

TRAINING MODULE 13
Study Plan
VOCATIONAL REHABILITATION

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.

Vocational Rehabilitation and Counseling Procedures Manual M28-1.

Adjudication Manual M21-1, Part IV, Chapter 23, paragraph 23.09

Adjudication Manual M21-1MR (Manual Rewrite), Part 9, Subpart I, Chapter 1.

VA Pamphlets: 28-82-1, *Vocational Rehabilitation—Making It All Possible*;

80-05-1, *Federal Benefits for Veterans and Dependents*.

Instructions:

Study the assigned reference materials 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 to 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 must not be viewed as a supplement to or a substitute or replacement for VA education assistance benefits available under other programs.

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 disability (including multiple noncompensable conditions for which compensation at the 10% rate is paid 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) do not qualify.

TRAINING MODULE 13

Study Plan

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 is the later. This may be extended for 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 except 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. To apply, complete VA Form 28-1900.

When an application is received and it is established that a qualifying degree of 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. VA provides counseling services, including educational, vocational, personal, and employment counseling are available, as well as career planning and job placement services.

TRAINING MODULE 13

Study Plan

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 able to obtain employment, the total disability rating will continue undisturbed for a minimum of 12 months so the veteran can demonstrate that he or she is able to maintain substantially gainful employment, and is no longer unemployable.

TRAINING MODULE 13

Study Plan

Study Questions: Vocational Rehabilitation

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.
 - a. True
 - b. False

2. A veteran normally must have a minimum disability rating of _____ to be eligible for Vocational Rehabilitation.

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.
 - a. True
 - b. False

TRAINING MODULE 13

Study Plan

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.
 - a. True
 - b. False

7. 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.

8. 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.
 - a. True
 - b. False

TRAINING MODULE 13
Study Plan

FORMS

VOCATIONAL REHABILITATION

VA Form 28-1900 - Application for Vocational Rehabilitation