Rating Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference

Instructor Lesson Plan

Time Required: Two (2) Hours

**Table of Contents**

[Lesson Description 2](#_Toc444696467)

[Introduction to Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference 5](#_Toc444696468)

[Topic 1: Automobile and Adaptive Equipment Allowance 8](#_Toc444696469)

[Topic 2: Special Adapted Housing and Special Housing Adaptation 14](#_Toc444696470)

[Topic 3: Veterans Civil Service Preference 20](#_Toc444696471)

[Practical Exercise 22](#_Toc444696472)

[Lesson Review, Assessment, and Wrap-up 23](#_Toc444696473)

|  |  |
| --- | --- |
| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4180566 |
| Prerequisites | Prior to this lesson, the Rating Veteran Service Representatives (RVSRs) should have 24 months of RVSR experience. Trainees should also have completed all RVSR lessons prior to this one in the curriculum. |
| target audience | The target audience for Rating Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference is RVSR, Entry, Intermediate or Journey Level.  Although this lesson is targeted to teach the RVSR, Entry, Intermediate or Journey Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | Two (2) hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Rating Issues with Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference PowerPoint Presentation * Rating Issues with Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference Trainee Handouts |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment * VBA Intranet * VBMS-R |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

|  |  |  |
| --- | --- | --- |
| Introduction to Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | .25 hours (15 minutes) |
| Purpose of Lesson  Explain the following: | | The purpose of this lesson is to provide the student with the requirements for special ancillary benefits that require a rating decision to determine eligibility.  This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * Automobile and Adaptive Equipment Allowance * Special Adapted Housing and Special Housing Adaptation * Veterans Civil Service Preference |
| Lesson Objectives  Discuss the following:  Slide 5, 16, 26  Handout 2 | In order to accomplish the purpose of this lesson, the RVSR will be required to accomplish the following lesson objectives.  TheRVSRwill be able to:   * Identify who qualifies for financial assistance for conveyance * Understand the general differences between financial assistance for conveyance and adaptive equipment * Identify who qualifies for automobile adaptive equipment allowance * Understand when to address claims for automobile and adaptive equipment * Understand the general difference between special adapted housing (SAH) and special housing adaptation (SHA) * Identify who qualifies for SAH * Identify who qualifies for SHA * Recognize when the VSC will make a basic eligibility determination for SAH and SHA * Understand the value of Veterans civil service preference * Identify who qualifies for civil service preference * Understand when a rating is required for civil service preference | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | Erroneous grants of these benefits may result in tens of thousands of dollars in overpayments to Veterans who are not eligible. Not only does this hurt the Veteran financially, but also causes more work for claims processors. Therefore, it is important to understand when a Veteran is entitled to Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and/or Veterans Civil Service Preference and apply the laws accordingly. | |
| STAR Error code(s) | Failure to address Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and/or Veterans Civil Service Preference could result in an A1 or A2 STAR error (Were all claimed issues addressed?/Were all unclaimed subordinate and/or ancillary issues addressed?).  Additionally, a D1 error (Are all effective dates affecting payment correct?) could occur if the assigned effective date is incorrect for entitlement effective date. | |
| References  Slide 2-3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [Public Law 112-154, Title II, Housing Matters](https://www.gpo.gov/fdsys/pkg/PLAW-112publ154/html/PLAW-112publ154.htm) * [Public Law 112-154, Section 702, Assistance to veterans affected by natural disasters](https://www.gpo.gov/fdsys/pkg/PLAW-112publ154/html/PLAW-112publ154.htm) * [38 U.S.C. Chapter 21, Specially adapted housing for disabled Veterans](https://www.law.cornell.edu/uscode/text/38/part-II/chapter-21) * [38 U.S.C. Chapter 39, Automobiles and adaptive equipment for certain disabled Veterans and members of the armed forces](https://www.law.cornell.edu/uscode/text/38/part-III/chapter-39) * [38 C.F.R. 3.357, Civil service preference ratings](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1357) * [38 C.F.R. 3.383, Special consideration for paired organs and extremities](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1383) * [38 C.F.R. 3.808, Automobiles or other conveyances and adaptive equipment; certification](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1808) * [38 C.F.R. 3.809, Specially adapted housing under 38 U.S.C. 2101(a)(2)(A)(i)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1809) * [38 C.F.R. 3.809a, Special home adaptation grants under 38 U.S.C. 2101(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1809a) * [M21-1, Part III, Subpart iv, 6.B.2, Considering Subordinate Issues and Ancillary Benefits](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#agent/portal/554400000001034/article/554400000014205/M21-1-Part-III-Subpart-iv-Chapter-6) * [M21-1, Part IX, Subpart i, 2, Automobile and Adaptive Equipment Allowance Under 38 U.S.C. Chapter 39](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014997/M21-1-Part-IX-Subpart-i-Chapter-2-A) * [M21-1, Part IX, Subpart i, 3, Specially Adapted Housing (SAH) or Special Housing Adaptation (SHA) Grants](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015030/M21-1-Part-IX-Subpart-i-Chapter-3-S) * [M21-1, Part IX, Subpart ii, 2.7, Rating Determination for Veteran’s Civil Service Disability Preference](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/" \l "!agent/portal/554400000001034/article/554400000015112/M21-1-Part-IX-Subpart-ii-Chapter-2) * [VAOPGCPREC 60-90, Entitlement to Special Monthly Compensation Pursuant to 38 U.S.C. 314; Specially Adapted Housing Pursuant to 38 U.S.C. 801; and Automobiles and Adaptive Equipment Pursuant to 38 U.S.C. 1901](http://www4.va.gov/ogc/docs/1990/PREC_60-90.doc) * [VBMS-Rating User Guide](http://vbaw.vba.va.gov/VBMS/Resources_Technical_Information.asp) | |

|  |  |
| --- | --- |
| Topic 1: Automobile and Adaptive Equipment Allowance | |
| Introduction | This topic will allow the trainee to apply the necessary references to determine a Veteran's eligibility for automobile and adaptive equipment allowance. |
| Time Required | 0.5 hours (30 minutes) |
| OBJECTIVES/ Teaching Points *Slide 5* | Topic objectives:   * Identify who qualifies for financial assistance for conveyance * Understand the general differences between financial assistance for conveyance and adaptive equipment * Identify who qualifies for automobile adaptive equipment allowance * Understand when to address claims for automobile and adaptive equipment |
| Purpose of Automobile and Adaptive Equipment Allowance  Slide 6  Handout 4 | Service members and Veterans may be eligible for a one-time payment of not more than $20,114.34 toward the purchase of an automobile or other conveyance if you have certain service-connected disabilities. The grant is paid directly to the seller of the automobile and the service member or Veteran only receives the automobile grant once in his/her lifetime.  Certain service members and Veterans may also be eligible for adaptive equipment. Adaptive equipment includes, but is not limited to, power steering, power brakes, power seats, and special equipment necessary to assist the eligible person into and out of the vehicle.  VA may provide financial assistance in purchasing adaptive equipment more than once. This benefit is payable to either the seller or the Veteran or service member.  Important: Veterans or service members should have prior VA approval before purchasing an automobile or adaptive equipment. However, retroactive benefits may be paid if the Veteran was eligible at the time of the purchase. |
| Who Qualifies for Financial Assistance for Automobile Allowance?  Slide 7  *Handout 4* | To be eligible for financial assistance in purchasing a new or used automobile (or other conveyance), a Veteran or serviceperson must have acquired one of the following disabilities as a result of injury or disease incurred or aggravated during active military service, or as a result of medical treatment or examination, vocational rehabilitation, or compensated work therapy provided by the Department of Veterans Affairs (VA) (38 U.S.C. 1151):   * loss, or permanent loss of use, of one or both feet * loss, or permanent loss of use, of one or both hands, * permanent impairment of vision in both eyes with a * central visual acuity of 20/200 or less in the better eye with corrective glasses, or * central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field has an angular distance no greater than 20 degrees in the better eye, or * a severe burn injury defined as disability caused by deep partial thickness or full thickness burns resulting in scar formation that causes contractures and limits motion of one or more extremities or the trunk and precludes effective operation of an automobile, or * Amyotrophic lateral sclerosis (ALS).   **Notes:**   * Per VAOPGCPREC 60-09, eligibility for an automobile grant may be based on functional as well as organic loss of use of an extremity or blindness. Example: A conversion reaction may cause functional, as opposed to organic, blindness. * Eligibility based on burn injury only applies to claims filed on or after October 1, 2011.   **References:** For more information on the eligibility requirements for the automobile allowance and adaptive equipment, see   * 38 CFR 3.808, * 38 U.S.C. Chapter 39, and * Public Law (PL) 111-275, Veterans Benefits Act of 2010. |
| Certificates of Eligibility for Financial Assistance for Automobile Allowance  *Slide 8*  *Handout 5* | A certificate of eligibility for financial assistance in the purchase of a new or used automobile or other conveyance (such as a van, truck, jeep, or station wagon) may be made to a Veteran who meets the eligibility requirements:   * Once in his/her lifetime * *Exception:* Assistance with a second automobile or conveyance may be authorized when the first vehicle purchased with assistance was destroyed as a result of natural or other disaster; the destruction was not the Veteran’s fault; or the Veteran does not receive compensation for the loss from a property insurer. * In an amount not exceeding specified amount, or the total purchase price (taxes included) of the vehicle, whichever is less.   **Note:** Payments for the automobile must be paid directly to the seller of the automobile, not the Veteran.  A reduction in benefits may take place in cases where a judgement or settlement of a tort claim against the United States is granted for a disability established under 38 U.S.C. 1151 in certain cases. Refer to the manual for these circumstances. |
| Who Qualifies for Automobile Adaptive Equipment Allowance?  Slide 9  Handout 5 | A Veteran or serviceperson who qualifies for the automobile allowance also qualifies for adaptive equipment. To be eligible to receive only adaptive equipment (as opposed to the automobile allowance), the Veteran or serviceperson must be entitled to disability compensation for ankylosis of one or both knees or hips based on:   * the establishment of service connection (SC), or * entitlement under [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001151----000-.html) as the result of   + VA treatment or examination   + compensated work therapy, or   + vocational training under [38 U.S.C. Chapter 31](http://law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_31.html).   The term adaptive equipment includes, but is not limited to power steering; power brakes; power window lifts; power seats; and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance.  The adaptive equipment benefit may be paid more than once, and it may be paid to either the seller or the Veteran.  Adaptive equipment may be furnished to a beneficiary utilizing vocational training under [38 U.S.C. Chapter 31](http://law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_31.html), if Vocational Rehabilitation and Employment (VR&E) determines equipment is necessary to overcome an employment handicap to which a service connected disability materially contributes, and achieve the goals of the program of rehabilitation.  **Reference**: For more information on ankylosis of one (or both) knees or hips, see [38 U.S.C. 3902(b) (2)](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00003902----000-.html).  Although compensation for disability of paired service connected and non-service connected organs is payable under 38 C.F.R. 3.383, a Veteran will not qualify for the benefit based on visual impairment if the impairment of vision in one eye is due to a non-service connected disease or injury. |
| Determining Eligibility for Automobile or Adaptive Equipment based on Burn Injury  *Slide 10*  *Handout 6* | Claims for automobile or adaptive equipment based on burn injury should be referred to rating activity after necessary development. RVSRs should review the claim for:   * any full thickness or deep partial thickness scars that cause contracture and limit motion of one or more extremities or the trunk, and * medical and lay evidence statements for credible evidence that the burn injury precludes effective operation of an automobile.   For VA purposes, deep partial thickness burns occur when there is complete destruction of the epidermis and severe damage to the dermal layer. Full thickness burns occur when there is complete destruction of the epidermis and dermis. There may also be damage to the underlying subcutaneous fat layer.  Note: an examination may be necessary to clarify the extent of the disability or to request a link to the service connected injury. Do not request a medical opinion as to whether the functional limitation of the severe burn scar prevents effective operation of an automobile, as this is a legal determination. |
| Reduction of Benefits  Slide 11  Handout 7 | A reduction in benefits may take place in cases where a judgement or settlement of a tort claim against the United States is granted for a disability established under 38 U.S.C. 1151 in certain cases. Refer to the manual for these circumstances. |
| Claims for Automobile and Adaptive Equipment Allowance  Slide 12  Handout 6 | Though most claims for automobile and adaptive equipment allowance are inferred in the rating decision, there may be cases in which the Veteran submits a claim on his/her own.  Upon receipt of the application, prior to referring the claim to the RVSR, an EP 290 is established and notice is sent to the Veteran.  Refer to the manual for instruction on handling incomplete applications.  *Automobile Allowance*  There is no time limit for filing a claim. A formal claim is required and can be submitted on a [VA Form 21-4502, Application for Automobile or Other Conveyance and Adaptive Equipment](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-4502-ARE.pdf) by the Veteran or the spouse-payee in the case of an incompetent Veteran. The application contains a list of adaptive equipment that has been preapproved for particular disabilities.  *Adaptive Equipment Only*  There is no time limit for filing a claim based on ankylosis. A formal claim is required and can be submitted on a [VA Form 10-1394, Application for Adaptive Equipment – Motor Vehicle](http://vaww.va.gov/vaforms/medical/pdf/10-1394-fill.pdf). Typically this form is provided by an outpatient clinic to the Veteran for forwarding to finance activity or submitted by the prosthetics department on the Veteran’s behalf to local finance activity. |
| Addressing Claims for Automobile and Adaptive Equipment in the Rating Decision  Slide 12  *Handout 7* | If a prior rating did not establish the existence of a qualifying service connected disability, refer the case to rating activity after any necessary development.  A rating decision is to be prepared whenever:   * a claim for automobile or adaptive equipment is received from a Veteran or serviceperson and the issue has not been previously considered, or * the issue of eligibility for automobile or adaptive equipment is inferred from a disability rating that fulfills the applicable disability criteria   Rating decisions finding eligibility to adaptive equipment *only*, **MUST** be clear that it does *not* include the automobile allowance. |
| Review  *Slide 13* | Review and discuss the objectives with trainees:   * Identify who qualifies for financial assistance for conveyance * Understand the general differences between financial assistance for conveyance and adaptive equipment * Identify who qualifies for automobile adaptive equipment allowance * Understand when to address claims for automobile and adaptive equipment |
| DEMONSTRATION | Demonstrate the drop-down menu in VBMS-R for proper input of selection. Refer trainees to Attachment B. |

|  |  |
| --- | --- |
| Topic 2: Special Adapted Housing and Special Housing Adaptation | |
| Introduction | This topic will allow the trainee to apply the necessary references to determine a Veteran's eligibility for special adapted housing and special housing adaptation. |
| Time Required | 0.5 hours (30 minutes) |
| OBJECTIVES/ Teaching Points *Slide 16* | Topic objectives:   * Understand the general difference between special adapted housing (SAH) and special housing adaptation (SHA) * Identify who qualifies for SAH * Identify who qualifies for SHA * Recognize when the VSC will make a basic eligibility determination for SAH and SHA |
| Purpose of Special Adapted Housing and Special Housing Adaptation  Slide 17  Handout 8 | Two types of grants to assist eligible seriously disabled Veterans and service members to adapt housing to their special needs are administered by the Department of Veterans Affairs:   * Special Adapted Housing (SAH) entitlement – grant of not more than 50 percent of the cost of a specially adapted house, up to the total maximum allowable by law. Examples of SAH include: * Constructing a specially adapted home on land to be acquired; * Build a home on land already owned if it is suitable for specially adapted housing; * Remodel an existing home if it can be made suitable for specially adapted housing; * Apply the grant against the unpaid principal mortgage balance of an adapted home already acquired without the assistance of a VA grant. * Special Housing Adaptation (SHA) entitlement – grant for the actual cost to adapt a house or for the appraised market value of necessary adapted features already in a house when it was purchased, up to the total maximum allowable by law. Examples of SHA include: * Adapting an existing home the Veteran or a family member already owns in which the Veteran lives * Adapting a home the Veteran or family member intends to purchase in which the Veteran will live * Helping a Veteran purchase a home already adapted in which the Veteran will live   The SAH and SHA benefit amount is set by law, but may be adjusted upward annually based on cost-of-construction index. The maximum dollar amount allowable for SAH grants in fiscal year 2016 is $73,768. The maximum dollar amount allowable for SHA grant in fiscal year 2016 is $14,754. No individual may use the grant benefit more than three times up to the maximum dollar amount allowable.  A temporary grant may be available to SAH/SHA eligible Veterans and service members 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 $32,384 and for the SHA grant is $5,782.  **Notes:**   * Under 38 U.S.C. 2101A, 38 C.F.R. 3.809, and 3.809a, grants may be made to active duty members of the Armed Forces who meet the criteria for benefits based on disabilities incurred or aggravated in the line of duty. * Under 38 U.S.C. 2102(d), a claimant may receive up to three awards of SAH or SHA benefits, as long as the total amount received does not exceed the statutory amount of entitlement. |
| Who Qualifies for Special Adapted Housing (SAH)?  Slide 18  Handout 9 | Eligibility for assistance in acquiring SAH exists when:   * A Veteran is entitled to compensation under 38 U.S.C. Chapter 11 for a permanently and totally disabling qualifying condition, or * A service member on active duty has a permanently and totally disabling qualifying condition incurred or aggravated in the line of duty.   Qualifying conditions include:   * Amyotrophic lateral sclerosis (ALS) * Loss or loss of use of   + Both lower extremities   + One lower extremity and one upper extremity affecting balance or propulsion   + One lower extremity plus residuals of organic disease or injury affecting balance or propulsion such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair (preclude location meaning the necessity for regular use of a wheelchair, braces, crutches or canes as a normal mode of locomotion, although occasional locomotion by other means may be possible) * Loss or loss of use of both upper extremities precluding use of the arms at or above the elbow * Blindness in both eyes, having light perception only, and the loss of use of one lower extremity, or * A severe burn injury with full thickness or subdermal burns that have resulted in contractures with limitation of motion of   + Two or more extremities, or   + At least one extremity and the trunk   **Notes:**   * Even though compensation may be payable under 38 C.F.R. 3.383, claimants do not qualify for SAH grants if they suffered a loss of paired service connected and non-service connected organs or extremities. * Compensation under 38 U.S.C. Chapter 11 includes compensation for service-connected disabilities and disabilities “as if” SC under 38 U.S.C. 1151. * The use of prosthesis is eligible for entitlement to SAH, as a prosthetic device is equivalent of the use of braces under the regulation. * Effective October 1, 2012, PL 112-154, “Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012,” added new, temporary SAH. * Although 38 C.F.R. 3.809 provides that ALS is a qualifying condition for SAH when evaluated 100 percent disabling under diagnostic code 8017, whenever there is a diagnosis of ALS there is a qualifying condition for SAH purposes. * A Veteran’s entitlement to a total rating based on individual unemployability pursuant to 38 CFR 4.16, satisfies the requirement for a total SC disability for SAH purposes. |
| Temporary SAH Criteria Under PL 112-154  *Slide 19*  *Handout 10* | Section 202 of PL 112-154 amended 38 U.S.C. 2101(a) (2) to temporarily expand eligibility for SAH for Veterans who served and became permanently disabled on or after September 11, 2001. The statutory change went into effect October 1, 2012.  The amendment adds a basis for qualification for SAH: permanent loss or loss of use of one or more lower extremities, severely affecting the functions of balance or propulsion as to preclude locomotion without the use of braces, crutches, canes or a wheelchair.  The law, as extended by PL 114-58, authorizes SAH assistance only for applications approved by September 30, 2016.  Refer to manual for additional notes. |
| Who Qualifies for Special Housing Adaptation (SHA)?  Slide 19 & 20  Handout 10 | Eligibility for assistance in acquiring SHA exists when:   * A Veteran is entitled to compensation under 38 U.S.C. 11 for a qualifying condition, or * A service member on active duty has a qualifying condition incurred or aggravated in the line of duty.   Qualifying conditions are:   * Blindness with visual acuity of 20/200 or less in each eye * Permanent and total disability from loss or loss of use of both hands, or * Permanent and total disability from a severe burn injury * Deep partial thickness burns that have resulted in contractures with limitation of motion of * Two or more extremities, or * At least one extremity *and* the trunk * Full thickness or subdermal that have resulted in contractures with limitation of motion of * One or more extremities, or * The trunk, or * Residuals of an inhalation injury, including, but not limited to * Pulmonary fibrosis * Asthma, or * Chronic obstructive pulmonary disease (COPD)   **Notes:**   * Eligibility only exists for SHA if the claimant is not entitled to, and has not previously received SAH. * Even though compensation may be payable under 38 C.F.R. 3.383, claimants do not qualify for SHA grants if they suffered a loss of paired service connected and non-service connected organs or extremities. * Compensation under 38 U.S.C. Chapter 11 includes compensation for service connected disability as well as for disabilities “as if” service connected under 38 U.S.C. 1151. * Blindness is assessed based on central distance visual acuity with the use of a standard correcting lens. * For SHA purposes a visual field that subtends an angle no greater than 20 degrees is considered the equivalent of 20/200 visual acuity. This is synonymous with average contraction of the visual field to no more than 20 degrees. * Effective October 1, 2012, PL 112-154 changed the visual acuity standard for SHA from 5/200 to 20/200, added the visual field equivalent and removed the requirement that visual impairment be permanently and totally disabling. * Qualification for SHA based on respiratory disorders requires more than a showing of a permanent and total disability from a respiratory diagnosis such as pulmonary fibrosis, asthma, or COPD. The diagnosis must have resulted from an inhalational injury caused by breathing steam or toxic fumes, gases, and mists present in a fire environment (including, but not limited to, acrolein, chlorine, phosgene, and nitrogen dioxide. |
| Reduction in Benefits  Slide 21  Handout 11 | A reduction in benefits may take place in cases where a judgement or settlement of a tort claim against the United States is granted for a disability established under 38 U.S.C. 1151 in certain cases. Refer to the manual for these circumstances. |
| When to Address SAH/SHA Eligibility Determination  *Slide 22*  *Handout 11* | The Veterans Service Center will make a SAH/SHA basic eligibility determination when:   * A [VA Form 26-4555, Veteran’s Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-26-4555-ARE.pdf) is filed with a Regional Loan Center (RLC), **or** * A claim is filed with the VSC on a VA Form 26-4555 or another valid VA form, **or** * The VSC grants a benefit that results in a subordinate issue of eligibility to the ancillary benefit of SAH/SHA.   The documents are reviewed, if a determination to basic eligibility entitlement was previously granted, no action is needed by the VSC.  If a determination has not yet been completed, the VSC will complete a basic eligibility determination. After all necessary development has been completed, the claim is sent to rating activity who prepares a rating decision on basic eligibility.  **Note:**   * The VSC will not make a basic eligibility determination when basic eligibility as already been established. * Use of VA Form 26-4555 is a prerequisite to the allowance of SAH/SHA by the RLC but is not a prerequisite to VSC action on the determination of basic entitlement. |
| Review  *Slide 23* | Review and discuss the objectives with trainees:   * Understand the general difference between special adapted housing (SAH) and special housing adaptation (SHA) * Identify who qualifies for SAH * Identify who qualifies for SHA * Recognize when the VSC will make a basic eligibility determination for SAH and SHA |
| DEMONSTRATION | Demonstrate the drop-down menu in VBMS-R for proper input of selection. Refer trainees to Attachment B.  Refer trainees to Attachment A and review. |

|  |  |
| --- | --- |
| Topic 3: Veterans Civil Service Preference | |
| Introduction | This topic will allow the trainee to apply the necessary references to determine a Veterans eligibility for civil service preference. |
| Time Required | .25 hours (15 minutes) |
| OBJECTIVES/ Teaching Points Slide 26 | Topic objectives:   * Understand the value of Veterans civil service preference * Identify who qualifies for civil service preference * Understand when a rating is required for civil service preference |
| Purpose of Veterans Civil Service Preference  Slide 27  Handout 12 | Federal agency hiring practices as administered by the Office of Personnel Management (OPM) and title 5 USC provide a 5 or 10 point increase on examination or rating scores if the applicant meets certain specific criteria. This is known generally as the “veterans preference.” This can prove to be of significant value for those veterans seeking federal employment. |
| Who Qualifies for Civil Service Preference?  *Slide 28*  *Handout 12* | Basic eligibility for civil service preference requires an honorable or under honorable conditions (general) discharge from active military service. Active duty for training or service in the National Guard or Reserve components is NOT qualifying service, even if S/C has been established for a disability incurred/aggravated by such service. However, if the Guard or Reserve unit to which the veteran was assigned was ordered to active duty under title 10 USC, it becomes qualifying service. |
| Certifying Civil Service Disability Preference  Slide 29  Handout 12 | For the purpose of certifying civil service disability preference, a service connected disability may be assigned an evaluation of "*less than ten percent*" for any directly or presumptively service connected disease or injury that exhibit some extent of actual impairment. |
| Requirements for Civil Service Evaluations  *Slide 29*  *Handout 12* | For noncombat disabilities, there must be ascertainable residuals before a “*less than ten percent*” evaluation may be assigned for civil service preference purposes. ***Ascertainable residuals*** means symptoms that can be objectively verified on examination.  ***Note*:** Combat incurred non-compensable disabilities warrant an evaluation of “*less than ten percent*.” |
| When is a Rating Required?  Slide 29  Handout 12 | Ratings are only required if the Veteran claims preference based on S/C disability (10-point preference) and no previous rating has established entitlement to compensation (which includes entitlement to SMC only or to a 10% evaluation under 38 CFR 3.324 for multiple non-compensable disabilities). |
| What to Include in the Rating Narrative for Civil Service Preference Determinations  Slide 29  Handout 12 | In the *Narrative* of the civil service preference determination, show the DC, diagnosis, and an evaluation of either   * “*less than ten percent*,” or * “*The noncompensable service-connected disabilities have no ascertainable residuals*.” |
| Review  *Slide 30* | Review and discuss with trainees:   * Understand the value of Veterans civil service preference * Identify who qualifies for civil service preference * Understand when a rating is required for civil service preference |
| DEMONSTRATION | Demonstrate the drop-down menu in VBMS-R for proper input of selection. Refer trainees to Attachment B. |
| Regional Office Specific Topics | At this time add any information pertaining to:   * Station quality issues with this lesson * Additional State specific programs/guidance on this lesson |

|  |  |
| --- | --- |
| Practical Exercise | |
| Time Required | 0.5 hours (30 minutes) |
| EXERCISE | Complete the Practical Exercise on pages 17-19 in Student Handout. Students will have about 20 minutes to complete this task, spend 10 minutes discussing answers.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |

|  |  |
| --- | --- |
| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Rating Issues with Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | .25 hours (15 minutes) |
| Lesson Objectives | You have completed the Rating Issues with Automobile and Adaptive Equipment Allowance, Special Adapted Housing and Special Housing Adaptation, and Veterans Civil Service Preference lesson.  The trainee should be able to:   * Identify who qualifies for financial assistance for conveyance * Understand the general differences between financial assistance for conveyance and adaptive equipment * Identify who qualifies for automobile adaptive equipment allowance * Understand when to address claims for automobile and adaptive equipment * Understand the general difference between special adapted housing (SAH) and special housing adaptation (SHA) * Identify who qualifies for SAH * Identify who qualifies for SHA * Recognize when the VSC will make a basic eligibility determination for SAH and SHA * Understand the value of Veterans civil service preference * Identify who qualifies for civil service preference * Understand when a rating is required for civil service preference |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. |