

# **Standard Operating Procedures (SOP) Case Closure Accuracy (CCA) Review Quality Assurance (QA) Reviews**

## **Purpose**

The purpose of this document is to provide a guide for completing a CCA QA review.

## **Responsibilities**

Cases are randomly selected for review by the Office of Performance Analysis and Integrity (PA&I) based on business rules provided by Vocational Rehabilitation and Employment (VR&E) Service each Fiscal Year. The VR&E Service Systematic Technical Accuracy Review (STAR) Team conducts national QA reviews, and the VR&E Officer (VREO) or designee conducts the Local QA reviews for the VR&E Division. A Qualified QA Reviewer is defined as a Vocational Rehabilitation Counselor (VRC) at the journeyman level, who has a supervisory role, or whose performance level is outstanding or excellent. A designated Reviewer cannot review any of his/her assigned cases.

The review is based on the United States Code (USC), Code of Federal Regulations (CFR), VR&E Procedural Manual (M28R), and other guidance (Policy Advisories, Circulars, Letters, and emails). Due to the nature of the services provided by VR&E, professional judgement must be used in some instances.

## **Prerequisites**

The Reviewer must complete the QAWeb training before being designated as a QA Reviewer and obtaining access to the QA Web system.

## **Selection Criteria**

To be selected for a CCA review, a case must have entered Rehabilitated or Discontinued status in the month prior to selection for review.

## **Scope**

The CCA review includes all case closure activities. The review period begins when the Veteran:

- Obtains employment and is in Job Ready status.
- 2 months prior to closure if unemployed after receiving 18 months of employment services.
- Determines they will pursue further education rather than seeking employment.
- Is placed in Interrupted status with no planned date of reentrance.
- Does not reenter planned services from interruption as planned, leading to case closure.
- Successfully completes Independent Living services.

## **Responses**

When reviewing a VR&E record for quality, a question has three possible responses: Yes, No, or Not Applicable (NA). Scores are calculated by dividing the number of Yes responses by the total number of Yes + No responses. NA responses are not included in the score calculation. Some questions (1,

2, 3, etc.) have reasons (1.A, 1.B, 1.C, etc.) listed to provide more specific detail on errors cited. This will help improve tracking and identify need for clarification or training.

## Accuracy Scores

The CCA reviews provide the Program Outcome Accuracy (POA) score and contribute to the Evaluation, Planning, Rehabilitation Services Accuracy (EPRSA) and Overall Accuracy scores.

POA measures the accuracy of the decision to close the case. Responses to questions 13 (Rehabilitation), 14 (Discontinuance – non-Maximum Rehabilitation Gain (MRG)), and 15 (MRG) in CCA reviews are used to calculate this accuracy score. Note that only one of those three questions will be applicable to an individual case review.

EPRSA measures the accuracy of Chapter 31 services. All applicable questions from all Chapter 31 reviews will be used to calculate the EPRSA score.

Overall Accuracy measures the accuracy of Chapter 31 and Chapter 36 cases. All applicable questions from all Chapter 31 and Chapter 36 reviews will be used to calculate the Overall Accuracy score.

## SOP Guidance

The guidance below lists the policy and procedures examined for each question. The SOP document may serve as a guide for reviewing the quality of VR&E service provision. Please note the following definitions:

- **Must:** An unconditional requirement. VR&E staff must comply with the policy or procedure when it is relevant to the case.
- **Should:** Presumptively mandatory requirement. VR&E staff must comply with the policy or procedure when relevant to the case except in rare circumstances when the policy or procedure cannot be met. Reasons for not following the guidance must be documented.

Please note, where appropriate, the term Veteran refers to Servicemembers and Veterans (SM/V).

All Closures		
<b>1.</b>	<b>Was data entered correctly and consistently in the VR&amp;E record?</b>	
	<b>Considerations</b>	<b>Citations</b>
	All data must be entered accurately into the VA systems and must be consistent with the data contained in the VR&E record.	M28R.III.A.2
<b>1.A</b>	<b>Placement date was not consistent.</b>	
<b>1.B</b>	<b>Employer information was not consistent.</b>	
<b>1.C</b>	<b>Job title and duties were not consistent.</b>	
<b>1.D</b>	<b>Post-employment salary was not consistent.</b>	
	The case manager must ensure that the Veteran’s employment data (salary, benefits, starting date, employer, and position) are correctly entered in the electronic case management system.  When a Veteran obtains employment, the case manager must obtain the necessary information that includes but is not limited to the following:	M28R.V.A.7 M28R.VI.A.10

	<ul style="list-style-type: none"> <li>• Date of employment (placement date)</li> <li>• Name and contact information of employer</li> <li>• Job title</li> <li>• Essential duties or position description</li> <li>• Monthly salary</li> <li>• Type of employment (full-time, part-time, permanent, temporary, etc.)</li> <li>• Employment benefits (health, vacation, etc.)</li> </ul> <p>The case manager must use a case note to clearly document the Veteran's relevant contact and employment information. Documentation must be filed appropriately in the Veteran's VR&amp;E record.</p>	
<b>1.B</b>	<b>Occupational code was not consistent.</b>	
	The case manager must ensure that the Veteran's employment data are correctly entered in the electronic case management system. The occupational codes in the electronic case management system must be consistent with the Rehabilitation Plan.	M28R.V.A.7
<b>1.C</b>	<b>Placement data was not entered in the electronic case management system or is inconsistent with the VR&amp;E record.</b>	
	Employment data must be entered into the electronic case management system.	M28R.V.A.7
<b>2.</b>	<b>Was all required documentation present, signed, and dated if required, prior to case closure?</b>	
<b>2.A</b>	<b>Rehabilitation plan was not present in the VR&amp;E record.</b>	
<b>2.B</b>	<b>Rehabilitation plan was not signed by the Veteran.</b>	
<b>2.C</b>	<b>Rehabilitation plan was not signed by the VRC.</b>	
	<p>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.</p> <p>The rehabilitation services proposed in a Veteran's rehabilitation plan must be approved by the case manager or the VR&amp;E Officer as required prior to authorization of services. The VRC and the Veteran must sign the rehabilitation plan.</p> <p>The signatures on the rehabilitation plan must be an acceptable signature, as outlined in PA 19-03</p>	38 CFR 21.92 M28R.IV.C.1 M28R.IV.C.3 M28R.IV.C.5 M28R.IV.C.6 M28R.IV.C.7 M28R.IV.C.8 M28R.IV.C.9 M28R.V.A.1 PA 19-03
<b>2.D</b>	<b>Rehabilitation plan was expired.</b>	
	<p>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.</p> <p>Duration of services specifies a start and end date for each intermediate objective.</p> <p>The anticipated completion date and duration of services dates are required elements of the rehabilitation plan, and must be updated as changes occur.</p>	M28R.IV.C.1 M28R.IV.C.3 M28R.IV.C.5 M28R.IV.C.6 M28R.IV.C.7 M28R.IV.C.8 M28R.IV.C.9
<b>2.E</b>	<b>No copy of the diploma/certificate or transcript of records.</b>	
	The case manager must ensure that Veteran's VR&E record contains a copy of Veteran's diploma/certificate or a copy of his/her final transcript of records showing the degree or certificate was awarded.	M28R.V.A.7

<b>2.F</b>	<b>No job readiness declaration.</b>	
	The case manager must ensure that Veteran's VR&E record contains a declaration of job readiness (for rehabilitation from employment services).	M28R.V.A.7
<b>2.G</b>	<b>No VAF 28-0851, Activities of Daily Living Checklist when the Veteran participated in services under an IILP.</b>	
	The VRC must utilize VAF 28-0851, Activities of Daily Living Checklist, when conducting the assessment for the determination of rehabilitated status. This checklist is used to provide subjective data that indicates improvement in activities of daily living as a result of the services provided in the IILP.	M28R.IV.C.9
<b>3.</b>	<b>Did the case comply with regulatory time limits?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>3.A</b>	<b>Duration of employment services exceeded 18 months.</b>	
	<p>The periods during which a Veteran may receive employment assistance are not subject to the required eligibility period, as described in 38 CFR 21.41 through 21.45. However, entitlement to employment assistance is limited to a total of 18 months of employment services, as described in 38 CFR 21.73. This means that although a Veteran has exhausted 48 months of his/her entitlement, he/she may continue to receive employment services. However, the period of employment services must not exceed a total of 18 months.</p> <p>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.</p> <p>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&amp;E must discontinue the case. A Veteran in either Rehabilitated (REH) or Discontinued (DIS) case status may do the following:</p> <ul style="list-style-type: none"> <li>• Request additional employment assistance</li> <li>• Formally reapply to the VA VR&amp;E Program</li> </ul> <p>The Veteran must be determined eligible and entitled to Chapter 31 services. Upon this determination, VR&amp;E will offer the Veteran vocational rehabilitation services, including an additional 18 months of employment services.</p> <p>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.</p>	<p>38 CFR 21.73 M28R.IV.A.3 M28R.VI.A.2</p>
<b>3.B</b>	<b>Duration of IL services exceeded 24 months (or concurred period of extension).</b>	
	Per 38 U.S.C. 3105 and 38 CFR 21.76, a program of independent living services cannot exceed 24 months unless one of the following criteria are met:	<p>38 USC 3105 38 CFR 21.76 M28R.IV.C.9</p>

	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p>Extension Beyond 24 Months:</p> <ol style="list-style-type: none"> <li>1. VR&amp;E Officer Concurrence VR&amp;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.</li> <li>2. Vocational Rehabilitation Panel Review 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.</li> <li>3. Director, VR&amp;E Service Concurrence The Director of VR&amp;E Service must approve all extensions of IL services beyond 36 months.</li> </ol>	
<b>4.</b>	<b>Were appropriate services provided to ensure the Veteran was able to participate in their rehabilitation plan and/or maintain suitable employment?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>4.A</b>	<b>Rehabilitation plan was not adapted to changing circumstances.</b>	
	<p>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:</p> <ul style="list-style-type: none"> <li>• Achievement of the current goal(s) is no longer reasonably feasible, or</li> <li>• 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</li> <li>• The Veteran fully participates and concurs in the change.</li> </ul> <p>If the individual is not progressing through the plan as expected, or it becomes clear that the goals of the plan need to be reassessed, the VRC must redevelop the rehabilitation plan.</p>	M28R.V.A.2

<b>4.B</b>	<b>The Veteran was not provided post-employment services as needed.</b>	
	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.	M28R.VI.A.10
<b>4.C</b>	<b>The Veteran's identified needs were not addressed or intervention was not provided as needed.</b>	
	<p>A change 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.</p> <p>If the individual is not progressing through the plan as expected, or it becomes clear that the goals of the plan need to be reassessed, the VRC must redevelop the rehabilitation plan.</p> <p>A case must be interrupted prior to placing the Veteran's case in Discontinued 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.</p> <p>Note: The plan should be updated when there are changes in the required elements. Frequently, the errors occur when the plan has not been updated to reflect current program goal, DOT code, objectives, anticipated completion dates, services, duration of services, and/or service providers.</p>	M28R.IV.C.1 M28R.IV.C.7 M28R.IV.C.8 M28R.IV.C.9 M28R.V.A.2. M28R.V.A.1 M28R.V.A.6
<b>5.</b>	<b>Did follow-up documentation include required information?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>5.A</b>	<b>Follow-up activities were not documented.</b>	
	Follow-up activities must be documented in the VR&E record.	M28R.VI.A.10
<b>5.B</b>	<b>Follow-up documentation did not outline services provided to resolve issues encountered.</b>	
	Follow-up activities should outline all services provided to resolve issues encountered.	M28R.VI.A.10
<b>5.C</b>	<b>Attempts to contact the Veteran by all available means (letter, email, phone) were not documented.</b>	
	Documented attempts to reach the Veteran should be done in a case note and include phone calls, emails, and mailed letters showing the case managers efforts to reach the Veteran. Extensive efforts must be made to contact the Veteran prior to placement of the case into INT status and discontinuance. Attempted contacts must be documented clearly in the Veteran's VR&E record.	M28R.VI.A.10
<b>5.D</b>	<b>Follow-up documentation did not discuss the Veteran's progress or adjustment to employment.</b>	
	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.	M28R.VI.A.10

	<p>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.</p> <p>The follow-up activities must address but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Is the Veteran adjusting well to the work environment?</li> <li>• Is the Veteran able to perform his/her work duties without any difficulties?</li> <li>• Is the Veteran able to maintain satisfactory relationships with his/her co-workers, supervisors, customers, etc.?</li> <li>• Is there any impediment that may prevent the Veteran from maintaining employment?</li> </ul>	
<b>6.</b>	<b>Was follow-up conducted for the appropriate length of time?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>6.A</b>	<b>Employment Rehabilitation: Length of follow-up was not at least 60 days.</b>	
	<p>The date of employment is the date the Veteran actually reports for work. 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.</p> <p><u>Permanent Employment:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Term Employment:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Seasonal Employment:</u> The case manager will consider seasonal employment, such as construction work, as permanent if this is the occupational pattern. Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Volunteer Employment:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Veteran Employed in the Vocational Goal Outlined on his/her Individualized Written Rehabilitation Plan (IWRP):</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment, or one year in self-employment.</p>	<p>M28R.V.A.7 M28R.VI.A.10</p>



	<p><u>Veteran's Employment Differs from the Planned Goal:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Veteran Does Not Complete the Vocational Objectives of the IWRP:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment, 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.</p> <p><u>Veteran Received Employment Services Only:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment.</p> <p><u>Veteran Employed in an Occupation Unrelated to the Vocational Goal Outlined in the Rehabilitation Plan:</u> Must be monitored for at least 60 days to ensure the Veteran is adjusted to suitable employment. The Veteran may not be declared rehabilitated without developing a new IEAP.</p> <p>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.</p>	
<b>6.B</b>	<b>Temporary or Self-Employment Rehabilitation: Length of follow-up was not at least 1 year.</b>	
	<p><u>Temporary Employment:</u> Must be monitored for one year. If a Veteran hired for temporary employment is converted to permanent status during extended follow up, the Veteran must maintain this permanent status for at least 60 days before the case manager can declare him/her rehabilitated.</p> <p><u>Self-employment:</u> 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 will ensure stability of the Veteran's employment.</p>	<p>M28R.V.A.7 M28R.VI.A.10</p>
<b>6.C</b>	<b>Independent Living: Length of follow-up was not at least 60 days</b>	
	The Veteran has maintained increased independence for at least 60 days.	<p>M28R.IV.C.9 M28R.V.A.7</p>
<b>6.D</b>	<b>Discontinued or MRG: Length of follow-up was insufficient to demonstrate attempts to motivate Veteran to return to active participation the rehabilitation plan.</b>	
	<p><b>Discontinued:</b> When a Veteran is unable or unwilling to continue services toward completion of a vocational goal, proper procedures for interruption, follow-up and due process must be followed. The period of due process that allows the Veteran the opportunity to respond to the notification of intent to discontinue must be at least 30 days. If no action is taken, follow up must be conducted at 90 days from the date of notification of the due process period.</p> <p>The VR&amp;E case manager must make every effort to assist the Veteran toward a rehabilitation outcome. The case manager must continue to</p>	<p>M28R.V.6 M28R.V.A.7 PA 19-02</p>



	<p>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. Follow up activities must be conducted in intervals of no more than 60 days. The case manager must document the follow up activities in a case note and file in the Veteran's VR&amp;E record.</p> <p>If the Veteran does not resume participation as planned, due process procedures must be followed prior to case closure since the discontinuance would be an adverse action that requires prior notice. The period of due process that allows the Veteran the opportunity to respond to the notification must be at least 30 days.</p> <p>Note: The length of follow-up attempts needed may vary from case to case. Contact attempts should be made by letter, phone, and email. If a letter is returned for incorrect address, this must be documented, then there is no need to mail additional follow-up letters. However, attempts at contact through other means must be documented.</p> <p><b>MRG:</b> 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, <u>the file should be clearly documented to show that efforts were made by all available methods</u> (i.e., traditional mail, phone, or email).</p>	
<b>7.</b>	<b>Was follow-up conducted at the appropriate frequency?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>7.A</b>	<b>JR status: Monthly follow-up was not documented.</b>	
	<p>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.</p> <p>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.</p>	M28R.VI.A.10
<b>7.B</b>	<b>INT status: Follow-up was not documented at least every 90 days for unplanned Interruption or per the documented schedule (at least every 120 days) for planned Interruption.</b>	
	<p>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. Follow up activities must be conducted in intervals of no more than 90 days. The case manager must document the follow up activities in a case note.</p>	M28R.V.A.6 PA 19-02

<b>7.C</b>	<b>IL status: Monthly follow-up was not documented.</b>	
	<p>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.</p> <p>Per 38 CFR 21.283, the VRC may move the case to rehabilitated status when the individual has:</p> <ul style="list-style-type: none"> <li>• Successfully completed all program goals, or</li> <li>• Achieved a substantial increase in the level of independence in daily living through program assistance, and</li> <li>• Maintained this level of independence for at least 60 days, and further assistance is unlikely to significantly increase the individual's level of independence.</li> </ul>	<p>38 CFR 21.283 M28R.IV.C.9</p>
<b>8.</b>	<b>Did the closure statement clearly explain the decision to close the case, including all required information?</b>	
	<b>Considerations</b>	<b>Citations</b>
	The case manager must provide a written justification of the closure decision in a closure statement.	M28R.V.A.7 M28R.VI.A.10
<b>8.A</b>	<b>There was no documented closure statement.</b>	
<b>8.B</b>	<b>The closure statement did not clearly explain the decision.</b>	
<b>8.C</b>	<b>Required information was not included in the closure statement.</b>	
	<p><b>Rehabilitation</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• Veteran's impairments to employability.</li> <li>• Vocational rehabilitation services provided to the Veteran.</li> <li>• Explanation as to how the rehabilitation services contributed to the</li> <li>• Veteran's ability to overcome his/her impairments through suitable employment or increased independence.</li> <li>• Required employment data.</li> <li>• 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.</li> </ul> <p>The closure narrative should also include, but is not limited to the following information, as applicable:</p>	<p>M28R.V.A.7 M28R.VI.A.10</p>

- 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

**Discontinuance**

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 conditions and rating

**MRG**

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.

	<ul style="list-style-type: none"> <li>The statement, “Based on recent contact with (the Veteran) on (date of contact), the attached information, and a review of the VR&amp;E record, 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</li> <li>The statement, “Based on the attached information from (source of information) verified on (date verified) and a review of the VR&amp;E record, 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).”</li> </ul>	
<b>8.D</b>	<b>The closure statement did not include current circumstances.</b>	
	<p><b>Rehabilitation:</b></p> <p>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.</p> <p><b>MRG:</b></p> <p>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.</p>	M28R.V.A.7
<b>9.</b>	<b>Was VREO/AVREO concurrence provided prior to closure?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>9.A</b>	<b>VAF 28-0850, Checklist for Proposed Rehabilitation was not signed and dated by the VREO/AVREO.</b>	
	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 VR&E record 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 VR&E record.	M28R.V.A.7
<b>9.B</b>	<b>VAF 28-0962, Checklist for Proposed Self-Employment Rehabilitation was not signed and dated by the VREO/AVREO.</b>	
	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 VR&E record 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. Case notes cannot be used in place of this form since it requires signatures from the case manager and the VREO or AVREO.	M28R.V.A.7
<b>9.C</b>	<b>VAF 28-0853, Checklist for Proposed Discontinuance was not signed and dated by the VREO/AVREO.</b>	
	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 VR&E record 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. Case notes cannot be used in place of this form since it requires signatures from the case manager and the VREO or AVREO.	M28R.V.A.7

	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 VR&E record and sign the VAF 28-0853 before the case manager closes the case and takes appropriate action in the electronic case management system. For offices where there is no VREO or AVREO, this activity may be delegated to a Supervisor or Counselor in Charge (CIC) who has supervisory authority. Existing resources to assist in the review may be utilized, including referral to the Vocational Rehabilitation Panel.	
<b>10.</b>	<b>Was the correct Reason Code used?</b>	
	<b>Considerations</b>	<b>Citations</b>
	Any changes in case status require a specific reason code that provides the basis or explanation for the change in case status. The VREO must ensure strict adherence to implementing these procedures for consistency of data entry, accuracy in generated reports and safeguarding data integrity.	M28R.III.A.1 M28R.V.A.7
<b>10.A</b>	<b>The correct Rehabilitation Reason Code was not used.</b>	
	<p><b>RC 17:</b></p> <ul style="list-style-type: none"> <li>• Individual achieves IILP goal and maintains goal for 60 days.</li> <li>• Individual did not achieve IILP goal, but he/she has attained a substantial increase in the level of independence from IL services provided; has maintained the increased level of independence for at least 60 days; and further assistance is unlikely to significantly increase his/her level of independence.</li> </ul> <p><b>RC 22:</b></p> <ul style="list-style-type: none"> <li>• Individual is suitably adjusted to the employment goal, or revised goal of IWRP and IEAP, or to a closely related employment goal for at least 60 days. DRC 22A.</li> <li>• Individual is suitably employed or adjusted for at least 60 days in an occupation other than the employment goal that is outlined in his/her plan, with wages and benefits that correspond with the wages and benefits of employment for which he/she was training. DRC 22B.</li> <li>• Veteran is recalled to active duty and services provided have helped him/her to remain in a suitable employment in the military by overcoming his/her impairment to employability. DRC 22C.</li> </ul> <p><b>RC 23:</b></p> <ul style="list-style-type: none"> <li>• Individual is suitably adjusted to employment goal, or revised goal of IEAP for at least 60 days, and the only program of services received is employment services.</li> <li>• IEAP goal is not completed but the individual is suitably adjusted to employment for at least 60 days, which is compatible with the limiting effects of his/her service- and non-service-connected disabilities, is consistent with his/her abilities, aptitudes, and interests, and receives wages and benefits commensurate with the wages and benefits received by workers in the goal of the IEAP. If the individual is receiving nominal pay or is not being paid, the individual must concur that this is the employment he/she desires in lieu of employment with competitive wages.</li> </ul> <p><b>RC 25:</b></p>	M28R.III.A.1 M28R.V.A.7

	Individual pursues further education or training after completing IWRP objectives in lieu of obtaining employment, and additional training is not approvable as part of his/her rehabilitation program, but will enhance achievement of suitable employment. This includes when the individual elects to use his/her Chapter 33 or other VA educational benefits for this purpose.	
<b>10.B</b>	<b>The correct Discontinuance Reason Code was not used.</b>	
	<p><b>RC 03:</b></p> <ul style="list-style-type: none"> <li>• Case was placed in this status from Extended Evaluation (EE), IL, Rehabilitation to the Point of Employability (RTE), or JR status, and individual does not reenter planned services, or declines to continue receiving services;</li> <li>• VR&amp;E staff is unable to locate the individual, e.g., moved without a forwarding address, or unable to locate valid address, etc.</li> </ul> <p><b>RC 11:</b></p> <ul style="list-style-type: none"> <li>• Individual's 48-month entitlement has been exhausted and he/she does not meet the criteria for extension.</li> </ul> <p><b>RC 12:</b></p> <ul style="list-style-type: none"> <li>• Individual's 12-year eligibility period expires and he/she does not meet the criteria for SEH.</li> </ul> <p><b>RC 31:</b></p> <ul style="list-style-type: none"> <li>• Individual's conduct or cooperation is unsatisfactory under 38 CFR 21.362 despite all efforts to provide counseling to engage the individual's cooperation.</li> </ul> <p><b>RC36:</b></p> <ul style="list-style-type: none"> <li>• Individual does not complete his/her IWRP/IEAP objectives, elects to use his/her Chapter 33 or other VA educational benefits and training program despite documented efforts to counsel the individual to remain in the Chapter 31 program.</li> </ul> <p><b>RC 39:</b></p> <ul style="list-style-type: none"> <li>• Individual's SCD rating is severed.</li> <li>• NOTE: If individual's SCD rating is reduced to a non-compensable, or 0 percent level, he/she may continue receiving services while the case remains open. However, discontinuance is required when SCD is severed.</li> </ul> <p><b>RC 97:</b></p> <ul style="list-style-type: none"> <li>• Individual's 18-month period for employment services expires.</li> </ul> <p><b>RC 99:</b> Individual's death is confirmed.</p>	M28R.III.A.1 M28R.V.A.7
<b>10.C</b>	<b>The correct MRG Reason Code was not used.</b>	
	<p><b>RC 34 (MRG-2):</b></p> <ul style="list-style-type: none"> <li>• Individual is currently employable in a suitable job. He/she has gained enough rehabilitative benefit from VR&amp;E services to qualify</li> </ul>	M28R.III.A.1 M28R.V.A.7

	<p>for suitable employment, yet the case does not meet the criteria for closure as “rehabilitated” in accordance with 38 CFR 21.283.</p> <p>NOTE: This does not mean the Veteran is unemployed. For example:</p> <ul style="list-style-type: none"> <li>• At the time of entitlement, the Veteran is employed as a mail carrier with the US Postal Service. The VRC determines this position is not suitable, and finds the Veteran entitled. Services provided under VR&amp;E resulted in the Veteran being employable in a suitable occupation. However, the Veteran chooses to maintain his position as a mail carrier rather than seek suitable employment.</li> <li>• The Veteran obtained employment in the marijuana industry. The case may not be closed as Rehabilitated or closed using MRG-1 using RC 35, as this employment violates federal law. However, services provided under VR&amp;E resulted in the Veteran being employable in a suitable occupation.</li> </ul> <p><b>RC 35 (MRG-1):</b> Individual is employed, VR&amp;E services contributed to the individual obtaining or maintaining current employment, and current employment is advantageous to the individual but does not meet the criteria for closure as “rehabilitated” in accordance with 38 CFR 21.283.</p>	
<b>11.</b>	<b>Was appropriate due process provided prior to closure when required?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>11.A</b>	<b>The period of due process was not at least 30 days.</b>	
	<p>Due process in the administration of VA benefits requires that the case manager inform the beneficiary of a proposed adverse action that could reduce, deny, or terminate benefits, and provide the beneficiary with the opportunity to provide additional evidence to contest the action, and/or request a meeting with his/her case manager.</p> <p>An adverse action denies benefits and/or services, reduces or otherwise lessens benefits or services, or terminates benefits.</p> <p>For a required prior notification, VA must allow at least 30 days for the Veteran to respond before finalizing the adverse action. If action is not taken to resolve the issue or close the case, the case manager must follow-up at 90 days from the date of the notification of the due process period.</p>	<p>M28R.III.C.2 M28R.V.A.7 PA 19-02</p>
<b>11.B</b>	<b>The date on the due process letter was inconsistent with the date the action was taken.</b>	
	Every notification letter for an adverse action or a proposed adverse action must include the effective date of the decision.	M28R.III.C.2
<b>11.C</b>	<b>Employment in occupation other than the goal outlined on the rehabilitation plan, but was not provided due process.</b>	
<b>11.D</b>	<b>Further education pursued, but was not provided due process.</b>	
<b>11.E</b>	<b>Third party employment information used, but was not provided due process.</b>	
<b>11.F</b>	<b>Recalled to active duty, but was not provided due process</b>	
<b>11.G</b>	<b>IILP objectives not complete, but was not provided due process.</b>	
<b>11.H</b>	<b>MRG reason code used for discontinuance, but was not provided due process</b>	
<b>11.I</b>	<b>Discontinued, but was not provided due process.</b>	
	Due process must be provided prior to closure in these instances:	



	<ul style="list-style-type: none"> <li>• Employment in a suitable occupation other than the planned goal</li> <li>• Pursuit of further education</li> <li>• Third party employment information used for rehabilitation</li> <li>• Recall to active duty, for a suitable military occupation</li> <li>• All objectives of the IILP have not been achieved.</li> <li>• MRG reason code was used</li> <li>• Discontinued</li> </ul>	
<b>12.</b>	<b>Was a closure letter and appellate rights sent to the Veteran, with the correct effective date and explanation or justification of the decision?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>12.A</b>	<b>Notification of Rehabilitation Decision was not sent to the Veteran.</b>	
	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 and clear explanation or justification of the decision. VAF 20-0998 must be sent to Veterans when a case is being rehabilitated.	M28R.V.A.7
<b>12.B</b>	<b>Notification of Discontinuance Decision was not sent to the Veteran.</b>	
	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 20-0998.	M28R.V.A.7
<b>12.C</b>	<b>Notification of MRG Decision was not sent to the Veteran.</b>	
	The Veteran must be informed of the closure. The case manager must send a closure letter and VAF 20-0998 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.	M28R.V.A.7
<b>12.D</b>	<b>The effective date was incorrect or missing from the closure letter.</b>	
	The letter must include the effective date of the closure and clear explanation or justification of the decision.	M28R.V.A.7
<b>12.E</b>	<b>The justification or explanation for the closure decision was missing or unclear in the closure letter.</b>	
	The closure letter must include a clear explanation or justification of the decision.	M28R.V.A.7
<b>12.F</b>	<b>The Veteran was not provided appellate rights with the closure letter.</b>	
	When a case is closed in rehabilitated or discontinued status, VAF 20-0998 must be included with the letter.	M28R.V.A.7
<b><input type="checkbox"/> Rehabilitated</b>		
<b>13.</b>	<b>Was the decision to close the case in Rehabilitated status correct based on documented evidence in the record?</b>	
	<b>Considerations</b>	<b>Citations</b>
	<b>Employment Rehab:</b> 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: <ul style="list-style-type: none"> <li>• Veteran's impairments to employability.</li> </ul>	38 CFR 21.196 38 CFR 21.283 M28R.IV.C.5 M28R.IV.C.6 M28R.IV.C.7 M28R.IV.C.8 M28R.IV.C.9 M28R.V.A.7

- 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.

M28R.VI.A.10

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.

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.

Note: Errors are commonly cited for not explaining the suitability of the employment in relation to the Veteran's impairments identified at entitlement or during service delivery.

**Further Education Rehab:**

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:

- The additional education or training that the Veteran is pursuing has been considered and is not approvable as part of his/her rehabilitation program.
- 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.

Veterans who have completed training under Chapter 31 or who are already in JR status may elect to transfer to Chapter 33 benefits. The case of a Veteran who transfers to Chapter 33 after completing RTE, or after being placed in Job Ready status should be reviewed for possible closure as Rehabilitated. The criteria for moving the case to Rehabilitated status is that the further education being pursued under Chapter 33 would not have been approved under Chapter 31 and it will enhance the Veteran's ability to achieve employment consistent with his or her interests, aptitudes, and abilities (38 CFR 21.283).

If Rehabilitation action is appropriate, the case manager must provide a letter informing the Veteran that his/her case will be placed in Rehabilitated status because the Veteran chose to pursue further education instead of

	<p>seeking employment. Not less than 30 days after providing the letter informing the Veteran of this pending action, the case manager must move a case that was in RTE status to JR status using RC 18, and move it to Rehabilitated status using RC 25B on the same day. A case that was already in JR status must be moved to Rehabilitated status using RC 25B. A letter including due process rights, VAF 20-0998, should be provided to inform the Veteran of the closure in Rehabilitated status. The Veteran cannot be provided employment services and EAA must not be paid once benefits have begun under Chapter 33.</p> <p><b>Independent Living Rehab:</b> The intent of independent living plans is to enable individuals, to the maximum extent possible, increase independence and, when feasible, improve 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:</p> <ul style="list-style-type: none"> <li>• Successfully completed all program goals, or</li> <li>• Achieved a substantial increase in the level of independence in daily living through program assistance, and</li> <li>• Maintained this level of independence for at least 60 days, and</li> <li>• Further assistance is unlikely to significantly increase the individual's level of independence.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>• Achieved a substantial increase in independence as a result of the services provided by VR&amp;E.</li> <li>• Has maintained the increased independence for at least 60 days.</li> <li>• Will likely not demonstrate a significant increase in independence with further assistance.</li> </ul>	
<b>13.A</b>	<b>Documented information did not support the decision to move the case to Rehabilitated status.</b>	
	The documentation must support the information in the closure statement for the justification of rehabilitation. The Veteran's impairments, reported at entitlement and throughout the case, must be considered. An explanation of any accommodations provided should be included.	M28R.V.A.7 M28R.VI.A.10
<b>13.B</b>	<b>Criteria for rehabilitation outlined in 38 CFR 21.283 were not met.</b>	
	<p>A case manager may declare a Veteran rehabilitated for employment only under the conditions outlined in 38 CFR 21.283 (a)-(d).</p> <p>Rehabilitated status, as defined in 38 CFR 21.196, is the status in which the goals of a Veteran's 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.</p> <p><b>Rehabilitation:</b></p>	38 CFR 21.283

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 program goals, and
- Maintained suitable employment for at least 60 days.

Rehabilitated status, as defined in 38 CFR 21.196, is the status in which the goals of a Veteran's 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.

38 CFR 21.283 states:

- a. *General.* For purposes of chapter 31 a Veteran shall be declared rehabilitated when he or she has overcome the employment handicap to the maximum extent feasible as described in paragraph (c), (d) or (e) of this section. (Authority: 38 U.S.C. 3101 (1), (2))
- b. *Definition.* The term "suitably employed" includes employment in the competitive labor market, sheltered situations, or on a non-pay basis which is consistent with the Veteran's abilities, aptitudes and interests if the criteria contained in paragraph (c) (1) or (2) of this section are otherwise met. (Authority: 38 U.S.C. 3100)
- c. *Rehabilitation to the point of employability has been achieved.* The Veteran who has been found rehabilitated to the point of employability shall be declared rehabilitated if he or she:
  1. Is employed in the occupational objective for which a program of services was provided or in a closely related occupation for at least 60 continuous days;
  2. Is employed in an occupation unrelated to the occupational objective of the Veteran's rehabilitation plan for at least 60 continuous days if the Veteran concurs in the change and such employment:
    - i. Follows intensive, yet unsuccessful, efforts to secure employment for the Veteran in the occupation objective of a rehabilitation plan for a closely related occupation contained in the Veteran's rehabilitation plan;
    - ii. Is consistent with the Veteran's aptitudes, interests, and abilities; and
    - iii. Utilizes some of the academic, technical or professional knowledge and skills obtained under the rehabilitation plan; or
  3. Pursues additional education or training, in lieu of obtaining employment, after completing his or her prescribed program of training and rehabilitation services if:
    - i. The additional education or training is not approvable as part of the Veteran's rehabilitation program under this chapter; and
    - ii. Achievement of employment consistent with the Veteran's aptitudes, interests, and abilities will be enhanced by the completion of the additional education

	<p style="text-align: center;">or training. (Authority: 38 U.S.C. 3101(1), 3107 and 3117)</p> <p>d. <i>Rehabilitation to the point of employability has not been completed.</i> A Veteran under a rehabilitation plan who obtains employment without being declared rehabilitated to the point of employability as contemplated by the plan, including a Veteran in a rehabilitation program consisting solely of employment services, is considered to be rehabilitated if the following conditions exist:</p> <ol style="list-style-type: none"> <li>1. The Veteran obtains and retains employment substantially using the services and assistance provided under the plan for rehabilitation.</li> <li>2. The employment obtained is consistent with the Veteran's abilities, aptitudes and interests.</li> <li>3. Maximum services feasible to assist the Veteran to retain the employment obtained have been provided.</li> <li>4. The Veteran has maintained the employment for at least 60 continuous days. (Authority: 38 U.S.C. 3101(1), 3107 and 3117)</li> </ol> <p>e. <i>Independent living.</i> A Veteran who has pursued a program of independent living services will be considered rehabilitated when all goals of the program have been achieved, or if not achieved, when:</p> <ol style="list-style-type: none"> <li>1. The Veteran, nevertheless, has attained a substantial increase in the level of independence with the program assistance provided;</li> <li>2. The Veteran has maintained the increased level of independence for at least 60 days; and</li> <li>3. Further assistance is unlikely to significantly increase the Veteran's level of independence.</li> </ol>	
--	--	--

<input type="checkbox"/> <b>Discontinued</b>		
--	--	--

<b>14.</b>	<b>Was the decision to close the case in Discontinued status correct?</b>	
------------	---	--

	<b>Considerations</b>	<b>Citations</b>
--	-----------------------	------------------

	<p>A case should not be open for an extended period of time after the evidence is documented that the case should be moved to Discontinued status, and continued follow-up will not result in the Veteran's active and successful participation in the rehabilitation plan.</p> <p>Discontinuing the Veteran's program is considered an adverse action and requires due process. The period of due process that allows the Veteran the opportunity to respond to the notification must be at least 30 days. 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. If no action is taken to resolve the issue or close the case, the case manager must follow-up at 90 days from the date of the notification of the due process period.</p> <ol style="list-style-type: none"> <li>1. <b>Veteran Declines to Initiate or Continue Rehabilitation Process</b> 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 INT status, the Veteran's case will be discontinued.</li> <li>2. <b>Unsatisfactory Conduct and Cooperation</b></li> </ol>	<p>M28R.V.A.6 M28R.V.A.7 PA 19-02</p>
--	---	---

	<p>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.</p> <p>3. Eligibility and Entitlement Unless the Veteran desires employment assistance, the Veteran's case will be discontinued and assigned to Discontinued status when:</p> <ul style="list-style-type: none"> <li>• The Veteran reaches the basic twelve-year termination date, and there is no basis for extension of entitlement, or</li> <li>• 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.</li> </ul> <p>4. Medical and Related Problems A Veteran's case will be discontinued and assigned to Discontinued status when:</p> <ul style="list-style-type: none"> <li>• The Veteran is unable to participate in a rehabilitation program because of a serious physical or emotional problem for an extended period, and</li> <li>• VA medical staff is unable to estimate an approximate date by which the Veteran will be able to begin or return to the program.</li> </ul> <p>5. Withdrawal A Veteran's case will be discontinued and assigned to Discontinued status when he/she voluntarily withdraws from the program.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Continuing lack of application by the Veteran unrelated to any personal or other problems, or</li> <li>• Inability of the Veteran to benefit from rehabilitation services despite the best efforts of VA and the Veteran (38 U.S.C. 3111).</li> </ul>	
<b>14.A</b>	<b>Documented information did not support the decision to move the case to Discontinued status.</b>	
	When a Veteran is unable or unwilling to continue services toward completion of a vocational goal, proper procedures for interruption, follow-up and due process must be followed. The documentation in the case must support the information in the closure statement for the justification of discontinuance.	M28R.V.A.6 M28R.V.A.7
<b>14.B</b>	<b>Sufficient attempts to motivate the Veteran did not occur before the case was discontinued.</b>	
	When a Veteran is unable or unwilling to continue services toward completion of a vocational goal, proper procedures for interruption, follow-up and due process must be followed. The period of due process that allows the Veteran the opportunity to respond to the notification of intent to discontinue must be at least 30 days. If no action is taken to resolve the	M28R.V.A.6 M28R.V.A.7 PA 19-02

	<p>issue or close the case, the case manager must follow-up at 90 days from the date of the notification of the due process period.</p> <p>The VR&amp;E case manager must make every effort to assist the Veteran toward a rehabilitation outcome. 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. Follow up activities must be conducted in intervals of no more than 60 days. The case manager must document the follow up activities in a case note and file in the middle section of the Veteran's VR&amp;E record.</p>	
<b>14.C</b>	<b>The Veteran indicated a desire to re-enter services, but this was not addressed.</b>	
	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.	M28R.V.A.7
<b>14.D</b>	<b>IL needs were not evaluated prior to Discontinuance when achievement of a vocational goal was determined infeasible.</b>	
	<p>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&amp;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.</p> <p>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 for IL needs.</p>	M28R.IV.B.2 M28R.V.A.7
<b>14.E</b>	<b>An extension was not considered prior to Discontinuance when the Veteran exhausted 48 months of entitlement or reached the 12-year termination date.</b>	
	<p>Unless the Veteran desires employment assistance, the Veteran's case will be discontinued and assigned to Discontinued status when:</p> <ul style="list-style-type: none"> <li>• The Veteran reaches the basic twelve-year termination date, and there is no basis for extension of entitlement, or</li> <li>• The Veteran has used 48 months of entitlement under one or more VA programs and there is no basis for extension of entitlement.</li> </ul>	M28R.V.A.7
<b><input type="checkbox"/> MRG</b>		
<b>15.</b>	<b>Was the decision to Discontinue the case using an MRG reason code correct?</b>	
	<b>Considerations</b>	<b>Citations</b>
	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	38 CFR 21.283 M28R.V.A.7



	<p>VR&amp;E is able to measure substantial improvement in the Veteran's circumstances that is directly attributable to services provided by VR&amp;E.</p> <p>The type and duration of services provided are not, in themselves, sufficient to close a case as an MRG unless the criteria 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.</p> <p>A determination that a Veteran has reached maximum rehabilitation gain can only be made when all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• The Veteran has received services under an IWRP or an IEAP.</li> <li>• The Veteran is unable or unwilling to continue services toward completion of a vocational goal despite VR&amp;E efforts to motivate or provide further services.</li> <li>• The Veteran has received written notification of interruption and pending discontinuance.</li> <li>• 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.</li> <li>• The Veteran has received significant and measurable gain from the services provided under Chapter 31 as described within categories MRG-1 and MRG-2.</li> </ul>	
<b>15.A</b>	<b>Documented information did not support the decision to move the case to Discontinued status using an MRG Reason Code.</b>	
	<p>The documentation in the case must support the information in the closure statement for the justification of discontinuance.</p> <p>A determination that a Veteran has reached maximum rehabilitation gain can only be made when all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• The Veteran has received services under an IWRP or an IEAP.</li> <li>• The Veteran is unable or unwilling to continue services toward completion of a vocational goal despite VR&amp;E efforts to motivate or provide further services.</li> <li>• The Veteran has received written notification of interruption and pending discontinuance.</li> <li>• 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.</li> </ul> <p>The Veteran has received significant and measurable gain from the services provided under Chapter 31 as described within categories MRG-1 and MRG-2.</p>	<p>M28R.V.A.6 M28R.V.A.7</p>
<b>15.B</b>	<b>Sufficient attempts to motivate the Veteran did not occur before the case was discontinued.</b>	
	<p>The VR&amp;E case manager must make every effort to assist the Veteran toward a rehabilitation outcome. However, when the Veteran is unable</p>	<p>M28R.V.A.6 M28R.V.A.7</p>

	<p>or unwilling to continue receiving services toward that goal, the VR&amp;E case manager is responsible for:</p> <ul style="list-style-type: none"> <li>• Reviewing information obtained,</li> <li>• Developing further information as needed, and</li> <li>• Preparing a closure statement that clearly explains the use of a particular MRG or other reason code.</li> </ul>	
<b>15.C</b>	<b>Substantial improvement in the Veteran's circumstances (employment or employability) was not directly attributable to services provided by VR&amp;E.</b>	
	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.	M28R.V.A.7

<input type="checkbox"/> <b>Reviews</b> (For tracking only. Not included in score. Answering No <u>does not</u> result in a fiscal error.)		
<b>19.</b>	<b>Was the requested Higher-Level Review completed in an accurate and timely manner?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>19.A</b>	<b>The requested review was not completed accurately.</b>	
	<p>The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including:</p> <ul style="list-style-type: none"> <li>• Only information in the record at the time of the decision is reviewed during the higher-level review (HLR). No new evidence is reviewed.</li> <li>• The SM/V submitted VAF 20-0996 to the RO of jurisdiction within one year of the date listed on the decision letter.</li> <li>• If more than one year has elapsed, the VR&amp;E staff member must inform the SM/V in writing that he/she is outside the time limit to request an HLR, but may submit new evidence, if available, for a supplemental claim review (SCR).</li> <li>• VAF 20-0996 is date stamped as soon as it is received, and information is entered into Caseflow.</li> <li>• If an informal conference is requested, the higher-level reviewer must document the completion of the informal conference in a case note.</li> <li>• If the SM/V requests the HLR be completed at another RO, the HLR was complete at the alternate RO, as identified in M28R.Appendix T.</li> <li>• Three possible outcomes: uphold the decision, overturn the decision, or identify a duty to assist error.</li> </ul>	<p>38 CFR 21.416 M28R.III.C.3</p>
<b>19.B</b>	<b>The review was not completed in a timely manner (90 days or less from date of request).</b>	
	<p>All HLRs must be completed; a decision rendered; and the SM/V informed of the decision in writing within 90 days from the receipt of VAF 20-0996.</p> <p>It is important to note that even if the SM/V requests the HLR be completed at an alternate RO, the timeliness requirements to complete the HLR within 90 days from receipt of the request for a HLR remain in place. The requirement to complete the HLR within the required timeframe will transfer to the RO completing the HLR. Therefore, it is imperative that the coordination between the two ROs occur as soon as possible to ensure the alternate RO has appropriate time to complete the HLR.</p>	<p>38 CFR 21.416 M28R.III.C.3</p>

<b>19.C</b>	<b>The review was not completed by a more experienced VRC than the individual who made the decision.</b>	
	An HLR is a review of a decision that is completed by a more experienced VRC than the individual who made the decision. For VR&E, this duty may be assigned to lead or Supervisory VRC; the Assistant VR&E Officer; or the VR&E Officer. The higher-level reviewer must be someone that was not involved in the original decision-making process.	38 CFR 21.416 M28R.III.C.3
<b>19.D</b>	<b>The review indicated a Duty to Assist error, but a Supplemental Claim Review was not initiated.</b>	
	<p>If during a HLR, the reviewer identifies a duty to assist error, meaning that the reviewer determined by a review of the case that additional information is available that may likely impact the decision that was not considered in the original decision, he/she will return the case to the assigned VRC. The VRC must immediately contact the SM/V to initiate the process to obtain the new evidence. The VRC has 30 days from the time the reviewer returns the case to obtain the new information and readjudicate the claim.</p> <p>It is important to note that the identification of a duty to assist error automatically triggers a SCR. Therefore, as soon as the duty to assist error is identified, Caseflow must be updated.</p>	38 CFR 21.416 M28R.III.C.3
<b>19.E</b>	<b>The requested informal conference was not provided.</b>	
	The SM/V has the right to one informal conference per issue during the HLR. Due to the timeliness requirements for completing the HLR, rescheduling the informal conference may not be an option if the request to reschedule is not made in a timely manner. Therefore, if the SM/V does not attend the informal conference and/or requests to reschedule the conference, it must be made in a timely manner that allows sufficient time to complete the HLR. Best practice is to reschedule the conference one time to ensure that VR&E provides every opportunity for the SM/V to be heard. If the request to reschedule the informal conference is not timely and will impede the reviewer's ability to complete the HLR within the 90/125-day period, then the reviewer is not required to reschedule the conference.	38 CFR 21.416 M28R.III.C.3
<b>20.</b>	<b>Was the requested Supplemental Claim Review completed in an accurate and timely manner?</b>	
	<b>Considerations</b>	<b>Citations</b>
<b>20.A</b>	<b>The requested review was not completed accurately.</b>	
	<p>The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including:</p> <ul style="list-style-type: none"> <li>• The review includes new and relevant evidence that was not considered when the original decision was made.</li> <li>• The SM/V submitted VAF 20-0995 to the RO of jurisdiction</li> <li>• VAF 20-0995 is date stamped as soon as it is received, and information is entered into Caseflow.</li> <li>• Two possible outcomes: uphold the decision or overturn the decision.</li> </ul>	38 CFR 21.416 M28R.III.C.3
<b>20.B</b>	<b>The review was not completed in a timely manner (125 days or less from date of request or identification of a Duty to Assist error).</b>	

	All SCRs must be completed; a decision rendered; and the SM/V informed of the decision in writing within 125 days from the receipt of VAF 20-0995.	38 CFR 21.416 M28R.III.C.3
--	--	-------------------------------

**General Comments**

This section is used to note any other issues in the case that are not addressed above. This section does not count as an error, but analysis of noted issues may lead to additional items being added to the review instrument.