



DISABLED AMERICAN VETERANS

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Service Bulletin

April 2011

DEPARTMENT OF VETERANS AFFAIRS (VA)

<http://www.va.gov>

Amendments to Appeals Regulations Effective April 29, 2011

VA is amending the Appeals Regulations of the Board of Veterans' Appeals (Board) to articulate the Board's practice of referring unadjudicated claims to the Agency of Original Jurisdiction (AOJ) for appropriate action, and to describe when it is appropriate for the Board to remand a claim to the AOJ for the limited purpose of issuing a Statement of the Case (SOC).

The final rule was published in the *Federal Register* on March 30, 2011. VA is also amending the Board's Rules of Practice to outline the procedures the Board must follow when supplementing the record with a recognized medical treatise, and to remove the notice procedures the Board must currently follow when considering law not considered by the AOJ. The final rule is effective April 29, 2011.

Amended regulations include 38 CFR 19.9(b) to articulate the Board's practice of referring unadjudicated claims that have been reasonably raised by the record to the AOJ for appropriate action, except for claims over which the Board has original jurisdiction. Amendments to 38 CFR 19.9(c) state that in situations where a claimant timely filed a Notice of Disagreement (NOD) with a determination of the AOJ, but the record does not reflect that the AOJ subsequently granted the claim in full or furnished the claimant with an SOC, the Board shall remand the claim to the AOJ with instructions to prepare and issue an SOC. *See generally Manlincon v. West*, 12 Vet.App. 238 (1999). The provisions of 38 CFR 20.903(b) are amended to clarify the notice procedures the Board must follow when it supplements the record with a recognized medical treatise.

VA Expanding Outreach to Veterans through VetSuccess

www.vetsuccess.gov

VA is expanding the “VetSuccess on Campus” program to student veterans at eight sites to make them aware that VA counselors are available to help ease the transition from active-duty military to college life. Under the program, a full-time Vocational Rehabilitation Counselor and a part-time Vet Center Outreach Coordinator are assigned at each campus to provide VA benefits outreach, support and assistance to ensure their health, educational and benefit needs are met.

The program began in June 2009 as a pilot project at the University of South Florida. In September 2009, the program was expanded to two additional universities, Cleveland State University and San Diego State University. A fourth pilot was started at the Community College of Rhode Island in December 2010. Agreements have recently been reached with Arizona State University, Texas A&M Central Texas, Rhode Island College and Salt Lake Community College. The President’s 2012 budget submission requests funding to support expansion of the program beyond the eight existing sites to nine more campuses.

Under the VetSuccess program, vocational testing, career and academic counseling, and adjustment counseling are provided to work to resolve challenges interfering with completion of education programs and entrance into employment. The Vet Center Outreach Coordinator provides peer-to-peer counseling and referral services. Both the counselor and coordinator may refer Veterans for more intensive health services, including mental health treatment through VHA Medical Centers, Community-Based Outpatient Clinics, or Vet Centers, as well as provide additional information on VA benefits and services.

VA Changes Billing Process for Third Party Pharmacy Prescriptions

<http://www.va.gov/healtheligibility/>

VA is implementing a new billing process for charging third party insurers for outpatient prescription medications provided to veterans for conditions unrelated to their military service. This change will not affect veterans’ co-payments for prescriptions. The rule change, published in the *Federal Register* on Oct. 6, 2010, changes the billing process to be similar to how the private sector bills for prescription medications.

Starting March 18, VA began charging third party insurers of veterans for the full costs of prescription medications plus an administrative fee of \$11.40, rather than the flat fee of \$51 that is currently billed. Veterans, who receive prescriptions through VA for illnesses that are not related to their disabilities resulting from military service, currently pay a maximum of \$9 in co-pay per 30-day prescription, with many veterans paying no co-pay at all.

VA Extends Post-Incarceration Health Care

VA will extend health care to eligible veterans in halfway houses and other temporary, post-incarceration housing under a new program aimed at cutting back on repeat offenses. A long-standing rule has barred VA from providing health care to veterans for whom another federal, state or local government has an obligation to provide health care. Frequently, that means inmates of prisons and jails. Under the changed rule, that prohibition would be amended and VA would be allowed to provide health care to veterans in halfway houses and other temporary, post-incarceration housing.

An Urban Institute study in 2008 found that good health care in the first months of community reentry played a key role in easing readjustment and reducing recidivism. About 30,000 veterans are released annually from state and federal prisons, and at least 90,000 veterans are released each year from city and county jails, according to Department of Justice's Bureau of Justice Statistics.

Paralympic Veterans May Qualify for New Benefit

Some veterans in training for the Paralympics will be able to qualify for a monthly subsistence allowance from VA under a new program to help disabled veterans more easily take part in competitive sports.

Not all disabled veterans will qualify for the subsistence allowance, which will actually be administered by the U.S. Paralympics. The allowance will be pegged to VA's subsistence allowance for participants in a full-time institutional program under chapter 31 of title 38 of the U.S. Code.

Under the new rule, VA will pay the allowance to a veteran with a service-connected or non-service-connected disability if the veteran is invited by the U.S. Paralympics to compete for a slot on the U.S. Paralympic team or is residing at a U.S. Paralympic training center for training or competition.

U.S. Social Security Administration (SSA)

www.ssa.gov

Social Security Disability Benefits for Wounded Warriors

<http://www.ssa.gov/woundedwarriors/>

Military service members can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different than those from the Department of Veterans Affairs and require a separate application. The expedited process is used for military service members who become disabled while on active military service on or after October 1, 2001, regardless of where the disability occurs.

In order to receive SSA disability benefits, a claimant cannot engage in substantial work activity for pay or profit, also known as substantial gainful activity. Active duty status and receipt of military pay does not, in itself, necessarily prevent payment of disability benefits. Receipt of military payments should not stop military personnel from applying for disability benefits from Social Security. If a service member is receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, SSA will evaluate the work activity to determine eligibility for benefits. The actual work activity is the controlling factor and not the amount of pay received or the person's military duty status.

For additional information see the publication *Disability Benefits for Wounded Warriors* available at the SSA Wounded Warriors Web site: <http://www.ssa.gov/pubs/10030.pdf>.

Department of Defense (DoD)

<http://www.defense.gov/>

DoD Launches Online Career Transition Training for Service Members

<http://www.turbotap.org>

The Department of Defense has launched an online Career Decision Toolkit that will allow service members to self-assess transition needs and explore an array of transition related subjects such as career exploration, financial planning for transition, job search success, effective resumes and cover letters and interviewing.

The online toolkit will deliver 24-hour global access to career transition training to service members who are not geographically able to attend Transition Assistance Program (TAP) classes traditionally offered at military installations. The toolkit's online launch also marks the second phase of a major redesign of the Defense Department's main career transition website for the transformation of TAP into a delivery model that takes advantage of online resources, as well as a virtual classroom settings and platforms to enhance the traditional "brick and mortar" TAP experience that most service members receive. The Career Decision Toolkit was developed by the DoD's Office of Wounded Warrior Care and Transition Policy in collaboration with Departments of Veterans Affairs and Labor.

U.S. Department of Labor (DOL)

<http://www.dol.gov/>

DOL 'Stand Down' Grants to Assist Homeless Veterans

DOL's Veterans' Employment and Training Service has announced the availability of \$600,000 in "Stand Down" grants that will provide an estimated 10,000 homeless

veterans with opportunities to reintegrate into society. The grants are being awarded under the department's Homeless Veterans' Reintegration Program. Stand Down community events are held by local organizations that provide veterans with a wide range of social services such as food, clothing, shelter, housing and employment assistance.

DOL's Stand Down grant funds must be used to enhance employment and training opportunities or to promote the self-sufficiency of homeless veterans through paid work. Grantees operating within the Homeless Veterans' Reintegration Program network will sponsor Stand Down events by coordinating their efforts with various local, state and federal service providers. Applications for Stand Down grants will be accepted from state workforce agencies, state and local workforce investment boards, veterans' service organizations, local public agencies and nonprofit organizations, including community and faith-based organizations. A solicitation for grant applications was published in the March 10 edition of the *Federal Register*. It also may be viewed at <http://s.dol.gov/D9>.

A handwritten signature in black ink, reading "Garry J. Augustine". The signature is written in a cursive style with a horizontal line underneath it.

GARRY J. AUGUSTINE
National Service Director