

Standard Operating Procedures (SOP)

Chapter 36 Accuracy (CH-36A) Review

Quality Assurance (QA) Reviews

Purpose

The purpose of this document is to provide a guide for completing a CH-36A 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 CH-36A review, a case must have entered Completed with Counseling or Closed without Counseling in the month prior to selection for review.

Scope

The CH36-A review includes all case activity from Application until the case is closed in Completed with Counseling (CH36A) or Closed without Counseling (CH36B) status.

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 CH-36A reviews provide the Chapter 36 Accuracy (CH36A) score and contributes to the Overall Accuracy score.

CH-36A measures the accuracy of Chapter 36 services. All applicable questions from all Chapter 36 reviews will be used to calculate the CH36A 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).

CH36 – All cases		
1.	Was eligibility determined, prior to opening a record?	Citations
	Considerations	
	<p>Once eligibility is confirmed, VR&E will create an electronic VR&E record and establish an electronic record. If basic eligibility for Chapter 36 benefits is not confirmed, the VRC must not process the application in the electronic case management system, or provide Chapter 36 Services or Chapter 36 Counseling.</p> <p>38 U.S.C. 3697A governs eligibility for Chapter 36 services. Every Veteran, Servicemember and qualifying dependent may receive Chapter 36 services as many times as requested as long as he/she is still eligible. The following is a list of persons eligible to receive Chapter 36 services:</p> <ul style="list-style-type: none"> a. Servicemembers (SM) <ul style="list-style-type: none"> • Within 180 days of anticipated discharge from active duty. • If date not available, stated date of anticipated discharge may be accepted. • SM who serves an aggregate of 90 days on active duty after September 10, 2001, and continues on active duty. b. Veterans <ul style="list-style-type: none"> • Within 1 year from the date of discharge or release from active duty. Discharge must be under conditions other than dishonorable. • Eligible for and/or participating in the following VA education assistance programs: <ul style="list-style-type: none"> ○ Chapter 30 ○ Chapter 32 ○ Chapter 33 	<p>M28R.III.B.4 M28R.VII.A.1</p>

	<ul style="list-style-type: none"> ▪ In the event that a Veteran transfers Chapter 33 benefits to a dependent, the dependent could then apply for and receive Chapter 36 services. <ul style="list-style-type: none"> ○ Chapter 1606 ○ Chapter 1607 <p>c. Others</p> <ul style="list-style-type: none"> • Current beneficiaries of the following VA education assistance programs are eligible to receive CH36: <ul style="list-style-type: none"> ○ Chapter 18 ○ Chapter 35 	
2.	Did the counseling record contain an Application (VAF 28-8832, VAF 22-1990, eBenefits, or written request)?	
	Considerations	Citations
	<p>Servicemembers, Veterans and dependents who are interested in pursuing counseling services should request services by submitting VAF 28-8832 or applying through eBenefits. A signed written request may also be used. The request should include, at a minimum, the following information:</p> <ul style="list-style-type: none"> • Name • Social Security Number • Contact information • Discharge information, such as a copy of his/her Certificate of Release or Discharge from Active Duty (DD214) <p>VAF 22-1990 may be used for this purpose. The request for Chapter 36 services should be annotated in the remarks section of the form.</p>	<p>M28R.III.B.4 M28R.VII.A.1</p>
3.	Was the Applicant status date consistent with the date of receipt by VA?	
	Considerations	Citations
	<p>The application or request for services must be date-stamped the day it arrives at a VA facility. Once eligibility is confirmed, VR&E will create a VR&E record and establish an electronic record. The electronic record will be opened in Applicant status effective the date of the first VA date stamp.</p>	<p>M28R.VII.A.1</p>
4.	Was VR-04, Educational/Vocational Counseling Appointment Letter, sent to the individual with a scheduled appointment?	
	Considerations	Citations
	<p>The first step in the delivery of services is for the assigned VRC or contract counselor to schedule an appointment for counseling using the Chapter 36 appointment letter. VR-04, ED/Voc Counseling Appointment, should be sent to the individual and the appointment letter must be filed in the VR&E record.</p> <p>It is important to note that no appointment letter is necessary for unscheduled walk-ins, such as at a VetSuccess on Campus (VSOC) site, Transition Assistance Program (TAP) brief, or Integrated Disability Evaluation System (IDES) installation.</p>	<p>M28R.VII.A.1</p>

	<i>Tip: When the appointment letter is not sent, documentation in the VR&E record must provide an explanation (walk in, scheduled via phone, etc.).</i>	
5.	Was the case status movement date consistent with documentation in the counseling record?	
	Considerations	Citations
	<p>It is necessary to update the electronic case management system with information on the completion of Chapter 36 services by selecting one of the following statuses:</p> <p>a. Completed with Counseling</p> <p>If the individual participated in any aspect of the counseling process (even if the individual received minimal assistance and declined further services), the case must be closed as Completed with Counseling.</p> <p>b. Completed without Counseling</p> <p>If the individual did not participate in any aspect of the counseling process (to include individuals who decline over the phone or email), the VRC must document the contact in a case note and update the electronic case management system.</p>	M28R.VII.A.1
6.	Was the appropriate closure letter sent to the Veteran?	
	Considerations	Citations
	<p>Completed with Counseling: Letter VR-08, Completed with Counseling, should be sent to the individual indicating the requested Chapter 36 services have been completed. A copy of this letter should be filed in the VR&E record.</p> <p>Completed without Counseling: Letter VR-22, Completed Without Counseling, should be sent to the individual indicating that no continued action will be taken on his/her request for services. A copy of this letter should be filed in the VR&E record.</p> <p>Note: Completing Chapter 36 services is not considered an adverse action. Therefore, it is not necessary to provide advance notice of the action or an explanation of rights.</p>	M28R.VII.A.1
<input type="checkbox"/> Completed with Counseling (CH36A)		
7.	Was the individual provided with Ed/Voc Career Counseling, consisting of an individual counseling session?	
	Considerations	Citations
	This step consists of an individual counseling session designed to assist with the resolution of academic, medical, financial or other barriers interfering with progress in meeting the individual's specified goal. During this counseling session, the VRC must identify the individual's specified goal and address any adjustment issues the individual is currently experiencing. For those individuals with a service-connected disability, it is	M28R.III.B.4 M28R.VII.A.1

	<p>imperative that the individual be made aware of eligibility for Chapter 31 services.</p> <p>Chapter 36 Counseling involves assessment of needs, interpretation of test results or transferable skills, and goal mapping activities. Chapter 36 Counseling must be conducted in an individual setting, and may not be provided to groups. Chapter 36 Counseling may include, but is not limited to, activities such as:</p> <ul style="list-style-type: none"> • VA benefits coaching. • Adjustment counseling. • Assessment and exploration of interests and aptitudes. • Assistance in identifying educational goals and training facilities. • Assistance determining employment goals. • Discussion of impact of grades and/or assistance identifying resources to resolve academic probation. • Assistance with change in major or field of study. • Goal mapping activities and coaching. • Review of any applicable articulation agreements. 	
8.	Was the individual provided with necessary referrals identified during Ed/Voc Career Counseling?	
	Considerations	Citations
	<p>The VRC must anticipate adjustment issues that may arise in the future as a result of transitioning from military to civilian employment, changing careers and/or participating in an educational or training program. The VRC must coordinate any referrals to VBA, VHA, or other campus and community resources necessary to address these issues.</p>	M28R.VII.A.1
9.	Was the individual provided with an Ed/Voc Assessment to help identify a suitable employment goal?	
	Considerations	Citations
	<p>The VRC must determine if further assessment is required to help the individual identify a suitable employment goal. All individuals seeking Chapter 36 services may not be in need of educational/vocational assessment, especially students who have already chosen career paths. These individuals may only be in need of educational/vocational career counseling services.</p> <p>If the VRC determines that further assessment is required to help the individual identify a suitable employment goal, educational and vocational assessment must be conducted. Educational and vocational assessment encompasses several steps and processes, including the following:</p> <ol style="list-style-type: none"> a. Obtain a complete account of the individual's medical, educational and vocational history, including barriers to employment, functional capacity and assessment of transferrable skills. Not all individuals seeking Chapter 36 services will have a disabling condition, so there may or may not be a need to address medical conditions. 	M28R.III.B.4 M28R.VII.A.1

	<ul style="list-style-type: none"> b. Complete an assessment of academic functioning, interests, aptitudes and abilities. Further testing may not be necessary to complete this assessment if the individual's pattern of interests and school transcripts can be used as a substitute. c. Perform a transferable skills analysis that includes an analysis of the individual's work traits, intellectual level and personal characteristics as compared to the characteristics and demands of specific jobs. The analysis must also outline transferable skills for direct employment or skills that can be built upon for future employment. d. Provide vocational exploration guidance and counseling that considers transferable skills, impact of disability condition(s), vocational testing results, labor market conditions and demands, assistive technology and job modifications, and other factors. Vocational exploration results in the identification of suitable employment goals and steps needed to achieve the goal, including further education or training. e. Develop a plan of action to help the individual reach his/her specific goals. This plan should address academic needs, any necessary accommodations or barriers to employment, and possible funding sources. VAF 28-8606, Notes from Counseling and Next Steps must be used for this. The individual's signature on VAF 28-8606 should be obtained, the original provided to the individual and a copy filed in the VR&E record. 	
10.	Were the results of either Ed/Voc Career Counseling or Ed/Voc Assessment summarized into a comprehensive report?	
	Considerations	Citations
	<p>The results of either educational/vocational career counseling or educational/vocational assessment must be summarized into a comprehensive report that addresses the following criteria:</p> <ul style="list-style-type: none"> a. Eligibility Data b. Individual's History c. Disability Condition(s) d. Assessment of Interests, Aptitudes, and Abilities e. Vocational Exploration f. Synthesis of Ed/Voc Assessment <p>The educational/vocational narrative must be completed on VAF 28-1902n, or on contractor letterhead, and filed in the VR&E record. If the narrative is completed by a VRC employed by VA, the report may be documented in a case note.</p> <p>It is imperative that the counselor discusses the findings and recommendations of the narrative with the individual to ensure that all areas of concern have been addressed and the individual has enough information to make an informed choice concerning educational and vocational training, as well as VA benefits. This review should be completed during an in-person counseling session. However, if that is not possible due to the individual's circumstance (relocation, inability to attend</p>	<p>M28R.III.B.4 M28R.VII.A.1</p>

	a follow-up counseling appointment, etc.) the VRC can complete the review via telephone or teleconference.	
10.A	Eligibility Data was not documented on the Ed/Voc narrative.	
	<p>a. Eligibility Data</p> <p>This section's content must include the following eligibility information:</p> <ul style="list-style-type: none"> • Date VAF 28-8832 was received. • Referral source. • Education program to which the Servicemember, Veteran or dependent is entitled. • Information provided to the Servicemember, Veteran or dependent to explain use of the education program benefits. 	M28R.VII.A.1
10.B	Individual's History was not documented on the Ed/Voc narrative.	
	<p>b. Individual's History</p> <p>The content of this section includes background information related to the individual's personal, educational, vocational and, if applicable, military history. It should address the following areas:</p> <ul style="list-style-type: none"> • Place of birth. • Home of residence (if relocating). • Name/location of schools attended and degrees conferred. • Marital and dependent status. • Employment history, to include experience with supervision, adjustment to work assignments and performance. • Military history, to include branch of service, Military Occupational Specialty, rank, length of service and separation date. • Financial history and funding sources for proposed plan. 	M28R.VII.A.1
10.C	Disability Condition(s) was not documented on the Ed/Voc narrative.	
	<p>c. Disability Condition(s)</p> <p>The content of this section includes any history of injury/illness that may have occurred as a result of the individual's military service, as well as any other disabling conditions (as applicable). If available, records should be reviewed from the following sources:</p> <ul style="list-style-type: none"> • Service Treatment Records. • Military Evaluation Board. • Physical Evaluation Board. • All other medical records available, including information from private physicians. <p>It is important to note not only the medical findings, but also the individual's perception of his/her current level of functioning and the impact of the disability on daily living. Additionally, any learning disabilities or special needs the individual experienced in past educational settings should be noted to identify any needed learning supports.</p>	M28R.VII.A.1

10.D	Assessment of Interest Aptitudes and Abilities was not documented on the Ed/Voc narrative. d. Assessment of Interests, Aptitudes and Abilities This section must include the following information, as applicable: <ul style="list-style-type: none"> • The assessment instruments used, including a copy of transcripts, all administered tests and an explanation of the purpose of each test. • The result of the assessment as it relates to the individual's stated interests, aptitudes and functional abilities. • The vocational significance of each test result and estimated outcomes based on the results of the assessment – for example, noting that remedial classes will be necessary to prepare the individual to successfully compete in a post-secondary setting. 	M28R.VII.A.1
10.E	Vocational Exploration was not documented on the Ed/Voc narrative. e. Vocational Exploration This section includes identification of transferable skills and a comparison of those skills with current labor market information, as applicable. Current labor market information should be specific to the area in which the individual plans on residing after discharge or the completion of a training program. Identifying appropriate training programs or on-the-job training opportunities where the individual can build his/her competitive skills are a vital part of vocational exploration. Resources to assist in the completion of the vocational exploration include, but are not limited to, the following: <ul style="list-style-type: none"> • Occupational Outlook Handbook (OOH) at www.bls.gov/ooh • Dictionary of Occupational Titles (DOT) at www.occupationalinfo.org • O*NET at www.onetonline.org • Websites from schools, employers and professional organizations 	M28R.VII.A.1
10.F	Synthesis of Ed/Voc Career Counseling and/or Assessment was not documented on the Ed/Voc narrative. f. Synthesis of Educational/Vocational Assessment This section should include the following information, as applicable: <ul style="list-style-type: none"> • Summary of the individual's background. • Statement on the individual's vocational preparation. • Identification of transferable skills. • Education/training options. • Support systems and funding options. • Employment goals and steps to accomplish the goals. • Name, location and point of contact for more information on VA services. 	M28R.VII.A.1

	<ul style="list-style-type: none"> Name, location and point of contact for State Vocational Rehabilitation services, if applicable. Referral to local VA for the establishment of a service-connected disability claim, if applicable. 	
11.	Was the Chapter 36 Checklist Job Aid used by the VRC to document the counseling and/or services provided?	
	Considerations	Citations
	<p>The Chapter 36 Checklist Job Aid serves as a guide to assist in documenting the provision of Chapter 36 benefits. The job aid must be used by the VRC to document the activities and services provided.</p> <p>Using the Chapter 36 Checklist to document the counseling and/or services provided ensures Chapter 36 benefits are provided consistently to each eligible applicant. The Checklist must be filed in the VR&E record. The checklist is a tool for use by the VRC, and should not be provided to the individual receiving Chapter 36 benefits.</p>	<p>M28R.III.B.4 PA 17-03</p>
12.	Was VAF 28-8606, Notes from Counseling and Next Steps, documented and provided to the individual?	
	Considerations	Citations
	<p>A plan of action must be completed on VAF 28-8606, Notes from Counseling and Next Steps for any individual who receives Chapter 36 services/benefits. The individual's signature on VAF 28-8606 should be obtained, the original provided to the individual and a copy filed in the individual's VR&E record.</p>	<p>M28R.III.B.4 M28R.VII.A.1 PA 17-03</p>
13.	Was the Vocational Assessment summary documented and provided to the individual as a part of the Goal Map Package?	
	Considerations	Citations
	<p>The VRC must provide a summary of the vocational assessment to the individual receiving Chapter 36 Counseling. The Vocational Assessment Summary must include, but is not limited to, an analysis and explanation of testing results (do not provide raw test scores); assessment of aptitude, interests, and abilities; employment goals; and training options discussed.</p> <p>The information in the vocational assessment summary may be extracted directly from the required narrative report that is completed by the VRC, placed on a Word document, and given directly to the individual, with a copy maintained in the VR&E record.</p>	<p>M28R.III.B.4 PA 17-03</p>
14.	Did documentation verify that the individual was provided a copy of the "My Transition to School" or "My Transition to the Workforce" handout?	
	Considerations	Citations
	<p>As part of the "Goal Map" package, the VRC is required to provide the individual a copy of the 'My Transition to School' or 'My Transition to the Workforce' Handout, which serves as a resource tool for individuals transitioning into school or the workforce and provides a notes/contacts section for the individual to notate contacts and information gathered.</p>	<p>M28R.III.B.4 PA 17-03</p>
<input type="checkbox"/> Completed without Counseling (CH36B)		

15.	Was a letter and email sent to the individual giving him/her 10 days to reschedule the missed appointment?	
	Considerations	Citations
15.A	A letter was not sent.	
15.B	An email was sent.	
	If the individual does not attend the scheduled counseling appointment, an email (if the individual's email address is available) and a letter must be sent informing the individual that he/she has 10 days to reschedule the appointment before action on the application will be stopped. The case remains in Applicant status during this period. <i>Tip: Follow-up via telephone is no longer required when the individual misses a scheduled appointment, but may serve as a best practice.</i>	M28R.VII.A.1
16.	If the individual declined services via phone or email, was the contact documented in a case note prior to closing the case?	
	Considerations	Citations
	If the individual reports via telephone or email they no longer wish to pursue the claim, the VR&E staff member must document the contact in a case note and may proceed with closing the case. Therefore, there is no need to wait for the 10-day period to expire if notification was sent and the individual no longer wants to pursue the claim.	M28R.VII.A.1

Reviews (For tracking only. Not included in score. Answering No does not result in a fiscal error.)

17.	Was the requested Higher-Level Review completed in an accurate and timely manner?	
	Considerations	Citations
17.A	The requested review was not completed accurately.	
	The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including: <ul style="list-style-type: none"> • Only information in the record at the time of the decision is reviewed during the higher-level review (HLR). No new evidence is reviewed. • The SM/V submitted VAF 20-0996 to the RO of jurisdiction within one year of the date listed on the decision letter. • If more than one year has elapsed, the VR&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). • VAF 20-0996 is date stamped as soon as it is received, and information is entered into Caseflow. • If an informal conference is requested, the higher-level reviewer must document the completion of the informal conference in a case note. • 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. • Three possible outcomes: uphold the decision, overturn the decision, or identify a duty to assist error. 	38 CFR 21.416 M28R.III.C.3

17.B	The review was not completed in a timely manner (90 days or less from date of request).	
	<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>	38 CFR 21.416 M28R.III.C.3
17.C	The review was not completed by a more experienced VRC than the individual who made the decision.	
	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
17.D	The review indicated a Duty to Assist error, but a Supplemental Claim Review was not initiated.	
	<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
17.E	The requested informal conference was not provided.	
	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
18.	Was the requested Supplemental Claim Review completed in an accurate and timely manner?	
	Considerations	Citations

18.A	The requested review was not completed accurately.	
	The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including: <ul style="list-style-type: none"> • The review includes new and relevant evidence that was not considered when the original decision was made. • The SM/V submitted VAF 20-0995 to the RO of jurisdiction • VAF 20-0995 is date stamped as soon as it is received, and information is entered into Caseflow. • Two possible outcomes: uphold the decision or overturn the decision. 	38 CFR 21.416 M28R.III.C.3
18.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).	
	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.