

Chapter 2
EARLY INTERVENTION, OUTREACH, AND
REHABILITATION SERVICES TO SERVICEMEMBERS:
INTEGRATED DISABILITY EVALUATION SYSTEM (IDES) PROGRAM

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2.01 Introduction
(Change Date March 8, 2013)

The Department of Veterans Affairs (VA) is committed to providing early intervention and outreach services to Servicemembers to ensure these individuals have information on and access to rehabilitation services in a timely manner. VA's Vocational Rehabilitation and Employment (VR&E) program works closely with the Department of Defense (DoD) to provide these services through the Integrated Disability Evaluation System (IDES) program. This chapter provides information on the IDES program, as well as statutory, regulatory and procedural guidance on the delivery of early intervention, outreach, and rehabilitation services to Servicemembers.

2.02 References and Resources
(Change Date September 29, 2017)

- Laws:
- Public Law (PL) 110-181, National Defense Authorization Act (NDAA) for Fiscal Year 2008
 - Public Law 112-56, VOW to Hire Heroes Act
 - Public Law 113-291, National Defense Authorization Act for Fiscal Year 2015
 - Public Law 114-228, Department of Veterans Affairs Expiring Authorities Act of 2016
 - Public Law 115-62, Department of Veterans Affairs Expiring Authorities Act of 2017
 - 38 United States Code (U.S.C.) 3101
 - 38 U.S.C. 3102
 - 38 U.S.C. 3103
 - 38 U.S.C. 3117
 - 38 U.S.C. 3697A
- Regulations:
- 38 Code of Federal Regulations (CFR) Part 21
- VA Forms (VAF):
- VAF 3288, Request For and Consent to Release Information From Individual's Record
 - VAF 21-0819, VA/DOD Joint Disability Evaluation Board Claim
 - VAF 22-1990, Application for VA Education Benefits
 - VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation

VAF 28-1902b, Counseling Record – Narrative Report
VAF 28-1902n, Supplemental Sheet for Counseling Record -
Narrative Report
VAF 28-8832, Education/Vocational Counseling Application
Department of Defense (DD) Form 2870, Authorization for
Disclosure of Medical or Dental Information

References: Records Control Schedule (RCS) VB-1, Part I, Section VII,
07-701.000

Website: <http://vbaw.vba.va.gov/BAS/outreach/military/index.asp>

2.03 Integration of VR&E in the Integrated Disability Evaluation System Process

- a. History of VR&E Early Intervention, Outreach and Rehabilitation Services to Servicemembers
(Change date September 1, 2017)

VA's VR&E program has provided early intervention, outreach and rehabilitation services to Servicemembers for several years. Prior to the IDES program, these services were provided via the Coming Home to Work (CHTW) program. The CHTW program was originally launched as a pilot program at Walter Reed Army Medical Center in 2003, and later expanded by the Office of Human Resources and Administration. In 2005, the CHTW program responsibility was transferred to VR&E Service and was integrated with VR&E's early intervention and outreach efforts to Servicemembers.

The services provided by the CHTW program were expanded to include Servicemembers participating in the IDES process in February 2012 with the development of a Memorandum of Understanding (MOU) between VA and DoD (see Appendix K for a copy of the MOU). The MOU established the placement of Vocational Rehabilitation Counselors (VRC) on military installations for the purpose of providing early intervention, outreach, and rehabilitation services to Servicemembers transitioning through the IDES process, or those who are referred by DoD's Education and Employment Program (E2I) program. These services are designed to aid the Servicemember's transition from the military and integration into civilian life. This action also provides Servicemembers and referral agencies with one point of contact for early intervention, outreach, and rehabilitation services provided by VR&E.

Since VR&E's CHTW and IDES programs have the same mission and focus, CHTW was officially absorbed under the IDES program on September 1, 2017.

b. IDES Terminology
(Change date September 1, 2017)

The following is a description of the terminology used throughout this chapter:

- IDES Program – this term refers to the delivery of early intervention, outreach, and rehabilitation services provided for transitioning Servicemembers by VR&E staff.
- IDES VRCs – this term refers to the VR&E staff members assigned to provide services in the IDES program. However, it is important to note that IDES VRCs may also provide VR&E services to Chapter 31 participants outside the IDES program, as needed.
- IDES Process – this term refers to the joint process between DoD and VA to make disability evaluations seamless, simple, fast, and fair. The Servicemember begins the IDES process while on active duty. If the Servicemember is found medically unfit for duty, the IDES process provides a proposed VA disability rating before the Servicemember leaves the service.

c. Overview of the IDES Process
(Change Date September 1, 2017)

VA partnered with DoD in developing and implementing a Servicemember-centric disability evaluation system, referred to in this chapter as the IDES process. To achieve the goals of the IDES process, VA, in partnership with DoD, enters the transition process at specific points in time and provides required services. VA provides Servicemembers with continuous support and information during the IDES process and throughout their transition to Veteran status.

The IDES process is a multi-step process that begins when the military service calls into question the Servicemember's ability to continue to serve on active duty status due to a medical condition. It proceeds through the medical review process, which includes reviews by DoD's Medical Evaluation Board (MEB) and Physical Evaluation Board (PEB). This process determines if the Servicemember is fit for duty or will be medically separated from active military service. VA is actively involved during this period to determine if the Servicemember will be entitled to receive VA disability compensation.

VR&E staff is introduced into the IDES process early on in the transition process to ensure that the Servicemember has every opportunity to receive early intervention, outreach, and rehabilitation services. To achieve these

goals, VR&E Service has established the IDES program, staffed by IDES VRCs located on military installations across the nation.

d. Eligibility for Referral to the IDES Program
(Change Date September 1, 2017)

Servicemembers, including National Guard and Reserve members on active duty orders, meeting the following criteria are eligible to receive a referral to the IDES program for early intervention, outreach and rehabilitation services:

- Servicemembers evaluated by a DoD or VA physician and determined to have a severe injury or illness which could cause referral into the IDES process.
- Servicemembers who are assigned to a Service's Wounded Warrior program and are participating in DoD's E2I program that may or may not be enrolled in the IDES process.
- Servicemembers who are referred to a PEB.

e. IDES VRC
(Change Date September 1, 2017)

IDES VRCs perform many of the same duties as traditional VRCs, but with some distinct differences.

1. Roles and Responsibilities
(Change Date September 1, 2017)

The primary role of an IDES VRC is to provide early intervention, outreach, and rehabilitation services to transitioning Servicemembers. To assist in this goal, IDES VRCs are housed on military installations. IDES VRCs provide the full range of early intervention, outreach, and Chapters 31 and 36 services. IDES VRC roles and responsibilities include, but are not limited to the following:

- Make entitlement determinations via statutory, regulatory, and procedural guidance.
- Complete initial rehabilitation evaluations and interpret test results utilizing data from medical records, psychological reports, vocational evaluations, aptitude and interest testing, and any other relevant sources.
- Consider the Servicemember's complete personal history; vocational and educational history; collection of data on limitations imposed by

the Servicemember's disability(ies); and abilities, aptitudes and interests in an effort to develop appropriate and attainable vocational goals.

- Assist the Servicemember in exploring and identifying rehabilitation needs, goals, and objectives, and complete rehabilitation planning activities to develop complex individualized rehabilitation plans.
- Complete case documentation and provide case management services.
- Facilitate individual and group counseling sessions.
- Provide employment services, which require collaboration with other professionals regarding employment resource development and placement.
- Act as a liaison with local military installations, particularly with military personnel in the medical evaluation and discharge process and other support services.
- Act as Contracting Officer's Representative to acquire services needed in the rehabilitation process.
- Act as a member of the Servicemember's treatment team, and as such may receive requests for information from the Servicemember's Recovery Case Coordinator and/or Chain of Command.
- Participate in outreach activities in partnership with military units to ensure Servicemembers are aware of VA benefits and healthcare available to them. Outreach events may be both on location and off-site. Outreach events may include career fairs; educational workshops; Post Deployment Health Reassessment events; Transitional Assistance Program (TAP) presentations; Benefits Delivery at Discharge (BDD) Program events; and coordination with Warrior Transition Units (WTU) and Army Wounded Warrior coordinators. See M28R.III.B.1 for additional information on outreach activities.

It is important to note that if a Regional Office (RO) does not have an assigned IDES VRC, these duties must be assigned to a VRC in the RO, or an out-based location. If the Servicemember is unable to report to the VR&E office, he/she must be scheduled for an appointment at a convenient alternate location.

See Appendix AI, VREO, VRC, EC Position Descriptions and Position Announcements for a detailed list of IDES VRC's roles and responsibilities.

2. Workload Limitations
(Change Date September 1, 2017)

The IDES VRC's caseload is focused on transitioning Servicemembers. The IDES VRC may be assigned an unlimited amount of Chapter 31 cases comprised of Servicemembers or Veterans who are determined eligible through the IDES program or considered seriously injured, ill, or wounded. However, the IDES VRC may also manage a traditional Chapter 31 (non-IDES program) caseload as necessary (a recommended guideline: 50), so as to not diminish or compromise the mission of the IDES program. The IDES VRC should not provide counseling or case management services to any individual who is receiving services under an Independent Living plan or pursuing a plan for Self-Employment. The IDES VRC may not conduct recurring case management meetings with Chapter 31 participants assigned to other VRCs at the RO or another out-based office location.

3. Managing Personally Identifiable Information
(Change Date September 1, 2017)

The IDES VRC will use approved methods for storing, transmitting, shipping, and/or transporting Personally Identifiable Information (PII) from the IDES site to the RO.

See M28R.II.A.2 and M28R.II.A.5 for additional guidance on employee access to PII and security requirements for VA folders containing PII.

4. Use of Contract Counselors
(Change Date May 29, 2018)

The use of contract counselors for the Initial Educational and Vocational Assessment under Contract Line Item Number (CLIN) E-1, or for Educational and Vocational Career Counseling under E-2 CLIN, is prohibited for IDES participants. However, the use of contract counselors for traditional chapter 31 participants on the IDES VRC's caseload is allowed. In addition, the IDES VRC may utilize contract counselors for those Servicemembers who transition under traditional circumstances and are not part of the IDES program.

f. Benefits Briefing
(Change Date September 1, 2017)

Per the MOU between VA and DoD referenced above, all eligible Servicemembers involved in the IDES process must be referred to an IDES VRC for information on VA services and assistance. DoD requires mandatory attendance for this initial meeting, which is referred to in this chapter as a

benefits briefing. This briefing is provided in a one-on-one setting. This is not to be confused with DoD's required IDES Orientation conducted at all military installations.

1. Required Referral Documents

VR&E will accept several types of referral documents for the initial meeting with the IDES VRC, as listed below.

- (a) Military Request for VA Vocational Rehabilitation and Employment (VR&E)
(Change Date September 1, 2017)

The Military Request for VA Vocational Rehabilitation and Employment (VR&E) form must be completed and submitted to VR&E. DoD personnel may complete the form to refer severely ill or injured Servicemembers who are participating in the E2I, have not been referred to a PEB, or are not enrolled in the IDES process.

It is important to note that this form replaced Military Service Status Referral (MSSR) form on September 1, 2017.

See Appendix C for a copy of this form.

- (b) VAF 21-0819, VA/DoD Joint Disability Evaluation Board Claim
(Change Date September 1, 2017)

VAF 21-0819 is acceptable in place of, or in addition to, the Military Request for VA Vocational Rehabilitation and Employment (VR&E) form. It is important to note that only the top portion of this form must be completed for a referral.

See Appendix O for information on how to access this, as well as all VA forms referenced in this chapter.

- (c) Department of Defense (DD) Form 2870
(Change Date September 1, 2017)

DD Form 2870, Authorization for Disclosure of Medical or Dental Information, along with VAF 3288, allows the IDES VRC to communicate with DoD personnel regarding the Servicemember's benefits and services. In addition, the completion of this form allows DoD to more accurately count and track the number of Servicemembers referred for a benefits briefing.

See Appendix D for a copy of this form.

(d) VAF 3288
(Change Date September 1, 2017)

VAF 3288, Request for and Consent to Release of Information from Individual's Records, along with DD Form 2870, allows the IDES VRC to communicate with DoD personnel regarding the Servicemember's case. It is important to note that the Servicemember may not have access to this form prior to the briefing. In that case, the Servicemember will complete this form at the briefing.

2. Scheduling
(Change Date September 1, 2017)

When the IDES VRC receives the required referral document(s), he/she must provide the Servicemember with the next available appointment that aligns with the VRC's and Servicemember's schedule. Since one of the primary missions of the IDES program is early intervention and outreach, it is imperative that Servicemembers have access to information in a timely manner.

3. Purpose
(Change Date September 1, 2017)

The purpose of the benefits briefing is to provide early intervention, outreach and general information on VA services available to the Servicemember. If the Servicemember is interested in pursuing VA services, the IDES VRC will provide access to and, as needed, assistance with the completion of the appropriate application based on the type of benefit the Servicemember is interested in pursuing.

- If interested in Chapter 36 Services, the Servicemember does not need to complete an application.
- If interested in Chapter 36 Counseling, the Servicemember must complete and submit VAF 28-8832, Education/Vocational Counseling Application, VAF 22-1990, Application for VA Education Benefits, or a written request that includes name, social security number, and discharge date.
- If interested in Chapter 31 services, the Servicemember must complete and submit VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation.

4. Career and Education Readiness Evaluation
(Change Date September 1, 2017)

A Career and Education Readiness evaluation is a required component of transition for all eligible Servicemembers at WTUs. The Career and Education Readiness evaluation is a multidisciplinary approach to the development of a transition plan to assist the Servicemember as he/she transitions from military to civilian employment. IDES VRCs are often part of the Servicemember's multidisciplinary treatment team and provide input in this process.

See Appendix BU, Integrated Disability Evaluation System (IDES) Flow Chart, for a visual representation of the VR&E IDES program.

g. Tracking Cases
(Change Date September 1, 2017)

It is imperative that the IDES VRC track and report activities for each Servicemember who is referred for a benefits briefing, as well as any subsequent rehabilitation services provided as a result of the briefing.

1. Federal Case Management Tool (FCMT)
(Change Date February 10, 2014)

Effective February 10, 2014, tracking activities transitioned from the Veterans Tracking Access (VTA) application to the Federal Case Management Tool (FCMT). IDES VRCs are responsible for updating VR&E-specific fields in FCMT.

(a) FCMT Access
(Change Date September 1, 2017)

All IDES VRCs must request access rights to FCMT. A VR&E office without a full-time IDES VRC must ensure that at least one staff member has access to FCMT. However, it is recommended that all VR&E offices have a primary, and a back-up, staff member with access to FCMT.

To gain access rights to FCMT, the IDES VRC, or designated staff member, must send the following information to VR&E Service's Outreach mailbox at VAVBAWAS/CO/VREOUTREACH:

- VA email address.
- Title and role in FCMT (Coordinator or Field Manager).

- Primary telephone number.
- Exact name of the facility where the IDES program office is located (Military Treatment Facility, Regional Office, etc.).
- Business line, which is to be identified as "VBA Liaison" for this purpose.
- Type of alerts to receive via email.

(b) FCMT Instructions
(Change Date March 31, 2014)

For specific information on FCMT, to include in-depth instruction guides, see the VA Benefits Assistance Service (BAS) intranet page at <http://vbaw.vba.va.gov/BAS/outreach/military/index.asp>

2. Corporate WINRS (CWINRS)
(Change Date September 1, 2017)

If the Servicemember applies for Chapter 31 services or Chapter 36 Counseling, this information must also be tracked in CWINRS. At present, FCMT and CWINRS do not communicate. Therefore, VR&E staff must input case management information into both systems.

h. Required Documentation
(Change Date September 1, 2017)

If the Servicemember applies for Chapter 31 services or Chapter 36 Counseling, this information must be documented and filed in the Servicemember's Counseling/Evaluation/Rehabilitation (CER) folder. The IDES VRC will follow current guidance in the M28R for procedural guidance on documentation.

2.04 VR&E Services Available to Servicemembers
(Change Date May 29, 2018)

There are two authorities under which most Servicemembers will receive services from VR&E, Chapter 36 and Chapter 31. It is important to note that the Servicemember may only receive services under one of these authorities at a time. Please see M28R.VII.A.4 for additional information on how to proceed when a Servicemember is eligible under more than one chapter.

a. Chapter 36
(Change Date June 5, 2017)

Chapter 36, Education and Career Counseling, counseling and services are designed to provide counseling and support services to assist the Servicemember choose a career goal, and/or determine the course needed to achieve a chosen educational or vocational goal. These activities are governed by 38 U.S.C. 3697A.

VR&E establishes a clear division between Chapter 36 Services and Chapter 36 Counseling, as indicated below.

1. Chapter 36 Services
(Change Date June 5, 2017)

Activities that do not require a formal application or request for benefits are referred to as Chapter 36 Services. These activities are limited to basic assistance and do not require one-on-one comprehensive counseling and guidance. Chapter 36 Services may include, but are not limited to, activities such as:

- Assistance with registration for eBenefits.
- Assistance with registration for VA Healthcare on my HealthVet.
- Identification of on-campus resources available to all students.
- Identification of work-study opportunities.
- Referral to campus mentoring programs.

The Chapter 36 Checklist Job Aid, Appendix BV, serves as a guide to assist the IDES VRC in documenting provision of Chapter 36 Services. The job aid must be used to document the activities and services provided. The checklist must be filed in a manila folder in a locked cabinet for audit and record keeping for no less than one year, per the Records Control Schedule (RCS) VB-1, Part I, Section VII, 07-701.000.

It is important to note that an application does not need to be processed and a CWINRS record is not created; however, eligibility for Chapter 36 must be established.

2. Chapter 36 Counseling
(Change Date June 5, 2017)

Any individual who wishes to receive Chapter 36 Counseling is required to complete VAF 28-8832, Educational/Vocational Counseling Application. Other requests for Chapter 36 Counseling may be accepted, to include the

receipt of VAF 22-1990, Application for VA Education Benefits; an online application submitted through eBenefits; or a written request that includes the Servicemember's name, social security number, and discharge date, either the actual date or an estimated date if the individual is still on active duty. IDES VRCs are required to accept applications and determine eligibility for Chapter 36 Counseling.

Chapter 36 Counseling is more specialized and involves an assessment of needs, interpretation of test results or transferable skills, and goal mapping activities. Chapter 36 Counseling must be conducted in an individual setting, and may not be provided to groups. Chapter 36 Counseling may include, but is not limited to, activities such as:

- VA benefits coaching.
- Adjustment counseling.
- Assessment and exploration of interests and aptitudes.
- Assistance in identifying educational goals and training facilities.
- Assistance determining employment goals.
- Discussion on impact of grades and/or assistance identifying resources to resolve academic probation.
- Review of articulation agreements.
- Assistance with change in major field of study.
- Goal mapping activities and coaching.

If the individual needs Chapter 36 Services within the scope of Chapter 36 Counseling, then both may be provided.

See M28R.VII.A.1 for in-depth information and procedural guidance on the delivery of Chapter 36 Services and Counseling.

b. Chapter 31
(Change Date September 1, 2017)

Chapter 31 provide services and assistance to enable Servicemember's to achieve maximum independence in daily living and, to the maximum extent feasible, become employable and obtain and maintain suitable employment. These services are governed by title 38 of the United States Code, Chapter 31 and Title 38 of the Code of Federal Regulations, Part 21. To apply for

Chapter 31 services, the Servicemember may complete and submit VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation; apply online through eBenefits; or provide a written request that includes the Servicemember's name and social security number.

See the following M28R parts for detailed procedural guidance on the delivery of Chapter 31 services to Servicemembers:

- M28R, Part II, Office Administration
- M28R, Part III, Program Administration
- M28R, Part IV, Evaluation, Entitlement and Rehabilitation Planning
- M28R, Part V, Case Management
- M28R, Part VI, Employment Services

It is important to note that all procedural guidance for the provision of Chapter 31 services to Servicemembers is the same as the provision of Chapter 31 services to Veterans, except as noted in this chapter.

1. Eligibility
(Change Date September 1, 2017)

Per 38 U.S.C. 3102, a Servicemember who is hospitalized or receiving outpatient medical care, services or treatment for a service-connected disability that will likely be compensable at a rate of 20 percent or more, or a Servicemember with a memorandum or IDES proposed rating of at least 20 percent, is eligible to receive an evaluation to determine entitlement for Chapter 31 services.

2. Entitlement
(Change Date May 29, 2018)

An eligible Servicemember who is determined to have an employment handicap resulting in substantial part from the service-connected disability, and who has not overcome the employment handicap, is entitled to receive Chapter 31 services, as outlined in M28R.IV.A.3.

Note: See section 2.05 for information and procedural guidance on the automatic entitlement to Chapter 31 provision provided in NDAA.

3. Rehabilitation Plan Development
(Change Date September 1, 2017)

It is common for Servicemembers who are transitioning out of the military to relocate at discharge, resulting in unique challenges when developing the rehabilitation plan. These challenges include, but are not limited to, the following:

- The Servicemember is not in full control of when he/she will be discharged and therefore able to relocate.
- Relocation services may be delayed.
- Lack of information on the labor market in the area in which the Servicemember wishes to relocate.
- Lack of knowledge on the most appropriate rehabilitation and training facilities in the area in which the Servicemember wishes to relocate.

As such, the IDES VRC may opt to utilize Fast Track planning to provide the Servicemember with the opportunity to address these issues while in rehabilitation to the point of employability (RTE) status. This will serve the dual purpose of ensuring both the IDES VRC and the Servicemember have done due diligence prior to the identification of a rehabilitation goal, and allow movement out of evaluation and planning status (EP) during this period. See M28R.IV.B.4 for additional information on Fast Track planning.

It is also suggested that the IDES VRC contact the Vocational Rehabilitation and Employment Officer (VREO) of the Regional Office of Jurisdiction (ROJ) where the Servicemember plans to relocate to discuss these issues prior to plan development. The IDES VRC should follow local policy on how to contact VR&E staff at other ROs.

When developing the rehabilitation plan, the IDES VRC must ensure that the vocational goal is achievable within 48 months of entitlement, unless entitlement is extended under 38 CFR 21.78.

It is important to note that if the Servicemember is receiving rehabilitation services that would otherwise entitle him/her to receive a subsistence allowance, the IDES VRC must manually charge entitlement for that period.

Servicemembers may receive the full range of Chapter 31 services, except as noted in below.

4. Limitation on Services
(Change Date May 29, 2018)

Services provided under Chapter 31 must not duplicate the efforts of any DoD or Veterans Health Administration (VHA) programs, per 38 U.S.C. 3101(2). In addition, Servicemembers may not receive the following services as part of a rehabilitation plan under Chapter 31:

- Rehabilitation services consisting solely of employment services, unless the criteria outlined in 38 U.S.C. 3117 is met.
- Subsistence allowance (see note below).
- Employment Adjustment Allowance (EAA).
- Revolving Fund Loan (RFL).
- Retroactive induction for services related to extended evaluation or independent living services.

Note: When a Servicemember is released from active duty, he/she becomes eligible to receive subsistence allowance if all other criteria for subsistence allowance are met. Per 38 CFR 21.322, subsistence allowance cannot begin prior to the earliest date for which disability compensation is payable. Per 38 CFR 3.400, the earliest date that disability compensation may begin is the day after release from active duty.

5. Transferring Cases

(a) Transfer Within the Regional Office (Change Date March 8, 2013)

A Servicemember who is entitled to Chapter 31 services may be reassigned to a different VRC within the same RO for case management. The VREO must ensure that case transfers are conducted with a warm handoff, meaning that the IDES VRC must contact the receiving VRC via telephone or email prior to the transfer of the Servicemember's case. Follow-up contacts will be made to ensure that the Servicemember meets with the new VRC within 30 days of transfer. These contacts must be clearly documented in CWINRS notes.

(b) Transfer to Another Regional Office (Change Date March 8, 2013)

If the Servicemember relocates and his/her case is transferred to another RO's jurisdiction, the IDES VRC must coordinate with the

VREO of the receiving RO to ensure that the Servicemember meets with a VRC within 30 days of transfer.

See M28R.III.A.3 for additional procedural guidance on case transfers.

6. Transition to Veteran Status

The continuation of Chapter 31 services to Servicemembers may be impacted when transitioning to Veteran status based on the following:

(a) Unfit for Duty Determination
(Change Date September 1, 2017)

If the Servicemember is found to be unfit for duty by the PEB, the IDES VRC may continue provide Chapter 31 until such time it is appropriate to close the case, either through a rehabilitation determination or discontinuance.

(b) Dishonorable Discharge
(Change Date September 1, 2017)

Per 38 U.S.C. 3103 and 38 CFR 21.42, the character of discharge is a bar to benefits. Therefore, if the Servicemember receives a dishonorable discharge, then the Chapter 31 program must be terminated effective the last day of the month in which the Servicemember is discharged with a dishonorable classification.

(c) Fit for Duty
(Change Date September 1, 2017)

If a Servicemember is found to be fit for duty following the PEB process, he/she may not continue to receive services under Chapter 31, except for employment services needed to ensure adjustment to the military occupation. Following the determination that the Servicemember will remain on active duty, the IDES VRC must provide due process and move the Servicemember's case to rehabilitated or discontinued status, as appropriate. The criteria for rehabilitation at closure would be met only if VR&E services helped the Servicemember remain in a suitable job in the military by overcoming the impairment to employability.

(d) Continue on Active Duty (COAD)
(Change Date September 1, 2017)

In some instances, the PEB may find that the Servicemember is unfit for duty, but allow him/her to continue on active duty status. In these instances, the Servicemember cannot continue to receive Chapter 31 services. Therefore, the IDES VRC must provide due process and move the Servicemember's case to rehabilitated or discontinued status, as appropriate.

Refer to M28R.V.A.7 for specific procedural guidance on the closure process.

- 2.05 Impact of Public Law 110-181, NDAA for Fiscal Year 2008, on Chapter 31 Services to Servicemembers
(Change Date March 8, 2013)

Section 1631(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, Public Law 110-181, enacted on January 28, 2008, states:

"A member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to Veterans of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members."

NDAA for FY 2008 does not define "severe injury or illness"; however, it is VA's view that Congress intended to use the term "serious injury or illness". This is based on the fact that "serious injury or illness" is used throughout the law, and is defined in section 1602(8) as "an injury or illness incurred in by the {service} member in {the} line of duty on active duty in the Armed Forces that may render the {service} member medically unfit to perform the duties of the {service} member's office, grade, rank, or rating.

- a. Automatic Entitlement to Chapter 31 Services
(Change Date September 1, 2017)

As a result of the law, Servicemembers awaiting discharge due to a medical condition resulting from a serious injury or illness that occurred in the line of duty may be automatically entitled to Chapter 31 services. Entitlement is established without regard to a VA service-connected disability rating or a determination of employment handicap. Once a Servicemember is found entitled under this provision, he/she remains entitled, even without the eventual establishment of a VA disability rating, until their case is moved to

rehabilitated or discontinued status. If rehabilitated or discontinued from the VR&E program, the individual must re-apply and meet the eligibility criteria in place at the time of the new application.

Entitlement is established when all the following criteria are met:

- Receipt of VAF 28-1900.
- Receipt of qualifying documentation. VA will accept documentation of referral to a military PEB or MEB, or a completed Military Request for VA Vocational Rehabilitation and Employment form as acceptable qualifying documentation. DoD personnel may complete the Military Request for VA Vocational Rehabilitation and Employment form to refer severely ill or injured Servicemembers who are participating in the Education and Employment Initiative (E2I), have not been referred to a PEB or MEB, or are not enrolled in the IDES process.
- Attendance at the initial appointment with the IDES VRC.

Note: If the Servicemember separates from the military prior to reporting for the initial appointment, then he/she may not be found automatically entitled under NDAA. In these instances, the IDES VRC must make the eligibility and entitlement determination in the same manner as for any other applicant with Veteran status.

See M28R.IV.A.3 for procedural guidance on automatic entitlement under NDAA.

b. Applicable Dates
(Change Date September 29, 2017)

The provision for automatic entitlement to Chapter 31 services under Public Law 110-181, NDAA for Fiscal Year 2008, was effective on February 10, 2012. The provision is currently set to expire on September 30, 2018, as noted below:

- The provision was initially set to expire on December 31, 2012, but was extended by the Public Law 112-56, VOW to Hire Heroes Act, until December 31, 2014.
- This period was extended again by Public Law 113-291, NDAA for Fiscal Year 2015, until December 31, 2015.
- This period was further extended by Public Law 114-58, the Department of Veterans Affairs Expiring Authorities Act of 2015, until December 31, 2016.

- This period was extended by Public Law 114-228, the Department of Veterans Affairs Expiring Authorities Act of 2016, until December 31, 2017.
- Most recently, this period was extended by Public Law 115-62, the Department of Veterans Affairs Expiring Authorities Act of 2017, until September 30, 2018.

c. Initial Evaluation

(Change date September 29, 2017)

Even though entitlement is automatic under NDAA, the IDES VRC must provide the Servicemember with a comprehensive initial evaluation and complete all fields on VAF 28-1902b. This information is imperative for the IDES VRC and Servicemember to make an informed decision on the type and extent of services to be provided in the rehabilitation plan to meet the identified rehabilitation goal. The IDES VRC must include the following statement on VAF 28-1902b:

“Based on documentation filed in the Counseling/Evaluation/Rehabilitation (CER) folder, (list qualifying documentation), the applicant has established eligibility and entitlement to Chapter 31 services effective xx/xx/xxxx in accordance with PL 110-181, as extended by Public Laws 112-56, 113-291, 114-58, 114-228, and 115-62. Therefore, the usual determinations are not necessary to establish entitlement. However, the initial evaluation will be completed to assess impairment(s) to employability and to determine Employment Handicap, Serious Employment Handicap, and feasibility of achieving a vocational goal. These decisions will be the basis for rehabilitation planning regarding the type and extent of services available to, and most appropriate for, the applicant.”

The IDES VRC must document the comprehensive evaluation and planning process in Part II of VA Form 28-1902b through a narrative synthesis of the evidence considered, assessments completed, reasoning that was followed, and actions that were deliberated and taken. The IDES VRC must also record the determinations on Part I of VA Form 28-1902b. Follow up counseling may be documented on VA Form 28-1902n.

See M28R.IV.B.2 for detailed procedural guidance on documentation processes and requirements.

d. CWINRS Requirements

(Change Date September 1, 2017)

An “in-service” generated eligibility determination (GED) must be completed when sufficient documentation is received and the Servicemember reports for the first appointment with the IDES VRC. Therefore, given the automatic entitlement provision, it is common for the CWINRS folder to be created in applicant status and moved to evaluation and planning status on the same day. If GED processing is delayed, “days to entitlement” will be impacted and result in a negative number as the entitlement date will precede the date of CWINRS folder creation.

If the Servicemember was found entitled to Chapter 31 as a result of the provisions of NDAA, then VR&E staff must select the “NDAA” indicator check box during AutoGED in CWINRS. This allows the use of filters and sorting of cases on the Select Folders screen. These cases will appear as Chapter 31 case type with an NDAA indicator.

VR&E staff must ensure the following actions are taken in CWINRS:

- NDAA cases must be tracked monthly on the CWINRS Folder Selection screen by applying the filters “NDAA” for Benefit Type and “0%” rating. These cases must be refreshed in CWINRS monthly and reviewed to discern whether a Release from Active Duty (RAD) date now exists and whether a VA disability rating has been finalized.
 - When information is available that the Servicemember has been discharged, VR&E must update the master record by processing a General Eligibility Determination (GED) to add the RAD date and the initial rating notification date, and remove the “In-Service” indicator.
 - If a VA disability rating has been completed, VR&E staff must update the disability field. If a VA disability rating has not been completed, VR&E staff must continue to refresh in CWINRS monthly. When a VA disability rating has been finalized, CWINRS will be updated. However, it is important to remember that individuals found entitled under this automatic entitlement provision remain entitled regardless of the eventual establishment of a VA disability rating and/or the establishment of a VA disability rating of 0% or 10%.
- e. Rehabilitation Plan Development
(Change Date September 1, 2017)

Servicemembers found to be automatically entitled under NDAA may receive the full range of Chapter 31 services available to Servicemembers, except as noted in section 2.04.b of this chapter. See section 2.04.b for additional guidance on plan rehabilitation development for Servicemembers.

f. Requirements for Independent Living (IL) Services
(Change Date September 1, 2017)

Although entitlement to Chapter 31 services is automatic under NDAA, all of the following criteria must be met before the Servicemember can receive IL services if found automatically entitled under NDAA:

- A determination of Serious Employment Handicap (SEH).
- A determination that it is not reasonably feasible that the Servicemember could achieve a vocational goal, defined as gainful employment consistent with the Servicemember's abilities, aptitudes and interests.
- Documented IL needs.
- If a program of solely Independent Living (IL) services are provided, those services must focus on the transition to civilian life, not retention in the military.