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PRIORITY PROCESSING

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## Chapter 3 PRIORITY PROCESSING

### 3.01 Introduction

The Vocational Rehabilitation and Employment (VR&E) Division is committed to ensuring that the needs of those seriously injured and very seriously injured as a result of military service are met in a timely manner. This chapter provides the foundation and framework for prioritizing and processing claims for VR&E services received from all active duty, National Guard, or Reserve Veterans who have been deemed to have a serious illness or injury or very serious illness or injury. Serious or very serious illness or injury may be defined as an injury or illness incurred by the Servicemember or Veteran that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

This chapter supersedes the information pertaining to VR&E located in Veterans Benefits Administration (VBA) Letter 20-07-19 on the priority processing of Global War on Terror (GWOT) Veterans.

### 3.02 References and Resources

Laws:                   Public Law 107-103  
                              Public Law 110-181  
                              Public Law 112-56

VA Forms (VAF):    28-1900, Disabled Veterans Application for Vocational  
                              Rehabilitaton  
                              28-1902b, Counseling Narrative

### 3.03 Serious Disability

A serious disability is an injury or illness of a Servicemember that may result in discharge from military service. Department of Defense (DoD) currently classifies illnesses or injuries as:

- Serious illness or injury (SI)
- Very serious illness or injury (VSI)
- No serious illness or injury (NSI)

At a minimum, all Servicemembers in SI and VSI status should be considered as seriously disabled for the purposes of priority processing under the VR&E Program.

### 3.04 Outreach to Hospitalized Servicemembers

Some Servicemembers may be in a hospital or a medical holding unit pending discharge for a disability that arose as a result of military service.

#### a. Chapter 31 Application from a Hospitalized Servicemember

A Servicemember may apply and qualify under provisions of the National Defense Authorization Act (NDAA) of 2008 as defined in M28R.IV.A.3. Once either a Physical Evaluation Board (PEB) referral or Military Service Status Referral (MSSR) is received, or the Veterans Service Center (VSC) establishes a disability rating through an expedited memorandum rating, an assigned Vocational Rehabilitation Counselor (VRC) must visit the Servicemember to begin his/her counseling and evaluation within 10 business days.

#### b. Follow-Up Contacts

If after the VRC's initial motivational contact, the Veteran or Servicemember does not respond or a response of "no interest" is received, the VRC must diary for continued follow-up in three-month intervals for one year.

### 3.05 SI/VSI Case Coordination

#### a. Claims Processing Responsibilities

All SI and VSI claims must be given priority processing. As such, the Veterans Service Center and the VR&E Division have the following responsibilities:

##### 1. Veterans Service Center (VSC)

This organization element is responsible for determining basic eligibility and forwarding that eligibility determination to the VR&E Division for initial evaluation and counseling.

##### 2. VR&E Division

This division is responsible for providing vocational rehabilitation services to the claimant as quickly as possible. A VR&E VRC can initiate evaluation and counseling and, in some instances, authorize training before the claimant is discharged from the service.

#### b. Verifying SI/VSI Procedures

The VRC will verify through the VBA application, SHARE, if the Veteran or Servicemember was granted an SI or VSI status.

1. Open Share through VBA applications on your computer.
2. Provide the necessary log-in information.
3. Once at the VBA Ready Screen on the Share homepage, you may search for a Veteran by entering their Social Security Number (SSN) or File Number.
4. Click on "Corporate Inquiries" under Available Processes on the left-hand side of the screen.
5. Click Submit, the Veteran's general information will appear on the "Person" tab.
6. Click on the button "Award/Ratings" at the top of the Share screen under the "Person" tab.
7. Look at the General Information screen and review the "Flash Messages" box on the right side of the Information screen. Here you should find the SI/VSI flash listed.

NOTE: It is the VSC's responsibility to update the SHARE application with the Veteran's SI/VSI determination.

### 3.06 Scheduling First Appointment

#### a. First Attempt at Contact

Within one business days of receiving VAF 28-1900 and qualifying documentation, the assigned VRC must attempt to contact the applicant by phone and offer an appointment within five business days.

If the VRC cannot reach the applicant by telephone, the VRC must send an appointment letter to schedule the initial appointment, which must be within 10 business days.

#### b. Priority Scheduling

Priority scheduling of SI/VSI Servicemembers or Veterans may require the re-scheduling of the VRC's existing appointments. The VRC must offer priority

scheduling based on the SI/VSI applicant's availability, then notify and re-schedule existing appointments, if necessary, as soon as possible.

c. Existing Appointments

An applicant with an existing appointment should not be re-scheduled for this purpose more than once, if possible. The applicant may need to be reassigned to a different VRC if the VRC is unavailable to meet within the 10-day timeliness requirement. The re-assigning of cases is determined by the VR&E Officer or his/her designee when appropriate.

3.07 Entitlement Determination and Initial Evaluation

a. Entitlement Determination and Initial Evaluation for SI/VSI Individuals

The process for entitlement determination and initial evaluation for SI/VSI Servicemembers or Veterans is the same as for any other participant of the VR&E program.

See M28R, Part IV, Section B for detailed procedural guidance on these issues.

b. NDAA Specific Information

The following section provides information that is specific to Servicemembers with eligibility for rehabilitation services under NDAA.

1. Entitlement Determination for NDAA

A Servicemember may apply and qualify for automatic entitlement under provisions of the NDAA. Entitlement is based on the receipt of VAF 28-1900, receipt of qualifying documentation, and attendance at the initial evaluation with the VRC. VA will accept documentation of referral to a military PEB as acceptable qualifying documentation. It is important to note that documentation to a PEB should be available for each Servicemember who is currently enrolled in the Integrated Disability Evaluation System (IDES).

VA will also accept a completed MSSR as quality documentation. DoD personnel may complete the MSSR to refer severely ill or injured Servicemembers who are participating in the Education and Employment Initiative (E2I), and have not been referred to a PEB, or are not enrolled in IDES.

VA will also accept proof of participation in IDES as qualifying documentation. The VRC can obtain this information from the IDES flash screen in SHARE.

Applications and qualifying information may be submitted by PEBLOs, community based health care organizations, E21 personnel, and other referrals sources, such as VA Polytrauma Centers. It is important to note that service treatment records are not necessary to establish entitlement for VR&E services if the Servicemember is enrolled in the IDES program, or if the VRC has the PEB referral or a completed MSSR.

## 2. Initial Evaluation for NDAA

Although eligibility and entitlement for Servicemembers is automatically established per NDAA, the VRC must provide the Servicemember with a comprehensive initial evaluation, as outlined in M28R.IV.B.2 This evaluation will assist in identifying functional abilities/limitations, identify all employment handicaps, and address the feasibility of achieving a vocational goal. The VRC must document the results of the initial evaluation on VAF 28-1902b, Counseling Narrative. The VRC will 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 PL 112-56. 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.”

It is important to note that if the Servicemember separates from the military prior to reporting for the initial appointment with VR&E, then the individual may not be found eligible and entitled under NDAA. In these instances, eligibility and entitlement is processed as usual as outlined in M28R, Part IV.

### 3.08 Track Selection and Plan Development

#### a. Planning Services

When an applicant has been found entitled to VR&E services, an appointment to begin the track selection/plan development process must be offered within 10 business days from the date of the entitlement determination.

NOTE: This is a requirement to begin the process, not a requirement to have completed an individualized plan of services within 10 business days.

b. Plan Development

For a Servicemember or Veteran considered to be SI or VSI, track selection and plan development must be completed within 30 days from the date of entitlement determination.

Fast Track Planning may be used to expedite services, if appropriate. It is called "Fast Track" planning because the movement from Evaluation and Planning (EP) Status to Rehabilitation To the point of Employability (RTE) Status is accelerated by allowing vocational exploration and planning activities, historically completed during EP status, to be completed in RTE status. This process ensures a seamless transition with no delay in service to those Veterans who are transferring to Chapter 31 from Chapter 33, and are already receiving education services through VA, but have not decided upon a vocational goal.

Additionally, this process allows Servicemembers to start a rehabilitation plan during their transition period, while concurrently researching the labor market in which they will be seeking employment following discharge in order to ultimately select the most appropriate vocational goal. Fast Track planning allows for the identification of a specific vocational goal to be deferred during the development of a rehabilitation plan by allowing the use of Dictionary of Occupational Titles (DOT) Code 999 in Individualized Written Rehabilitation Plans (IWRP) and Individualized Extended Evaluation Plans (IEEP).

The development of these plans should especially be used for Servicemembers and Veterans who need expedited services and are referred through the IDES process. The maximum duration for a fast track plan is 12 months, but may not exceed one term of training. The VR&E Officer (VREO) can approve an extension up to six months, or one additional term of training, whichever is longer, if it is determined that this extended period will result in both the identification of a vocational goal and the determination of feasibility to achieve a vocational goal.

3.09 Follow-Up Services Requirement

If a severely injured Servicemember or Veteran declines services or does not respond to attempts at contact, the VRC must continue follow-up in three-month intervals for one year. This follow-up requirement is also referenced in M28R.III.B.3.04.b pertaining to hospitalized Servicemembers.

### 3.10 Claims Requiring Transfer to Another Regional Office (RO)

If a Servicemember or Veteran identified for SI/VSI priority processing re-locates to another RO's jurisdiction, the VR&E Officer (VREO) must immediately contact the VREO at the new location to identify the need for priority processing of his/her claim.

The responsibilities of the transferring office and the receiving office are as follows:

#### a. The Transferring Office

The VREO of the transferring office has the following responsibilities:

- He/she must ensure that the CER folder and all other available documentation are forwarded to the receiving RO by overnight delivery with tracking.
- He/she must ensure that Benefits Delivery Network (BDN) and Corporate WINRS (CWINRS) are accurately updated to reflect the transfer.

#### b. The Receiving Office

The receiving VR&E office must accept the transfer and contact the Servicemember or Veteran within two business days of transfer to verify current contact information and coordinate continuation of claim processing. Verification of contact information may be completed by the Program Support Specialist (PSS), VRC, or any VR&E manager.