

Custom Federal Regulations Service™

**This is supplemental material
for Book E of your set of
Federal Regulations**

Title 38, Parts 10,11 & 76

Compensation

Veterans Benefits Administration

Supplement No. 1

Covering period of *Federal Register* issues
through April 5, 2011

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GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

Supplemental Materials for *Book E*

Code of Federal Regulations
Title 38, Parts 10, 11 & 76

Compensation

Veterans Benefits Administration

Supplement No. 1

5 April 2011

Covering the period of Federal Register issues
through April 5, 2011

When **Book E** was originally prepared, it was current through final regulations published in the *Federal Register* of 30 April 1992. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which is at page E-8 of Book E, *Compensation*.

**To ensure accuracy and timeliness of your materials,
it is important that you follow these simple procedures:**

1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the Supplement Filing Record (page E-8) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page E-2.
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5. Always retain the filing instructions (simply insert them at the back of the book) as a backup record of filing and for reference in case of a filing error.
6. Be certain that you *permanently discard* any pages indicated for removal in the filing instructions in order to avoid confusion later.

To execute the filing instructions, simply remove *and throw away* the pages listed under *Remove These Old Pages*, and replace them in each case with the corresponding pages from this supplement listed under *Add These New Pages*. Occasionally new pages will be added without removal of any old material (reflecting new regulations), and occasionally old pages will be removed without addition of any new material (reflecting rescinded regulations)—in these cases the word *None* will appear in the appropriate column.

FILING INSTRUCTIONS

**Book E, Supplement No. 1
April 5, 2011**

<i>Remove these <u>old pages</u></i>	<i>Add these <u>new pages</u></i>	<i>Section(s) <u>Affected</u></i>
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**Do not file this supplement until you confirm that
all prior supplements have been filed**

E-1 to E-14	E-1 to E-14	Book E Contents
-- add these pages immediately following 11.130-2		
(none)	Part 76 Cover Page	Part 76
(none)	76.INDEX-1 to 76.INDEX-2	Part 76
(none)	76.1-1 to 76.4-1	§§76.1, 76.2, 76.3 & 76.4

**Be sure to complete the
Supplement Filing Record (page E-8)
when you have finished filing this material.**

HIGHLIGHTS

Book E, Supplement No. 1 April 5, 2011

Supplement Highlights references: Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §10.2, you will see a note at the end of that section which reads: “Supplement *Highlights* references—37(1).” This means that paragraph 1 of the *Highlights* section in Supplement No. 37 contains information about the changes made in §10.2. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

Supplement frequency: Beginning 1 January 2000, supplements for this Book E will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

Modifications in this supplement include the following:

1. On 16 March 2011, the VA published a final rule, effective 15 April 2011, to establish VA regulations regarding the payment of a monthly assistance allowance to veterans training to make the United States Paralympics team, as authorized by section 703 of the Veterans' Benefits Improvement Act of 2008. Change:

- Added new Part 76.



Veterans Benefits Administration

Department of Veterans Affairs

Custom Federal Regulations Service™

Book E—Compensation/Loans

Code of Federal Regulations

Title 38

Parts 10, 11 and 76

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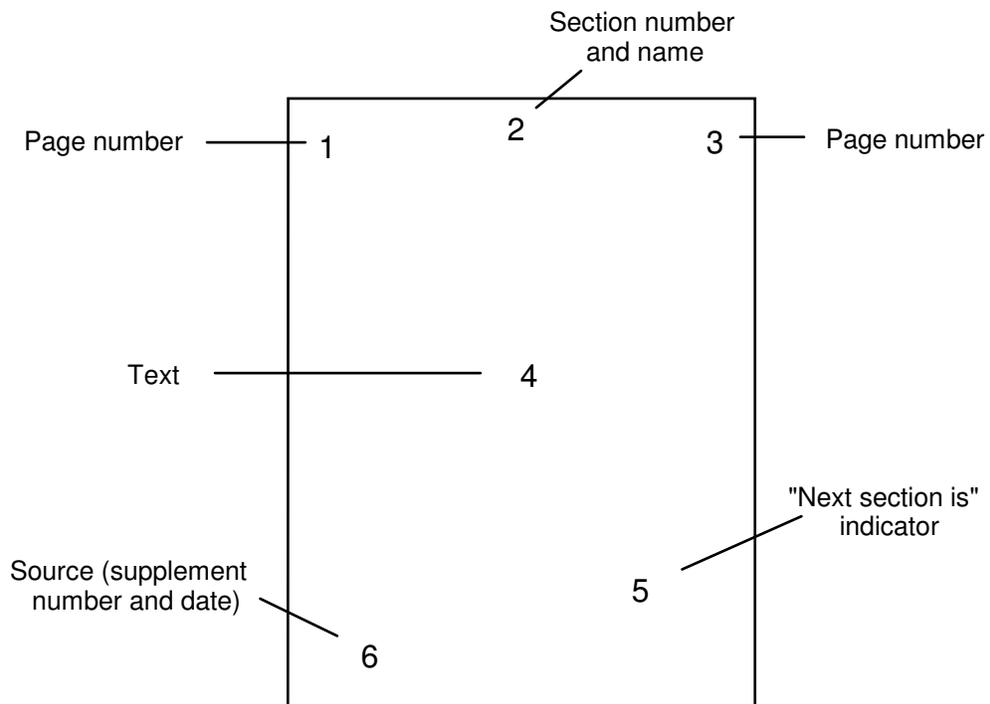
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Important Information about this Looseleaf Regulations Service

Users of this looseleaf service should read this information in order to better understand how the regulations are presented, indexed, and supplemented. It is particularly important to understand the supplementing process so that errors in filing supplements do not render the book useless.

Presentation. Each page contains information in six different locations, as indicated on this sample page:



1 — *Page numbers.* Page numbers have three parts:

- (1) the section number (e.g., §10.36),
- (2) a hyphen, and
- (3) the page number within that section (e.g., 10.36-3).

The page number appears in both the upper left-hand corner and the upper right-hand corner of the page. If there is only one section on the page, these numbers will be identical. However, if the page contains two or more short sections (e.g., §10.32 and §10.33), then the number in the upper left-hand corner indicates the first section on the page (e.g., 10.32-1) while the number in the upper right-hand corner indicates the last section on the page (e.g., 10.33-1).

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The page number(s) will always tell you what section(s) are on that page, so that if you know the section number you can find that section simply by flipping through the pages until you come to the appropriate section number.

2 — *Section number and name.* In the top center of each page you will find the section number and the title of that section. This is useful for sections that are two or more pages in length because you can glance at the top center and know the number and name of the section you are reading.

4 — *Text.* The text of the regulation occupies the bulk of the page. The text is as it appears in the official government publication, the annual bound volume of the *Code of Federal Regulations*, as amended by final rules published in the daily *Federal Register*. By using the looseleaf format, we are able to make changes in response to amendments as they appear in the *Federal Register* and send you those replacement pages in a very short time. Thus these materials remain current at all times. Relying on the bound volume of the *Code of Federal Regulations* can be hazardous since it is three to four months out of date when initially published, and sixteen to seventeen months out of date when replaced a year later. Reading the *Federal Register* every day in order to update the *CFR* can be a time-consuming and tiresome process. Our service does all the preparatory work for you—leaving you free to read and apply the regulations.

5 — “*Next Section Is.*” For whatever reasons, promulgating agencies do not always number their regulations consecutively (e.g., 10.1, 10.2, 10.3, 10.4). Sometimes the skips are at regular intervals (e.g., 10.10, 10.15, 10.20, 10.25) while other times the skips are just at the end of subparts (e.g., 10.74, 10.75, 10.76, 10.100). In any case, when you move directly from §10.4 to §10.15 it is not possible to know if this is the actual order of the regulation numbers, or if there are missing pages. To solve this problem—and to provide you with a means of determining at any time if your set is complete—whenever there is a skip in section numbers we provide information on what the next section number should be. On the last page of the preceding section, in the place on the page indicated by the “∞” on the diagram, you will find the words “Next Section is” followed by a section number. That tells you what the next section number should be. If there is no “Next Section is” reference, then the next section is in normal sequence.

6 — *Source.* In the lower left-hand corner of every page you will find an entry that looks like one of these two formats:

(Original 5/7/92) or (No. 2 10/25/92)

The first form is on every page when the book is initially published. It means that the original book was issued on 7 May 1992.

The second form is used for replacement pages sent to you because an amendment (or a new regulation) has been published. It indicates the number of the supplement in which it was transmitted (e.g., No. 2), and the date of mailing of that supplement (e.g., 25 October 1992). This allows you to check your set for accuracy against our master set by calling us at any time. It also allows you to know exactly when certain changes in the regulations were made, and whether you have the appropriate changes filed in your book.

Indexing. This looseleaf service has two indices.

Index 1 is arranged by *Code of Federal Regulations* section number and presents the contents in the order in which they appear in the *Code of Federal Regulations*. Since our page numbering system uses the section numbers, this index serves primarily as a table of contents for the book. *Index 1* covers all Parts in this book, and is presented at the beginning of Book E (see page E-11).

Index 2 is arranged by the titles of the sections, and gives the titles of all sections in alphabetical order. It is broken down on a Part-by-Part basis and precedes each separate Part in Book E. Thus, if you were interested in the subject of proof of remarriage under adjusted compensation in Part 10, you could look under that subject in the *Index by Section Title* preceding Part 10 and find the entry alphabetically. You would then turn to page 10.30-1 to obtain the required information.

Supplements. By far the most important feature of this service is the supplement process. Supplements are prepared at the end of each month during which at least one final rule modification in the parts of Title 38 included in this book occurs. If no such change occurs in a particular month, then no supplement is provided for that month. The supplement will contain the following parts:

1. Title page
2. General instructions
3. Filing instructions
4. Highlights

The *title page* will tell you to which Book (A through H) the supplement applies, so if you have more than one of our looseleaf services you will have no problem in identifying the one addressed by a particular supplement.

The *general instructions* explain how the supplement process works in more detail than provided here, and gives specific guidance for making the changes.

The *filing instructions* tell you exactly which pages to remove and which pages to add.

The *highlights* section gives a brief summary of the nature of each change made by the pages in that supplement so that you will be aware of significant alterations in the regulations that might affect your responsibilities.

Further instructions concerning supplements will be found in the following section. The most important piece of information about the supplement process, however, is the instruction to check the *Supplement Filing Record* to make certain that all prior supplements have been properly filed before beginning to file the current supplement. This will prevent filing materials out of order. Nothing will wreck a book of looseleaf regulations faster—and more irrevocably—

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than filing a later supplement before an earlier one. What you have likely done in such a case is to take out good, current material and insert old, outdated material. To avoid this error, simply check the *Supplement Filing Record* before filing each supplement. If there are missing supplements, call the VA for replacements and do not file the current supplement until those back issues are received and filed in proper order.

Supplement frequency. The frequency note at the bottom of page E-7 is no longer valid. Beginning on 1 August 1995—as noted above—supplements are prepared at the end of every month during which at least one final rule modification to the parts of Title 38 included in this book occurs.

Note: All references in the text of the regulations to Title 38, United States Code, are to redesignated section numbers as established in 1991 by P.L. 102-40, P.L. 102-83, and other sources, as compiled by the Office of General Counsel, Department of Veterans Affairs.

SOURCES OF ASSISTANCE CAN BE FOUND ON PAGE E-2

Instructions for Filing Supplements

Book E—Compensation/Loans

This compilation of federal regulations affecting the Veterans Benefits Administration is provided for persons requiring easy access to current regulatory information. By using the loose-leaf format, changes in the form of final rules published in the *Federal Register* can be incorporated at regular intervals following publication. You will receive supplements on a periodic basis reflecting new regulations and amendments to existing regulations. Filing instructions will provide you with an easy to follow routine for removing old pages and inserting new pages. Once such supplemental materials are filed, the set will reflect the current regulatory regime at that time.

To ensure accuracy and timeliness of your materials, it is important that you follow these simple procedures:

1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the *Supplement Filing Record* (page E-8) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page E-2.
3. After filing, enter the relevant information on the *Supplement Filing Record* sheet (page E-8)—the date filed, name/initials of filer, and date through which the *Federal Register* is covered.
4. If as a result of a failure to file, or an undelivered supplement, you have more than one supplement to file at a time, be certain to file them in chronological order, lower number first.
5. Always retain the filing instructions (simply insert them at the back of the book) as a backup record of filing and for reference in case of a filing error.
6. Be certain that you *permanently discard* any pages indicated for removal in the filing instructions in order to avoid confusion later.

This *Book E—Compensation/Loans* is supplemented on an “as issued” basis.

Supplement Filing Record

Book E—Compensation/Loans

Note 1: The original set of regulations was issued on May 7, 1992, and was current through final rules published in the *Federal Register* of April 30, 1992. Data on updates since issuance of the original set is indicated below by the individual responsible for filing supplemental materials.

Note 2: The information below should be entered immediately after filing supplemental materials. If you receive a supplement, and the filing record indicates that one or more prior supplements has not been filed, you should contact the appropriate persons (see page E-2) for assistance. Do **not** file supplements out of numerical order.

Supplement Number	Date Filed	Name/initials of Person Filing	Through Fed. Reg. dated
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Supplement Number	Date Filed	Name of Person Filing	Through Fed. Reg. dated
15	_____	_____	_____
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Pagination System

Page numbers have three parts: (1) the section number, (2) a hyphen, and (3) the page number within that section—e.g., 10.39-2.

This looseleaf book has two indices.

- **Index 1** (by section number)begins on the next page
- **Index 2** (alphabetical by section title)appears with each Part

The first index is arranged by *section number* and presents the contents of the parts in this book in the order in which they appear in the *Code of Federal Regulations*. The second is arranged by *section title*, and presents the titles of all sections in each part in alphabetical order. These *section title* indices appear at the beginning of their respective parts.

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Part 76

Monthly Assistance Allowance for Veterans in Connection with the United States Paralympics

Reserved

Part 76

**Monthly Assistance Allowance for Veterans in
Connection with the United States Paralympics**

Authority: 38 U.S.C. 501, 322(d), and as stated in specific sections.

Source: 76 FR 14283, Mar. 16, 2011, unless otherwise noted.

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Reserved

§76.1 Definitions

For purposes of part 76, the following definitions apply:

Disability means a service-connected or nonservice-connected disability which meets the criteria prescribed by the International Paralympic Committee (IPC) Classification Code and International Standards, November 2007 edition, available at http://www.paralympic.org/export/sites/default/IPC/IPC_Handbook/Section_2/2008_2_Classification_Code6.pdf, and qualifies the veteran for participation in a sport sanctioned by the United States Paralympics. The IPC standards are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, VA must publish notice of change in the *Federal Register* and the material must be available to the public.

(1) You may obtain a copy from the International Paralympic Committee at International Paralympic Committee, Adenauerallee 212-214, 53113 Bonn, Germany.

(2) All approved material is available for inspection at the Department of Veterans Affairs, Office of Regulation Policy and Management (02REG), Room 1063B, 810 Vermont Avenue, NW., Washington, DC 20420, or at the National Archives and Records Administration (NARA). For information on the availability of approved materials at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. The IPC standards are also available here: http://www.va.gov/ABOUT_VA/docs/ParalympicClassificationCode.pdf. (Authority: 38 U.S.C. 322(d))

Paralympic Training Center refers to the following locations: The United States Olympic Training Center at Chula Vista, California; the United States Olympic Training Center at Colorado Springs, Colorado; the United States Olympic Training Center at Lake Placid, New York; the Lakeshore Foundation in Birmingham, Alabama; and the University of Central Oklahoma in Edmond, Oklahoma. (Authority: 38 U.S.C. 322(d))

[76 FR 14283, Mar. 16, 2011]

Supplement *Highlights* references: 1(1)

§76.2 Assistance allowance

(a) VA will pay an allowance to a veteran with a disability who is:

(1) Invited by the United States Paralympics (USP) to compete for a slot on, or selected for, the USP Team for any month or part of any month in which the veteran is training or competing in any event sponsored by the USP or the IPC; or

(2) Residing at a USP training center in connection with any paralympic training or competition for the period certified under § 76.3.

(b) In providing this allowance, VA will periodically assess funding for the allowance. If a periodic assessment reveals that funding is insufficient to pay all applicants, VA will first pay in full veterans with service-connected disabilities, and then pay others in full in the order in which their completed applications are received. (Authority: 38 U.S.C. 322(d))

[76 FR 14283, Mar. 16, 2011]

Supplement *Highlights* references: 1(1)

§76.3 Application and certification

To receive an allowance—

(a) A veteran must submit a complete application identifying any dependents upon which a higher payable rate of allowance may be based; and

(b) USP must provide certification of the veteran's participation in training or competition sponsored by the USP or the IPC, or residence at a USP training center, for the period for which payment is requested. The certification must specify whether the payment is due for training, competition, or residence, and the dates of the training, competition, or residence for which payment is due.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0760.)

(Authority: 38 U.S.C. 322(d))

[76 FR 14284, Mar. 16, 2011]

Supplement *Highlights* references: 1(1)

§76.4 Amount of allowance

The following rules govern the amount of allowance payable to veterans under this section.

(a) Payment will be made at the rate paid for a full-time institutional program under chapter 31 of title 38, United States Code (Chapter 31) that is in effect for a period of certified participation, as prescribed by paragraph (b) of this section. (*See* 38 CFR 21.260.)

(b) Payment may be made for each day at 1/30 of the monthly rate to veterans who train or compete in USP or IPC sponsored events for each day of training or competition, or to veterans who reside at a USP training center, for each day of residence, or on a monthly basis at the monthly rate to veterans who train or compete continuously for a full month, or to veterans who reside at a USP training center for a full month.

(c) VA will pay the allowance at a rate paid to a veteran with dependents for a full-time Chapter 31 institutional program upon receipt of appropriate documentation that a veteran who qualifies for the allowance has dependents. (*See* 38 CFR 21.260.) (Authority: 38 U.S.C. 322(d), 3108)

[76 FR 14284, Mar. 16, 2011]

Supplement *Highlights* references: 1(1)