

Chapter 3
CHAPTER 18 BENEFITS, SERVICES AND
PROGRAM ADMINISTRATION

- 3.01 Introduction
- 3.02 References and Resources
- 3.03 Chapter 18 Overview
 - a. Purpose
 - b. Eligibility Criteria
 - c. Application Process
 - d. Re-Application Process
 - e. Folder Development and Maintenance
 - f. Entitlement Criteria
 - g. Duration
 - h. Services
 - i. Limitations
 - j. Vocational Rehabilitation Panel
- 3.04 Initial Evaluation and Planning Activities
 - a. Determination of Feasibility
 - b. Outcome of Evaluation
 - c. Assessment Activities
 - d. Vocational Exploration
 - e. Documentation of Evaluation and Planning Activities
- 3.05 Plan Development
 - a. Plan Types Available under Chapter 18
 - b. Determine Case Management Level
 - c. Corporate WINRS (CWINRS) Activity
 - d. Complete the Orientation Process
 - e. Document the Planning and Orientation Process
 - f. Administer the Plan
 - g. Evaluate and Amend the Plan
 - h. Develop IEAP
 - i. Payments
- 3.06 Outcomes of Chapter 18 Rehabilitation Plans
 - a. Rehabilitated
 - b. Discontinued

Appendix O. VA Forms

Chapter 3
CHAPTER 18 BENEFITS, SERVICES AND
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3.01 Introduction

Under Chapter 18, the Department of Veteran Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program provides services to children of Vietnam Veterans born with spina bifida, except for spina bifida occulta; children of female Vietnam Veterans born with certain birth defects that are associated with the service of those Veterans in the Republic of Vietnam that resulted in a permanent physical, cognitive or psychological disorder; or children born with spina bifida to Veterans exposed to herbicides who served in or near the Demilitarized Zone (DMZ) in Korea. This chapter contains procedural guidance, as well as statutory and regulatory provisions governing the delivery of Chapter 18 benefits and services.

It is important to note that the procedures used to implement Chapter 18 services, benefits and program administration are comparable to the procedures used in Chapter 31, unless noted in this chapter. Additionally, the program workflow, processes, and case status movement options in Corporate WINRS (CWINRS) for Chapter 18 are comparable to Chapter 31. See M28R.III.A.1 for a complete description of program workflow processes and case status movement procedures.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 1804
 38 U.S.C. 1814
 38 U.S.C. 3117

Regulations: 38 Code of Federal Regulations (CFR) 21.122 - 21.134
 38 CFR 21.154
 38 CFR 21.283
 38 CFR 21.370
 38 CFR 21.372
 38 CFR 21.376
 38 CFR 21.8010-21.8410

VA Forms (VAF): VAF 21-0304, Application for Benefits for Certain Children
 with Disabilities Born of Vietnam and Certain Korea Service
 Veterans
 VAF 28-0957, Vocational Rehabilitation Guidelines and Debt
 Prevention

VAF 28-1902b, Counseling Record – Narrative Report
VAF 28-1902n, Counseling Record – Narrative Report
(Supplemental)
VAF 119, Report of Contact

3.03 Chapter 18 Overview

a. Purpose

Chapter 18 vocational training, rehabilitation services and employment assistance are provided to enable the eligible individual to achieve a vocational goal and reach the level of employability needed for entry into employment in a suitable occupation.

b. Eligibility Criteria

Individuals eligible to apply for VR&E services under Chapter 18, as defined by 38 CFR 21.8010, includes:

1. Biological children of Vietnam Veterans diagnosed with spina bifida, including all forms of spina bifida except spina bifida occulta.
2. Children of women Vietnam Veterans born with certain birth defects that are associated with the service of those Veterans in the Republic of Vietnam that result in a permanent physical, cognitive or psychological disorder, and do not result from a familial disorder, a birth-related injury or a fetal or neonatal infirmity with well-established causes.
3. Children born with spina bifida to Veterans exposed to herbicides who served in or near the DMZ in Korea between September 1, 1967 and August 31, 1971.

c. Application Process

To apply for Chapter 18 services, the individual must complete VAF 21-0304, Application for Benefits for Certain Children with Disabilities Born of Vietnam and Certain Korea Service Veterans, and forward to the Denver Regional Office (RO). See Appendix O, VA Forms, for information on how to access this form, as well as all forms referenced in this chapter.

The Denver RO receives and processes Chapter 18 applications, verifies the individual's monthly monetary allowance, and forwards the application to the VR&E Division of jurisdiction.

d. Re-Application Process

If the individual is reapplying for Chapter 18 services following a rehabilitation determination, the VRC must determine if the rehabilitation determination can be set aside and a new program of services provided. 38 CFR 21.8284 provides the regulatory guidance on this process. VA may provide an additional period of training or services to an individual who has completed training and been suitably employed under Chapter 18 if the individual is eligible, has remaining entitlement, and meets one of the following criteria:

1. The individual's disability condition has worsened to the extent that he/she can no longer perform the duties of the occupation previously identified under Chapter 18.
2. The occupation that was the previous goal under Chapter 18 is now unsuitable.
3. The previous Chapter 18 training program and services are now inadequate to make the individual employable in the occupation which he/she sought to achieve.
4. The previous vocation goal was not reasonable.
5. Technological change now prohibits the individual from performing the duties of, or securing employment in, the previous occupation, or a related occupation.

The documentation and approval process for overturning the previous rehabilitation determination is comparable to Chapter 31.

See M28R.III.A.1 for procedural guidance on this issue.

e. Folder Development and Maintenance

The Counseling/Evaluation/Rehabilitation (CER) folder must be identified along the upper left trailing edge with the eligible individual's name and file number. Each CER folder must have a single strip of green self-adhesive tape, or a green stripe made by marking the folder with a single green stripe at least ¼ inch wide using a felt-tip marker, placed immediately to the left of the qualified individual's name to denote it as a Chapter 18 CER folder.

Maintenance, to include filing procedures, handling, storage and destruction, of Chapter 18 CER folders is comparable to the maintenance of a Chapter 31 CER folder.

See M28R.II.A.2 for detailed procedures on these processes.

f. Duration

The duration of a vocational training program may not exceed 24 months of full-time training, services and assistance, or the part-time equivalent. However, per 38 CFR 21.8072, the VRC may extend this period up to an additional 24 months if all of the following criteria are met:

- The VRC determines that additional training, services and/or assistance is needed to achieve the vocational goal.
- The individual has completed more than half of the planned training and is making satisfactory progress.
- The individual is making satisfactory progress.

It is important to note that the individual may not exceed 48 total months of benefits under Chapter 18, or a combined 48 months under more than one VA program, as outlined in 38 CFR 20.8016.

g. Services

The services available to an eligible participant of this chapter are comparable to the services provided under Chapter 31, to include the following:

1. Services to Improve Vocational Potential

Services to improve vocational potential may be provided during an initial or extended evaluation, or during the pursuit of a vocational training program. The services may include diagnostic services and medical treatment; personal and work adjustment training; vocationally oriented independent living services; training in adaptive techniques and use of adaptive equipment; orientation, adjustment, mobility and related services; and other services to assist functioning in the proposed training or work environment. These services may not exceed nine months of full-time training, or the part-time equivalent.

For more information on these services, see 38 CFR 21.8140.

2. Vocationally Oriented Training

Training provided under Chapter 18 must be vocationally oriented. Tuition, fees, books, equipment, supplies, and handling charges related to the cost of training are payable by VA when part of the rehabilitation plan. VA may authorize all forms of training programs, as identified in 38 CFR 21.122 through 21.132.

It is important to note that the procedures in place under Chapter 31 for approval of high cost facilities apply to Chapter 18.

See M28R.IV.C.1 for cost approval levels.

3. Employment Assistance

VA may provide the full range of employment assistance, to include vocational, psychological, employment and personal adjustment counseling services, designed to assist the individual obtain and maintain suitable employment. These services include post-placement services to ensure that the individual is adjusting appropriately to the occupation.

4. Vocationally Oriented Independent Living Services

VA may include services designed to increase the individual's independence as part of the rehabilitation plan, but only if those services are indispensable to the achievement of the vocational goal and do not constitute a significant portion of the services provided in the plan.

5. Transportation Assistance

Allowable transportation assistance is comparable to the services provided under Chapter 31, and includes the following:

- Transportation for evaluation and counseling under 38 CFR 21.376
- Intraregional travel, as indicated in 38 CFR 21.370
- Interregional travel, as indicated in 38 CFR 21.372
- Special transportation allowance under 38 CFR 21.154

Chapter 18 also allows for reimbursement of commuting costs to and from training and for the first three months of employment services. This benefit is not payable if the individual is gainfully employed, eligible for reimbursement under program, or can commute with friends, family, or others.

6. Counseling Services

Counseling services, comparable to those provided under Chapter 31, are provided for each individual receiving Chapter 18 services. These services can be provided by a VRC or a contracted counselor. These services are designed to ensure the individual meets his/her vocational goal.

h. Limitations

1. Services and Benefits

Per 38 CFR 21.8050, the following services and benefits are prohibited under Chapter 18:

- Subsistence allowance
- Revolving fund loan
- Automobile adaptive equipment
- Employment adjustment allowance
- Room and board, except for a period of up to 30 days in a special rehabilitation facility for purposes of an extended evaluation or to improve and enhance vocational potential
- Program consisting solely of independent living services

2. Training

The following training programs are prohibited:

- Training in a program of education that is not predominantly vocational in content
- Any two year program that does not lead directly to employment
- First two years of a baccalaureate program, unless resources are identified on how the last two years will be completed
- Last two years of a baccalaureate program that does not lead directly to employment
- Advanced degree programs, except as required for the planned vocational objective, such as a Master's degree in Social Work

i. Vocational Rehabilitation Panel

The Vocational Rehabilitation Panel (VRP) may provide assistance to the VRC to determine the types of services that should be provided to the eligible individual. The VRC may also use the technical and professional assistance of the VRP to consider the feasibility of achieving a vocational goal under Chapter 18.

For more information on the VRP, see M28R.II.A.4.

j. Benefits Delivery Network (BDN) and Corporate WINRS (CWINRS)

CWINRS is the primary reporting and tracking system used for Chapter 18 cases. There is no BDN record for these cases. As a result, VR&E must rely upon CWINRS structure to monitor Chapter 18 cases. This is especially important when tracking rehabilitation determinations since these determinations are not automatically included in reports available through BDN. As a result, VR&E Service will request data on the delivery of Chapter 18 services on a biannual basis.

See section 3.06 of this chapter for information on how to gather data in CWINRS on rehabilitation determinations.

3.04 Initial Evaluation and Planning Activities

The evaluation and planning process under Chapter 18 is comparable to the evaluation and planning process under Chapter 31, as indicated below. A major difference is that it is not necessary for the VRC to make a determination regarding Employment Handicap (EH) and Serious Employment Handicap (SEH) for entitlement reasons. Entitlement is based solely on the determination of feasibility. However, the VRC must still address the presence of an EH/SEH for planning purposes. This information will ensure that the VRC, as well as the individual, have a complete understanding of the impact of the disability on the vocational goal, and ensure that those issues are addressed in the rehabilitation plan.

For additional information on the determination of EH/SEH, see M28R.IV.B.2.

a. Determination of Feasibility

38 CFR 21.8020 states that for an individual to be entitled to receive vocational training, employment assistance and related rehabilitation services and assistance to achieve a vocational goal under Chapter 18, the VRC must determine that it is reasonably feasible for the individual to achieve a vocational goal. This process is comparable to the determination of feasibility for a participant of Chapter 31 services. It is important to note that the individual has the right to appeal the feasibility determination.

See M28R.IV.B.2 for procedural guidance on how to determine feasibility.

b. Outcome of Evaluation

1. Achievement of a Vocational Goal is Feasible

If the VRC determines that there is a reasonable feasibility of achieving a vocational goal, the VRC will work with the eligible individual to identify a suitable vocational goal, select a training facility if training is needed, develop a plan of services and address any concerns that may interfere with participation in the program.

2. Achievement of a Vocational Goal is in Question

If the VRC determines that the reasonable feasibility of achieving a vocational goal is questionable, the VRC will obtain additional diagnostic information necessary to make a determination and resolve all doubt in favor of the eligible individual. The VRC must work with the individual to develop a plan of services through an Individual Extended Evaluation Plan (IEEP) that will provide the data needed to determine if the achievement of a vocational goal is reasonably feasible. If a period of work adjustment services is needed to assist with this determination, 38 CFR 20.8032 limits work adjustment services to 30 days.

See M28R.IV.C.3 for procedural guidance on the development of an IEEP.

3. Achievement of a Vocational Goal is not Reasonably Feasible

If the VRC determines that it is not reasonably feasible that the individual can achieve a vocational goal, the VRC will explain this determination in person, discuss alternative resources to obtain requested services and notify applicant and the POA of the decision and the discontinuance of service in writing.

See M28R.IV.B.5 for procedural guidance on workflow and case status processes when the achievement of a vocational goal is not reasonably feasible.

c. Assessment Activities

After the determination of feasibility and prior to plan development, the VRC must complete an assessment to identify the individual's interests, aptitudes, and abilities. The purpose of the evaluation is to identify a suitable vocational goal and identify the services needed to achieve that goal.

For in-depth information and procedures on the assessment process, see M28R.IV.B.3.

d. Vocational Exploration

The goal of vocational exploration is to assist the individual in the selection of a suitable vocational goal that is consistent with the individual's interests, aptitudes and abilities and does not aggravate his/her disability. This process is comparable to the process completed under Chapter 31.

See M28R.IV.B.4 for procedural guidance on vocational exploration.

e. Documentation of Evaluation and Planning Activities

As in Chapter 31 cases, the VRC must document the findings of the evaluation and planning activities on VAF 28-1902b, Counseling Record – Narrative Report.

Refer to M28R.IV.B.2 for guidance on how to document these activities.

3.05 Plan Development

The information obtained from the completion of the evaluation and planning process is used to determine the type of rehabilitation plan that is needed for the achievement of the identified vocational goal. The VRC will develop and document the rehabilitation plan in a manner comparable to the rules, policies and procedures for the development and documentation of rehabilitation plans for Chapter 31 participants.

a. Plan Types Available under Chapter 18

The following types of plans are available for use in Chapter 18 services:

1. Individualized Extended Evaluation Plan (IEEP)

In instances where it is not immediately clear if the achievement of a vocational goal is currently reasonably feasible, VR&E provides a period of extended evaluation. During this period, the VRC and eligible individual develop a plan of services designed to determine feasibility. It is important to note that with the strict limitation on the duration of Chapter 18 services, the VRC needs to be sure that the individual will have enough time to complete the extended evaluation period, as well as the expected time in training. As such, 38 CFR 21.8140 limits extended evaluation services to no longer than nine full-time months, or the part-time equivalent.

See M28R.IV.C.3 for procedural guidance on the development and implementation of IEEPs.

2. Individualized Written Rehabilitation Plan (IWRP)

An IWRP is a roadmap used to assist the VRC, the qualified individual and the service provider(s) to work together to meet the individual's vocational goal. IWRP is a general term that includes plans of service developed for Rapid Access to Employment, Reemployment, Employment through Long-Term Services, and Self-Employment rehabilitation plans.

See M28R, Part IV, Section C, Chapters 5 – 8 for specific procedural guidance on the development of an IWRP, as indicated by the selection of track of service.

3. Individualized Employment Assistance Plan (IEAP)

The IEAP is developed following a period of rehabilitation services provided in an IWRP and a declaration of job ready. In some instances, it is possible to develop a combined IWRP/IEAP. The IEAP outlines the services designed to lead to job placement.

See M28R, Part IV, Section C, Chapters 5 – 8 for specific procedural guidance on the development of an IEAP or a combined IWRP/IEAP, as indicated by the selection of track of service.

b. Determine Case Management Level

There are three levels of case management based on the individual's needs. For those individuals participating in Chapter 18 services, the case management level must be either 2 or 3:

1. Level 2

Level 2 indicates that the Veteran needs guidance and structure but is able to follow through and stay on track. The Veteran may be recovering from recent setbacks and/or demonstrate the following characteristics:

- Circumstances interfere with the Veteran's progress in completing the rehabilitation plan, such as personal, family, emotional, financial or medical concerns
- Requires remedial instruction to prepare for post-secondary education placement tests

Level 2 requires face-to-face case management meetings at least once per academic term or at least three times per year for non-standard academic terms. For non-academic programs, face-to-face meetings are required

once per month for the first three months, then quarterly.

2. Level 3

Level 3 indicates that the Veteran requires an intensive level of service to address multiple rehabilitation needs and will require frequent contact. Examples of circumstances that may require Level 3 case management are:

- Rehabilitation programs that include special rehabilitation facilities, Chapter 35 Special Restorative Training and/or services to address IL needs
- Chronic, inappropriate conduct and cooperation
- Behavior in violation of training establishment policies
- Severe impairments due to medical or neuropsychological condition(s)
- Substance abuse issues
- Homelessness
- Incarceration or threatened incarceration

Level 3 requires monthly, face-to-face case management visits.

c. Corporate WINRS (CWINRS) Activity

CWINRS processes for Chapter 18 plan development is the same as for Chapter 31 plans. See M28R, Part IV, Section C for specific directions on CWINRS activity based on the track of service and type of plan.

d. Complete the Orientation Process

The VRC must provide an orientation to ensure the individual understands the VRC's role and his/her role in the plan and to answer any questions the individual may have regarding the rehabilitation process. The rehabilitation plan and VAF 28-0957 are used to guide this orientation. The orientation emphasizes the following:

- Expectations for conduct and cooperation.
- Requirement to report changes in dependency, contact information, performance and rate of participation immediately.

- Process for obtaining supplies, medical treatment and other services outlined in the plan.

Following orientation, the VRC and the individual must sign the rehabilitation plan and VAF 28-0957. The VRC must place the original on the right side of the CER folder and provide the individual with a copy.

e. Document the Planning and Orientation Process

The VRC must document the planning and orientation process and all decisions made during plan development. The following information must be included on either VAF 28-1902n or in a CWINRS case note:

- Vocational Exploration Activities
- Suitability of Selected Vocational Goal
- Type of Plan
- Planned Services
- Program Charges and Costs
- Level of Case Management
- Other Considerations

f. Administer the Plan

Once these actions are complete and services identified in the plan are implemented, the VRC enters into a case management period where the plan is administered. All case activities are documented in CWINRS notes or on VAF 119, Report of Contact.

See M28R, Part V, Section A for detailed information on plan implementation and case management activities.

g. Evaluate and Amend the Plan

If the individual is not progressing through the plan as expected, or it becomes clear that the goals of the plan need to be reassessed, the VRC must redevelop the rehabilitation plan. Generally speaking, the plan remains in its current status during the redevelopment period. However, given the statutory limits placed on Chapter 18 services, it may be appropriate to move

the plan to Interrupted status if it is not clear how long the individual will not actively be participating in a plan of service. This will ensure that the statutory limits are not exceeded.

h. Develop IEAP

If the individual has achieved the objectives of the IWRP and is considered to be job ready, then the VRC may develop the IEAP and change the case status to job ready. It is important to note that services must be provided in Rehabilitation To the point of Employability (RTE) status before movement into job ready status and the development of an IEAP. The VRC must ensure that all the objectives of the IEAP specifically address identified needs to obtain and maintain suitable employment. After a joint review of the plan, the VRC and individual must sign the plan. The VRC must provide a copy of the signed plan to the individual, and file the original on the right side of the CER folder.

It is important to note that all IEAPs must be preceded by an IWRP or combined IWRP/IEAP. The only time the VRC can develop an IEAP without first providing services in an IWRP is when the individual is a prior vocational rehabilitation program participant who qualifies for a program of solely employment assistance, as outlined in 38 U.S.C. 3117.

Note: Participants of Chapter 18 services are prohibited from receiving Employment Adjustment Allowance (EAA).

i. Payments

Per 38 CFR 21.8260, payments for Chapter 18 services are processed in a manner comparable to Chapter 31. See M28R, Part V, Section B for procedural guidance on financial accountability and payment processing.

3.06 Outcomes of Chapter 18 Rehabilitation Plans

There are two possible outcomes for Chapter 18 services:

a. Rehabilitated

1. Rules for Rehabilitation

The intent of Chapter 18 is to enable individuals, to the maximum extent possible, to become employable and to obtain and maintain suitable employment. Per 38 CFR 21.283, the VRC may move the case to Rehabilitated status when the individual has:

- Successfully completed the rehabilitation goals, and
- Maintained suitable employment for at least 60 days.

See M28R.V.A.7 for detailed information on how to complete the rehabilitation process.

2. Data Collection

Since there is no BDN record for Chapter 18 cases, rehabilitation determinations are not automatically recorded in the Intranet Reports that capture rehabilitation determinations for Chapter 31 cases. Therefore, the VREO, or his/her designee, must access this information from CWINRS by completing the following steps:

- Go to Case Management module.
- Go to the Folder Selection screen.
- Choose Chapter 18 (as the benefit type).
- Choose Rehabilitated (Case Status).
- Switch the archived section to "Archived Cases".
- Input the date range.
- Click Apply.

VR&E Service will request this information on a quarterly basis via email.

b. Discontinued

If the individual decides not to pursue services or does not respond to attempts by the VRC to participate in the rehabilitation plan, discontinuation of the case may be necessary. The VRC may terminate services provided by VR&E under Chapter 18 under the following circumstances:

- If eligibility or entitlement to services was established through fraud, the VRC will terminate training services by VR&E as of the date VA first began to pay benefits.
- If eligibility or entitlement was awarded through administrative error, the VRC will terminate training services by VR&E the first calendar day of the next full month which occurs 60 days after notification of proposed termination (for example, error is discovered and proposed termination

sent March 12, 60 days later is May 11, terminate award June 1).

- If VA finds the qualified individual no longer has a covered birth defect, the VRC will terminate any training services by VR&E effective the last day of the month, during which that determination becomes final (for example, determination becomes final March 12, terminate award March 31).
- If the qualified individual fails to cooperate in the evaluation, training or employment process, the VRC will terminate any training services by VR&E the first calendar day of the next full month that occurs 60 days after notification of proposed termination (for example, error is discovered and proposed termination sent March 12, 60 days later is May 11, terminate award June 1).

See M28R.V.A.7 for information on the discontinuation process.