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| **PART III. Program Administration**  **Section C. Rights and Responsibilities Under Chapter 31** | |
| **CHAPTER 2. Veteran’s Rights, Responsibilities, and Due Process** | |
| **Objectives:** | After completion of this training, a VR&E staff is expected to:  • Understand the process for providing general notice of rights and responsibilities to a Veteran.   * Know the procedures and processes for requesting records under FOIA and protecting the Veteran’s privacy for release of information. * Discern the processes and procedures for providing due process and duty to assist. |
| **Contents:** | **Providing General Notice of Rights and Responsibilities**  **Requirements Regarding the Privacy Act Statement and Freedom of Information Act (FOIA)**  a. Privacy Act Statement  b. Freedom of Information Act (FOIA)  c. Requesting Records Under FOIA  d. Responding to FOIA Request  **Protection of Privacy and Release of Information**  a. Protection of Privacy  b. Release of Information to Outside Entities  c. Review of Sensitive Information in Veteran’s Record  d. Rehabilitation Service Providers  e. Release of Information to Potential Employers  **Procedures for Providing Due Process**  a. Definition of Terms  b. Entitlement to Notification  c. General Notification Requirements for an Adverse Action or a Proposed Adverse Action  d. Types of Notification  e. Adverse Actions that Do Not Require Prior Notification  1. Change in Training Time, Credit Hours  2. Terminating an Award Upon Notification of Death  f. Adverse Actions that Require Prior Notification  1. Benefit Changes Requiring a Notice of Proposed Adverse  Action  2. Procedures for Providing Notices of Proposed Adverse Action  3. Due Process Period  g. Other Actions that Do Not Require Prior Notification  1. Interruption  2. Scheduled Rehabilitation  **Veterans Claims Assistance Act of 2000, Public Law 106-475**  a. Background and Description of PL 106-475  b. Elements of the VCAA Notification Letter  **Duty to Assist Criteria**  a. Duty to Obtain Relevant Federal Records  b. Duty to Obtain Relevant Non-Federal Records  c. Refrain From or Discontinue Providing Assistance |
| **Exercises:** | 1. What are the requirements and steps for a Privacy Act Statement and Freedom of Information Act (FOIA)? 2. Discuss the measures required in ensuring that the Veteran’s privacy is protected in releasing information. 3. What are the procedures for providing due process to Veterans? 4. Explain the Veterans Claims Assistance Act of 2000, Public Law 106-475. 5. Define the criteria for duty to assist. |
| **Rescission Information:** | Part III rescinds the following chapters of the M28, M28-1, and M28-2:  M28, Part IV, Subpart l, Chapter 4; Part III, Chapter 1, 2, 3, 4  M28-1, Part I, Chapters 6, 7, 8  M28-2, Part I, Chapters 1, 2, 3, 4, 5, 6; Part II, Chapter 2; Part IV, Chapters 1, 2, 3  The following VR&E Letter was also rescinded:  VR&E Letter 28-04-15 |