

Audio Check





If you **CANNOT** hear,
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Hand” Icon.








A Training Specialist is speaking now.

People ... X

Invite someone or dial a number @

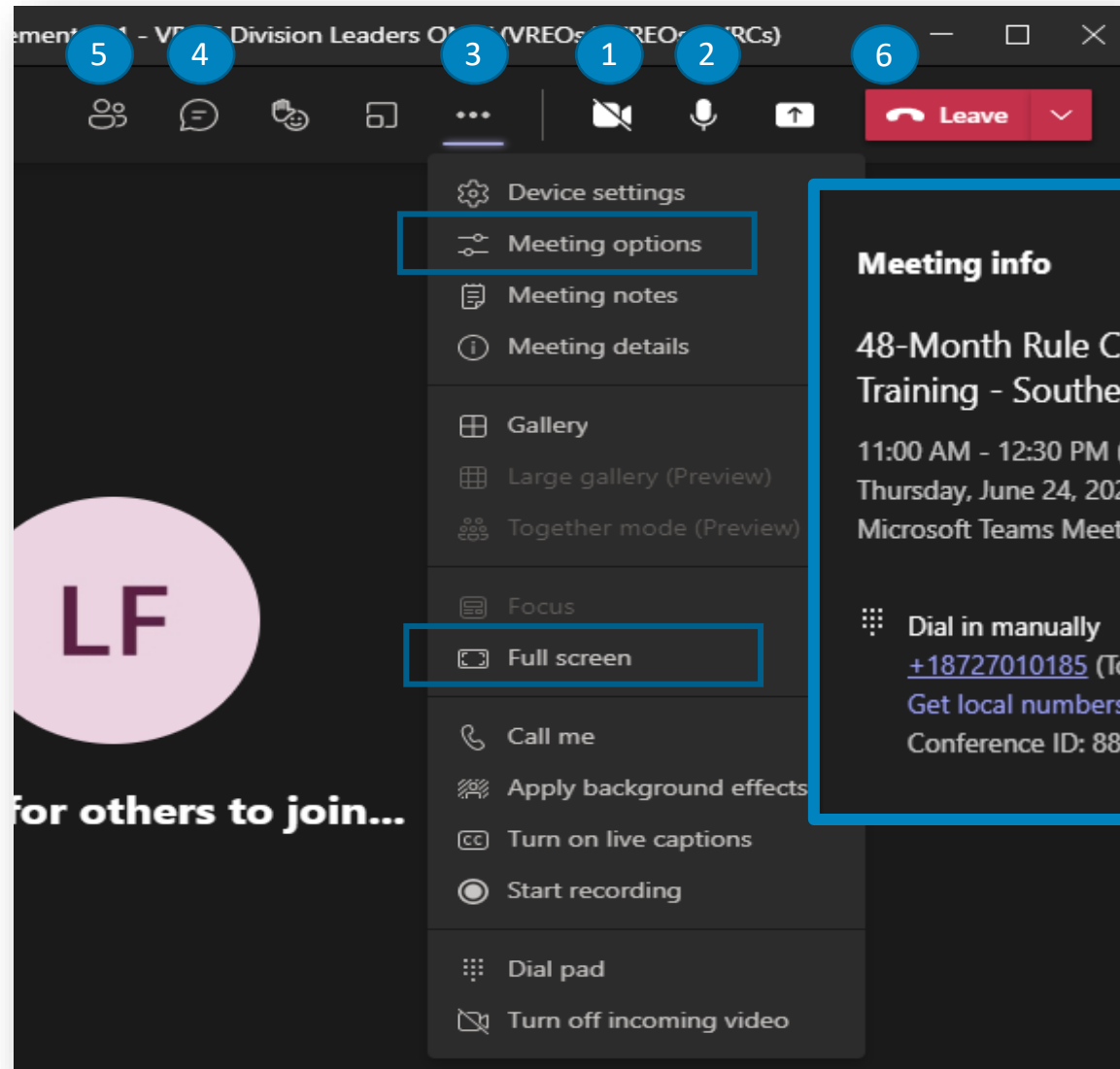
Currently in this meeting (1)

 Sagotsky, Dale, VBAVACO
Organizer 

06:11        

Virtual Overview

1. Turn Camera On
2. Mute Microphone
3. Options Menu
4. Show Conversation (Chat)
5. Show Participants
6. Hang up



Virtual Etiquette and New Meeting Rules

- Questions - addressed at the end of training
- Minimize all distractions – this includes comments, feedback in the Chat
- Comments and Feedback - post in TMS
- Reduce multi tasking
- Be attentive



NOTE:

- If verbal or written distractions occur, a member of the Training Team will be reaching out to you and your supervisor regarding this distraction or interference of the training session.
- If the distraction continues, Training Team members will remove you from the training and notify you and your supervisor of this action.

[Watch '48-Month Rule Changes 401 Training - Southeast' | Microsoft Stream](#)

401: Retroactive Induction for a Period Previously Completed under Chapter 33

This training is being recorded for training and historical purposes



U.S. Department
of Veterans Affairs

Training Objectives

Upon completion of this training, you will be able to understand and implement the following information:

- Understand new procedures for retroactive induction for a period previously completed under CH33.
- Understand and correctly apply the eligibility criteria for a retroactive induction via the discussion and review of scenarios.

Overview of 101, 201, and 301 Training Sessions

- Entitlement used under CH31 will no longer count toward the 48 months of entitlement available for use in VA EDU programs.
- EDU will issue new Certificates of Eligibility (COE) with corrected amount of entitlement.
- Understanding the order of usage for CH31 and CH33.
- Understanding the requisites for determining eligibility to a retroactive induction.
- Transfer of entitlement is not deducted from CH31 entitlement until the entitlement is used by the dependent.
- Review of the criteria and conditions for entitlement extensions.

Procedures for a Retroactive Induction Involving Chapter 33



U.S. Department
of Veterans Affairs

Procedures for a Retroactive Induction Involving Chapter 33: Overview of Major Changes

- Retroactive induction process will be manual for the foreseeable future.
 - The process has been modeled after the retroactive reimbursement process.
- There are **only** three new steps and only **one** of the new steps is applicable to all cases:
 - Movement of entitlement from Chapter 33 to Chapter 31.
- The other two steps are **only** applicable in some cases:
 - Consideration of previous kicker payments, if applicable.
 - Consideration of previous Yellow Ribbon Program participation, if applicable.
- Several appendices have been created to demonstrate the step-by-step, to include a decision tree. This information will be released on July 2, 2021.
- The existing Appendix AH has been corrected and expanded so it can perform all the necessary calculations to reduce the likelihood of a fiscal error.

Procedures for a Retroactive Induction Involving Chapter 33: Prior to VR&E Officer Approval

The Vocational Rehabilitation Counselor (VRC) must:

- Review Long-Term Solution (LTS) to determine if claimant was receiving Kicker payments.
- Review Appendix AX, CH31 and CH33 Benefits Comparison, with the claimant.
- Review all retroactive induction eligibility criteria specified in M28C.V.B.6.02.a to determine if the claimant meets all criteria.

Note: Appendix CW, VRC Checklist-CH33 Retroactive Induction, has been created as step-by-step guide of this process.

Procedures for a Retroactive Induction Involving Chapter 33: Prior to VR&E Officer Approval

The VRC must:

- Verify that the claimant is within his or her CH33 delimiting date.
- Review LTS to determine if claimant was participating in the Yellow Ribbon Program.
- Review Appendix CY- Claimant Checklist-CH33 Retroactive Induction, with the claimant.
- Review transcripts and degree audit to determine which term(s) can be included in the covered period.

Long Term Solution Screen Shots

- Kicker Payments

Kickers & Supplementals

Type	Start Date	End Date	\$/Month	Initial	Remaining
Chapter 30 Kicker	08/01/2009		\$384.83	14-06	00-00

- Yellow Ribbon Payments

Enrollment Summary

▼	04/01/2019 - 06/14/2019	Undergrad	1-1-9321-37	SOUTHERN OREGON UNIVERSITY-ASHLAND OR				172	B.S. HISTORY			
Effective Date	Type	Hour Type	STEM	FT Hrs	Tuition	Fees	Out of St T&F	Yellow Ribbon	Res. Hrs	Dist. Hrs	Vacation Days	Apply 6X Exclusion
04/01/2019	Original Enrollment	Quarter		12.0	\$3,113.00	\$0.00	\$0.00	\$0.00	14.0	0.0	0	

[View](#)

Procedures for a Retroactive Induction Involving Chapter 33: Prior to VR&E Officer Approval

The VRC must:

- Obtain approval for annual costs of services, if applicable.
- Complete VAF 28-1905m and obtain receipts for books and supplies, if reimbursement is requested.
- Prepare Appendix CX, VR&E Officer Concurrence- Chapter 31 Retroactive Induction.

Procedures for a Retroactive Induction Involving Chapter 33: VR&E Office Does Not Concur

The VRC must:

- Inform the claimant via VR-58, Chapter 31 Adverse Decision Letter, and include VA form 20-0998.
- Upload Appendix CX, VR&E Officer Concurrence, Chapter 31 Retroactive Induction, to the claimant's VR&E record.
- Update Appendix DT, Retroactive Processing Spreadsheet, to include the denial of the retroactive induction.

Procedures for a Retroactive Induction Involving Chapter 33: After VR&E Officer Approval

In all cases, the VRC must:

- Develop or amend the rehabilitation plan to include an objective for retroactive induction, including the services to be provided.
- Obtain a signed copy of VAF 28-0987, Election for Ch31 Subsistence Allowance (Ch31SA) Rate or Post 9/11 Subsistence Allowance (P911SA) Rate.

Procedures for a Retroactive Induction Involving Chapter 33: After VR&E Officer Approval

If applicable, the VRC must:

- Verify Yellow Ribbon Program Participation:
 - If the claimant participated in the Yellow Ribbon Program, the VRC must send an authorization to the facility for the retroactive period. The VRC must only reimburse the facility the portion of tuition and fees the facility contributed to the Yellow Ribbon Program, and any monies the claimant paid toward tuition beyond the CH33 tuition cap.
- Verify Kicker Payments:
 - As a reminder, if the claimant received Kicker payments an overpayment will be created if the claimant opts to pursue the retroactive induction.
 - In some instances, this may result in the retroactive induction not being the most advantageous route for the claimant.

Procedures for a Retroactive Induction Involving Chapter 33: After VR&E Officer Approval

The VRC must:

- Calculate the cost of the retroactive induction via the use of Appendix AH, Retroactive Induction Calculator:
 1. Calculate the CH31 entitlement to be charged for the retroactive period.
 2. Determine the difference in all the training costs, including tuition/fees, books/supplies, and monthly subsistence allowance, as applicable.
- Send the following the VR&E Officer for the approval of the cost associated with the retroactive reimbursement:
 1. Appendix AH,
 2. A copy of applicable LTS screens,
 3. VAF 28-1905m and receipts, if applicable, and
 4. High-cost memo, if applicable.

Procedures for a Retroactive Induction Involving Chapter 33: After VR&E Officer Approval

Once the VR&E Officer concurs on Appendix AH, the VRC must:

- Update the GED for the retroactive period to manually charge CH31 entitlement usage for the retroactive period, as outlined in Appendix DR
 - This is the **only new step** in the retroactive process that will apply to all claimants who pursue a retroactive induction.
- Notify the respective Regional Processing Office (RPO) of the requested retroactive induction via email.
- Upload the email to RPO to claimant's electronic file.
- Inform the claimant via VR-64 or 67, as applicable.

Procedures for a Retroactive Induction Involving Chapter 33: After VR&E Officer Approval

The VRC must:

- Send the Summary Sheet from the Appendix AH, VAF 28-1905m, and receipts to the Support Services Division (SSD) for processing, if the claimant is owed any monies.
- Update Appendix DT, to include the claimant's approved retroactive induction.

Appendix AH

- Appendix AH is an existing appendix that has been used in the retroactive reimbursement process.
- Appendix AH is being amended to add calculations to determine rate of pursuit and entitlement usage for the retroactive period, information needed for the retroactive induction process.
- Appendix AH will also calculate tuition/fees, books/supplies, and subsistence allowance.
- It is currently still in development. The goal is to publish on July 2, 2021.

Retroactive Induction Scenarios for Open Cases

Retroactive Induction – Example 1

The claimant applies to CH31 during the last semester of a Bachelor's degree in a highly employable field and:

- Does not need further education to become employed; however, the claimant needs services to become employable.
- Has used all 36 months of CH33 toward the bachelor's degree, including this final semester already being paid under CH33.
- Has been approved for a retroactive induction.
- In order to assist the claimant with obtaining employment, job readiness services are planned, and the case will move into JRS once the claimant completes the degree.
- The claimant is interested in further education.

Retroactive Induction – Example 1 QA

Question 1:

Is the claimant still eligible for retroactive induction even if he/she will not attend training under VR&E?

Answer 1:

Yes, if the claimant is found entitled; needs CH31 services to meet the rehabilitation goal; and meets all criteria for retroactive induction.

Question 2:

If yes, if the claimant opts to pursue further education without job searching, is a rehabilitation for further education an option?

Answer 2:

Yes, if claimant opts to pursue further education, then his or her CH31 case may be rehabilitated for further education if all criteria for this type of closure are met.

Retroactive Induction – Example 2

- The claimant was determined entitled to CH31 on 01/01/2021.
- The claimant's CH33 delimiting date was 12/25/2020.
- The claimant requests retroactive induction for the period of training previously completed under CH33 for the term running from 06/01/2020 to 08/10/2020.
- The claimant is approved for a retroactive induction for the term listed above.

Retroactive Induction – Example 2 QAs

Question 1:

Can the claimant be paid P911SA beginning 06/01/2020 and throughout the remainder of his or her rehabilitation plan?

Answer 1:

Yes.

Note: The P911SA rate may not be authorized for any period prior to August 1, 2011.

Question 2:

Is the entitlement period approved for retroactive induction, 06/01/2020 to 08/10/2020, moved back to the CH33 bucket?

Answer 2:

No. Since the claimant surpassed the CH33 delimiting date, it is not necessary to move the entitlement.

Retroactive Induction – Example 3 with QA

The claimant is applying for CH31 for retroactive induction only. The claimant does not need any other rehabilitation services.

Question:

Can a retroactive induction be approved?

Answer:

No, per 38 CFR 21.282, a retroactive induction can only be approved if the claimant needs rehabilitation services.

Retroactive Induction – Example 4 with QA

The claimant is found entitled to CH31 after exhausting all 36 months of CH33. The claimant does not meet the criteria for a retroactive induction.

Question:

Is the claimant eligible to receive the P911SA rate during his/her rehabilitation program?

Answer:

No. Since the claimant has exhausted CH33 eligibility by exhausting all CH33 entitlement, he/she does not meet the criteria to receive the P911SA rate.

Retroactive Induction – Example 5

- The claimant is in an active rehabilitation plan.
- The claimant exhausted all 36 months of his/her CH33 benefits prior to applying to VR&E.
- A retroactive reimbursement was completed for one semester to enable the claimant to received the P911SA rate.
- No other terms were reviewed for retroactive processing at the time the retroactive reimbursement was completed.

Retroactive Induction – Example 5 QA

Question:

Can the claimant be evaluated for additional retroactive periods beyond the one-term that was previously approved?

Answer:

Yes, if the case is currently open, the VRC must evaluate to determine if the claimant would be eligible for any additional terms to be included in the retroactive induction.

Note:

Determine if the claimant received Kicker payments. If so, the VRC must work with the claimant to determine if he/she wants the entitlement moved since Education will be creating a debt for all Kicker payments if the entitlement is moved. In some instances, the movement of entitlement may not be advantageous to the claimant.

Retroactive Induction – Example 6 with QA

- The claimant is in an active rehabilitation plan.
- The claimant has remaining entitlement under CH33 and is eligible to receive 100% of his or her CH33 benefits.
- Therefore, a retroactive reimbursement was not beneficial at the time.

Question:

Does the new 48-month rule interpretation change the decision not to pursue retroactive processing?

Answer:

Possibly. If a retroactive induction is approved, it would be beneficial to the claimant as the entitlement previously used in CH33 can be moved to CH31; resulting in the claimant having additional CH33 entitlement available for future use.

Retroactive Induction Scenarios for Closed Cases

Cases Closed Prior to April 1, 2021

- If the case is in a closed status, DIS or REH, the claimant must reapply, be found entitled to services, and all criteria for retroactive induction must be met before a retroactive induction can be approved.
- VR&E does not have the authority to process a retroactive induction on a closed case.
- If the claimant requested retroactive processing while the claim was open, but the VRC did not address retroactivity, this is considered an administrative error. Follow the procedures outlined in M28C.V.B.6 to address this scenario.

Cases Closed on or After April 1, 2021

As previously mentioned in the 301 training, Determining the Most Advantageous Way Forward:

- For cases approved for a retroactive induction, a temporary procedure was put in place to allow the nature progression of movement through the case status system while the retroactive induction procedures were being developed.
- If a case was closed as part of this temporary procedure, then all retroactive induction actions must be completed by September 30, 2021.

Upcoming 501 Training

A 501 training will be scheduled for July or August 2021.

- This training will cover two topics:
 - How to move entitlement for previously completed retroactive reimbursements.
 - Respond to any questions on the retroactive induction process.
- Please send your questions on the retroactive induction process to M28CHELPDESK.VBACO@va.gov.
- These questions will not be answered via email; they will be used to develop scenarios for the Q&A portion of the 501 Training.

Questions



Additional Training Information

TMS Information:

VRE 48-Month Rule Changes 401:
Retroactive Induction for a Period
Previously Completed under Chapter 33
(VA 4567191)

CRC Information:

Item is approved for CRC Continuing
Education Credits on **06.21.2021**. Go to
TMS “My History” Pod, Click “View All,”
locate the training, click on “View Details”
and click “Print Accreditation Certificate.”