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

«CurrentDate»

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

Dear «LastName»:

Congratulations, I am writing to inform you of the following decision that grants 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 the following, as outlined on the attached mutually agreed upon rehabilitation plan, VA Form 28-8872, signed on insert date:

REMOVE THIS STATEMENT AS WELL AS THE ITEMS THAT DO NOT APPLY

1. 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.
2. 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.
3. I can approve your selected training facility, course, and program, to include payment of all required tuition, fees, and books. I based this decision on 38 U.S.C. § 3115 and 38 CFR § 21.294.
4. I can approve your request for on-the-job training, an apprenticeship, or a non-paid work experience. I based my decision on 38 U.S.C. §§ 3108 and 3115; and 38 CFR §§ 21.296 and 21.299.
5. I can provide subsistence allowance for periods in which you are attending training on at least a half time basis, unless otherwise approved to attend at a reduced rate. I based this decision on 38 U.S.C. § 3108 and 38 CFR § 21.260.
6. I can approve your request for supplies, equipment, and/or incidental goods and services as related to your vocational goal/training program. I based this decision on 38 U.S.C. § 3104; and 38 CFR §§ 21.156, 21.210 and 21.212.
7. I can provide you with employment assistance. I based this decision on 38 U.S.C. §§ 3107 and 3117; and 38 CFR §§ 21.250 and 21.252.
8. I have approved your request for payment of an employment adjustment allowance. I based this decision on 38 U.S.C. § 3108 and 38 CFR § 21.268.
9. I can approve your request for independent living services. I based this decision on 38 U.S.C. §§ 3109 and 3120; and 38 CFR § 21.76.
10. 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.
11. I can approve your request for an entitlement extension. I based this decision on 38 U.S.C. § 3105 and 38 CFR § 21.78.
12. 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.
13. 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.
14. I can approve your request for beneficiary travel. I based this decision on 38 U.S.C. §§ 111 and 3104; and 38 CFR §§ 21.154 and 21.370 - 21.376.

If your rehabilitation plan changes, the information in this letter will be revoked and a new letter will be issued.

## Why did I make these decisions?

I made these decisions based on a review of your abilities, aptitudes, and interests; our discussion of your goals; and a review of your individualized circumstances, desires for the future, and request for these services and assistance.

## 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; a decision rating that influenced your decision; review of the labor market; review of course requirements; claimant request; entitlement previously used under another VA education program (for an entitlement extension or retroactive reimbursement or induction); or demonstrated need (for an RFL). This section must address each decision made above.]

## 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 claims 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 an option and complete the appropriate request form 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. 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: Due to the specialized processing needs of VR&E, 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.

* File a Supplemental Claim (SC) at the Regional Office Level

If you disagree with my decision and you have new evidence to provide, you can request a SC to be completed at the regional office where I work. A SC is completed by either myself or another Vocational Rehabilitation Counselor that works at the same regional office in which I work. To request a SC, please complete VA Form 20-0995, Decision Review Request: Supplemental Claim. There is no time limit to request this review; however, if you submit a SC 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 SC.

* File 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 file an appeal.

It is important to note that you may elect either a HLR or a SC at the regional office level or elect 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/ or you may contact us by telephone at 1-800-827-1000 and we will mail you any form you need.

You can visit www.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»

Enclosures:

VA Form 28-8872, Rehabilitation Plan

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

cc: «POAName»

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| --- VA Form 20-0998 --- | | | | | | | | | | |
|  | | | | YOUR RIGHTS TO SEEK FURTHER REVIEW OF OUR DECISION | | | | | | |
| After careful and compassionate consideration of the matter(s) before VA, we have reached a decision. This document outlines your rights to seek further review of our decision on any issue with which you are dissatisfied or disagree. This document does not apply to decisions issued by the Board of Veterans' Appeals (Board), which have a separate rights notice. For **most VA benefits**, you must elect one of the review options discussed below within **one year** of the date on your decision notice letter to preserve your right to receive the maximum possible benefit. **Consult your decision notice letter for specific filing time limits.** If you are a party to a **contested claim**, you must file an appeal to the Board within **60 days** of the date on your decision notice letter in order to seek review. All parties to a contested claim will have received notice of the decision. See the section below regarding filing an appeal to the Board. You may select different review options for each issue decided by VA. The options are as follows: | | | | | | | | | | |
| **Review Options** | | | | **VA Benefit Claim** | | **Parties to a Contested Claim** | **Insurance Claim** | | | **Fiduciary Decision** |
| **Supplemental Claim** | | | |  | | Not Available |  | | | Not Available |
| **Higher-Level Review** | | | |  | | Not Available |  | | |  |
| **Appeal to the Board** | | | |  | |  |  | | |  |
| **U.S. District Court Complaint** | | | | Not Available | | Not Available |  | | | Not Available |
| *VA benefits include Compensation, Pension/Survivors Benefits, Education, Loan Guaranty, Vocational Rehabilitation & Employment, Veterans Health Administration, or National Cemetery Administration.*  You **MAY NOT** concurrently file for review of any single issue using more than one option at a time. The following is an overview of each option to help you select the most appropriate course of action. You can also find detailed information on all of the available review options and apply at [www.vets.gov.](http://www.vets.gov/) | | | | | | | | | | |
| **Descriptions of Review Options** | | | | | | | | | | |
| **Supplemental Claim** | | | **Higher-Level Review** | | **Appeal to the Board** | | | **U. S. District Court** | | |
| **Use this option when you have additional evidence that is NEW AND RELEVANT** to support granting the benefit(s) sought or you can identify existing relevant records that you would like VA to obtain. **(NEW evidence** means information not previously submitted to VA, and **RELEVANT evidence** means information that tends to prove or disprove a matter at issue.)  VA will assist you in gathering new and relevant evidence to support a Supplemental Claim. | | | **Use this option when you have NO** additional evidence to submit, or that you would like VA to obtain, in support of a previously decided issue.  You ***may not*** request a Higher-Level Review of a  Higher-Level Review decision or a Board decision.  The designated reviewer will conduct a brand new review of the issue(s) based on the evidence that was before VA at the time of the prior decision(s). An **informal conference** is available to you and/or your representative, if you choose to exercise this option. The purpose of this telephonic contact is to point out specific errors in the case. VA will not consider any new evidence. | | **Use this option to appeal to the Board for consideration by a Veterans Law Judge.** You may appeal to the Board from a Supplemental Claim decision or a Higher-Level Review decision.  When appealing to the Board, you may request a hearing with a Veterans Law Judge and/or the opportunity to submit additional evidence. You may also choose for the Board to review your claim without any additional evidence or a hearing, which may result in a faster decision. By selecting one of these options, the Board will place your appeal onto a list for consideration in the order it was received.  The Board does not have a duty to assist you in obtaining additional evidence, but may review whether VA properly fulfilled its duty to assist you in the original claim process and may remand your claim on that basis. | | | ***(INSURANCE CLAIMS ONLY)***  You may challenge VA's decision on your insurance application or claim by filing a complaint with a United States district court in the jurisdiction in which you reside within six years from when the right of action first accrues.  To find a district court, use the map at: [www.uscourts.gov/](http://www.uscourts.gov/court_locator.aspx) [court\_locator.aspx](http://www.uscourts.gov/court_locator.aspx). | | |
| VA FORM | **20-0998** | *(Please continue reading on page 2)* | | | | | | | Page 1 | | |
| JAN 2019 |

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| **How do I request review by VA of my decision?**  To select a review option, you must submit the appropriate form to the appropriate office for review.  For a **Supplemental Claim**, consult your decision notice letter for the required forms and ways to submit the request.  For a **Higher-Level Review**, complete **VA Form 20-0996, Decision Review Request: Higher-Level Review** (available at [www.va.gov/vaforms/](http://www.va.gov/vaforms/)), and consult your decision notice letter for the required ways to submit the request.  To **Appeal to the Board**, complete **VA Form 10182 - Decision Review Request: Board Appeal (Notice of Disagreement)** (available at [www.va.gov/vaforms/](http://www.va.gov/vaforms/)), and send the form to:  **Board of Veterans' Appeals**  **P.O. Box 27063 Washington, DC 20038**  **Fax: 844-678-8979**  **Can someone help me with my request for review?**  Yes, VA recognizes and accredits attorneys, claims agents, and Veterans Service Organizations (VSOs) representatives to assist VA claimants with their benefits claims. VSOs and their representatives are not permitted to charge fees or accept gifts for their services. Only VA-accredited attorneys and claims agents may charge you fees for assisting in a claim for VA benefits, and only after VA has issued an initial decision on the claim and the attorney or claims agent has complied with the power-of-attorney and the fee agreement requirements. For more information on the types of representatives available, *see* [www.va.gov/ogc/](http://www.va.gov/ogc/accreditation.asp) [accreditation.asp](http://www.va.gov/ogc/accreditation.asp).  If you have not already selected a representative, or if you want to change your representative, a searchable database of VA-recognized VSOs and VA-accredited attorneys, claims agents, and VSO representatives is available at [www.va.gov/ogc/apps/accreditation/index.asp](http://www.va.gov/ogc/apps/accreditation/index.asp). Contact your local VA office for assistance with appointing a representative or visit [www.ebenefits.va.gov](http://www.ebenefits.va.gov/).  **What happens if I do not submit my request for review on time?**  If you do not request a review option within the required time limit, you may only seek review through the following options:   * File a request for revision of the decision based on a clear and unmistakable error in the decision; * File a Supplemental Claim along with new and relevant evidence to support your issue(s). Where a Supplemental Claim is filed after the time limit to seek review of a decision, the effective date for any resulting award of benefits generally will be tied to the date that VA receives the Supplemental Claim.   For more information on all the available review options visit: [www.va.gov,](http://www.va.gov/) or [www.vets.gov](http://www.vets.gov/) or contact us at 1-800-827-1000.  **NOTE:** This form supersedes VA Forms 4107, 4107C, 4107VHA, 4107VRE, 4107INS for VA decisions after the publication in the Federal Register of the applicability date on which the *Veterans Appeals Improvement and Modernization Act of 2017* goes into effect. |

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| VA FORM 20-0998, JAN 2019 | Page 2 |