

TRAINING MODULE 5

STUDY PLAN

Vocational Rehabilitation and Employment

Objective:

To learn the elements of the VA Vocational Rehabilitation program, and what benefits and services are available for a veteran training under this program.

References:

Title 38, U.S. Code, Chapter 31.

38 Code of Federal Regulations, Part 21, Subpart A, §§ 21.1–21.430.

Adjudication Manual M21-1, Part IV, Chapter 23, Paragraph 23.09.

Adjudication Manual M21-1MR (Manual Rewrite), Part IX, Subpart i, Chapter 1.

Vocational Rehabilitation and Counseling Procedures Manual M28-1.

VA Pamphlets: 28-00-1, *The Vocational Rehabilitation and Employment Program—
Working Partners.*

80-06-01, *Federal Benefits for Veterans and Dependents.*

Instructions:

Study the assigned reference materials to learn the basic requirements for a program of Vocational Rehabilitation, and how to apply for it.

Summary:

THE DEPARTMENT OF VETERANS AFFAIRS (VA) VOCATIONAL REHABILITATION PROGRAM is designed to help a service-disabled veteran overcome employment handicaps imposed by such disability, so that the veteran is able to find and keep suitable employment as well as achieve maximum independence in daily living. The primary goal of the program is to train disabled veterans for appropriate employment; although education benefits for school attendance may be authorized if that is determined to be the best way to prepare a particular veteran for entry or re-entry into the labor force, Vocational Rehabilitation benefits are not a supplement to or a substitute or replacement for VA education assistance benefits available under other programs, and must not be viewed as such.

Basic eligibility for and entitlement to Vocational Rehabilitation requires that a veteran have service-connected disability or disabilities ratable at 20% or more, *and* have an employment handicap resulting primarily from such disability. A veteran with a 10% service-connected

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disability (including multiple noncompensable conditions for which compensation is paid at the 10% rate under 38 CFR § 3.324) may also qualify, on a showing that such disability produces a “serious” employment handicap. Statutory ratings under 38 U.S.C. 1114(k) (loss of a creative organ) or the former subsection (q) (arrested tuberculosis) will not qualify for this. The period of eligibility is 12 years from date of discharge from service or 12 years from the date VA first notifies the veteran of a qualifying service-connected disability, whichever date is later. This may be extended for those severely disabled veterans who are unable to begin or complete their program within that time because of their disability, or who are determined to have a severe employment handicap such that they require additional time for rehabilitation.

Rehabilitation services may continue until the veteran has reached his or her rehabilitation goal, but the education or training portion of a rehabilitation program may not exceed 48 months except under exceptional circumstances. VA may continue to provide counseling, job-placement, and post-employment services for up to 18 additional months. Veterans in a Vocational Rehabilitation program of education or training who are also eligible for benefits under one or another VA education and training assistance programs must elect from which program they will draw benefits; concurrent benefits may not be paid under more than one program for the same course of education or training.

A veteran who applies for Vocational Rehabilitation must be entitled to receive compensation (or would be entitled but for the receipt of military retired pay). The application for Vocational Rehabilitation may be submitted together with the application for compensation, or may be filed at any time thereafter, subject to the 12-year time limit. An active duty service member who is hospitalized awaiting separation from service for disability may apply for Vocational Rehabilitation without applying for compensation. The active duty service member must have a service-connectable disability which is immediately ratable at 20% or more to qualify for consideration. (See the sample application on page 5-4.)

When an application is received and it is established that a qualifying degree of service-connected disability is present, the applicant will be given counseling, testing and evaluation to determine whether an employment handicap exists, and if so, whether training and/or rehabilitation services are feasible or necessary. Rehabilitation programs may include employment (including self-employment) services and assistance; educational (college-level) or vocational (trade, business or technical school) training; apprenticeship or on-job training; or farm cooperative training. For severely disabled veterans there may be training in a rehabilitation facility, in a sheltered workshop, or in-home; the program may also include independent living services and training.

While in training a veteran will be paid a monthly subsistence allowance, varying according to the type and rate of training, the number of dependents, and other factors. In addition, VA will pay all training expenses, including tuition, fees, books and supplies, and the cost of any necessary tools, equipment, and uniforms. The veteran is also entitled to any and all medical and dental treatment (or reimbursement for the costs of such treatment), including prosthetic devices or other special equipment and special restorative services, necessary to continue or complete his or her program. When necessary, the veteran may be provided special help such as tutoring assistance, readers for the visually impaired, or sign language interpreters for the hearing impaired. If the veteran encounters unexpected financial difficulties while training, a no-interest loan service is available. Counseling services, including educational, vocational, personal, and employment counseling are available, as well as career planning and job placement services.

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A veteran who is rated as totally disabled because of individual unemployability may apply for and pursue a program of Vocational Rehabilitation without jeopardizing the total disability rating. Even if the veteran is then rehabilitated and obtains employment, the total disability rating will continue undisturbed for a minimum of twelve (12) additional months before action is begun to reduce the rating, to allow the veteran time to demonstrate that he or she is able to *maintain* substantially gainful employment and is no longer unemployable.

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SAMPLE COPY

OMB Approved No. 2900-0009
Respondent Burden: 15 Minutes

Department of Veterans Affairs				
DISABLED VETERANS APPLICATION FOR VOCATIONAL REHABILITATION (Chapter 31 - Title 38, U.S.C.)				
PURPOSE OF VOCATIONAL REHABILITATION: Vocational rehabilitation provides the services and assistance eligible disabled veterans need to get and keep a suitable job. If employment is not reasonably feasible, vocational rehabilitation can help eligible disabled veterans achieve maximum independence in their daily living activities.				
IMPORTANT: To see if you should fill out this form, please read the information on the back of the form.				
1. FIRST, MIDDLE, LAST NAME OF VETERAN Joseph C. Smith		2. SOCIAL SECURITY NO. 123-45-0000		3. VA FILE NO. (if different from Item 2) 16 841 230-00
4A. MAILING ADDRESS (No. and street or rural route, city, State, and ZIP Code) 1 Army Ln. Santa Ana, CA 46600		5. DAYTIME TELEPHONE (Include Area Code) (714) 555-1212	6. EVENING TELEPHONE (Include Area Code) (714) 555-1212	7. DATE OF BIRTH 01/02/1970
4B. E-MAIL ADDRESS OF VETERAN NONE		8. VA OFFICE WHERE RECORDS ARE LOCATED OAKLAND, CA		9. YEARS OF EDUCATION 12
10. IF YOU ARE MOVING WITHIN THE NEXT 30 DAYS, GIVE YOUR FUTURE ADDRESS N/A	11. LIST ANY PREVIOUS VOCATIONAL REHABILITATION PROGRAMS YOU HAVE BEEN IN AND GIVE THE DATES (Include both VA and non-VA programs) NONE		(DO NOT WRITE IN THIS SPACE) (VA DATE STAMP)	
12. SERVICE INFORMATION (Enter the following information for each period of active duty, Show ALL active duty)				
SERVICE NUMBER (Prefix and suffix) (A) 123 45 0000	BRANCH OF SERVICE (B) USMC	DATE ENTERED ACTIVE DUTY (C) 02/06/1990	DATE LEFT ACTIVE DUTY (D) 02/05/1994	TYPE OF SEPARATION OR DISCHARGE (E) Honorable
13. IF YOU ARE NOW WORKING				
A. NAME AND ADDRESS OF EMPLOYER NONE		B. DUTIES OF YOUR JOB N/A		C. MONTHLY SALARY OR WAGES \$ N/A
14. IF YOU ARE NOW HOSPITALIZED, WHAT IS THE NAME AND ADDRESS OF YOUR HOSPITAL? NO				
15. WHAT BARRIERS (For example, medical conditions and skill needs) DO YOU FEEL REDUCE YOUR ABILITY TO GET OR HOLD A SATISFACTORY JOB? Service Connected Bilateral Knees (40%). I can not stand for any length of time and therefore I can not continue in my profession as a barber.				
16. BASED ON WHAT YOU KNOW ABOUT THE VOCATIONAL REHABILITATION PROGRAM, WHAT GOAL DO YOU WANT VOCATIONAL REHABILITATION TO HELP YOU REACH? Obtain an education/training to prepare me for gainful employment				
I HEREBY CERTIFY THAT all the information I have entered on this form is true and complete to the best of my knowledge and belief. I realize that making willful false statements concerning a material fact in a claim for vocational rehabilitation benefits is a punishable offense that may result in fine or imprisonment or both.				
17A. SIGNATURE OF APPLICANT (Do not print) (Sign in ink) 			17B. DATE 01-03-05	

VAFORM 28-1900
DEC 1999

EXISTING STOCK OF VA FORM 28-1900, JUN 1999, WILL BE USED.

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— Notes —

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Study Questions:

Using the assigned references and reading materials, answer the following questions:

1. There is no requirement that a veteran be disabled to pursue a program of Vocational Rehabilitation. (T/F)
2. May an active duty service member receive payments for pursuing a program of Vocational Rehabilitation before separation from active duty? (Y/N)
3. Generally, how long may a veteran in a program of Vocational Rehabilitation pursue a course of education or training?
 - a. 36 months
 - b. 45 months
 - c. 48 months
 - d. As long as is necessary
4. While training in a program of Vocational Rehabilitation, the veteran may be entitled to which of the following:
 - a. VA payment for costs of training, including tuition and fees, books and supplies, and tools and uniforms.
 - b. Any medical and/or dental care necessary to allow the veteran to continue training, or reimbursement for the costs of such care.
 - c. Payment of a monthly subsistence allowance including additional amounts for dependents, if any.
 - d. All of the above.
5. Generally, a veteran has 12 years from the date of separation from service or 12 years from the date VA notifies him or her of qualifying disability, whichever is the later, to complete a program of Vocational Rehabilitation. (T/F)
6. When a veteran applies for Vocational Rehabilitation, he or she must undergo counseling and evaluation to determine whether there is an employment handicap, and if so, whether a rehabilitation program is feasible. (T/F)

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7. All Vocational Rehabilitation services terminate when the veteran completes the chosen course of education or training. (T/F)
8. If a veteran has been provided Vocational Rehabilitation services and determined to be rehabilitated to the point of employment, he or she may later be authorized further rehabilitation services if:
 - a. The veteran's service-connected disability has become more severe, so that the occupation for which the veteran was rehabilitated is no longer suitable or feasible.
 - b. The veteran is underemployed and feels frustrated over the lack of advancement possibilities.
 - c. Since being rehabilitated, the requirements for the occupation for which the veteran was rehabilitated have materially changed so that the veteran is no longer capable of performing the duties required for that occupation.
 - d. Either a. or c., above.
9. If a service-disabled veteran who has been rated as totally disabled because of individual unemployability begins a program of Vocational Rehabilitation, the rating of individual unemployability will be reduced:
 - a. Immediately.
 - b. Never—individual unemployability must be shown to be permanent at the time it is assigned, so whatever happens thereafter is irrelevant.
 - c. At the time the veteran is declared to be rehabilitated.
 - d. After the veteran has been declared rehabilitated, has been placed in a suitable employment situation, and has maintained that employment for at least 12 months.
10. Besides courses of education and/or training, the Vocational Rehabilitation program may also provide instruction and training for very severely disabled veterans to assist them in attaining the maximum degree of independent living possible. (T/F)