Station |
|-------------------------------|---------------------------|
| Portland, Oregon | Boise, Idaho |
| Providence, Rhode Island | Hartford, Connecticut |
| Reno, Nevada | Sioux Falls, South Dakota |
| Roanoke, Virginia | Huntington, West Virginia |
| St. Louis, Missouri | Lincoln, Nebraska |
| St. Paul, Minnesota | Denver, Colorado |
| St. Petersburg, Florida | Atlanta, Georgia |
| Salt Lake City, Utah | Seattle, Washington |
| San Diego, California | Los Angeles, California |
| San Juan, Puerto Rico | St. Petersburg, Florida |
| Seattle, Washington | Portland, Oregon |
| Sioux Falls, South Dakota | St. Paul, Minnesota |
| Togus, Maine | Boston, Massachusetts |
| Waco, Texas | Houston, Texas |
| White River Junction, Vermont | Togus, Maine |
| Wichita, Kansas | Muskogee, Oklahoma |
| Wilmington, Delaware | Indianapolis, Indiana |
| Winston-Salem, North Carolina | Roanoke, Virginia |

The Work Opportunity Tax Credit (WOTC): An Employer-Friendly Benefit for Hiring Veterans Most in Need of Employment

The Vow to Hire Heroes Act of 2011 (P.L. 112-56)

NEW! On November 21, 2011, President Obama signed into law the *Vow to Hire Heroes Act of 2011*. Section 261 of the Act, the “Returning Heroes and Wounded Warriors Work Opportunity Tax Credits,” amends and expands the definition of WOTC’s Veteran target groups. The changes and new provisions in this Act apply to individuals who begin to work for an employer the day after its enactment, November 22, 2011, and before January 1, 2013.

The Vow to Hire Heroes Act of 2011 includes the following provisions:

- Extends the current target group for Veterans receiving Supplemental Nutrition Assistance Program (SNAP) benefits with the same qualified wages cap¹ (\$6,000) and maximum tax credit (\$2,400).
- Extends the current target group for Veterans with a service-connected disability with the same qualified wages cap (\$12,000) and maximum tax credit (\$4,800).
- Extends the current target group for Veterans with a service-connected disability unemployed for at least 6 months with the qualified wages cap increased to \$24,000 and the maximum tax credit increased to \$9,600.
-
- ⑩ Establishes a new target group for unemployed Veterans, similar to the Recovery Act of 2009 unemployed Veteran group that expired on December 31, 2010:
 - *Veterans unemployed for at least 4 weeks with a qualified wages cap of \$6,000 and maximum tax credit of \$2,400.*
 - *Veterans unemployed for at least 6 months with qualified wages cap of \$14,000 and maximum tax credit of \$5,600.*
 - *State Workforce Agencies will certify veterans as meeting the required periods of unemployment based on receipt of unemployment insurance compensation.*

Note: The 5-year period ending on the hiring day requirement that was part of the Recovery Act unemployed veteran group was rescinded.

- Qualified “tax-exempt” (i.e., 501(c)) organizations can now participate by hiring qualified veterans and are now eligible to claim the WOTC.
- These provisions became effective the day after the President signed the *Vow to Hire Heroes Act* into law, November 22, 2011, through December 31, 2012.
- The *Vow to Hire Heroes Act* does not extend any of the other (non-Veteran) WOTC target groups, which currently expire on December 31, 2011.

¹ For Veterans target groups, WOTC is based on qualified wages paid to the employee for the first year of employment. The tax credit is 25% of qualified first-year wages for those employed at least 120 hours but fewer than 400 hours, and 40% for those employed 400 hours or more.

Appendix AC
SCHEDULE A LETTER

Sample Schedule A Letter from the Department of Labor's Office of Disability and Employment Policy:

Date

To Whom It May Concern:

This letter serves as certification that (Veteran's name) is a person with a severe disability that qualifies him/her for consideration under the Schedule A hiring authority.

(Veteran's name) is job ready and is likely to succeed in performing (outline the duties of the position he/she is seeking)/or (make a general statement that the Veteran is qualified to work in a specific setting, i.e. office, food service, call center, warehouse, etc.)

Please feel free to contact me at (insert VRC name, number, contact information) if you have any additional questions or concerns.

Sincerely,

Name

Title

Department of Veterans Affairs

Ch31 Eligibility Data and Entitlement Usage

File Number XXX-11-1111
End Product 295
Veteran Name C R DOE
CHARLES R DOE

Regional Office 307
Phone Number (410) 444-4444
Address CHARLES R DOE
123 Main Street
Washington, DC
20006

| | | | |
|------------------------------|------------|-----------------------------------|-----|
| RAD | 10/31/1995 | Ch31 Ent Used Pre-Target | - |
| Ch30/32 Elig At App | 0 | Extend Ent | |
| Ch35 Elig At App | N | In Service Indicator | No |
| Temporary Ent | | Current SC Combined Degree | 40% |
| Creditable Ent | 29-25 | Memo Rating Indicator | No |
| Ent Remaining at DLP | | GWOT Indicator | No |
| Elig Termination Date | 01/01/2021 | Location | |
| Claim Date | 01/10/2009 | Authorization Date | |

Education

| Facility | Training Type | Course | Entitlement Used | Benefit Type | Status |
|----------|---------------|--------|------------------|--------------|--------|
| | | | - | Chapter 1606 | |
| | | | - | Chapter 1607 | |
| 31711164 | B | 022 | 18-05 | Chapter 30 | |
| 24920406 | | 000 | - | Chapter 32 | |
| | | | - | Chapter 34 | |

Disability Information

| Diagnostic Code | Percentage |
|-----------------|------------|
| 5055 | 30% |
| 5257 | 10% |
| 7913 | 10% |

Processing

| Command | Processed By | Badge ID | Date |
|---------|-----------------|----------|------------|
| CEST | DOE, RICHARD M. | 1111 | 01/14/2009 |
| CADJ | DOE, RICHARD M. | 1111 | 01/14/2009 |
| CAUT | | | |

Folder Information

| | | |
|------|------------------|--|
| BFLD | Processed by () | |
| CER | Folder location | |

Appendix AF VA Letters

VA Letters can be accessed from a variety of sources:

Knowledge Management Portal (KMP)

1. Click <https://vaww.portal.va.gov/sites/VRWKM/pages/home.aspx> to access the KMP.
2. From the left navigation menu, click Forms and Letters.
3. Click on the associated hyperlink to be directed to the letter.

CWINRS

1. From the home page, use the drop down menu under View on the top navigation menu.
2. Choose Letters.
3. Or, from the Veteran's file, click letters on the bottom navigation menu.
4. Scroll through the list of letters, or type the VA letter number or name in the search box, to find the appropriate letter.

Note: When a letter is accessed through the Veteran's file from CWINRS, some pertinent information, such as name, address, and file number, will be populated automatically. In addition, CWINRS documents letters that have been accessed from a Veteran's file under the history tab on the bottom navigation menu.

Electronic Performance Support Systems (EPSS)

1. Click http://epss.vba.va.gov/vre_jst/default.html to access EPSS from the VA Intranet.
2. Click http://www.vba.va.gov/bln/vre/epss/VRE_JST/default.html to access EPSS externally from the Internet.
3. Choose "VRC Gateway".
4. The needed letters can be accessed through EPSS by Duty through the left navigation menu.

Appendix AG EMPLOYMENT RESOURCES

VA-SPECIFIC RESOURCES

Work-Study Allowance Program

This program allows Veterans attending school three-quarter time or more to gain work experience with Veterans Affairs (VA) or VA-related activities. Veterans receive either the federal or state minimum wage, whichever is higher, while participating in a work study program. Veterans must work in VA facilities, such as hospitals; or perform VA outreach services; or prepare or process VA forms (the latter two options may occur at non-VA facilities, such as educational institutions). The work experience obtained through this program may improve the Veteran's employability in his or her occupational goal. For more information on this program, see 38 Code of Federal Regulations (CFR) 21.272.

Coordination with Public-Sector Agencies

Vocational Rehabilitation and Employment (VR&E) coordinates with public-sector agencies to place Veterans in federal jobs and training opportunities. VR&E's authority to use the facilities of non-federal agencies requires interaction with those entities. VR&E staff should network with the Veterans Employment Counselors in the Office of Personnel Management's area offices; Veterans Employment Program Coordinators or Selective Placement Program Specialists in the federal agencies within their areas; and other pertinent human resource staff in public-sector agencies. Periodic contact with the individuals responsible for employment and placement in potential agencies serve to promote these efforts, as well as other special employment opportunities for Veterans. For more information on this initiative, refer to 38 United States Code (U.S.C.) 3115 and 5 CFR 315.604.

Veterans' Employment Emphasis Under Federal Contracts

Contractors and subcontractors with federal or federally assisted contracts of \$10,000 or more will list with the state employment service local office any new job openings that are not expected to be filled by current employees. The state employment service must refer Veterans to these jobs on a priority basis. The contractor should take affirmative action in hiring and promoting qualified Veterans with disabilities. The Office of Federal Contract Compliance Programs (OFCCPs), a component of the Department of Labor (DOL), investigates complaints and takes appropriate action in situations where there is evidence of noncompliance. VR&E's Memorandum of

Understanding (MOU) with DOL describes the responsibilities of VA and DOL's Veterans' Employment and Training Services, State Employment Security Agencies, and local OFCCPs in implementing this initiative. To learn more, see 38 U.S.C. 4212.

Partnership with Department of Labor's (DOL) Veterans' Employment and Training Service (VETS)

VR&E's partnership with VETS includes the use of State Workforce Agencies. This partnership enhances job development and placement of Veterans with disabilities; ensures affirmative action is met; and assists with monitoring employer compliance with reasonable accommodation obligations. To learn more about State Workforce Agencies, visit <http://www.jobcentral.com/state-workforce-agencies.asp>.

NON-VA RESOURCES

National Council on Disability (NCD)

The NCD is an independent federal agency composed of 15 members appointed by the President. NCD provides advice to the President, Congress, and the Executive Branch's agencies to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities. To learn more about the NCD, see <http://www.ncd.gov/>.

Office of Personnel Management (OPM)

OPM serves as the human resource department of the federal government providing guidance, information, and services in areas including classification, benefits, recruitment, employment, diversity, and leadership. OPM oversees recruitment and retention of Veterans, as well as provides specialized assistance in the areas of increasing employment of Veterans with disabilities. To learn more about OPM and increasing employment of Veterans, see <http://www.fedshirevets.gov/> and <http://www.opm.gov/disability/>.

Veterans' Employment and Training Service (VETS)

VETS provides resources and expertise to prepare Veterans to obtain meaningful careers, maximize their employment opportunities, and protect their employment rights. VETS has a number of transition, compliance, and employment services, including REALifelines and Veterans' Preference, and Uniformed Services Employment and Reemployment Rights Act eLaws Advisors. VETS also assists with state and competitive grants. For more information on VETS and its services, refer to <http://www.dol.gov/vets/>.

Office of Disability Employment Policy (ODEP)

ODEP provides national leadership on disability employment policy by developing and influencing the use of evidence-based disability employment policies and practices, building collaborative partnerships, and delivering authoritative and credible data on employment of individuals with disabilities. ODEP sponsors a number of initiatives to increase employment of individuals with disabilities in both the federal and private sectors, including the Workforce Recruitment Program for College Students with Disabilities, Employer Assistance and Resource Network, and Job Accommodation Network. For more information on ODEP and its programs, refer to <http://www.dol.gov/odep/>.

Workforce Recruitment Program for College Students with Disabilities (WRP)

The WRP is a recruitment and referral program that connects federal and private-sector employers nationwide with highly motivated, postsecondary students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer internships or permanent jobs. Co-sponsored by the Department of Labor's Office of Disability Employment Policy and the Department of Defense, with the participation of many other federal agencies, the WRP has provided employment opportunities for over 5,000 students since 1995. To learn more about the WRP, visit <http://www.wrp.gov> (for federal employers) and <http://www.earnworks.com> (for private-sector employers).

Employer Assistance and Resource Network (EARN)

EARN provides employers with free consulting services and resources to support the recruitment and hiring of individuals with disabilities. EARN's online tools and resources help employers, human resource professionals, and business managers make informed decisions that support the employment of individuals with disabilities. EARN also provides links to other organizations, services, and programs. EARN's assistance also extends to employment service providers and jobseekers with disabilities. EARN can help to promote employment opportunities to skilled, qualified job seekers through a nationwide network of more than 6,200 service providers. To learn more about EARN, go to <http://www.earnworks.com/>.

Disability.gov

This website contains disability-related resources on programs, services, laws, and regulations to help individuals with disabilities lead full, independent lives. Visitors can find critical information on a variety of topics, including benefits, civil rights, community life, education, emergency preparedness, employment, housing, health, technology, and transportation. For more information, go to <http://www.disability.gov>.

Job Accommodation Network (JAN)

JAN is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. JAN's trusted consultants offer one-on-one guidance on workplace accommodations, Americans with Disabilities Act and related legislation, and self-employment and entrepreneurship options for individuals with disabilities. Assistance is available both over the phone and online. Individuals who can benefit from JAN's services include private employers of all sizes, government agencies, employee representatives, and service providers, as well as individuals with disabilities and their families. JAN is a joint effort between ODEP, West Virginia University, and private industry throughout North America. See <http://askjan.org/> to learn more about JAN and its services.

Workforce Investment Act (WIA) of 1998

The WIA provides the framework for a national workforce preparation and employment system designed to meet both the needs of the nation's businesses, the needs of job seekers, and those who want to further their careers. The WIA replaces the Job Training Partnership Act. Services are provided through a one-stop delivery system. The WIA provides core, intensive, and training services to adults or unemployed workers. The Act also broadens eligibility and employment/training assistance for Veterans with significant barriers to employment and Veterans who served on active duty during a war or campaign in which badges were authorized. For more information on the WIA, see <http://www.doleta.gov/usworkforce/wia/act.cfm>.

Ticket to Work Program

The Ticket to Work program provides most people receiving Social Security benefits (beneficiaries) more choices for receiving employment services. Under this program, the Social Security Administration issues tickets to eligible beneficiaries who, in turn, may choose to assign those tickets to an Employment Network of their choice to obtain employment, vocational rehabilitation, or other support services necessary to achieve a vocational goal. See <http://www.cessi.net/ttw/> to learn more about this initiative.

Work Opportunity Tax Credit (WOTC)

The WOTC is a federal tax credit incentive that Congress provides to private-sector businesses for hiring individuals from twelve target groups who have consistently faced significant barriers to employment. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability. The WOTC joins other workforce programs that help in workplace diversity

and facilitate access to good jobs for American workers. For more information on the WOTC, refer to <http://www.doleta.gov/business/Incentives/opptax/>.

Computer/Electronic Accommodations Program (CAP)

CAP provides assistive technology and services to individuals with disabilities, federal managers, supervisors, and information technology professionals. CAP increases access to information and works to remove barriers to employment by eliminating the cost of assistive technology and accommodation solutions. Following the National Defense Authorization Act of October 2000, Congress granted CAP the authority to provide assistive technology, devices, and services free of charge to federal agencies that have a partnership agreement with CAP. One of CAP's other programs is the "Wounded Service Members Initiative," which provides assistance to returning Servicemembers from Operations Enduring Freedom and Iraqi Freedom who are recovering at military treatment facilities. For more information on CAP and its initiatives, see <http://cap.tricare.mil/>

TARGET Center

The TARGET Center provides assistive technology and ergonomic solutions to assist the Department of Agriculture's (USDA) employees and applicants with disabilities. The TARGET Center's mission is to ensure that all USDA employees have safe and equal access to electronic and information technology by assessing, educating, and advocating for the integration of assistive technology and worksite accommodations. Refer to the TARGET Center's website at <http://www.dm.usda.gov/oo/target/> for more information.

Disability Resource Center (DRC)

The DRC supports the Department of Transportation (DOT) in the employment, advancement, and retention of individuals with disabilities via state-of-the-art technology and proactive customer service. The DRC provides job accommodations and related services to DOT employees and applicants. DOT's Office of Human Resource Management operates the DRC with guidance from DOT's Office of Civil Rights. Services are provided to all DOT operating administrations nationwide. To learn more about DOT's DRC, visit <http://www.drc.dot.gov/>.

State Vocational Rehabilitation Agencies (VR)

The goal of state VR agencies is to assist individuals with disabilities to become employed. To that end, state VR agencies, with the support of their federal partners, stand ready to provide employers with qualified job candidates with disabilities to meet the workforce needs of American businesses. For more information on state VR, refer to <http://www2.ed.gov/rschstat/research/pubs/vrpractices/busdev.html>.

Federal Disability Workforce Consortium (FDWC)

The FDWC is an interagency partnership working toward a shared goal to improve employment opportunities for individuals with disabilities within the federal government. The FDWC seeks to expand the current pool of talent within the federal workforce through improving recruiting, hiring, advancing, and retaining employees with disabilities, especially those with targeted or severe disabilities. The FDWC schedules bi-monthly membership meetings to highlight best practices, share key strategies, and solicit feedback on ways to address employment barriers for individuals with disabilities in the federal service. Meetings are voluntarily hosted by members at various federal agency sites throughout the Washington, DC area. For more information on the FDWC, refer to <http://fdwc.wordpress.com/>.

American Association of People with Disabilities (AAPD)

AAPD, founded in 1995, the country's largest cross-disability membership organization, organizes the disability community to be a powerful voice for change - politically, economically, and socially. Each year, AAPD hosts congressional and information technology summer internship programs for college students with disabilities in Washington, DC, providing paid travel to and from DC, fully paid accessible housing, and living stipends. To learn more about AAPD and its initiatives, see <http://www.aapd.com>.

National Business Disability Council (NBDC)

The NBDC is the leading resource for employers seeking to integrate individuals with disabilities into the workplace and companies seeking to reach them in the consumer marketplace. For more information on the NBDC, see <http://www.nbdc.com/>.

US Business Leadership Network (USBLN)

The USBLN is a national disability organization that serves as the collective voice of over 60 Business Leadership Network affiliates across North America, representing over 5,000 employers. The USBLN helps build workplaces, marketplaces, and supply chains where individuals with disabilities are respected for their talents, while supporting the development and expansion of its BLN affiliates. The BLN affiliates perform activities to include career fairs, disability mentoring, and training. Visit <http://www.usbln.org/> to learn more about the USBLN.

Career Opportunities for Students with Disabilities (COSD)

COSD, a program housed within the University of Tennessee, Knoxville Career Services' office, is a national professional association comprised of more than 600 colleges and

universities and more than 500 major national employers. COSD's mission is to improve the employment rate of college students and recent graduates with disabilities on a national basis. COSD works with higher education institutions to assist in developing collaborative relationships between the Disability Services and Career Services offices on campuses. COSD assists employers in identifying innovative methods of recruiting and hiring college graduates with disabilities, including creating internship opportunities or encouraging participation of employers in specialized internship and recruiting programs that focus on college students with disabilities. COSD helps college students and recent graduates with disabilities in career development and attaining a career of their choice. Refer to <http://www.cosdonline.org> for more information on COSD.

Facilitating Employment in the Private Sector

Under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, as amended, private employers who contract with the federal government must offer employment and job advancement opportunities to Veterans with disabilities. Many employers seek guidance in meeting the requirements of the law. Assistance from VR&E should include general orientations about on-the-job training and Employment Services programs and initiatives. VR&E should also provide identification and analysis of specific jobs and training opportunities for Veterans with disabilities; modification of jobs and worksites to accommodate workers with disabilities; referral of Veterans determined qualified for placement in jobs; and resolution of any job adjustment or work problems. For more information, see 38 U.S.C. 4212 and VR&E/Department of Labor statewide agreement.

Appendix AH
EXECUTIVE ORDERS

Executive Order 13518 – Employment of Veterans in the Federal Government

<http://www.whitehouse.gov/the-press-office/executive-order-veterans-employment-initiative>

Appendix AK:
Fugitive Felon Sample Letters



«RO Address or Outbased Office Address»

Fugitive Felon Due Process Letter

«FullName»
«MailingAddress»

In Reply Refer to Both:
«ROStationNumber»/28
VA File/Payee Number

Dear «LastName»:

This is to inform you that we propose to stop your Vocational Rehabilitation and Employment (VR&E) benefits. (option if payee is felon: The Department of Veterans Affairs (VA) can't pay vocational rehabilitation benefits to an individual who is the subject of an outstanding felony (sometimes known as "high misdemeanor") criminal warrant.) (option when parent or spouse is a felon: The Department of Veterans Affairs (VA) can't pay VR&E benefits to a dependent of a Veteran who is the subject of an outstanding felony (sometimes known as "high misdemeanor") criminal warrant.) This letter tells you what information we received and explains what you need to do.

What Information We Received

We received notice from (fill in name of agency) that (If first option inn first paragraph is selected: The Veteran, (insert Veteran's name) has been identified as the subject of an outstanding felony criminal warrant.

Law Enforcement Agency that Submitted Warrant

Warrant Agency: Name of agency that issued warrant)
Street address of agency
City, state, zip code of agency

Telephone: Telephone number of agency

POC at agency: Name of person contacted at the agency (if known)

Email Address: Contact's email address (if known)

Specific Information about the warrant follows:

FullName VAFile/PayeeNumber

Warrant Number: (XXXXXXXXXXXXXXXXXXXXXXXXXXXX)

Warrant Date: (Month-dd-yyyy)

What You Need to Do

You need to contact (insert warrant agency from above) to determine what must be done to clear this warrant. When the warrant is cleared, send us a document from:

- The court having jurisdiction over the warrant, or
- (insert warrant agency from above), or
- Another government official

The document must show the warrant number, (xxxxxxxxxxxxxxxxxxxx), dated (month-dd-yyyy) and the date the warrant was cleared. The document should be on official form or stationary. Be sure to write your VA file number on all documents you send to us. If you can't get this information, you should send us the name, title, phone number and email address of an official who can give us information about the clearing of this warrant. .

What We Will Do

If we don't receive evidence that the warrant has been cleared within 60 days of the date of this letter, we must stop your vocational rehabilitation benefits effective (option if effective date is the date of the warrant: (drop in warrant date from earlier in the letter), the date of the warrant, (option if date is effective date of law: December 27, 2012, the effective date of the law. However, even if you do send evidence, please be aware that we still won't be able to pay you for the period that the warrant is outstanding.

We may resume your benefits as of the date the warrant is cleared. However, we can't pay you for any time before the warrant is cleared. You must notify us when the warrant is cleared.

Your Right to a Hearing

You have the right to a personal hearing to present evidence showing why we shouldn't take this action. However, keep in mind your benefits may still be stopped unless we receive an official notice that the warrant has been cleared. VA will provide the place of the hearing and hearing officials. VA can't pay any other expenses of the hearing.

If, within 30 days from the date of this letter, you request a hearing, payments (if you are receiving payments) will continue at the present rate until the hearing is held and the **FullName VAFile/PayeeNumber**

testimony is given. This could continue to create a larger overpayment. If you request a hearing but desire to prevent any additional overpayment, we may, with your permission, suspend your benefits immediately. Please let us know.

Questions/Need Assistance

If you have any questions about this letter or need additional verification of VA benefits, please contact me at (**VR&E Officer's phone number here**), or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711. Send electronic inquiries to <https://iris.va.gov/>.

Sincerely,

«VR&E Officer Name»

«Vocational Rehabilitation and Employment Officer»

Enclosure: VA Form 4107

cc: **POAName**

How can eBenefits assist you?

eBenefits is a joint VA/DoD web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. It also provides a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits go to www.ebenefits.va.gov.



«RO Address or Outbased Office Address»

Fugitive Felon Notification (No Current Payment – No Future Benefits)

«CurrentDate»

«FullName»

«MailingAddress»

In Reply Refer to Both:

«ROStationNumber»/28

VA File/Payee Number

Dear «LastName»:

This is to inform you that we propose not to pay you Vocational Rehabilitation and Employment (VR&E) benefits based on any future participation. (option if payee is felon: The Department of Veterans Affairs (VA) can't pay VR&E benefits to an individual who is the subject of an outstanding felony (sometimes known as "high misdemeanor") criminal warrant.) (option when parent or spouse is a felon: The Department of Veterans Affairs (VA) can't pay VR&E benefits to a dependent of a Veteran who is the subject of an outstanding felony (sometimes known as "high misdemeanor") criminal warrant.) This letter tells you what information we received and explains what you need to do.

What Information We Received

We received notice from (fill in name of agency) that (If first option inn first paragraph is selected: The Veteran, (insert Veteran's name) has been identified as the subject of an outstanding felony criminal warrant.

Law Enforcement Agency that Submitted Warrant

Warrant Agency: Name of agency that issued warrant)
 Street address of agency
 City, state, zip code of agency

Telephone: Telephone number of agency

POC at agency: Name of person contacted at the agency (if known)

Email Address: Contact's email address (if known)

Specific Information about the warrant follows:

Warrant Number: (XXXXXXXXXXXXXXXXXXXXXXXXXX)

Warrant Date: (Month-dd-yyyy)

What You Need to Do

You need to contact (insert warrant agency from above) to determine what must be done to clear this warrant. When the warrant is cleared, send us a document from:

- The court having jurisdiction over the warrant, or
- (insert warrant agency from above), or
- Another government official

The document must show the warrant number, (xxxxxxxxxxxxxxxxxxxx), dated (month-dd-yyyy) and the date the warrant was cleared. The document should be on official form or stationary. Be sure to write your VA file number on all documents you send to us. If you can't get this information, you should send us the name, title, phone number and email address of an official who can give us information about the clearing of this warrant. .

What We Have Done

Until we receive evidence that the warrant has been cleared, we cannot pay you any additional vocational rehabilitation benefits based on participation in the future. You have the right to a personal hearing to present evidence showing why we shouldn't take this action. VA will provide the place of the hearing and hearing officials. VA can't pay any other expenses of the hearing. However, you do not qualify for additional vocational rehabilitation benefits unless we receive an official notice that the warrant has been cleared.

Questions/Need Assistance

If you have any questions about this letter or need additional verification of VA benefits, please contact me at (VR&E Officer's phone number here), or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711. Send electronic inquiries to <https://iris.va.gov/>.

Sincerely,

«VR&E Officer Name»

«Vocational Rehabilitation and Employment Officer»

FullName VAFile/PayeeNumber

Enclosure: VA Form 4107

cc: POAName

How can eBenefits assist you?

eBenefits is a joint VA/DoD web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. It also provides a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits go to www.ebenefits.va.gov.



«RO Address or Outbased Office Address»

Fugitive Felon Notification STOP PAYMENT LETTER

«CurrentDate»

«FullName»

«MailingAddress»

In Reply Refer to Both:

«ROStationNumber»/28

VA File/Payee Number

Dear «LastName»:

We recently sent you a letter dated (month-dd-yyyy) telling you that we proposed to stop your benefits. We have now stopped your benefits on (month-dd-yyyy) because we haven't received evidence that the warrant mentioned in that letter has been cleared.

VA vocational rehabilitation benefits can be resumed if this warrant is cleared. You should notify us when this warrant is cleared. In order for benefits to be payable from the earliest date possible, we must receive this notice within one year from the date the warrant is cleared.

Questions/Need Assistance

If you have any questions about this letter or need additional verification of VA benefits, please contact me at (VR&E Officer's phone number here), or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711. Send electronic inquiries to <https://iris.va.gov/>. If you disagree with us, you have the right to appeal our decision. You must write and tell us why you disagree. The enclosed VA Form 4107 explains your rights.

Sincerely,

«VR&E Officer Name»

«Vocational Rehabilitation and Employment Officer»

Enclosure: VA Form 4107

cc: POAName

FullName VAFile/PayeeNumber

How can eBenefits assist you?

eBenefits is a joint VA/DoD web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. It also provides a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits go to www.ebenefits.va.gov.

**Appendix AM:
Training Time Equivalency-Semester Hours**

TRAINING TIME EQUIVALENCY TABLE - FULL TIME = 12 OR MORE SEMESTER HOURS (38 CFR 21.4272(g))

USING THE TABLE

In determining whole weeks in the course, disregard fractions of 3 days or less and consider fraction of 4 days or more as a full week. Determine training time by reading across the credit hour line to the number of weeks per term column.

EXAMPLE

5 semester hours in 10 weeks is 3/4 time. (This is the same result obtained from using the formula specified in 38

CFR 21.4272(g): $5 \times 18 = 90$ divided by 10 = 9 sem. hrs. which is 3/4 training.)

Number of Weeks Per Term

| Semester Hrs.Per Term | 15 to19 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 |
|-----------------------------|------------|------|------|------|------|------|------|------|------|-----|-----|------|-----|-----|----|
| 12 or more | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 11 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 10 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 9 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 8 | 1/2 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 7 | 1/2 | 3/4 | 3/4 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 6 | 1/2 | 1/2 | 1/2 | 3/4 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 5 | -1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 3/4 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT |
| 4 | -1/2 | -1/2 | -1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT |
| 3 | 1/4 | 1/4 | -1/2 | -1/2 | -1/2 | -1/2 | 1/2 | 1/2 | 1/2 | 3/4 | 3/4 | FT | FT | FT | FT |
| 2 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | -1/2 | -1/2 | -1/2 | 1/2 | 1/2 | 3/4 | FT | FT | FT |
| 1 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | -1/2 | 1/2 | 3/4 | FT |

TRAINING TIME

FT = Full Time

3/4 = Three-Quarter Time

1/2 = One-Half Time

-1/2 = Less than One-Half, More than One Quarter * 1/4 = One Quarter or less

-1/2 Time -- Chapters 32 and 106 do not have less than one-half time, more than one-quarter time. For these benefits, -1/2 time is treated as 1/4 time.

Appendix AN: Training Time Equivalency Table-Quarter Hours

USING THE TABLE

In determining whole weeks in the course, disregard fractions of 3 days or less and consider fractions of 4 days or more as a full week. Determine training time by reading across the credit hour line to the number of weeks per term column.

Number of Weeks Per Term

| Quarter Hrs. Per Term | 10 to13 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 |
|-----------------------------|------------|------|------|------|------|------|-----|------|-----|----|
| 12 or more | FT | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 11 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 10 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 9 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT | FT |
| 8 | 1/2 | 3/4 | FT | FT | FT | FT | FT | FT | FT | FT |
| 7 | 1/2 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT | FT |
| 6 | 1/2 | 1/2 | 3/4 | 3/4 | FT | FT | FT | FT | FT | FT |
| 5 | -1/2 | 1/2 | 1/2 | 1/2 | 3/4 | FT | FT | FT | FT | FT |
| 4 | -1/2 | -1/2 | 1/2 | 1/2 | 1/2 | 3/4 | FT | FT | FT | FT |
| 3 | 1/4 | -1/2 | -1/2 | -1/2 | 1/2 | 1/2 | 3/4 | FT | FT | FT |
| 2 | 1/4 | 1/4 | 1/4 | 1/4 | -1/2 | -1/2 | 1/2 | 1/2 | FT | FT |
| 1 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | -1/2 | 1/2 | FT |

TRAINING TIME

FT = Full Time

3/4 = Three-Quarter Time

1/2 = One-Half Time

-1/2 = Less than One-Half, More than One Quarter * 1/4 = One Quarter or less

* -1/2 Time -- Chapters 32 and 106 do not have less than one-half time, more than one-quarter time.

For these benefits, -1/2 time is treated as 1/4 time.

Appendix AO:
Chapter 31 Subsistence Allowance Rate Increase As of October 1, 2013
Based Upon CPI Increase (1.6%)

| Type Training | Training Time | No Dependents | One Dependent | Two Dependents | Each Additional Dependent |
|-------------------------------------|--------------------|---------------|---------------|----------------|---------------------------|
| Institutional* | Full-Time | \$594.47 | \$737.39 | \$868.96 | \$63.34 |
| | Three-Quarter-Time | \$446.67 | \$553.85 | \$649.68 | \$48.71 |
| | Half-Time | \$298.88 | \$370.30 | \$435.27 | \$32.50 |
| Farm Cooperative/OJT Apprenticeship | Full-Time | \$519.77 | \$628.55 | \$724.41 | \$47.12 |
| Extended Evaluation | Full-Time | \$594.47 | \$737.39 | \$868.96 | \$63.34 |
| | Three-Quarter-Time | \$446.67 | \$553.85 | \$649.68 | \$48.71 |
| | Half-Time | \$298.88 | \$370.30 | \$435.27 | \$32.50 |
| | Quarter-time | \$149.41 | \$185.17 | \$217.64 | \$16.21 |
| Independent Living | Full-Time | \$594.47 | \$737.39 | \$868.96 | \$63.34 |
| | Three-Quarter-Time | \$446.67 | \$553.85 | \$649.68 | \$48.71 |
| | Half-Time | \$298.88 | \$370.30 | \$435.27 | \$32.50 |

*Institutional training also includes unpaid or nominally paid OJT or work experience in a Federal, State, local, or Indian tribal government agency.

Effective 10-01-2013, the maximum monthly rate for Chapter 31 Subsistence Allowance is \$2,515.80. *This maximum rate was calculated based upon full-time enrollment for a Veteran with the following dependents: spouse, mother, father and 25 children.*

Election of alternate subsistence allowance under Public Law 111-377

As an informational addendum to this form letter, the following subsistence allowance option has been included. The law implementing this allowance option became effective in late fiscal year 2011, and is included here for your use in comparing options

for subsistence which may be open to the Veteran participant.

Public Law 111-377, Section 205 amended Title 38 of the United States Code, Section 3108(b), effective August 1, 2011. This change in the law authorizes VA to allow a Veteran, entitled to both a Chapter 31 subsistence allowance and Post 9/11 GI Bill Chapter 33 educational assistance, to elect to receive a payment in an alternate amount instead of the regular Chapter 31 subsistence allowance. The alternate payment will be based on the military basic allowance for housing (BAH) for an E-5 with dependents residing in the zip code of the training facility. Training in foreign institutions and training that is solely on-line or in-home will be based on the national average BAH.

The Department of Defense (DoD) sets BAH rates each calendar year. BAH for full-time may be calculated at the DoD website:

- <https://www.defensetravel.dod.mil/site/bahCalc.cfm>
- Enter **year** ("2013"), **zip code** of the training facility (school, employer for OJT programs, or agency approved for work experience programs), and **"E-5"**
- Click "calculate"
- Use rate for E-5 with dependents

For training at a facility within a U.S. Territory (not solely online) identify the appropriate locality code (similar to a U.S. zip code) where the Veteran is enrolled in training.

Verify that the site is located in one of the U.S. Territories under which the Monthly Housing Allowance under the Post-9/11 Chapter 33 is payable: American Samoa, Northern Mariana Islands, Puerto Rico, Virgin Islands, Guam, Philippines.

Go to the Department of Defense website:

- <https://www.defensetravel.dod.mil/site/ohaCalc.cfm>
- Identify the designated locality code for the Territory using the locality code query: <https://www.defensetravel.dod.mil/site/locCodeCalc.cfm>
- Follow the steps above using OHA rate of locality code instead of BAH rate of zip code.

NOTE: P911SA rate changes are based on DoD updates and are effective each year on January 1, not October 1. Rates may increase or decrease each year. Rate protection or "grandfathering" of a previous year's higher rate may be provided when the student had received the previous year's P911SA rate and is continuously enrolled at the same facility.

The following table specifies payment of the alternate subsistence allowance that VA is calling the Post-9/11 subsistence allowance (P911SA):

| |
|--|
| Payment of Post-9/11 subsistence allowance in Accordance with Public Law 111-377 (effective August 1, 2011)¹ |
|--|

M28R, Appendix AO

| Type of Program | Payment |
|--|--|
| Institutional: ² | |
| Full-time | Entire BAH of institution ZIP code |
| 3/4 time | $\frac{3}{4}$ BAH of institution ZIP code |
| 1/2 time | $\frac{1}{2}$ BAH of institution ZIP code |
| Nonpay or nominal pay on-job training in a Federal, State, local, or federally recognized Indian tribe agency; vocational course in a rehabilitation facility or sheltered workshop; institutional non-farm cooperative: | |
| Full-time only | Entire BAH of agency or institution ZIP code |
| Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency: | |
| Full-time | Entire BAH of agency ZIP code |
| 3/4 time | $\frac{3}{4}$ BAH of agency ZIP code |
| 1/2 time | $\frac{1}{2}$ BAH of agency ZIP code |
| Farm cooperative, apprenticeship, or other on-job training (OJT): ³ | |
| Full-time only | Entire BAH of employer ZIP code |
| Combination of institutional and OJT (Full-time only): | |
| Institutional greater than 1/2 time | Entire BAH of institution ZIP code |
| OJT greater than $\frac{1}{2}$ time ³ | Entire BAH of employer ZIP code |
| Non-farm cooperative (Full-time only): | |
| Institutional | Entire BAH of institution ZIP code |
| On-job ³ | Entire BAH of employer ZIP code |

M28R, Appendix AO

| Type of Program | Payment |
|--|---|
| Improvement of rehabilitation potential: | |
| Full-time | Entire BAH of institution ZIP code |
| 3/4 time | $\frac{3}{4}$ BAH of institution ZIP code |
| 1/2 time | $\frac{1}{2}$ BAH of institution ZIP code |
| 1/4 time ⁴ | $\frac{1}{4}$ BAH of institution ZIP code |
| Training consisting of solely distance learning: ⁵ | |
| Full-time | $\frac{1}{2}$ BAH National Average |
| $\frac{3}{4}$ time | $\frac{3}{8}$ BAH National Average |
| $\frac{1}{2}$ time | $\frac{1}{4}$ BAH National Average |
| Training in the home, including independent instructor: | |
| Full-time only | $\frac{1}{2}$ BAH National Average |
| Training in an institution not assigned a ZIP code, including foreign institutions: ⁶ | |
| Full-time | Entire BAH National Average |
| $\frac{3}{4}$ time | $\frac{3}{4}$ BAH National Average |
| $\frac{1}{2}$ time | $\frac{1}{2}$ BAH National Average |

¹ Effective August 1, 2011, the Post-9/11 subsistence allowance may be paid in lieu of subsistence allowance authorized in § 21.260(b), and is not adjusted to include dependents.

² For measurement of rate of pursuit, see §§ 21.4270 and 21.4272 through 21.4275. Payments for courses being taken simultaneously at more than one institution are based on the BAH of the ZIP code assigned to the parent institution.

³ For on-job training, payment of the Post-9/11 subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.

⁴ The quarter-time rate may be paid only during extended evaluation.

⁵ Payment for training consisting of both distance learning and courses taken at a local institution is based on the BAH of the ZIP code assigned to the local institution.

⁶ Payment for training or OJT in an institution outside the US, but identified as a U.S. Territory, is based on the OHA rate for the locality code assigned to the institution.

Appendix AP:
Rate of Pay for Non-Paid Work Experience (NPWE)

NPWE Combination Training Using Credit Hours

| NPWE Hours (40 hours = full-time) | and | Credit Hours 12 or 13 = full-time | Total Rate of Pursuit |
|--------------------------------------|-----|--------------------------------------|-----------------------|
| 1/4 time (10 -19) | | 3 - 5 | 1/2 time |
| 1/4 time (10 -19) | | 6 - 8 | 3/4 time |
| 1/4 time (10 -19) | | 9 -11 | full-time |
| 1/2 time (20 - 29) | | 3 - 5 | 3/4 time |
| 1/2 time (20 - 29) | | 6 or more | full-time |
| 3/4 time (30 – 39) | | 3 or more | full-time |

NPWE Combination Training Using Clock Hours

| NPWE Hours (40 hours = full-time) | and | Clock Hours 18 = full-time or 22 = full-time | | Total Rate of Pursuit |
|--------------------------------------|-----|---|------------|-----------------------|
| 1/4 time (10 -19) | | 4 - 8 | 5 - 10 | 1/2 time |
| 1/4 time (10 -19) | | 9 - 12 | 11 - 15 | 3/4 time |
| 1/4 time (10 -19) | | 13 or more | 16 or more | full-time |
| 1/2 time (20 - 29) | | 4 - 8 | 5 - 10 | 3/4 time |
| 1/2 time (20 - 29) | | 9 or more | 11 or more | full-time |
| 3/4 time (30 – 39) | | 4 or more | 5 or more | full-time |

Courses that are pursued during a non-standard term must be measured in accordance with CFR 21.4272(g) and the resulting training time for that coursework may be combined with the NPWE training time to yield a total training time used to calculate payment of subsistence allowance.

Appendix AQ:
BDN Codes

| Command | End Product Code | Explanation |
|----------------|-------------------------|--------------------|
| CADJ | 780 | Change Dates/Amend |
| CADJ | 780 | Awards |
| CADJ | 780 | Adjust Dependents |
| STOP | 780 | Stop Awards |
| SUSP | 780/930/295 | Suspend Awards |
| RESU | 780/930/295 | Resume Action |

2 Digit Entitlement Codes and Explanations

| Entitlement Code | Explanation |
|-------------------------|---|
| 01 | Other period of seiVice |
| 02 | WWII (12-07-41 to 12-31-46) |
| 03 | Pre-Korean conflict (01-01-47 to 06-26-50) |
| 04 | Korean conflict seiVice (06-27-50 to 01-31-55) |
| 05 | Post-Korean conflict seiVice (02-01-55 to 08-04-64) |
| 06 | Vietnam era seiVice (08-05-64 to 05-07-75) |
| 07 | Post Vietnam era seiVice (05-08-75 to 08-01-90) |
| 08 | Gulf War (08-02-90) |

No Pay Reason Codes and Explanations

| Code | Explanation |
|-------------|--|
| 04 | Entitlement Forfeited |
| 06 | Disability not service connected |
| 16 | Failure to furnish required evidence |
| 20 | Claim withdrawn or benefits renounced |
| 21 | Whereabouts unknown |
| 22 | Death of individual |
| 28 | Incarceration |
| 29 | Other |
| 30 | Election of other VA benefit |
| 31 | Suspend pending recognition of fiduciary |
| 33 | False or misleading statements or payee error |
| 39 | Administrative error |
| 61 | End of term |
| 62 | Unsatisfactory progress |
| 64 | Interrupted training |
| 65 | Entitlement exhausted |
| 66 | Termination date reached |
| 67 | End of course |
| 68 | Program Objective Completed (CH34 & 35) or Restorative Training Completed (CH35) |
| 70 | Training time change |
| 76 | School vacation leave (Vacation or Recess Ends) |
| 77 | Periodic 6-Months Rate Reduction for Apprenticeship or OJT |
| 80 | Course not approved |

Dependency Codes and Explanations

Individuals training under CH31 are entitled to additional benefits for their dependents. Qualifying dependents must be entered on the **434** screen to justify payment of increased subsistence.

| Code | Explanation |
|--------------|--|
| 00 | individual without any dependents |
| 10 | individual with spouse |
| 11-19 | individual with spouse & children (1-9) |
| 20 | individual with spouse and father |
| 22-29 | individual with spouse, father, and children (1-9) |
| 30 | individual with spouse and mother |
| 31-39 | individual with spouse, mother, and children (1-9) |
| 40 | individual with both parents and spouse |
| 41-49 | individual with both parents, spouse, and children (1-9) |
| 50 | individual with father |
| 51-59 | individual with father and children (1-9) |
| 60 | individual with mother |
| 70 | individual with both parents |
| 71-79 | individual with both parent and children (1-9) |
| 81-89 | individual with children (1-9) |

Training Type Codes and Explanations

This code is used to identify the type of training for individuals receiving subsistence in the CH31 program.

| Code | Explanation |
|------|--|
| A | Graduate |
| B | Undergraduate |
| C | Nondegree, college level |
| D | Vocational or technical, post high school |
| E | Vocational or technical, other |
| F | High school |
| G | On-the-job |
| H | Farm cooperative |
| I | Special restorative training |
| J | Flight |
| K | Apprenticeship |
| L | Elementary school |
| M | Special rehabilitation-restorative CH31 (independent living, extended evaluation and periods of evaluation not identifiable as another type of training) |
| O | Special rehabilitation-vocational CH31 (homebound, independent instructor and institutional training not identifiable as another type of training) |
| P | Federal unpaid OJT-CH31 |

Effective Reason Codes and Explanations

| Code | Explanation |
|------|--|
| 00 | Original award |
| 11 | Dependency of parent not established |
| 14 | Relationship not established |
| 15 | Marriage of dependent |
| 21 | Whereabouts unknown |
| 22 | Death of dependent |
| 23 | Child over age 18 enters school |
| 24 | Child reaches age 18 |
| 25 | Child over 18 terminates school or reaches 23rd Birthday |
| 26 | Dependency change-most likely added a dependent |
| 27 | Apportionment made, changed or discontinued due to separation, change in custody, or change in apportionment |
| 28 | Dependent incarcerated or released from prison |
| 29 | Other |
| 37 | Legislative change |
| 38 | False or misleading statements or payee error |
| 39 | Administrative error |
| 52 | Child or 18 becomes helpless |
| 54 | Child no Longer helpless |
| 56 | End of month or end of term loss of dependent |
| 60 | Re-Entrance Educational Award (Code 60 or 6X- must be used on the first line of a re-entrance award. Code 60 may also be to begin an amended award, and on lines 2, 3, & 4 of any type award.) |
| 6X | Re-Entrance Advance Payment Award (Code 60 or 6X- must be used on the first line of a re-entrance award.) |
| 70 | Training time change |
| 71 | Wage rate change (OJT) |
| 75 | Effective date adjustment in No Rate Period |
| 76 | School vacation leave (Vacation or Recess Ends) |
| EA | Employment Adjustment |

Appendix AS:
SAMPLE SCHOOL NOTIFICATION LETTER

Re: VA Payment of Tuition and Fees for Chapter 31 Veterans who Receive Financial Aid from Other Sources

Dear (Insert Name of School Official):

This letter is intended to clarify the Department of Veteran Affairs (VA) policy and procedures for the payment of tuition and fees for Veterans attending your school under the VA Vocational Rehabilitation and Employment (VR&E) program (Chapter 31) who may receive financial assistance from another source, such as from a Federal or non-Federal agency.

The VA has a firm commitment to ensure that each service-disabled Veteran receives the services and assistance necessary to achieve the goals of his or her Chapter 31 vocational rehabilitation program. Therefore, the VA will maintain primary responsibility for ensuring that tuition and fees are paid so that the Veteran may begin training. The VA should not be billed until the school's Drop/Add Period has concluded. This policy ensures that the Veteran will be able to begin or continue his or her rehabilitation program without delay or distraction.

VA policy regarding tuition and fees is controlled by VA Acquisition Regulation (VAAR) 48 CFR 831.7001-1. A copy of the applicable provisions of this regulation is attached for your review and future reference. The following guidelines are derived from VA policy and regulations:

1. In accordance with the instructions on page 2 of VA Form 28-1905, VA pays in arrears directly to the institution all vouchers for the Veteran's tuition, fees, books and supplies. Therefore, VA should not be billed for a particular term or semester until after any Drop/Add period for that term closes. The Veteran under Chapter 31 or child under Chapter 18 should not have their registration cancelled for non-payment of these expenses, since VA has obligated payment for that term. A copy of VA Form 28-1905 is attached.
2. VA should be billed only for the actual net cost for tuition and fees assessed by the institution for the program of education after the application of:
 - any waiver of, or reduction in, tuition and fees; and
 - any scholarship, or other Federal, State, institutional, or employer-based aid or assistance that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees, with the following exception: Loans and any funds provided under section 401(b) of the Higher Education

Act of 1965 (20 U.S.C. 1070a), such as Pell grants, should not be used to reduce the amount billed to VA.

3. If the Veteran receives assistance that is not specifically designated for tuition and fees (funds that may be disbursed directly to the Veteran) from a Federal, State or private contribution, the VA will not deny or reduce a Chapter 31 payment on behalf of the Veteran unless the Veteran actually applies such funds to tuition and fee charges. If the Veteran chooses to apply such assistance to tuition and fees, the school should then reduce its bill to the VA by an equal amount.
4. Reimbursement of duplicate funding or errors in accounting: All errors in accounting or disbursing funds should be corrected by the school and any funds that are unused by, or recouped from, the Veteran or another source should be returned to the appropriate funding source, including VA. It is the responsibility of the school to contact the agency that created the duplication and arrange the return of any unused funds.

Please contact (Insert Name of Case Manager) at (Insert Telephone Number and/or email) if you have questions about this letter or need additional information.

Your collaboration in ensuring the success of Veterans participating in vocational rehabilitation programs is greatly appreciated.

Sincerely,

(Insert Name of VR&EO)
Vocational Rehabilitation and Employment Officer

Military Service Status Referral to VA Vocational Rehabilitation and Employment (VR&E)

TO: Department of Veterans Affairs, VR&E (28)

SUBJ: Application for VA VR&E Chapter 31 program

RE:

Name _____

Address _____

Phone _____

SSN or Service Number _____

Branch of Service _____

The above-referenced individual may be medically unfit to perform the duties of his or her office, grade, rank, or rating due to the following injury or illness incurred in the line of duty:

List medical condition(s) or attach medical documentation.

Referred by:

Name Title

Signature Date

Contact information (phone and/or email)

*This document should be submitted with a completed VA Form 28-1900, Disabled Veterans Application for Vocational Rehabilitation, if possible.

Appendix AV:
Guide to VR&E Contracting

GUIDE TO VR&E CONTRACTING

Prepared By: Program and Project Management Team
VR&E Service, Veterans Benefits Administration

Date: December 2012

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This section records the change history of this document.

| Name | Date | Reason For Changes | Version |
|--------------|-------------|--------------------------------------|----------------|
| Frank Corbin | 08/31/12 | Apply edits made by Margarita Devlin | 1.1 |
| Frank Corbin | 12/05/12 | Apply edits made by Carolyn Thomas | 1.2 |
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I. Introduction

A. Background

The purpose of this *Guide to VR&E Contracting* is to provide standardized information on the acquisition processes used to support Veterans receiving benefits from VR&E. This guide will provide policy information for VR&E offices on matters pertaining to:

1. Contracts for Vocational Rehabilitation Services to include VetSuccess national contracts, and local contracts which provide for services not available through a national contract such as VetSuccess.

2. Purchase Cards which are primarily used as a procurement and payment method for equipment and supplies purchased for veterans enrolled in a Chapter 31 program.

3. Budgetary/Oversight issues related to the required fiscal entries in Corporate WINRS and Centralized Admin Accounting Transactions System (CAATS). Specifically covered are the proper utilization of Budget Object Codes (BOC) and the following funding types: General Operating Expense funds (GOE), Educational Vocational funds (Ed/Voc), and Readjustment Benefits funds (RB).

4. VA Form 28-1905 Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status

which is the form used by the Vocational Rehabilitation Counselor (VRC) to authorize the Veteran to participate in the specified training and services at the approved facility indicated on the form. The form authorizes the facility to submit for payment vouchers for the Veteran's tuition, fees, books, and supplies (at designated facility bookstores).

5. Direct Veteran Benefits such as Subsistence Allowance, Retro-active Induction, Employment Adjustment Allowance (EAA) and Revolving Fund Loans (RFL).

Director's Reference Guide to VR&E Contracting and Procurement

II. Contracts for Vocational Rehabilitation Services

A. VetSuccess National Contracts

Services available under the VetSuccess national contract include:

1. Initial Evaluation (IE)
2. Case Management (CM)
3. Employment Services (ES)
4. Educational and Vocational Counseling (EV)
5. Discrete Services*

**Discrete Services are assessments for Independent Living (IL), Life-skills Coaching, Job Coaching, and Site Analysis.*

VetSuccess is a firm-fixed-price, indefinite-delivery/indefinite-quantity (ID/IQ) multiple-award contract vehicle awarded on a per Regional Office (RO) basis as determined to be in the best interest of the Government and supplements the ability of RO VR&E Staff to provide Vocational Rehabilitation and Employment services (VR&E) to Veterans.

Referrals for authorized services and invoicing for VetSuccess contracts are processed through the Centralized Admin Accounting Transactions System (CAATS) which is an automated web-based system.

To access the training materials on the VetSuccess Contract, please click on the following link:

[VetSuccess Contract](#) **

***Please note that all blue underlined text in this guide are hyperlinks. To access more information, please hold the "CTRL" button on your keyboard and click the link.*

B. Financial Management System and Administrative and Loan Accounting Centers

All payments for vocational rehabilitation services are made through the Government's Financial Management System (FMS). FMS is the VHA general ledger, the primary repository of VA financial data. It categorizes spending by fiscal period, station, and account. Both labor and non-labor spending are reported.

The Administrative and Loan Accounting Center (ALAC), provides financial management support services to the Veterans Benefits Administration (VBA). This includes support for both Loan Guaranty accounting and Centralized Administrative Accounting for all VBA Regional Offices and other VBA field offices.

Support services include providing accounting, financial reporting, voucher examining, payments, budget support, and financial advisory services for these VBA nation-wide operations.

For more information on ALAC please go to the ALAC Intranet site by clicking on the following link:

[ALAC](#)

C. Centralized Administrative Accounting Transaction System

The Centralized Administrative Accounting Transaction System (CAATS), is the system used for the financial administration of the VetSuccess contract to track:

1. Fund Limits as established by the Office of Field Operations (OFO).
2. Obligations issued by an Administrative Contracting Officer (ACO) for required VR&E services against OFO established fund limits.
3. Referrals issued by VRCs to their contractors to order required Vocational services for Veterans.
4. Deliverables received from the Contractor and to provide the VRC a means to formally accept (QA) the deliverable based on acceptability criteria established in the contract or to return for revisions if not acceptable.
5. Invoices submitted electronically by the Contractor for payment following acceptance by the VRC for the deliverable.

For more detailed information on CAATS please go to the CAATS Training Guide by clicking on the following link:

[CAATS](#)

D. Local Contracts

1. Stations Without VetSuccess Contract Awards:

If the station's need for contract services exceeds \$25,000 per fiscal year, VR&E Service and the Strategic Acquisition Center-Frederick will assist the station with centralized VetSuccess contract procurements. While these stations will have different start-up dates for their VetSuccess contracts, all other requirements will be the same as those identified in the national VetSuccess contracts.

If the station's need for contract services is less than \$25,000 per fiscal year, the VR&E Office may procure those same services locally with the support of a warrant-holding Contracting Officer. An ACO and COR must be assigned to these local procurements, and stations must comply with

Director's Reference Guide to VR&E Contracting and Procurement

the requirement to obligate funds with ALAC. Stations must enter these contract awards and actions in CWINRS only.

2. Services Not Available Through VetSuccess Contracts:

The above process does not apply to tutoring or Special Employer Incentive (SEI) contracts. Tutor and SEI contracts may be awarded by VR&E Officers provided they are under the micro purchase threshold, which is \$2,500 for services in accordance with 48 CFR 2.101. VR&E Officers must comply with Federal Acquisition Regulations, Veterans Affairs Acquisition Regulation and M28 requirements, which include having someone with purchasing authority conduct the procurement. Tutor and SEI contracts must be entered into CWINRS in the contracts section of the finance module, and payments must be recorded in the finance/contracts section of CWINRS as well. Tutor or SEI contracts exceeding the micro purchase threshold must be awarded a warranted contracting officer.

3. IL Construction:

Procurement of Architectural and Engineering (A&E) services can occur at the RO level, if needed, with the support of warrant-holding Contracting Officer in accordance with FAR and VAAR. These services may be needed to support procurements related to IL Construction (see section E below). VR&E Service is developing future training for Contract Specialists on the procurement of construction and A/E services procurements.

4. Contact Information:

This information is in accordance with **VR&E Letter 28-11-31 – VetSuccess Contracts**. The VR&E Service point of contact for VetSuccess contracts is Carolyn Thomas. Questions may be sent to the Contracting Team by email at the VR&E Corporate Mailbox, VAVBAWAS/CO/VR&E.

E. Independent Living Home Modifications

Vocational Rehabilitation and Employment (VR&E) provides Independent Living (IL) services to severely disabled Veterans who are not currently able to return to work. A program of IL and assistance is custom designed to enable Veterans to achieve maximum independence in daily living (CFR 21.90). Individual needs are identified through an evaluation process and a range of services can be

Director's Reference Guide to VR&E Contracting and Procurement

provided based on the results of the evaluation(s). One of the assessments provided to Veterans is an in-home evaluation to determine if there are barriers to normal daily living that need to be overcome.

Examples of home modifications include: widening of doorways for increased access to a room(s); bathroom modifications such as an accessible shower and/or grab bars; and the installation of a ramp to increase accessibility and safety in and out of the Veteran's home. Such VR&E services are performed in collaboration with other VA departments such as Loan Guarantee's Specially Adapted Housing Grant and Veterans Health Administration's Prosthetics and Sensory Aids Services and Home Improvement and Structural Aids Grants.

To access the guidance in VR&E Letter 28-11-05, the Director's Checklist for IL Cost Approval, and the checklist and associated training materials, please click on the following link:

[VR&E Letter 28-11-05](#)

[Director's Checklist for IL Cost Approval](#)

[Director's IL Checklist Training](#)

1. VHA and Specially Adapted Housing Partnerships

To enhance the delivery of home modification services to Veterans with severe disabilities, Loan Guaranty Specially Adapted Housing (SAH), Vocational Rehabilitation and Employment (VR&E) Service (Independent Living (IL)), Prosthetics and Sensory Aids Service (P&SAS), and Home Improvement Structural Alterations (HISA) work together to provide services to the most seriously disabled Veterans. In July 2005, Veterans Benefits Administration (VBA) Letter 20-05-37, Serving Veterans Receiving Independent Living Services (ILS) and/or Specially Adapted Housing (SAH) Benefits, was released. The intent of VBA 20-05-37 (July 8, 2005) was to encourage SAH and VR&E to develop a working relationship when providing similar services. This relationship has expanded to include P&SAS and HISA.

Prior to the provision of IL services in an Individualized Independent Living Plan (IILP), it must be determined whether the services should be provided by another Department of Veterans Affairs (VA) Division or other non-VA entity. The Code of Federal Regulations (CFR) provides guidance on this requirement. CFR 21.160 (e) Coordination with other VA elements and other Federal, State, and local programs states, "Implementation of programs of independent living services and assistance will generally require extensive coordination with other VA and non-VA programs." If appropriate arrangements cannot be made to provide these services

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through other VA departments, other governmental agencies, private nonprofit or for profit agencies and facilities, then VR&E may consider providing services. SAH, VR&E P&SAS and HISA working together reduces the amount of time it takes for a Veteran to receive assistance and eliminates duplication of services.

F. Purchase Orders

Purchase Orders (POs) are one type of contract vehicle. POs that are over the micro-purchase threshold must be issued and signed by a warrant holding Contracting Officer.

For more regulatory information, please go to the links to the VAAR and the FAR:

[VAAR 801.6 Career Development, Contracting Authority, and Responsibilities](#)

[FAR 1.603 Selection, appointment, and termination appointment for contracting officers.](#)

G. Tutorial Contracts

Rehabilitation services are provided to assist the veteran to pursue and achieve the goals of a rehabilitation program. To provide rehabilitation services to disabled veterans, contracts and agreements may be entered into with individuals and organizations for such assistance as reader service, tutoring service, independent instruction, and extended evaluation.

Special services or courses, which may be requested by the VA, are over and above those customarily required by the institution for similarly circumstanced non-veterans, but are considered necessary for the rehabilitation of the veteran.

The contract for these special services or courses will be negotiated as in any other instance when services are not described and charges are not listed in a facility's published catalog or other document.

1. Contracts for correspondence courses

Contract Requirements: Contracts for correspondence courses authorized under chapter 31 will be negotiated for 1 year for the specified veterans only. Contracts will not be renegotiated or extended unless there is another specific veteran for whom the course will be used.

No Enrollments Until Contract Is Signed: VA Form 28-1905, Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status, will not be sent to the school until a signed copy of the agreement is received by the Contracting Officer and

For more program information, please go to the following link to the M28 manual:

[M28-1 Part III](#)

the contract has been fully executed.

H. Special Employer Incentive

The Special Employer Incentive program pays employers for additional expenses they incur when either providing direct employment or training CH 31 veterans in an OJT position. The program requires minimal paperwork.

Therefore, the program is especially attractive to small companies which have more centralized personnel procedures, can make decisions quickly, and can benefit more appreciably from the payment. A contract must be in place before the Veteran is hired in order for the employer to be eligible to participate.

There are special contractual requirements for this program and they are covered in the training video at the following link:

[SEI Training \(TMS # VA 2353963\)](#)

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III. Purchase Cards

The Purchase Card is primarily used in VR&E as a payment method for CH 31 supplies and equipment and in some cases, services.

The main things to be aware of regarding VR&E purchase card use:

To access the VBA Purchase Card Handbook, please click on the following link:

[VA HANDBOOK 4080](#)

1. Purchase cards must be used to the maximum extent practicable.
2. Transactions must be entered into CWINRs under Financial tab by the purchase card holder.
3. Transactions must be logged and tracked on a spreadsheet for reconciliation purposes.
4. Proper documentation is required to be filed in the CER folder and submitted with the purchase card statement.
5. Any card holder who does not hold a Contracting Officer warrant is limited to purchases at or below the micro-purchase threshold. Warrant holders may request to have a per purchase limit higher than the micro-purchase threshold up to, but not exceeding the level of their warrant.
6. Purchase card purchases that exceed the micro-purchase threshold made by a warrant holder must utilize all applicable contracting and acquisition regulations just as they would if the payment method would have been by FMS.
7. Purchase card activities must obtain RO Director approval to use a purchase card to pay for memberships to organizations or clubs. This is further discussed in the VA Handbook 4080 link above.

A. Federal Strategic Sourcing Initiative

The Federal Strategic Sourcing Initiative (FSSI) governs the purchase of office supplies and is intended to cut procurement costs Government-wide. This includes office supplies purchased on behalf of Veterans in the Chapter 31 program. VR&E Service was unable to obtain a waiver for purchase card purchases on behalf of Veterans in our program.

There is one instance when FSSI does not apply. VBA's Head of Contracting Authority confirms that existing procurement methods in place with university bookstores, using VA Form 28-1905 authorization and payment by invoice, can still be used.

However, if a Federal purchase card must be used to purchase school supplies, then the FSSI must be the first source consulted for these purchases. Only **if** the FSSI cannot provide the specific supplies the Veteran needs in a timely manner can alternate sources be utilized. If the FSSI is not used, then it must

Director's Reference Guide to VR&E Contracting and Procurement

be clearly documented in the Veteran's CER the reason for not using FSSI for this purchase.

Products covered by FSSI include:

1. Paper – copy, printer and fax;
2. Ink/toner;
3. Pens, pencils and markers;
4. Binders;
5. Tape;
6. Envelopes;
7. Shredders;
8. Computer media (including diskettes, disk cartridges and packs, optical disks and CDs);
9. Anti-glare/anti-radiation screens (VDT);
10. Ergonomic office products (including wrist and foot rests).

B. Verification of Veteran Receipt

In accordance with 38 CFR 21.212(f), the VR&E case manager is responsible for the authorization of supplies, subject to requirements for prior approval contained in 38 CFR 21.258 and other instructions governing payment of program charges. VR&E case managers are required to review each invoice and determine whether or not payment is appropriate.

In the case of duplicate charges, the case manager would need justification to approve the purchase. Examples of justification could include the item was lost, stolen, or destroyed.

IV. Budgetary/Oversight

A. General Operating Expense Usages

General Operating Expense (GOE) funds are used to provide services considered inherently governmental in order to mitigate staffing gaps or provide more geographically convenient or timely services to Veterans.

B. Corporate WINRS Fiscal Activities

CWINRS allows on-line processing and tracking (by Veteran) of payments to vendors and facilities, as well as reimbursement and direct payment to Chapter 31 participants, using FMS. VR&E users establish a payment transaction and Finance users complete the processing and payment. Payments for contract services provided by National Acquisition Strategy (NAS) vendors are recorded in CWINRS, but paid via FMS. (However, effective FY2013 VetSuccess contract obligations, referrals, and invoice payments will no longer be entered and tracked in CWINRS but must continue to be entered and tracked in CAATS.)

For more detailed information on the fiscal activity controls employed in CWINRS, please click on the following link:

[VBA Letter 28-12-16](#)

Access to CWINRS fiscal activity functionality is controlled by Common Security User/Employment (CSUM/CSEM) system(s).

C. Budget Object Codes

Budget Object Codes (BOC) reflect the nature of financial transactions when obligations are first incurred and are an expansion of the associated object classes. Object classes are categories or accounting identifiers that code financial obligations according to the nature of the services or items purchased by VA. The object class is symbolized by a two- or three-digit code and is a standard classification used throughout the Federal Government.

The budgets for General Operating Expense (GOE) and Educational Vocational (Ed/Voc) funds are set by OFO and distributed to RO accounts. Applicable funds must be available and appropriately allocated prior to any contracting action or the person making the expenditure will be in violation of the Anti-Deficiency act and can be held personally liable for reimbursing the government for those unfunded expenditures.

Readjustment Benefits (RB) funds are not subject to a budgetary limit but must be closely monitored in CWINRS and/or CAATS.

VR&E utilizes three fund types in the provision of services to Veterans served in the VR&E program:

1. General Operating Expenses (GOE): GOE funds are utilized to provide services considered inherently governmental in order to mitigate staffing gaps or provide more geographically convenient or timely services to Veterans. This fund type corresponds to BOC categories (funding points) **2504**-Initial Evaluation, **2505**-Case Management, and **2506**-Employment Services, which include services typically provided by VR&E Vocational Rehabilitation Counselors (VRCs), Counseling Psychologists (CPs), or Employment Coordinators (ECs), and actions that approve and/or pay benefits for Veterans. It is important to note that VR&E may not contract for medical services. All medical services will be coordinated with the Veterans Health Administration (VHA). The VHA facility may either provide the service or contract it out through VHA's fee basis program.

2. Educational Vocational Funds (Ed/Voc): Ed/Voc funds are used to provide services to beneficiaries eligible to receive educational/vocational counseling under Chapters 30, 32, 33, 35 (including SRT and SVT), 36, 1606 (formerly 106), and 1607, as well as to transitioning Servicemembers (6 months before or 12 months post discharge). This fund type corresponds to BOC category is **4192**. These funds are congressionally limited to 7 million per fiscal year.

3. Readjustment Benefits Account (RB): RB funds are used to provide services to Veterans under the Chapter 31 program, including BOC categories in the 4000 series (except Ed/Voc services previously noted):

- 4107: Tuition and fees
- 4108: Books
- 4109: Supplies
- 4112: Handling Charges
- 4113: Tutorial
- 4146: Beneficiary Travel
- 4147 : Special contractual services (non-medical) – national contract (Discrete Services)
- 4150: Special Equipment
- 4155: One time miscellaneous items
- 4156: Non-contractual special services (medical)
- 4157: Special contractual services (non-medical) – local procurement
- 4158: Chapter 18 contract counseling

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- V. Authorization and Certification of Entrance or Reentrance Into
Rehabilitation and Certification of Status - VA Form 28-1905

A. Training Facilities

VA Form 28-1905 is the form used by VR&E to order supplies from facility bookstores and pay for tuition to educational and training facilities. These institutions must be vendorized and have a facility code in order to obtain payment via this method. Care must be exercised that this form not be used for non-facility purchases.

B. High Cost Approval Limits

Levels of spending authority are delegated to VRCs, VR&E Officers, RO Directors, and VR&E Service Director based upon the anticipated annual cost of services for Veteran participants. The level of approval must not restrict the type of service that the Veteran requires. Those levels are reflected as follows:

1. VRC level of approval is: <\$25,000
2. VREO level of approval is: \$25,000 to &75,000
3. RO Director level of approval is: \$75,000 to \$100,000
4. VR&E Service Director level of approval is: >\$100,000

For more detailed information on High Cost Approval Limits, please click on the following link:

[M28 Reorganization, Part V, Section B, CH 1](#)

Director's Reference Guide to VR&E Contracting and Procurement

VI. Direct Veteran Benefits

A. Subsistence Allowance

Subsistence Allowance is a monetary benefit paid directly to Chapter 31 participants based on confirmed/certified rate of pursuit of training/rehabilitation facility enrollment as part of a Rehabilitation Plan. Veterans eligible for the Post 9/11 GI Bill may enter the Chapter 31 program and elect the higher Basic Housing Allowance (BHA) rate.*

Information on Subsistence Allowance can be found in the following documents by clicking on the following links:

[M28-2, Part III](#)

[Individualized Written Rehabilitation Plan](#)

B. Employment Adjustment Allowance

Employment Adjustment Allowance (EAA) is a monetary benefit paid in 2 increments directly to Chapter 31 participants based on confirmed participation in an Individualized Employment Assistance Plan (IEAP) following participation in an IWRP. VR&E authorizes the payment, but the finance division processes the payment as an "out of system" payment. *

For more information on EAA, please click on the following link:

[Employment Adjustment Allowance](#)

C. Beneficiary Travel

Provisions for compensating Veterans for required travel in pursuit of initial evaluation, and for training/employment services. VR&E authorizes the payment, but finance processes the payment in CWINRS.

FAQ's related to Beneficiary Travel, please click on the following link that takes you to the VA Health Care Eligibility & Enrollment Website:

[Beneficiary Travel](#)

D. Revolving Fund Loans

Revolving Fund Loans (RFLs) allow Chapter 31 participants to receive a non-interest loan if he/she would otherwise be unable to begin or continue in a rehabilitation program without such assistance. Specific criteria apply regarding Veteran eligibility for an RFL.

For more information on Revolving Fund Loans, please refer to the RFL Ready Reference Guide by clicking on the following link:

[Revolving Fund Loan Ready Reference](#)

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RFL funds are controlled by OFO and issued to RO's by VR&E Service. The VRE Officer is notified by VR&E Service via email of the amount of funds that are available. The RFL funds and funded loans are tracked on a spreadsheet. Specific loan amounts are limited to the monetary **need**; but **not to exceed** (NTE) \$1,130.00 which is the current rate for FY2012 (this NTE amount is adjusted as the subsistence rates are increase with COLA). RFL loans are approved by the VR&E Officer and then finance staff processes the loan.

E. Direct Reimbursement

Under certain circumstances, Veterans may be reimbursed directly for out-of-pocket expenditures made for approved Chapter 31 services. However, VR&E should make every effort to pay for services directly, and only in rare circumstances would a Veteran self-pay and then be reimbursed for a service or item. *

For more information on Direct Reimbursement, please go to the M22-4, Part V by clicking on the following link:

[M22-4, Part V](#)

*Awards that exceed \$5,000 will generate a report in the RO's finance department requires finance review of those payments prior to final approval.

Appendix AW: Calculating Rate of Pay for Post-9/11 Subsistence Allowance

A. Use existing rules for determining training time.

- Refer to CFR 21.4270 and 21.4272 through 21.4275 for measurement of rate of pursuit.
- Refer to CFR 21.79 for measuring OJT and NPWE rate of pursuit.
- OJT may only be pursued at full-time.

B. For training at a facility associated with a zip code (not solely on-line):

1. Identify the appropriate zip code where the Veteran is enrolled in training.
2. Go to the Department of Defense website:
 - <https://www.defensetravel.dod.mil/site/bahCalc.cfm>
 - Enter year (“2011”), zip code of facility (IHL/NCD), employer (OJT), or agency (NPWE) and “E-5”
 - Click “calculate”

The screenshot shows the 'BAH Calculator' interface. On the left is a navigation menu with links like 'Basic Allowance for Housing (BAH)', 'CONUS COLA', 'Currency', etc. The main area has a 'BAH Calculator' section with a 'Updated: 12/15/10' note. Below this are three input fields: 'YEAR' (set to 2011), 'DUTY ZIP CODE' (set to 22040), and 'PAY GRADE' (set to E-5). A 'CALCULATE' button is below these fields. To the right of the input fields is a 'QUICK LINKS AND RESOURCES' section with links to BAH Overview, BAH FAQs, BAH Fact Sheet, BAH Primer, BAH Service Representatives, Non-Locality Rates, BAH Rates for All Locations, and ASCII Data Files. At the bottom of the main area is a 'CONNECT' section with links to RSS Feeds, Podcasts, and Twitter.

On the right side of the image, there is a 'BASIC ALLOWANCE FOR HOUSING' section titled 'Rate Query Results'. It displays the following information:

- CY: 11
- ZIP CODE: 22040
- MILITARY HOUSING AREA: WASHINGTON, DC METRO AREA (DC053)

Below this information is a table titled 'MONTHLY ALLOWANCE:'.

| MONTHLY ALLOWANCE: | |
|----------------------|-------------------------|
| E-5 with DEPENDENTS: | E-5 without DEPENDENTS: |
| \$ 1881.00 | \$ 1572.00 |

At the bottom of the right section, there is a note: 'See BAH Frequently Asked Questions for more information. For other BAH concerns, contact your service's BAH POC.'

3. Use rate for E-5 with dependents to determine the BAH full-time rate.

4. For training at a brick and mortar facility except OJT, multiply BAH full-time rate by the training time certified for the enrollment period as follows:

- Full-time = BAH x 1.00

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- $\frac{3}{4}$ time = BAH x 0.75
- $\frac{1}{2}$ time = BAH x 0.50

5. For OJT, process the award following existing rules for establishing payment periods based on training wage schedule. Calculate the difference between the journeyman and training wage for each period. For each payment period, enter the lesser of the two amounts - either the BAH full-time rate or the difference between the journeyman and training wage.

C. For training not associated with a zip code (or solely on-line or in-home):

1. Find BAH National Average at the Post-9/11 GI Bill web site.

2. Calculate training in a foreign facility as follows:

- Full-time = BAH National Average x 1.00
- $\frac{3}{4}$ time = BAH National Average x 0.75
- $\frac{1}{2}$ time = BAH National Average x 0.50

3. Calculate training that is solely on-line or in-home as follows:

- Full-time = BAH National Average x 0.50
- $\frac{3}{4}$ time = BAH National Average x 0.375
- $\frac{1}{2}$ time = BAH National Average x 0.25

D. For training associated with a U.S. Territory in a zip code area (not solely online):

1. Identify the appropriate zip code where the Veteran is enrolled in training.

2. Verify that the site is located in one of the United States Territories under which the Monthly Housing Allowance under the Post-9/11 Chapter 33 is payable: American Samoa, Northern Mariana Islands, Puerto Rico, Virgin Islands, Guam, Philippines.

3. Go to the Department of Defense website:

- <https://www.defensetravel.dod.mil/site/ohaCalc.cfm>
- Identify the designated locality code for the Territory using the locality code query: <https://www.defensetravel.dod.mil/site/locCodeCalc.cfm>

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Location Code Query

A **Location Code** is required to compute the COLA and OHA. Please select a country from the list below to find the Location Code of a city. Make a note of it and enter in LC field below.

CHOOSE THE UPDATE PERIOD

YEAR: MONTH: DAY:

SELECT A COUNTRY

SELECT LOCATION BY NAME:

- Enter year ("2013"), Month ("March"), Day ("1"), locality code of facility (IHL/NCD), employer (OJT), or agency (NPWE), Pay Grade ("E-5") and Dependents ("Yes")
- Click "calculate"

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ALLOWANCES

Basic Allowance for Housing (BAH)

CONUS COLA

Currency

Other Rates and Allowances

Overseas Cost of Living Allowances (COLA)

Overseas Housing Allowance (OHA)

OHA Calculator

OHA Components

OHA FAQs

OHA Survey Information

Per Diem Rates

Station Allowance Changes

OHA Calculator

EFFECTIVE DATE

YEAR: MONTH: DAY:

LOCATION

NOTE: The location drop-down menu below contains only current locations. Use the **LOCALITY CODE LOOK UP** for all PAST RATES. Make a note of it and enter into Locality Code field below.

SELECT LOCATION BY NAME: OR ENTER THE LOCALITY CODE:

MEMBER INFORMATION

PAY GRADE: DEPENDENTS:

Overseas Housing Allowances
VIRGIN ISLANDS OF THE U.S.
Location: **ST THOMAS** , Location Code: **V I 0 0 5**
PAY PERIOD: **03-01-2013**

For an **E 5 with dependents**, the Overseas Housing Allowances are as follows:

| Monthly Allowances Effective: 20120816 | Amount |
|---|------------|
| OHA Rental Allowance | \$ 2556.00 |
| Utility/Recurring Maintenance Allowance | \$ 743.00 |
| Move-In-Housing Allowance (MHA) | \$ 1088.00 |

4. Use rate for E-5 with dependents to determine the OHA full-time rate.
5. For training at a brick and mortar facility except OJT, multiply OHA full-time rate by the training time certified for the enrollment period as follows:
 - Full-time = OHA x 1.00
 - $\frac{3}{4}$ time = OHA x 0.75
 - $\frac{1}{2}$ time = OHA x 0.50
6. For OJT, process the award following existing rules for establishing payment periods based on training wage schedule. Calculate the difference between the journeyman and training wage for each period. For each payment period, enter the lesser of the two amounts - either the OHA full-time rate or the difference between the journeyman and training wage.

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E. When completing award processing, enter “PR” under Special Code and enter the rate determined on this page under Rate.

Appendix AX:
Chapter 31 and Chapter 33 Benefits Comparison

VR&E (Chapter 31) benefits:

Current State: Will not change unless Veteran is also eligible for Post-9/11 GI Bill.

| Regular Chapter 31 Monthly Subsistence Allowance | | | | |
|--|---------------|---------------|----------------|---------------------------|
| Training Time | No Dependents | One Dependent | Two Dependents | Each Additional Dependent |
| Full-Time | \$585.11 | \$725.78 | \$855.28 | \$62.34 |
| ¾ Time | \$439.64 | \$545.13 | \$639.45 | \$47.94 |
| ½ Time | \$294.17 | \$364.47 | \$428.42 | \$31.99 |

- Full tuition, fees, books, supplies, and any necessary special equipment.
- Veterans training at foreign schools receive same allowance as above.
- Veterans training solely in-home or on-line receive same allowance as above.
- EAA will be paid at rate the Veteran last qualified for while in training.
- Advance from revolving fund limited to twice the amount of the full-time regular monthly subsistence allowance for a Veteran with no dependents (\$1170.22).

Effective August 1, 2011: Veterans who are also eligible for Post-9/11 GI Bill may elect an alternate monthly allowance in lieu of regular Chapter 31 subsistence allowance.

| Training Time | Post-9/11 Subsistence Allowance (P911SA) |
|---|--|
| Full-Time | Basic allowance for housing (BAH) of E-5 with dependents for zip code of school, NPWE agency or OJT employer |
| ¾ Time | ¾ of BAH of E-5 with dependents for zip code as noted above |
| ½ Time | ½ of BAH of E-5 with dependents for zip code as noted above |
| <i>Note:</i> BAH national average for all zip codes is \$1368.00 for 2013 | |

- Full tuition, fees, books, supplies, and any necessary special equipment
- Veterans training full-time at foreign schools receive BAH national average.
- Veterans training full-time solely in-home or on-line receive 50% of BAH national average.
- EAA will be paid at rate the Veteran last qualified for while in training - could include P911SA rate.
- Advance from revolving fund limited to twice the amount of the full-time regular monthly subsistence allowance for a Veteran with no dependents (\$1170.22).

Effective April 4, 2013: Veterans training at institutions in US Territories assigned zip codes receive Overseas Housing Allowance (OHA) for the location code associated with that zip code area.

- Rate of pay is still calculated for E-5 with dependents

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- Payments are prorated based on rate of pursuit.

Highlighted areas indicate changes effective August 1, 2011

All VA Education and VR&E benefits:

Effective August 1, 2011:

Veterans enrolled in training may no longer receive payments of a monthly allowance for periods between school terms.

Comparative information on Post-9/11 GI Bill (Chapter 33) benefits:

Current State:

Based on length of active duty service, entitlement under Post-9/11 GI Bill to a percentage of the following (see “benefit level” on Chapter 33 eligibility screen):

- Cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public institution of higher education (paid to school).
- Monthly housing allowance equal to the basic allowance for housing payable to a military E-5 with dependents, in the same zip code as the school (paid to Veteran).
- Veterans training at foreign schools receive BAH national average.
- Veterans training solely on-line receive no monthly allowance.
- Yearly books and supplies stipend of up to \$1000 per year (paid to Veteran).
- A one-time payment of \$500 to certain individuals relocating from highly rural areas.

Effective August 1, 2011:

Based on length of active duty service (see table below), Veteran is entitled under Post-9/11 GI Bill to a percentage of the following (see “benefit level” on Chapter 33 eligibility screen):

- Cost of tuition and fees (capped at \$17,500), at institutions of higher education and vocational training facilities (paid to school).
- Monthly housing allowance equal to the basic allowance for housing payable to a military E-5 with dependents, in the same zip code as the school (paid to Veteran).
- Veterans training at foreign schools receive BAH national average.
- Veterans training solely on-line receive 50% of BAH national average.
- Yearly books and supplies stipend of up to \$1000 per year (paid to Veteran).
- A one-time payment of \$500 to certain individuals relocating from highly rural areas.

| Post-9/11 GI Bill percentage of maximum benefit based on active duty service | |
|---|--------------------------------------|
| Active Duty Completed after September 10, 2001 | Percentage of Maximum Amount Payable |
| At least 36 months | 100% |
| At least 30 continuous days on active duty and discharged due to service-connected disability | 100% |
| 30 months to 36 months | 90% |
| 24 months to 30 months | 80% |
| 18 months to 24 months | 70% |
| 12 months to 18 months | 60% |
| 6 months to 12 months | 50% |
| 90 days to 6 months | 40% |

Appendix AY:
Election of Post-9/11 Subsistence Allowance in Lieu of
Regular Chapter 31 Subsistence Allowance

1. I understand that I have been found entitled to both VA's Vocational Rehabilitation and Employment (VR&E) Chapter 31 program and VA's Post 9/11 GI Bill, Chapter 33 program.
2. Entitlement to both programs means that I may elect to receive VR&E's Post-9/11 Subsistence Allowance instead of VR&E's regular subsistence allowance.
3. I understand that I cannot receive benefits from VR&E and the Post-9/11 GI Bill at the same time.
4. I have reviewed VR&E's Post-9/11 Subsistence Allowance rates and VR&E's regular subsistence allowance rates.
5. I elect to receive VR&E's Post-9/11 Subsistence Allowance, and would like that allowance to begin effective _____.
(insert date)

Veteran's Name: _____

Veteran's Claim Number or Last 4 of SSN: _____

Veteran's Signature: _____

Date Signed: _____

Appendix BD: VetSuccess Contract Funds

| | | | FY 2013 | | | | | | | | | | | | FY 2014 | | | | | | | | | | | | FY 2015 | | | | | | | | | | | | | | | | |
|---------------|-----|-----|----------------------|-----|---------------------------|-----|-----|-----|-----|-----|-----|--|-----|-----|---------|----------------------|-----|-----|---------------------------|-----|-----|-----|-----|---------------|--|-----|----------------------|-----|-----|----------------------|-----|---------------------------|-----|-----|-----|--|--|--|--|--|--|--|--|
| Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | | | | | | | | |
| Option Year 2 | | | | | | | | | | | | Option Year 3 | | | | | | | | | | | | Option Year 4 | | | | | | | | | | | | | | | | | | | |
| | | | CR # 1 - FY 13 Funds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | CR # 2 - FY 13 Funds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | Full Budget - FY 13 Funds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | All FY 13 Funds can be re-obligated for full Option Year 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | CR # 1 - FY 14 Funds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | CR # 2 - FY 14 Funds | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | Full Budget - FY 14 Funds | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | All FY 14 Funds can be re-obligated for full Option Year 4 | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | CR # 1 - FY 15 Funds | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | CR # 2 - FY 15 Funds | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Full Budget - FY 15 Funds | | | | | | | | | | | |

* CR = Continuing Resolution