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Chapter 1
VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

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Chapter 1
VOCATIONAL REHABILITATION AND EMPLOYMENT MANUAL

1.01. Introduction

This chapter provides information on the organizational structure of the Vocational Rehabilitation and Employment (VR&E) Manual. It states which benefits and services are covered in the manual and the VA employees that administer them. It notes that the authority of the manual's guidance on procedures is based on the United States Code (U.S.C.), the Code of Federal Regulations (CFR), and other relevant policy and procedures documents developed by the Department of Veterans Affairs (VA) and VR&E Service.

1.02. References and Resources

Laws: 38 U.S.C. 3100
Regulations: 38 CFR Book G
Website: www.gibill.va.gov

1.03. General Information on the VR&E Manual

a. VA Offices Affected

This manual applies to VA Regional Offices (RO), out-based locations within the jurisdiction of an RO and VA Medical Centers with RO activities (VAMROC).

NOTE: ROs must not deviate from any of the prescribed procedures in the VR&E manual (M28R) without prior written authorization from the VR&E Service Director.

b. Benefits and Services Covered

This manual provides operational procedures for administration of the VA VR&E Program prescribed in law. The manual also provides guidance on providing counseling for Veterans and their dependents utilizing the following educational benefit programs:

1. 38 U.S.C., Veterans Benefits

- Chapter 18, Benefits for Children of Vietnam Veterans and Certain Other Veterans
 - Chapter 30, All-Volunteer Force Educational Assistance Program
 - Chapter 32, Post-Vietnam Era Veterans' Educational Assistance
 - Chapter 33, Post-9/11 GI-Bill
 - Chapter 35, Survivors' and Dependents' Educational Assistance
 - Chapter 36, Administration of Educational Benefits
2. 10 U.S.C., Armed Forces
- Chapter 1606, Educational Assistance for Members of Selected Reserve
 - Chapter 1607, Reserve Educational Assistance Program

NOTE: Information regarding the above educational benefits (except Chapter 31) may be obtained at: www.gibill.va.gov.

c. Organization of the Manual

This manual contains eight Parts:

1. Part I, Overview
2. Part II, Office Administration
3. Part III, Program Administration
4. Part IV, Evaluation, Entitlement, and Rehabilitation Planning
5. Part V, Case Management
6. Part VI, Employment Services
7. Part VII, Other Benefits Case Management
8. Part VIII, Program Oversight

A table of contents precedes each Part of this manual. Each Part is denoted by an uppercase Roman numeral. Sections are denoted by

upper case letters (e.g. Section A). In Parts without multiple Sections, the Part's entire contents are under Section A. Each Section is divided into Chapters indicated by Arabic numbers (e.g. Chapter 1). Beyond the Chapter level, Paragraph numbers are expressed as a two-digit decimal number following the Chapter number (e.g. 1.01). The digit to the left of the decimal indicates the Chapter number and digits to the right indicate main Paragraphs beginning with ".01" in each Chapter. Some Paragraphs are subdivided and contain Sub-paragraphs denoted by lower-case letters beginning with "a". When further levels of organization are needed, Topics are denoted by an Arabic number "1" and below that, Blocks are denoted by a lower case letter in parentheses (a). Each level of organization beyond the "Chapter and Paragraph" level is indented an extra ¼ inch in order to structure the document and aid readability. For example:

- I. Part
 - A. Section
 - 1.01 Chapter and Paragraph
 - a. Sub-paragraph
 - 1. Topic
 - (a) Block

To cite information at a particular location in the M28R, use the appropriate numbers and letters only, without spaces, and separated by a period. For example, information in Part I, Section A, Chapter 1, Paragraph .01, Sub-paragraph a, Topic (1), Block (a) is cited as M28R.I.A.1.01.a.1.(a).

d. Authority for Decisions

Actions and procedures described in this manual originate from the laws included in 38 U.S.C. VA promulgates regulations to implement these laws, which are published in the CFR. When policy clarification is needed regarding certain regulations or modifications to procedures contained in the manual are necessary, VR&E Service in Central Office issues circulars, or policy or procedural guidance letters. It is critical that VR&E staff adhere to the following:

1. 38 U.S.C.
2. CFR
3. M28R

4. Circulars
5. Policy or procedural guidance letters
6. Similar guidance issued by VR&E Service, the Under Secretary of Benefits or the Secretary of VA

NOTE: Once M28R is published, changes to its policy and procedures will be issued by “manual updates” rather than by letters or circulars. Changes effected by old letters, circulars and manuals have been incorporated into the current M28R.

e. Distribution of the Manual and Regulations

The manual will be available to all VR&E staff in an electronic format. Staff may print copies as needed. It is the responsibility of the VR&E Officer to ensure that each VR&E Division staff member has access to the manual, regulations, statutes and appropriate reference materials.

f. Updates

Updates to the manual will be made whenever determined necessary by the VR&E Service Director. When a proposed update receives final approval it will be published as an edit to the online M28R in the Knowledge Management Portal (KMP). Notification of the most recent updates will be visible on a “What’s New” tab after opening the M28R in the KMP. Additionally, the VR&E Officer or acting VR&E Officer will be notified of updates to the M28R in the monthly VR&E Hotline call immediately before or after each update.

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Chapter 2
 ORGANIZATIONAL STRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS

2.01 Introduction

This chapter provides an overview of the organizational structure of the Department of Veterans Affairs (VA), from the Office of the Secretary of VA to the Regional Offices (RO). It outlines the functions of each office, as well as the major duties associated with each member of the management, technical and support teams.

2.02 VA Overview

a. Mission of VA

The mission of VA is to fulfill President Lincoln’s promise, “To care for him who shall have borne the battle, and for his widow, and his orphan” by serving and honoring the men and women who are America’s Veterans.

b. Organizational Structure of VA

The following table describes the major functional areas that comprise VA:

Functional Area	Description
Office of the Secretary	Appointed by the President with the advice and consent of the Senate, and is responsible for administering benefit programs for Veterans, their families and their survivors.
Office of the General Counsel	Interprets all laws pertaining to VA and provides necessary legal services. Serves as chief legal officer on all matters of law, litigation and legislation.
Veterans Benefits Administration (VBA)	Administers benefits programs for transitioning Servicemembers, Veterans, their survivors and dependents. The major benefits include compensation, pension, burial allowance, vocational rehabilitation, education and training assistance, home loan guarantees and insurance coverage.

<p>Veterans Health Administration (VHA)</p>	<p>Serves the Veteran population by providing inpatient and outpatient care, nursing home care, domiciliary residences, home health services, adult day care, residential care and respite care programs. Operates and maintains a nationwide network of VA Medical Centers, research centers, outpatient clinics, Vet Centers and information resource centers.</p>
<p>National Cemetery Administration (NCA)</p>	<p>Provides burial space for Veterans and their eligible family members; maintains national cemeteries; marks Veterans' graves with headstones, markers, and medallions; and administers grants for establishing or expanding state and tribal government Veteran cemeteries.</p>
<p>Board of Veterans' Appeals (BVA)</p>	<p>Makes final decision on appeals made to the Secretary by a Veteran regarding decisions made by VA staff on VA benefits and services.</p>
<p>Office of the Inspector General (OIG)</p>	<p>Responsible for conducting and supervising audits and investigations; recommending policies designed to promote economy and efficiency; preventing and detecting waste, fraud and abuse; and ensuring the Secretary and the Congress are informed of problems and deficiencies in VA programs and operations, and the need for corrective actions.</p>
<p>Veterans Service Organizations (VSO) Liaison</p>	<p>Facilitates positive and effective working relationships with Veterans service organizations.</p>
<p>Other Elements</p>	<p>In addition to the functional areas listed above, VA is also comprised of the Board of Contract Appeals; the Center for Minority Veterans; the Center for Women Veterans; the Office of Small and Disadvantaged Business Utilization; the Office of Employment Discrimination Complaint Adjudication; and the Office of Regulation, Policy and Management.</p>

2.03 VBA Overview

a. Mission of VBA

The mission of VBA, in partnership with VHA and NCA, is to provide benefits and services to Veterans and their families in a responsive, timely and

compassionate manner in recognition of their service to the nation.

b. Organizational Structure of VBA

VBA administers a wide variety of benefit programs authorized by Congress. The following chart outlines the management structure of VBA:

Title	Function
Under Secretary for Benefits (USB)	Acts as principal advisor to the Secretary on all Veterans’ benefits issues and is responsible for the administration of all VBA activities.
Deputy Under Secretary for Benefits	Assists the USB as advisor to the Secretary on all Veterans’ benefits issues and in the administration of all VBA activities.
Deputy Under Secretary for Field Operations	Has day-to-day supervisory responsibility for regional offices throughout the United States, Puerto Rico and the Philippines.
Deputy Under Secretary for Disability Assistance	Has oversight responsibility for five of VBA’s core business lines: Compensation Service, Pension Service, Insurance Service, Benefits Assistance Service, and Fiduciary Service.
Deputy Under Secretary for Economic Opportunity	Has oversight responsibility of the Education, Loan Guaranty, and Vocational Rehabilitation and Employment (VR&E) Services.
Chief of Staff	Responsible for the analysis of all VBA proposals, policy, program, and budgetary issues. Recommends appropriate courses of action to the USB, and has oversight of three directors: The Director of Office Management, the Director of Office Resource Management, and the Director of Office of Performance Analysis and Integrity.
Director, Office of Management	Has oversight of five staff offices: the Office of Human Resources; Office of Diversity Management and Equal Employment Opportunity; Office of Facilities, Access and Administration; Office of Employee Development and Training; and Acquisition Staff. Each of these staff offices manages, coordinates and integrates programs that support both VA Central Office and RO operations.

<p>Director, Office of Strategic Planning (OSP)</p>	<p>Responsible for directing and coordinating VBA’s transformation and innovation efforts while providing program and project management. Offices within the OSP include: Office of Business Process Integration, Veterans Benefits Management System Program Office, Veterans Relationship Management Program Office, and Chapter 33 Long-Term Solution Program Management Office.</p>
<p>Director, Office of Resource Management (ORM)</p>	<p>Provides leadership and top-level management expertise by effectively obtaining and accounting for financial and other resources, and by effectively planning and measuring results.</p>
<p>Director, Office of Performance Analysis and Integrity (PA&I)</p>	<p>Develops and maintains the Enterprise Data Warehouse to enable the generation of recurring and ad hoc reports in response to VBA decision-making and business needs.</p>

c. Program Elements of VBA

VBA has several business lines referred to as Services, which are administered at VA Central Office. The following table lists their responsibilities:

Business Line	Responsibilities
<p>Vocational Rehabilitation and Employment (VR&E) Service</p>	<p>Administers programs for Veterans with service-connected disabilities to help them achieve maximum independence in daily living and, to the extent feasible, prepare for, obtain, and maintain suitable employment. Suitable employment is defined as an occupation that matches a Veteran’s pattern of skills, abilities and interests, and is within his/her physical, cognitive and psychological capabilities.</p> <p>Also administers counseling and evaluation services provided to individuals eligible for other VA education programs.</p>
<p>Education Service</p>	<p>Administers education or training benefit programs for eligible Veterans, Servicemembers, Reservists and dependents.</p>

<p>Loan Guaranty (LGY) Service</p>	<p>Administers a home loan guaranty program that provides use of the Government’s guaranty on loans in lieu of the substantial down payment and other investment safeguards applicable to conventional mortgage transactions. Also oversees the Specially Adapted Housing grant program.</p> <p>VA loan guaranties may be made to Servicemembers, Veterans, Reservists and unmarried surviving spouses.</p>
<p>Compensation Service</p>	<p>Administers the following programs: Disability Compensation, Dependency and Indemnity Compensation, Automobile Allowance/Adaptive Equipment and Clothing Allowance.</p>
<p>Pension and Fiduciary Service</p>	<p>Pension and Fiduciary Service administers Disability Pension, and Death Pension of beneficiaries in the Fiduciary programs. Beneficiaries are classified as minors, Veterans and other adults. The latter group includes helpless adults, surviving spouses, dependent parents and some insurance payees.</p>
<p>Insurance Service</p>	<p>Insurance Service administers VA life insurance programs. Programs provide insurance benefits for Veterans and Servicemembers who may not be able to get insurance from private companies because of the extra risks involved in military service or a service-connected disability.</p>

d. Organizational Chart of VBA

See Appendix W for the VBA Organizational Chart.

2.04 VR&E Service Overview

a. Mission of VR&E Service

The mission of VR&E Service in VA Central Office is to plan, organize, and administer the Vocational Rehabilitation and Employment Program within the VBA. VR&E Service formulates policies and procedures and has oversight responsibility to ensure field staff provides timely high-quality services.

b. Organizational Structure of VR&E Service

The following table describes the organizational structure of VR&E Service in the VA Central Office.

Title	Function
Director, VR&E Service	Responsible for management of VR&E Service and administration of VR&E program activities.
Deputy Director, VR&E Service	Assists the Director in the management of VR&E Service and administration of VR&E program activities; directly supervises the Executive Assistant, Assistant Director for Rehabilitation Services, Assistant Director for Program and Project Management, and the Assistant Director of Oversight and Outreach
Assistant Director for Rehabilitation Services	Responsible for management of the VR&E program through the supervision of Supervisor of Rehabilitation Services, Supervisor of Policy and Procedures, Senior Policy Analyst, and Independent Living Coordinator.
Assistant Director for Program and Project Management	Responsible for the management of the VR&E program through the supervision of Supervisor for Program and Project Management, and Supervisor of Training.
Assistant Director for Oversight and Outreach	Responsible for the management of the VR&E program through the development and administration of outreach programs and initiatives, and the supervision of the Supervisor of Employment and Outreach, and Quality Assurance Officer.
Executive Assistant	Responsible for management of the budget and support of VR&E Service operations.

c. Operational Elements of VR&E Service

VR&E Service has three main operational elements:

1. Rehabilitation Services
2. Program and Project Management
3. Oversight and Outreach

d. Operational Elements of Rehabilitation Services

The main functions of Rehabilitation Services include:

1. Responding to inquiries from Veterans, field staff, congressional offices, the GAO, OIG and other stakeholders
 2. Conduct Administrative Reviews and develop Advisory Opinions
 3. Developing legislative proposals and regulations
 4. Developing and disseminating policies and initiatives related to employment services, independent living services and vocational rehabilitation
- e. Operational Elements of Program and Project Management

The main functions of Program and Project Management are the following:

1. Developing and presenting training for VR&E managers, counselors, Employment Coordinators (ECs), and other stakeholders
 2. Coordinating and overseeing VR&E contracting activities
 3. Coordinating information technology product development and enhancements
 4. Designing, developing, and distributing performance management reports to field offices, Office of Field Operations, Congress and other stakeholders
 5. Project management of national projects and initiatives
- f. Operational Elements of Oversight and Outreach

The main functions of Oversight and Outreach are the following:

1. Conducting quality assurance reviews and site surveys of VR&E field offices
2. Developing and administering outreach programs and initiatives
3. Managing employer accounts to create employment opportunities for Veterans

g. Organizational Chart of VR&E Service

See Appendix U for the VR&E Service Organizational Chart at VA Central Office.

2.05 VA Regional Office (VARO) Overview

a. Mission of VARO

The mission of each VARO is to provide benefits and services to Veterans and their families within their jurisdiction in a responsive, timely and compassionate manner. The VAROs report to the Office of Field Operations through their respective Area Offices.

b. Organizational Structure of VARO

A VARO is comprised of six divisions that carry out the functions of VBA. Generally, a regional office includes the following:

1. Veterans Service Center
2. Finance Division
3. Support Services Division
4. Human Resources
5. Loan Guaranty Division
6. Vocational Rehabilitation and Employment Division

NOTE: At some locations the support functions, such as human resources, may be shared with a VA medical center. At some VAROs, divisions such as human resources, support services and finance are consolidated. In other areas, certain functions such as Loan Guaranty are consolidated with other offices. Some offices have a Regional Processing Office (RPO) for processing of education claims, and an insurance processing center.

2.06 VR&E Division Overview

a. Mission of VR&E Division

The mission of the VR&E Division in each VARO is to provide benefits and services in a responsive, timely and compassionate manner to Veterans with

service-connected disabilities and individuals eligible for counseling under other VA benefit programs.

b. Organizational Structure of VR&E Division

The positions within a VR&E Division may vary depending on factors, such as workload and available resources. VR&E Division staff may include the following:

Title	Function
VR&E Officer	Manages all VR&E Division activities, including providing direction to VR&E staff, and oversight of VR&E operations.
Assistant VR&E Officer	Assists the VR&E Officer in the management of all VR&E Division activities, including providing direction to VR&E staff and oversight of VR&E operations.
Vocational Rehabilitation Counselor (VRC)	Provides the full range of rehabilitation and counseling services, including all services leading to suitable employment or independent living, such as comprehensive evaluations, entitlement determinations, vocational counseling, rehabilitation planning, job placement and case management.
Employment Coordinator (EC)	Provides job-ready services and coordinates with employers to assist Veterans with service-connected disabilities and other entitled Veterans in their pursuit of suitable employment.

VR&E Divisions may also employ individuals who perform various support functions, including program support clerks or technicians, program or management analysts and vocational rehabilitation technicians.

Chapter 3
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

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Appendix K. National signed MOUs

Chapter 3 PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

3.01 Introduction

Vocational Rehabilitation and Employment (VR&E) believes partnerships with other organizations strengthen VR&E's ability to provide quality and timely training and employment services to Veterans with disabilities. This chapter covers the definition of partnership, Memorandum of Agreement (MOA) and Memorandum of Understanding (MOU); provides examples of partnerships with other Department of Veteran Affairs (VA) elements and agencies outside the VA, and discusses the importance of partnerships with private sector and faith-based, non-profit and community-based organizations. This chapter also contains the statutory and regulatory provisions covering subject matter related to partnerships, MOA and MOU.

3.02 References and Resources

Laws: 31 United States Code (U.S.C.) 1341
 38 U.S.C. 3115
 38 U.S.C. 3116

Websites: www.vetsuccess.gov/partners
 www.dav.org
 www.aaptsdassn.org
 www.vfw.org

3.03 Partnerships

a. Definition of Partnerships

Partnerships are established relationships that involve close cooperation between individuals or entities that have overarching goals and missions.

b. Partnerships and VR&E

1. Partnerships within VA Regional Business Lines

Establishing relationships within Veterans Benefits Administration (VBA) strengthens the network of services and resources available to the Veterans we serve. VR&E staff should work closely to develop partnerships within their Regional Office (RO) and within VBA. There are many examples of ways in which Veterans Affairs RO (VARO) business lines partner together. For example, VR&E and Loan Guaranty (LGY)

partner on cases in which a Veteran participating in an Individualized Independent Living Plan (IILP) requires home modification (in the form of a construction project) in order to increase his/her independence and to be able to live in a safer home environment. Another example is how RO divisions often use VR&E as a recruitment source to obtain candidates for filling job vacancies.

2. Partnerships with Other VA Departments

VR&E works cooperatively with other VA departments to meet Veterans' health needs, obtain information that may impact rehabilitation planning or program participation and provide services to facilitate successful program completion. Examples of partnerships between VR&E and departments in the Veterans Health Administration (VHA) include the following:

- VR&E counselors refer Veterans to the VA Medical Center (VAMC) for healthcare and treatment and to the Vet Center/Readjustment Counseling Service, where they can receive assistance/counseling on adjusting to civilian life. In addition, women Veterans are referred to Women Veterans Health Care services, which could be particularly important to women Veterans seeking gender-specific health care.
- VR&E Veterans with low vision or blindness are referred to Blind Rehabilitation Services' Visual Impairment Services Team (VIST) for information on how to improve their vision so that they can succeed in their VR&E plan, or receive low-vision aids and training to help them function more independently in their homes and community.
- Veterans with a Traumatic Brain Injury (TBI) or suspected TBI are referred to the Polytrauma/Traumatic Brain Injury System of Care where they can receive adjustment counseling, learn concentration and memory strategies and work with those who specialize in working with Veterans with brain injuries.
- VR&E partners with the Prosthetic and Sensory Aids Service, which can provide the Veteran with medical durable equipment and with Compensated Work Therapy (CWT) for Veterans who are not ready for employment, but rather need assistance transitioning back into a work environment, often in the form of supported employment.

NOTE: Some of these services are not available at every VAMC, but are regionally dispersed throughout the United States.

3. Partnerships with Other Federal, State, and Local Agencies

VR&E partners with various agencies at the Federal, State and local levels to include: Department of Labor, Council of State Administrators of Vocational Rehabilitation, Internal Revenue Service, Naval Air Warfare Center Aircraft Division, U.S. Army Materiel Command, General Services Administration, and the Department of Education Rehabilitation Services Administration. In addition to having MOUs in place, VR&E often partners with federal agencies on various projects, such as task forces, advisory committees, work groups and other collaborative projects.

For a list of federal and state partners, go to:
www.vetsuccess.gov/partners.

4. Partnerships with National Service Organizations

VR&E partners with National Service Organizations (NSOs) by sharing information about the Veteran that could aid him/her in receiving VA benefits and by educating each other on what services are offered. One common way VR&E partners with NSOs is through referrals. It is not uncommon for a Veteran to have little or no knowledge of the services an NSO provides, or for a Veteran applying for compensation and/or a pension to be unaware of the services VR&E provides. It is through referrals that National Service Officers and Vocational Rehabilitation Counselors (VRCs) partner to ensure the Veteran is aware of all the benefits he/she may be entitled to.

Another way VR&E Service partners with NSOs is through established agreements to train Veterans with disabilities as National Service Officers. MOUs currently exist between VR&E and Veterans of Foreign Wars (VFW), Disabled American Veterans (DAV) and the African American Post Traumatic Stress Disorder Association (AAPTSDA). Veterans participating in the VR&E Program who desire employment as a National Service Officer are usually interviewed by the organization, and if accepted for the training, sign an Individualized Written Rehabilitation Plan, (IWRP) and an Individualized Employment Assistance Plan (IEAP), and receive their training through the prospective organization's supervising National Service Officer.

5. Partnerships with the Private Sector

VR&E has developed and continues to develop partnerships with private sector employers on the national level to enhance employment opportunities for Veterans with service-connected disabilities. VR&E

management at the local level is expected to use existing partnerships in support of their mission, and continue to develop partnerships at the local level.

Examples of some partnerships with private sector employers include: Home Depot, Bank of America, Northrop Grumman Corporation, The Center for Military Recruitment, Assessment and Veterans Employment (Helmets to Hard Hats), JPMorgan Chase, and Wells Fargo.

For a list of private sector partners, go to: www.vetsuccess.gov/partners.

6. Partnerships with Faith-based/Nonprofit/Community Initiative Agencies

VR&E Service has developed and continues to develop partnerships with faith-based/non-profit/community initiative agencies on the national and local level to enhance employment opportunities for Veterans with service-connected disabilities.

Examples of some faith-based/nonprofit/community initiative agency partnerships include: National Council of Young Men's Christian Associations of the United States of America (YMCA), International Association of Jewish Vocational Services (IAJVS), Habitat for Humanity, Hire Heroes USA and the National Association of Homebuilders.

For a list of faith-based/nonprofit/community initiative agency partners, go to: www.vetsuccess.gov/partners.

3.04 MOU/MOA

a. Definition of an MOU/MOA

An MOU is a document that describes very broad concepts of mutual understanding, goals and plans shared by the parties. In contrast, an MOA is a document describing in detail the specific responsibilities of, and actions to be taken by, each of the parties so their goals can be accomplished. An MOA may also indicate the goals of the parties to help explain their actions and responsibilities. The Director of VR&E Service is responsible for developing MOUs/MOAs at the national level, and the VR&E Officer or his/her designee is responsible for developing MOUs/MOAs at the local level.

b. Development of an MOU/MOA

Every VR&E MOU/MOA must be consistent with the VA mission and be authorized by federal law, regulations and funding constraints. Additionally,

the existence of an MOU/MOA does not eliminate or diminish the need for additional contracts, documents, or agreements to execute the activities contemplated by the parties. Neither an MOU nor an MOA can be used as the sole authority or means to acquire or procure goods or services, exchange funds or property, or transfer or assign personnel. Although the MOU/MOA can address those issues and indicate the goals and intent of the parties, all VA personnel must comply fully with pertinent contracting and procurement regulations and references. Additionally, although an MOU/MOA can address special situations, it cannot be used in place of a contract.

The MOU/MOA by itself is no authority for the parties to engage in the contemplated activity. The following are just some of the federal statutes commonly used as the underlying general authority for a VR&E MOU/MOA and its contemplated activity:

- 38 U.S.C. 3115. Authorizes VA to enter agreements with federal agencies providing non-paid work experience, on-the-job training, or other training opportunities for Chapter 31 Veterans
- 38 U.S.C. 3116. Authorizes VA to promote the development and establishment of employment opportunities through coordination with federal, state, and local governmental agencies and appropriate non-governmental organizations

An agreement to indemnify is an agreement to assume financial, legal or other liabilities on behalf of that other party. Neither the VA nor any person in the VA may agree to indemnify any other party absent specific federal statutory authorization. Chapter 31 U.S.C. 1341(a)(1)(A) and 1341(a)(1)(B), commonly referred to as the Anti-Deficiency Act, prohibits all federal officers and employees from making or authorizing expenditures or obligations exceeding appropriated funding and from obligating payment of money before it is appropriated. A typical indemnification clause violates both provisions of that Act because it potentially obligates the federal government (or VA) to pay an unspecified, unlimited and unappropriated amount of money should someone else's property be lost, damaged or destroyed, some person be injured or killed, or other parties to the MOU/MOA incur legal liabilities or expenses. Should any prospective party to an MOU/MOA request or demand that the VA agree to an indemnification clause, contact VA's Office of General Counsel (OGC) for assistance.

The wording of specific agreements may be appropriately tailored to accommodate the subject matter of the agreement and needs of the parties, or to conform to an applicable law, regulation or directive. The format may differ if a party other than the VA originates the MOU/MOA. However, every

MOU/MOA in which VR&E is a party should include the following basic information:

1. Parties

The parties to be bound by the agreement must be identified.

2. Authority

The legal authority for the agreement must be cited. Federal law, regulation or other directives are referenced.

3. Purpose

The purpose or reason for entering the agreement must be stated.

4. Responsibilities

A description of the duties and responsibilities of the parties must be provided. The description should be as specific and detailed as necessary. Lengthy details may be provided in an appendix rather than the body of the MOU/MOA.

5. Reporting and Documentation

The MOU/MOA must specify whether follow-up reports or documentation of actions taken are required and state how often and to whom they are to be submitted.

6. Points of Contact

Points of Contact for all parties should be provided, including names, office symbols, addresses and phone numbers. Fax numbers, e-mail and website addresses should also be provided if available.

7. Modification

A provision stating how to modify or amend the agreement is included. Modifications can be formal (written) or informal (oral), and can be approved by the Points of Contact (POCs), the signatories or other appropriate individuals. While it is often appropriate for those at the working level to make modifications, either orally or in writing, modifications that change central provisions of the agreement should normally be made in writing and agreed to by the individuals who originally approved the MOU/MOA or their successors.

8. Effective Date

The date the MOU/MOA becomes effective must be stated. This may be a specified date after the MOU/MOA is signed by all parties or it may be the date the last party signs the agreement.

9. Termination

The MOU/MOA must contain several provisions regarding termination. The document will indicate that it will terminate on a certain date, upon the accomplishment of its purpose, or upon agreement of the parties. The MOU/MOA will also contain a provision indicating whether the duration of the agreement may be extended and if so, the extension mechanism (e.g. by written agreement of the parties). Finally, the agreement will indicate whether a party may terminate the agreement early (usually by written notice to the other parties).

VR&E or the VA is a party to the agreement, not the person signing for the VA. Therefore, that person must have the authority to sign the MOU/MOA and commit the VA. VBA leadership or the OGC should be consulted to determine who the approving official should be.

Concurrence of a proposed MOU/MOA can be either consecutive (completed at one agency then forwarded to the other(s)) or concurrent (proceeding through each agency simultaneously). Early coordination and communication with interested offices and the use of e-mail for reviewing and editing a draft MOU/MOA is encouraged. Prior to submitting an MOU/MOA to the approval authority for signature, the originating staffer should ensure that the MOU/MOA does not conflict with any preexisting agreements. The originating staffer should also ensure that the appropriate level of VBA leadership and the OGC have reviewed the MOU/MOA.

NOTE: See Appendix K for copies of national signed MOUs.

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Chapter 4
RESEARCH AND DEVELOPMENT

4.01. Introduction

The Department of Veterans Affairs (VA) is mandated to conduct an ongoing program of research and development to advance the knowledge, methods, techniques, and resources available for use in developing and/or implementing rehabilitation programs for Veterans.

4.02. Reference and Resources

Laws: 28 United States Code (U.S.C.) 762
 28 U.S.C. 764
 38 U.S.C. 3119

Regulations: 38 Code of Federal Regulations (CFR) 1.517
 38 CFR 1.576
 38 CFR 21.390
 45 CFR 46

Websites: www.ed.gov/about/offices/list/osers/index.html
 www.ed.gov/about/offices/list/osers/nidrr/index.html
 www.icdr.us
 www.rsa.ed.gov
 www.hhs.gov

4.03. Research and Development Overview

VA undertakes research and development projects and/or provides support to other agencies for research and development to improve the quality and delivery of rehabilitation services. Research and development efforts may encompass a wide variety of approaches to rehabilitation, including the study of social, psychological, educational, vocational and industrial factors that affect rehabilitation. Projects are designed to increase resources, thus improving the potential for obtaining and maintaining suitable employment and achieving independent living goals for Veterans with disabilities.

a. Special Consideration for Human Subjects

Special safeguards and considerations must be utilized when working with human subjects. If the research is being conducted as part of an advanced degree program, the Institutional Review Board (IRB) where the researcher is enrolled must approve the proposal. IRB approval must be obtained prior to

submitting the proposal to the Director of Vocational Rehabilitation and Employment (VR&E) Service. If the research is not being conducted as part of a formal education program, it will be subject to the provisions of applicable federal regulations regarding protection of human subjects as indicated in 45 CFR 46.

1. Institutional Review Board (IRB)

An IRB, also known as an independent ethics committee or ethical review board, is a committee formally designated to approve, monitor, and review research involving humans. The IRB is established and monitored by the educational institution associated with the research project. Each IRB has at least five members with varying backgrounds to promote complete and adequate reviews of research activities commonly conducted by the educational institution. The aim of an IRB is to protect the rights and welfare of human research subjects. An IRB performs critical oversight functions for research conducted on human subjects that are scientific, ethical and regulatory. 45 CFR 46 governs IRBs.

2. Assessment of Risks

The IRB's assessment of risks and anticipated benefits involves a series of steps. The IRB must take the following actions:

- Identify the risks associated with the research
- Determine that the risks will be minimized to the extent possible
- Identify the probable benefits to be derived from the research
- Determine that the risks are reasonable and beneficial to the subjects, if any, and the importance of the knowledge to be gained
- Ensure that potential subjects will be provided with an accurate and fair description of the risks or discomforts, and the anticipated benefits
- Determine intervals of periodic review
- Determine that adequate provisions are in place for monitoring the data collected

3. Types of Risk

The risks to which research subjects may be exposed are classified as physical, psychological, social and economic harm.

(a) Physical Harm

Medical research often involves exposure to minor pain, discomfort and/or injury from invasive medical procedures, or harm from possible side effects of drugs. Some of the adverse effects that result from medical procedures and/or drugs can be permanent, but most are transient.

(b) Psychological Harm

Participation in research may result in undesired changes in thought processes and emotions (e.g., episodes of depression, confusion, or hallucination resulting from drugs, feelings of stress, guilt and loss of self-esteem). These changes may be transitory, recurrent, or permanent. Most psychological risks are minimal or transitory, but the researcher should be aware that some research has the potential for causing serious psychological harm.

(c) Social and Economic Harm

Some social and behavioral research may yield information about individuals that could "label" or "stigmatize" the subjects (e.g., as actual or potential delinquents or as persons with severe mental illness). Confidentiality safeguards must be strong in these instances. The fact that a person has participated in HIV-related drug trials or has been hospitalized for treatment of a mental illness could adversely affect present or future employment, eligibility for insurance and standing in the community if the information is made public.

b. Collection of Information

Most research projects require a collection of information. The Paperwork Reduction Act of 1995 expanded the responsibilities of federal agencies when developing a proposed collection of information. These responsibilities include a 60-day public comment period before submission for clearance by the Office of Management and Budget (OMB). OMB review and approval is required whenever VA wishes to obtain or solicit information from ten or more persons. Collection of information includes the use of questionnaires, surveys, interview guides and other methods of collecting information.

c. Interagency Coordination

Per 38 CFR 3119, VA should cooperate with a number of entities regarding rehabilitation studies, research and special projects of mutual programmatic concern. The following is a list of the most prominent of those entities:

1. The Office of Special Education and Rehabilitative Services (OSERS)

OSERS is part of the Department of Education. The mission of OSERS is to provide leadership to achieve full integration and participation in society of people with disabilities by ensuring equal opportunity and access to education, employment, and community living.

For more information on OSERS visit:
www.ed.gov/about/offices/list/osers/index.html.

2. The Rehabilitation Services Administration (RSA)

RSA is a component of OSERS. The mission of RSA is to provide leadership and resources to assist agencies in providing vocational rehabilitation, independent living, and other services to individuals with disabilities to maximize their employability, independence, integration into the community and competitive labor market.

RSA oversees grant programs that assist individuals with disabilities obtain and maintain suitable employment and live more independently through the provision of supports such as counseling, medical and psychological services, job training and other individualized services.

RSA's responsibilities include the following:

- Administering grant programs authorized by Congress
- Evaluating, monitoring and reporting on the implementation of federal policy, programs and the effectiveness of vocational rehabilitation, supported employment, independent living and other related programs for persons with disabilities
- Coordinating with federal agencies, state agencies, and the private sector for the review of program planning, implementation and monitoring issues

For more information on RSA visit: www.rsa.ed.gov.

3. National Institute on Disability and Rehabilitation Research (NIDRR), previously known as Institute of Handicapped Research

NIDRR is a component of OSERS. NIDRR provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. The mission of NIDRR is to generate new knowledge and promote its effective use to improve the abilities of people with disabilities to perform activities of their choice in the community. Additionally, NIDRR aims to expand society's capacity to provide full opportunities and accommodations for persons with disabilities. NIDRR conducts comprehensive and coordinated programs of research and related activities to maximize the full inclusion, social integration, employment and independent living of individuals of all ages with disabilities. NIDRR's focus includes research in areas such as employment, health, technology, independent living and community integration, and other associated disability research areas.

For additional information on NIDRR, see: 28 U.S.C. 762 and www.ed.gov/about/offices/list/osers/nidrr/index.html.

4. The Interagency Committee on Disability Research (ICDR)

The Interagency Committee on Disability Research (ICDR) facilitates the effective exchange of information on disability and rehabilitation research activities among its member agencies. VA is a member agency of the ICDR. ICDR coordinates activities that span the areas of assistive technology and universal design, medical rehabilitation, data and statistics, employment, and community participation. The ICDR is charged with the following:

- Collect input from stakeholders to inform planning
- Identify emerging research areas
- Assess gaps and duplications in existing research
- Make recommendations to strengthen the federal research agenda

For more information on the ICDR visit: www.icdr.us.

d. Funding

To carry out the provisions of 38 U.S.C. 3119 and 38 CFR 21.390, VA may provide grants to or contract with public agencies, non-profit agencies and institutions of higher learning per 28 U.S.C. 764.

4.04. Research Conducted by VR&E Divisions

VA encourages research by VR&E staff members. This research should address problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans.

a. Developing Research Proposals

The proposal should provide the following information:

1. A title that accurately and concisely identifies the research, variables to be studied and key concepts of the study.
2. An objective that defines the purpose, scope and content of the research.
3. A literature review of peer-reviewed studies that pertains to the topic and puts the proposal into perspective, defines the field, describes the effective/ineffective past research and helps the reader interpret the significance of results to be obtained from the study.
4. A detailed description of the methodology of how the study will be conducted to allow replication. The methodology will provide details about the research design, including: population, sampling procedures, variables, hypothesis(es) to be tested, statistical methods used to analyze the data, data collection methods, safeguards of ethics and confidentiality, instrumentation, timeframe for the research and personnel who will conduct the research.
5. Cost estimates to complete the research and a reasonable expectation of benefit from successful achievement of objectives.
6. A utilization plan that outlines the procedures to be used or steps to be taken to disseminate the results of outcomes and how the results may be used.

b. Submitting Research Proposals

The process for submitting research proposals is as follows:

1. The VR&E staff member develops a research proposal that addresses problems affecting service delivery, initiation and continuation in rehabilitation programs and other areas directly affecting the quality of the provision of VR&E services to Veterans, then submits the proposal to the VR&E Officer.

2. The VR&E Officer reviews, evaluates and recommends approval of the proposal then submits the proposal to the Regional Office (RO) Director.
3. The RO Director reviews, evaluates and recommends approval of the proposal, then submits the proposal to the VR&E Service Director.
4. The VR&E Service Director provides final approval of the proposal and ensures any additional concurrences have been obtained.

NOTE: Approval at each phase is required for the proposal to proceed from one level of review to the next.

4.05. Research Conducted by Educational Institutions in Conjunction with VA

a. Authority to Conduct Research

Educational institutions cooperating with VA in the administration of research and development activities relative to counseling, vocational rehabilitation and training of Veterans and their dependents is authorized under 38 CFR 21.390.

b. Disclosure of Information to Educational Institutions

Requests for use of VR&E records from educational institutions and agencies cooperating with VA are subject to the provisions found in 38 CFR 1.517 as indicated below:

1. An educational institution or a responsible individual sends a request to the RO Director.
2. The RO Director reviews the request and recommends review by the Under Secretary for Benefits (USB).
3. Approval of the USB is required in order to release information from VR&E records.

Once the USB approves use of VR&E records, the RO Director is authorized to release information for the study, providing any data or information obtained are not published without prior approval of the USB and the published material does not identify any individual Veteran.

NOTE: Research conducted in collaboration with educational institutions is subject to the provisions of informed consent and confidentiality safeguards per 38 CFR 1.576.

c. Proposal Format

Requests for disclosure of information submitted to the USB by the RO Director should include the same information as other research proposals, as identified in M28R.I.A.4.04(a).