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|  | **DEPARTMENT OF VETERANS AFFAIRS**  **VA Regional Office**  **«ROAddress»** |

«CurrentDate»

|  |  |
| --- | --- |
| «FullName» | **In Reply Refer to:** |
| «MailingAddress» | «ROStationNumber»/28  «ClaimPayee» |

Dear «LastName»:

I am writing to inform you of the following decision that affects your Department of Veterans Affairs (VA) benefits.

**What decision did I make and what authority did I use?**

When making a decision on your VA benefits that are provided by the Vocational Rehabilitation and Employment (VR&E) program, I must base my decision on specific laws and regulations. These laws are found in title 38 of the United States Code (U.S.C.); and the regulations are found in title 38 of the Code of Federal Regulations (CFR). Based on a review of these laws and regulations, I have decided that Choose an item. (A note – the options in this drop down box are provided at the end of this letter for ease of review. This statement will be removed prior to publication.)

**Why did I make this decision?**

I made this decision based on the following reason(s):

This section must include the following:

* Findings that were favorable to the claimant. For example, “since your syllabus indicates that you need a computer, I can purchase a basic laptop or desktop. However, the syllabus does not indicate a need for the more advanced computer that you have requested; therefore, I cannot support your request for a MacBook Pro.”
* Insert the reason(s) for the decision. In the case of a denial, reduction, or termination of benefits, identify the elements not satisfied leading to the denial.
* Identify what criteria the individual needs to provide to grant the claim, if applicable. For example, “if you can provide documentation that a MacBook Pro is required of all students in your course of education, then I can approve your request.”

**What evidence did I use to make this decision?**

[Insert the evidence - This evidence should be specific and refer to discussions and information presented by the claimant and/or other sources, i.e., information on the Rehabilitation Needs Inventory form or decision rating that influenced your decision.]

If you would like copies of this information, please contact me to arrange the most efficient way to get this information to you.

**What if you disagree with my decision?**

If you disagree with my decision, either you or your accredited representative, such as a Veterans Service Organization representative, independent agent, or private attorney, can request a review of the decision at the regional office level or file a request for a formal appeal at the Board of Veterans Appeals (Board). You have one year from the date of this letter to select a review option in order to protect your initial filing date for effective date purposes. .

* Request a Higher-Level Review (HLR) at the Regional Office Level

If you disagree with my decision, you can request a HLR to be completed at the regional office where I work, or an alternate regional office (**see note below**) within one year of the date of this letter. A HLR is completed by an experienced VR&E employee. We strive to complete this review and get a decision to you within 90 days from the date we receive your request. You may also request an informal conference during the HLR process. An informal conference provides you, and your representative if you have one, the opportunity to tell the reviewer why you disagree with my decision and to discuss the decision before the reviewer completes his/her review. To request a HLR, please complete VA Form 20-0996, Decision Review Request: Higher-Level Review, and return it to the address at the top of the letter. If you have new evidence to provide, this option is not available to you. Please see below for your options if you have new evidence to provide. Also, you may not request a HLR of a HLR decision issued by VA.

**Note: By default, your HLR will be completed at the regional office where I work, which contradicts the information listed in box 13 on VA Form 20-0996. If you want your HLR to be completed at an alternate regional office, please indicate that in writing in box 13.**

* Request a Supplemental Claim Review (SCR) at the Regional Office Level

If you disagree with my decision and you have new evidence to provide, you can request a SCR to be completed at the regional office where I work. A SCR is completed by either myself or another Vocational Rehabilitation Counselor that works at the same regional office in which I work. We strive to complete this review and get a decision to you within 125 days from the date we receive your request. To request a SCR, please complete VA Form 20-0995, Decision Review Request: Supplemental Claim. There is no time limit to request this review; however, if you submit new evidence later than one year after the date of this letter, the effective date for any resulting award of benefits generally will be tied to the date VA receives the request for a SCR.

* Request a Formal Appeal with the Board of Veterans Appeals

If you disagree with my decision, you may appeal the decision to the Board of Veterans Appeals. If you want to file a formal appeal, please complete VA Form 10182, Decision Review Request: Board Appeal (Notice of Disagreement), and follow the instructions on the form regarding how to submit the appeal. You have one year from the date of this letter to request an appeal.

It is important to note that you may either request a HLR or a SCR at the regional office level, or request an appeal by the Board. You may not have the same issue under review at both the regional office and the Board at the same time. You must elect which option you wish to pursue.

The enclosed VA Form 20-0998, “Your Rights To Seek Further Review of Our Decision”, explains your options in greater detail and provides instructions on how to request further review. You may download a copy of any of the required application forms noted above by visiting [www.va.gov/vaforms/](http://www.va.gov/vaforms/) or you may contact us by telephone at 1-800-827-1000 and we will mail you any form you need.

You can visit va.gov/decision-reviews to learn more about how the disagreement process works.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter letting us know what you would like to obtain. Some evidence may be obtained online by visiting VA.gov.

**What if you have questions or concerns?**

If you have any questions about this letter or need additional information on VA benefits, please contact me at «CaseMgrPhone», via email at «CaseMgrEmailAddress», or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711.

Sincerely yours,

«CaseMgrName»

«CaseMgrTitle»

Enclosure:

VA Form 20-0998, Your Rights to Seek Further Review of our Decision

cc: «POAName»

**How can eBenefits assist you?**

eBenefits is a web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. It is a joint effort between VA and the Department of Defense. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. The eBenefits portal also provides access to the Veterans Employment Center, a one-stop career website for Veterans, transitioning Servicemembers and GI Bill beneficiaries, as well as military spouses and dependents. You will also find a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits, go to [www.ebenefits.va.gov](http://www.ebenefits.va.gov).

The Options in the Drop Down Box:

I have decided that (choose one from below)

**Chapter 31**

1. you are not eligible for VR&E benefits and services. I based this decision on 38 U.S.C. § 3103 and 38 CFR § 21.40.
2. you are entitled to VR&E benefits and services. I based this decision on 38 U.S.C. §§ 3102 and 3103; and 38 CFR §§ 21.40, 21.44, 21.51 and 21.52.
3. you are not entitled to VR&E benefits and services because you do not meet the criteria for an employment handicap. I based this decision on 38 U.S.C. § 3102; and 38 CFR §§ 21.40 and 21.51.
4. you are not entitled to VR&E benefits and services because you do not have a serious employment handicap. I based this decision on 38 U.S.C. §§ 3102, 3103, and 3106; and 38 CFR §§ 21.44 and 21.52.
5. you are not entitled to VR&E benefits and services because your eligibility termination date has expired and you do not meet the criteria for me to extend that period. I based this decision on 38 U.S.C. §§ 3102, 3103, and 3106; and 38 CFR §§ 21.44 and 21.52.
6. you currently do not meet the criteria for me to determine that it is reasonably feasible for you to pursue a vocational goal. I based this decision on 38 U.S.C. § 3106 and 38 CFR § 21.53.
7. you do not meet the required criteria to pursue your preferred vocational goal. I based this decision on 38 U.S.C. §§ 3101, 3104, and 3105; and 38 CFR §§ 21.70 and 21.72.
8. I cannot approve your selected training facility. I based this decision on 38 U.S.C. § 3115 and 38 CFR § 21.294.
9. I cannot approve your request for supplies/equipment. I based this decision on 38 U.S.C. § 3104; and 38 CFR §§ 21.210 and 21.212.
10. you do not meet the criteria for payment of subsistence allowance, or I must reduce your subsistence allowance. I based this decision on 38 U.S.C. § 3108; and 38 CFR §§ 21.260 and 21.324.
11. you do not meet the criteria for payment of an employment adjustment allowance. I based this decision on 38 U.S.C. § 3108 and 38 CFR § 21.268.
12. I cannot support your request for independent living services. I based this decision on 38 U.S.C. § 3120 and 38 CFR § 21.76.
13. I cannot approve your request for self-employment services. I based this decision on 38 U.S.C. §§ 3104 and 3117; and 38 CFR § 21.257.
14. I cannot approve your request for an entitlement extension. I based this decision on 38 U.S.C. § 3105 and 38 CFR § 21.78.
15. I cannot approve your request for an advance from the revolving fund loan. I based my decision on 38 U.S.C. § 3112 and 38 CFR § 21.274.
16. I must place your case in interrupted status, which means that VR&E services will temporarily stop. I based this decision on 38 U.S.C. § 3110; and 38 CFR § 21.197.
17. I cannot approve your request for retroactive induction or reimbursement. I based my decision on 38 U.S.C. §§ 3102, 3108, 3113, 3681, and 5113; and 38 CFR § 21.282.
18. you currently do not meet the criteria for me to set aside your previous rehabilitation determination. As a result, I cannot provide additional VR&E benefits and services. I based this decision on 38 U.S.C. §§ 3101, 3109, and 3117; and 38 CFR § 21.284.
19. you currently do not meet the criteria for successful closure of your VR&E claim. I based this decision on 38 U.S.C. §§ 3101 and 3107; and 38 CFR § 21.283.
20. you currently meet the criteria for successful closure of your VR&E claim. Congratulations on meeting your goals. I based this decision on 38 U.S.C. §§ 3101 and 3107; and 38 CFR § 21.283.
21. I must discontinue further action on your VR&E claim due to lack of cooperation or failure to participation. I based this decision on 38 U.S.C. § 3111 and 38 CFR § 21.364.
22. you are eligible for VR&E benefits and services. I based this decision on 38 U.S.C. § 3103 and 38 CFR § 21.40.
23. you meet the criteria for me to determine that it is reasonably feasible for you to pursue a vocational goal. I based this decision on 38 U.S.C. § 3106 and 38 CFR § 21.53.
24. you meet the criteria required to pursue your preferred vocational goal. I based this decision on 38 U.S.C. § 3104; and 38 CFR §§ 21.70 and 21.72.
25. I can approve your selected training facility. I based this decision on 38 U.S.C. § 3115 and 38 CFR § 21.294.
26. I can approve your request for supplies/equipment. I based this decision on 38 U.S.C. § 3104; and 38 CFR §§ 21.210 and 21.212.
27. you do meet the criteria for payment of an employment adjustment allowance. I based this decision on 38 U.S.C. § 3108 and 38 CFR § 21.268.
28. I can support your request for independent living services. I based this decision on 38 U.S.C. §§ 3109 and 3120; and 38 CFR § 21.76.
29. I can approve your request for self-employment services. I based this decision on 38 U.S.C. §§ 3104 and 3117; and 38 CFR § 21.257.
30. I can approve your request for an entitlement extension. I based this decision on 38 U.S.C. § 3105 and 38 CFR § 21.78.
31. I can approve your request for an advance from the revolving fund loan. I based my decision on 38 U.S.C. § 3112 and 38 CFR § 21.274.
32. I can approve your request for retroactive induction or reimbursement. I based my decision on 38 U.S.C. §§ 3102, 3108, 3113, 3681, and 5113; and 38 CFR § 21.282.
33. you currently do meet the criteria for me to set aside your previous rehabilitation determination. I based this decision on 38 U.S.C. §§ 3101, 3109, and 3117; and 38 CFR § 21.284.

I have decided that (choose one from below)

**Chapter 36**

1. you are not eligible to receive educational and vocational counseling under Chapter 36. I based this decision on 38 U.S.C. § 3697A.
2. you currently meet the criteria for successful closure of your educational and vocational counseling claim for services provided under Chapter 36. Congratulations on meeting your goals. I based this decision on 38 U.S.C. § 3697A.
3. you do meet the criteria for successful closure of your educational and vocational counseling claim for services provided under Chapter 36 due to lack of cooperation and/or participation. I based this decision on 38 U.S.C. § 3697A.

I have decided that (choose one from below)

**Chapter 35**

1. you currently meet the criteria for successful closure of your educational and vocational counseling claim for services provided under Chapter 35. Congratulations on meeting your goals. I based this decision on 38 U.S.C. §§ 3501 and 3543.
2. I cannot approve your request for supplies/equipment/services under Chapter 35. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR §§ 21.8050, 8210, and 8260.
3. I must discontinue further action on your Chapter 35 claim due to lack of cooperation or failure to participation. I based this decision on 38 U.S.C. § 3524 and 38 CFR § 21.3103.
4. I can approve your request for supplies/equipment/services under Chapter 35. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR §§ 21.8050, 8210, and 8260.

I have decided that (choose one from below)

**Chapter 18**

1. you are entitled to Chapter 18 benefits and services. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR § 21.8020.
2. you are not entitled to Chapter 18 benefits and services. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR § 21.8020.
3. you currently meet the criteria for successful closure of your educational and vocational counseling claim provided under Chapter 18. Congratulations on meeting your goals. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR 21.8120.
4. you do meet the criteria for successful closure of your Chapter 18 claim due to lack of cooperation and/or participation. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR 21.8360 and 21.8282.
5. I cannot approve your request for an entitlement extension under Chapter 18. I based this decision on 38 U.S.C. § 1804 and 38 CFR § 21.8072.
6. I cannot approve your request for supplies/equipment/services under Chapter 18. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR §§ 21.8050, 8210, and 8260.
7. I must discontinue further action on your Chapter 18 claim due to lack of cooperation or failure to participation. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR §§ 21.8360 and 21.8282.
8. I can approve your request for an entitlement extension under Chapter 18. I based this decision on 38 U.S.C. § 1804 and 38 CFR § 21.8072.
9. I can approve your request for supplies/equipment/services under Chapter 18. I based this decision on 38 U.S.C. §§ 1804 and 1814; and 38 CFR §§ 21.8050, 8210, and 8260.