Standard Operating Procedures (SOP)
Fiscal Accuracy (FA) Review
Quality Assurance (QA) Reviews

Purpose

The purpose of this document is to provide a guide for completing an FA QA review.

Responsibilities

Cases are randomly selected for review by the Office of Performance Analysis and Integrity (PA&I) based on business rules provided by Vocational Rehabilitation and Employment (VR&E) Service each Fiscal Year. The VR&E Service Systematic Technical Accuracy Review (STAR) Team conducts national QA reviews, and the VR&E Officer (VREO) or designee conducts the Local QA reviews for the VR&E Division. A Qualified QA Reviewer is defined as a Vocational Rehabilitation Counselor (VRC) at the journeyman level, who has a supervisory role, or whose performance level is outstanding or excellent. A designated Reviewer cannot review any of his/her assigned cases.

The review is based on the United States Code (USC), Code of Federal Regulations (CFR), VR&E Procedural Manual (M28R), and other guidance (Policy Advisories, Circulars, Letters, and emails). Due to the nature of the services provided by VR&E, professional judgement must be used in some instances.

Prerequisites

The Reviewer must complete the QAWeb training before being designated as a QA Reviewer and obtaining access to the QA Web system.

Selection Criteria

To be selected for an FA review, a subsistence allowance or employment adjustment allowance (EAA) award payment must have been made in the month prior to selection for review.

The case must have been assigned to the RO for at least 6 months. For Local QA, the case will be selected for review for the assigned case manager at the end of the month in which the payment was made.

Scope

The FA review includes all fiscal activity (payments and authorizations) in the six months prior to the month the case was selected for review.

Responses

When reviewing a VR&E record for quality, a question has three possible responses: Yes, No, or Not Applicable (NA). Scores are calculated by dividing the number of Yes responses by the total number of Yes + No responses. NA responses are not included in the score calculation. Some questions (1, 2, 3, etc.) have reasons (1.A, 1.B, 1.C, etc.) listed to provide more specific detail on errors cited. This will help improve tracking and identify need for clarification or training. The Response Guide section lists the possible responses to each question.

Accuracy Scores

The FA reviews provide the FA score and contribute to the Evaluation, Planning, Rehabilitation Services Accuracy (EPRSA) and Overall Accuracy scores.

FA measures the accuracy of fiscal activity. All applicable questions from the FA reviews will be used to calculate the FA score.

EPRSA measures the accuracy of Chapter 31 services. All applicable questions from all Chapter 31 reviews will be used to calculate the EPRSA score.

Overall Accuracy measures the accuracy of Chapter 31 and Chapter 36 cases. All applicable questions from all Chapter 31 and Chapter 36 reviews will be used to calculate the Overall Accuracy score.

SOP Guidance

The guidance below lists the policy and procedures examined for each question. The SOP document may serve as a guide for reviewing the quality of VR&E service provision. Please note the following definitions:

- Must: An unconditional requirement. VR&E staff must comply with the policy or procedure when it is relevant to the case.
- Should: Presumptively mandatory requirement. VR&E staff must comply with the policy or procedure when relevant to the case except in rare circumstances when the policy or procedure cannot be met. Reasons for not following the guidance must be documented.

The term claimant has been used to refer to Servicemebers and Veterans (SM/V). Please note, when the term Veteran is used, it refers to both SM/V when appropriate.

Supporting Documentation		
1.	**Were required documents signed, dated, and filed correctly? To be removed**	
	Considerations	**Citations**
	Before authorizing and paying benefits, VR&E staff must ensure required documentation is included in the VR&E record.	38 USC 3102 38 CFR 21.40 38 CFR 21.92 M28R.III.A.1 M28R.IV.B.2 M28R.IV.C.3 M28R.IV.C.5 M28R.IV.C.6 M28R.IV.C.7 M28R.IV.C.8 M28R.IV.C.9 PA 19-03 VR&E Ltr 28-16-06 OMB Circular A-123 Remediation Training

		Response Guide
		NA
1.A	**The entitlement decision was not documented on 28-1902b as required.**	
	Considerations	**Citations**
	Comprehensive evaluations and entitlement determinations are documented on VAF 28-1902b. This form is mandatory and must be signed and filed in the VR&E record prior to service delivery.	M28R.III.A.1 Instructions for Completing VA Form 28-1902b
1.B	**28-1902b, was not signed by the VRC as required.**	
	Considerations	**Citations**
	This form is mandatory and must be signed and filed in VR&E record prior to service delivery. The signature on the 28-1902b must be an acceptable signature, as outlined in PA 19-03 ***Tip:*** *The 28-1902b documents legal determinations of entitlement and must be signed by the VRC. If not signed, the determinations are not complete.*	38 USC 3102 38 CFR 21.40 M28R.IV.B.2 PA 19-03
1.C	**Rehabilitation plan was not present in the VR&E record.**	
	Considerations	**Citations**
	The foundation of a successful rehabilitation program is a well-developed plan of action. The development of a rehabilitation plan is required for any individual who is entitled to and receiving chapter 31 services per 38 CFR 21.80. ***Note:*** *Services must not be provided without a valid, signed rehabilitation plan.*	38 CFR 21.92 M28R.IV.C.1
1.D	**Rehabilitation plan was not signed by the Veteran.**	
	Considerations	**Citations**
	Following orientation to the rehabilitation process, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. The originals are included in the VR&E record, and copies are provided to the Veteran. ***Note:*** *Services must not be provided without a valid, signed rehabilitation plan.*	38 CFR 21.92 M28R.III.A.1 M28R.IV.C.3 M28R.IV.C.5 - 9
1.E	**Rehabilitation plan was not signed by the VRC.**	
	Considerations	**Citations**
	Following orientation to the rehabilitation process, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. The originals are included in the VR&E record, and copies are provided to the Veteran. ***Note:*** *Services must not be provided without a valid, signed rehabilitation plan.*	38 CFR 21.92 M28R.IV.C.1 M28R.IV.C.3 M28R.IV.C.5 - 9 M28R.V.A.1 PA 19-03
1.F	**Anticipated completion date on the plan was expired when services were authorized.**	
	Considerations	**Citations**

	The anticipated completion date is a required element of the rehabilitation plan and must be updated as changes occur. An anticipated completion date helps track progress toward the goal and keeps the plan moving forward. It also informs the VRC and the Veteran of the time frame in which services will be provided.	M28R.IV.C.1 M28R.IV.C.3 M28R.IV.C.5 - 9
1.G	**Duration of services dates for the applicable plan objective were expired when services were authorized.**	
	Considerations	**Citations**
	Duration of Services is a required element of the rehabilitation plan and must be updated as changes occur. Duration of services specifies a start and end date for each intermediate objective.	M28R.IV.C.1 M28R.IV.C.3 M28R.IV.C.5 - 9
1.H	**Services (including training or provision of equipment or supplies) required to meet the overall goal were not outlined on the rehabilitation plan.**	
	Considerations	**Citations**
	The scope of plan development includes the services needed to accomplish the goal of the rehabilitation plan. Counseling services must be included in every rehabilitation plan per 38 U.S.C. 3107. Additional services may include medical, social, psychological, independent living, economic, educational, vocational, and employment services per 38 CFR 21.70. The services must be outlined on the rehabilitation plan in observable, measurable objectives designed to meet the overall goal of the rehabilitation plan.	M28R.IV.C.1.03
1.I	**The record did not contain justification for purchase or reimbursement of required supplies or equipment.**	
	Considerations	**Citations**
	Services, including the purchase of required equipment and/or supplies, must be outlined on the rehabilitation plan in observable, measurable objectives designed to meet the overall goal of the rehabilitation plan. The VRC must document the determination of need for supplies in the VR&E record, or in a case note. Justification of the need for supplies or equipment purchased outside a training facility must be included in, or attached to, VAF 28-1905m. The VR&E case manager is responsible for ensuring that appropriate justification is received from the Veteran, the training facility or other service provider. <u>Independent Living</u>: If the preliminary or comprehensive independent living needs assessment indicates that the individual would benefit from a mobility device, such as a wheelchair or mobility scooter, the VRC must send a medical referral to the prosthetics staff at the VA medical center and request a mobility assessment. The VA medical center staff will determine what type of mobility device the individual may need and decide whether it can be provided by VHA. The VA physician must concur on the need for a	38 USC 3107 38 CFR 21.70 38 CFR 21.210 M28R.IV.C.1 M28R.IV.C.9 M28R.V.A.2 M28R.V.A.3 M28R.V.A.4

	mobility device to ensure that the device is a medical need and not a desired want of the individual. If the VA physician agrees that the mobility device is needed and arrangements cannot be made to provide the device through the VHA, VR&E may provide the device as part of an IILP. However, in no circumstance, should a tractor, mower, or similar equipment be identified as a mobility device or as a solution to an independent living need, and authorized as part of an IILP.	
1.J	**28-1905m was not present and/or complete for supplies or equipment purchased outside a training facility.**	
	Considerations	**Citations**
	Justification of the need for supplies or equipment purchased outside a training facility must be included in, or attached to, VAF 28-1905m. The VR&E case manager is responsible for ensuring that appropriate justification is received from the Veteran, the training facility or other service provider.	M28R.V.A.3
1.K	**No documented justification for high cost facility was present.**	
	Considerations	**Citations**
	Post-secondary education is often needed to achieve the Veteran's rehabilitation goal as identified in the rehabilitation plan. The VRC must consider the Veteran's preference for a particular training or rehabilitation facility. However, per 38 CFR 21.294, VA has the final responsibility for selection of the facility. Therefore, it is imperative that the VRC and the Veteran work together to identify the facility that can best meet the Veteran's needs. When services are not available to meet a Veteran's needs at a lower cost facility, a case manager may select a high cost facility. However, the case manager must clearly document the justification for the selection of a high cost facility in a case note or VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet). The completed form must be filed in the Veteran's VR&E record.	38 CFR 21.294 M28R.IV.C.1 M28R.V.A.1
2.	**Was required concurrence documented prior to expenditure? To be removed**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.430, VR&E must maintain policies and procedures that provide accountability in the authorization and payment of program costs for training and rehabilitation services. According to the projected costs, the case manager must secure the appropriate level of concurrence before approving a program or authorizing services. Program costs include but are not limited to: tuition, books, fees, supplies, equipment, and special services and assistance that VA pays established costs to an approved vendor. Program charges do not include subsistence allowance and Revolving Fund Loans (RFL).	38 CFR 21.430 M28R.V.B.1 **Response Guide** NA

	Levels of spending authority are delegated to the VRC, VREO, RO Director, and Director of VR&E Service based upon the anticipated annual cost of services for Veterans participating in the VR&E Program. When a Veteran's program costs exceed their level of authority, the case manager must create a memorandum describing the program costs. This memorandum must include appropriate concurrence lines. The case manager may learn that a Veteran's actual program costs will exceed the original estimated cost. When this occurs, the case manager must consider whether the program requires a higher level of concurrence. If the case manager finds that the new cost projections exceed the limit that has been approved, he/she must seek the appropriate level of concurrence. In these cases, the Veteran will continue in their planned program while the case manager obtains the appropriate cost approvals. Specific instances when a higher level of concurrence is required prior to authorizing payment include: • Retroactive inductions • Retroactive reimbursements • High cost programs • Revolving Fund Loans • Firearm purchase • Independent Living plans • Self-employment plans	
2.A	**VREO concurrence was not documented when required.**	
	Considerations	**Citations**
	The VREO may approve the following: • Self-employment plans with a total cost up to $25,000. • Rehabilitation plans with an annual cost of $25,000 to $75,000. • IL plans that do not contain construction with annual costs up to $75,000. • IL plans that contain construction costs up to $2,000. It is important to note that VREOs may not delegate their responsibility to review program costs associated with extended evaluation, independent living, or establishing a small business. The VREO and RO Director must approve purchase of a firearm.	M28R.V.B.1
2.B	**RO Director concurrence was not documented when required.**	
	Considerations	**Citations**
	The RO Director may approve the following: • Rehabilitation plans with an annual cost of $75,000 to $100,000. • IL plans that do not contain construction with an annual cost of $75,000-$100,000.	M28R.V.B.1

	• IL plans that contain construction costs between $2,000 and $15,000. The VREO and RO Director must approve purchase of a firearm.	
2.C	**VR&E Service Director concurrence was not documented when required.**	
	Considerations	**Citations**
	The VR&E Service Director may approve the following: • Rehabilitation plans when the annual cost of services exceeds $100,000. • IL plans that do not contain construction when the annual cost of services exceeds $100,000. • IL plans that contain construction costs that exceed $15,000. • Self-employment plans when the total cost of the program exceeds $25,000.	M28R.V.B.1
3.	**Were rate election and effective date documented? To be removed**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.260, a Veteran participating in the VR&E program will receive a monthly subsistence allowance at the Chapter 31 subsistence allowance rate of payment, unless the Veteran elects to receive an alternate payment, chapter 30 or P911SA. When a Veteran has entitlement to more than one education benefit, the Veteran must elect which benefit to receive per 38 U.S.C. 3322 and 38 CFR 21.21. Under no circumstance can a Veteran receive payment from another VA education benefit while receiving Chapter 31 subsistence allowance.	38 USC 3322 38 CFR 21.21 38 CFR 21.260 M28R.V.A.3 M28R.VII.A.4 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17 **Response Guide** NA
3.A	**P911SA rate election was not documented and/or signed.**	
	Considerations	**Citations**
	Use VAF 28-0987, Election for Ch31 Subsistence Allowance Rate or Post 9/11 Subsistence Allowance Rate, to document the date the election is made and the date the Veteran wants the P911SA to begin. This form must be signed and filed in the VR&E record.	38 CFR 21.264 M28R.V.A.3 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17
3.B	**P911SA rate effective date was not documented.**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.264, a Veteran who is participating in the VR&E program may elect to receive the P911SA rate of payment in lieu of Chapter 31 subsistence allowance under 38 CFR 21.264, if the Veteran has remaining eligibility and entitlement for educational assistance under the Chapter 33, Post-9/11 GI Bill. If Chapter 33 eligibility exists, provide enough information to the Veteran to enable an informed choice about the best use of available benefits. If	38 CFR 21.264 M28R.V.A.3 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17

	the Veteran decides to receive the P911SA, the election must be completed in writing. For Veterans who elect to receive P911SA multiple times, the election must be made in writing each time the Veteran elects P911SA in lieu of Chapter 31 subsistence allowance. Use VAF 28-0987, Election for Ch31 Subsistence Allowance Rate or Post 9/11 Subsistence Allowance Rate, to document the date the election is made and the date the Veteran wants the P911SA to begin. This form must be filed in the VR&E record.	
3.C	**Regular CH31 rate re-election and effective date was not documented and/or signed.**	
	Considerations	**Citations**
	There are instances when CH31 participants want to re-elect CH31 subsistence allowance (CH31SA) rate, and vice versa. There is no other means to record changes on the CH31 participants' re-election of subsistence allowance rate. VAF 28-0987 is used to document changes in the election of P911SA or CH31SA payment by CH31 participants within the period of their vocational training. It also includes additional data fields such as remaining entitlement for Chapter 31, remaining entitlement for Chapter 33, and indication for election of the new subsistence allowance rate. Effective 08/23/2017, VAF 28-0987 must be used on all instances that a Chapter 31 participant changes election for payment of his or her subsistence allowance. Veterans who elect CH31SA in lieu of P911SA must also submit the election in writing. Additionally, VAF 28-0987 must be used to document the date the election is made and the date the Veteran wants the CH31SA to begin.	M28R.V.A.3 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17
3.D	**Chapter 30 rate election was not documented and/or signed.**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.264, a Veteran who is participating in the VR&E program may elect to use the Chapter 30 rate of payment, and other assistance furnished under Chapter 30, in lieu of a subsistence allowance, if the following criteria are met: • The Veteran has remaining eligibility for, and entitlement to, educational assistance under Chapter 30. • The Veteran enrolls in a program of education or training approved for benefits under Chapter 30. • The program of education is part of an approved IWRP. When a Veteran elects payment of an allowance at the Chapter 30 rate, the effective dates for commencement, reduction and termination of the allowance must be in accordance with 38 CFR 21.7130 through 21.7135 and 38 CFR 21.7050 under Chapter 30. It is important to note that the election must be made in writing.	38 CFR 21.264 M28R.V.A.3
4.	**Was the Veteran provided written notification of decisions? (Removed 05/17/20)**	

5.	**Was a valid 28-1905 documented in the record to authorize services? (Removed 05/17/20)**	
6.	**Did documentation support enrollment and/or attendance when subsistence was paid?**	
	Considerations	**Citations**
	Documentation in the record must appropriately support the decision to pay a subsistence allowance award.	38 CFR 21.322 M28R.V.B.8 M28R.V.A.2
		Response Guide
		Yes, No, or NA If non-payment occurred and there were no payments during the review period, answer NA. If No, select one or more Reasons (A-B).
6.A	**Enrollment was not certified by the training facility, for the period in which subsistence was paid.**	
	Considerations	**Citations**
	Certification from the school certifying official is the source documentation required to prepare subsistence allowance. VR&E staff must have a certification from an approved facility or service provider that includes fixed dates of enrollment and rate of pursuit identified by semester, quarter, or clock hour before processing a payment of subsistence allowance. After receiving VAF 28-1905 for authorization, most facilities use VA-ONCE to certify the Veteran's enrollment.	38 CFR 21.322 M28R.V.B.8
6.B	**There was no 28-1905c, Monthly Report of Training and Wages, (or 28-1917 if appropriate) for the period in which subsistence was paid.**	
	Considerations	**Citations**
	At the end of each training month, the trainee and the trainer will enter on VAF 28-1905c the total hours the trainee devoted to major instructional and work activities. The trainer will certify the Veteran's progress and the rate of pay in on-job training cases and then forward the completed form to the VRC. When equivalent information is available from the training facility, VAF 28-1905c will not be used. For information to be equivalent, it must enable the VA to adequately document the trainee's progress. For on-job training, equivalent information is generally available in well- established apprenticeship programs and structured training programs conducted by large companies. The content of these programs is well known and can be relied upon for consistent presentation of knowledge and skills needed in a trade or craft. For these programs, VAF 28-1917, Monthly Statement of Wages Paid to Trainee, is used in lieu of VAF 28-1905c. The VRC will review VAF 28-1905c and VAF 28-1917 for completeness and adherence to the training agreement. A monthly control for review of the wage statement will be prepared by the Vocational Rehabilitation and Employment (VR&E) Division. When a change in the established wage	M28R.V.A.2

	schedule warrants a change in the amount of subsistence allowance payable, the VRC will prepare a VAF 28-1905 to justify the amendment of the subsistence allowance award. The original will be sent to the Authorization activity and a copy will be filed in the VR&E record.	
7.	**Was each facility listed on the rehabilitation plan, with the primary facility identified, when the Veteran is training at two or more facilities? To be removed**	
	Considerations	**Citations**
	A Veteran may be authorized to attend training in two facilities. This may occur in a combination course of on-job and institutional training, or when the Veteran is attending two universities in a consortium arrangement. Prior to preparing the authorization for school attendance, the case manager must ensure that the primary training facility will accept the courses to be taken by the Veteran at the secondary training facility. In addition, the case manager must ensure that the Veteran's concurrent attendance in two training facilities is outlined in the Veteran's rehabilitation plan. The plan must clearly identify the primary training facility or the school that will be conferring the degree or certificate of completion. The case manager must authorize the Veteran's training attendance in a separate VAF 28-1905 for each facility. The case manager must ensure that the two forms are clearly annotated with "Concurrent Enrollment" in red at the top of the form and the primary training facility identified. Both forms must be submitted at the same time to the training facilities. Additionally, the case manager must annotate in the electronic case management system Remarks section that the Veteran is authorized to attend training in two facilities. The annotation must cite the period(s) that the Veteran is attending training in two facilities.	M28R.V.1 **Response Guide** NA
8.	**Was the Veteran qualified to receive Subsistence Allowance when it was paid?**	
	Considerations	**Citations**
	There are specific circumstances under which a Veteran may not be eligible for subsistence allowance payments despite otherwise being enrolled in training that would typically qualify for an award. Subsistence allowance pay should not be authorized if the documentation in the record indicates that one of these exceptions is documented.	M28R.V.A.3 M28R.V.B.8 **Response Guide** Yes, No, or NA If non-payment occurred and there were no payments during the review period, answer NA. If No, select one or more Reasons (A-E).
8.A	**The individual was on Active Duty.**	
	Considerations	**Citations**
	Before processing a payment of subsistence allowance, it is important to note the Date of Release from Active Duty (RAD) since active duty Servicemembers are not eligible to receive subsistence allowance. Because they do not receive subsistence allowance, entitlement must be	M28R.V.A.3 M28R.V.B.8

	manually charged against active duty Servicemembers for time spent in training (i.e., full-time, three-quarter-time, half-time, or less than half-time depending on enrollment). Veterans participating in the VR&E Program may receive subsistence allowance during drill weekends but not during the two-week active duty training period (National Guard and Reserve) since the Veteran also receives extra pay for meals and housing allowance during this two-week training period.	
8.B	**The Veteran was participating in an OJT less than full-time.**	
	Considerations	**Citations**
	Subsistence allowance is paid to Veterans participating in the OJT program at the full-time rate only. A standard full-time workweek is 40 hours unless the employing agency defines full-time as less than 40 hours for all employees in the particular position approved for OJT. The monthly subsistence rate is based on an average of the total hours completed.	M28R.V.B.8
8.C	**The Veteran was participating at less than ½ time and received subsistence without the proper documentation.**	
	Considerations	**Citations**
	Per 38 CFR 21.260, subsistence allowance is not payable when pursuing a plan at less than half-time unless a determination of reduced work tolerance has been made. If the Veteran's rate of pursuit is reduced below half-time, payment of subsistence for the term will be terminated under 38 CFR 21.324. Participation at less than half time may be approved on a temporary basis if it is specifically identified in the plan and/or a determination of reduced work tolerance has been made. The VRC must determine whether the rate of pursuit can be increased to at least half-time upon the completion of the term. It is important to note that per 38 CFR 21.260, subsistence allowance is not payable when pursuing a plan at less than half time unless a determination of reduced work tolerance has been made or unless one-quarter time is allowable under an IL or EE program. Reduced work tolerance: The amount of time the individual will be expected to participate per week to be considered full time, as indicated by the individual's physician. This amount of time includes the time the VRC and individual estimate it will take for travel to and from the training facility, as well as the time the individual will spend in preparation for, or practice of, training. IL or EE program: Veterans may only be paid a subsistence allowance at the one-quarter time rate in independent living or extended evaluation programs.	38 CFR 21.324 38 CFR 21.260 M28R.IV.C.2 M28R.V.B.8
8.D	**The duration of undergraduate training was less than one week.**	
	Considerations	**Citations**
	Removed.	

8.E	**The individual was receiving benefits under Chapter 31 and another VA Education program (duplication of benefits occurred).**	
	Considerations	**Citations**
	Before authorizing subsistence allowance, VR&E staff should check all other education chapters (e.g., chapters 30, 32, 33, 1606) to ensure that the Veteran is not receiving benefits under another education program since a Veteran cannot receive benefits from more than one program at a time.	M28R.V.A.3
9.	**Was the beginning and ending date of the award/ enrollment period correct?**	
	Considerations	**Citations**
	The enrollment dates certified by the training facility must be correctly reflected in the beginning and end dates for subsistence allowance awards. This question is referring to an original award. For incorrect dates related to a change in enrollment, answer NA and look at this issue under Question #15.G.	38 CFR 21.4131 M28R.V.B.8 May 2018 Hotline Bulletin Harry W. Colmery Veterans Educational Assistance Act of 2017, Section 309
		Response Guide
		Yes, No, or NA If non-payment occurred and there were no payments during the review period, answer NA. If No, select one or more Reasons (A-B).
		Corrective Action
		If the Veteran was underpaid or overpaid, cite a corrective action.
9.A	**The incorrect start date was used on the award.**	
	Considerations	**Citations**
	The start and end dates date for the award must match the beginning date certified by the facility. If a course of education begins seven or fewer days after the published first day of the academic term, the School Certifying Official (SCO) will certify the class as starting on the published first day of the academic term.	38 CFR 21.4131 M28R.V.B.8 May 2018 Hotline Bulletin Harry W. Colmery Veterans Educational Assistance Act of 2017, Section 309

9.B	**The incorrect end date was used on the award.**	
	Considerations	**Citations**
	The start and end dates date for the award must match the beginning date certified by the facility.	38 CFR 21.4131 M28R.V.B.8 May 2018 Hotline Bulletin Harry W. Colmery Veterans Educational Assistance Act of 2017, Section 309
10.	**Was the subsistence allowance paid using the correct rate of pursuit?**	
	Considerations	**Citations**
	• Most institutions consider 12 or more hours to be full-time. (See 38 CFR 21.4270 if 13-14 credit hours is considered full-time) • ¾ time = 9-11 credit hours • ½ time = 6-8 credit hours • <½ but >¼ = 4-5 credit hours • ¼ time or less = 1-3 credit hours Note: When the school certifies a partial credit hour (0.5, 3.7, 7.4, etc.): • If the term is non-standard, retain the decimal until after equivalent credit hours are calculated. Drop the decimal from the result. • If the term is standard, drop the decimal. • If the student is enrolled in overlapping enrollment periods, compute the training time separately for the enrollment periods before, during, and after the overlapping period. Retain fractional (decimal) credit hours (decimal) when adding the credits for overlapping periods, but drop any fraction (decimal) from the final result. D*ivisions of the school year.* 1. *Ordinary School Year* is generally a period of 2 semesters or 3 quarters which is not less than 30 nor more than 39 weeks in total length. 2. *Term,* any regularly established division of the ordinary school year under which the school operates. 3. *Quarter,* a division of the ordinary school year, usually a period from 10 to 13 weeks long. 4. *Semester,* a division of the ordinary school year, usually a period from 15 to 19 weeks long. 5. *Summer term,* the whole of the period of instruction at a school which takes place between ordinary school years. A summer term may be divided into several summer sessions. 6. *Summer session,* any division of a summer term.	38 CFR 21.4270 38 CFR 21.4272 M22-4.IV.6.01 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-J). If non-payment occurred and there were no payments during the review period, answer NA. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.

10.A	**Standard term: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	Standard Term. A quarter or semester as defined below. Quarter. A division of the ordinary school year, usually a period from 10 to 13 weeks long. Semester. A division of the ordinary school year, usually a period from 15 to 19 weeks long.	38 CFR 21.4270 38 CFR 21.4272 M22-4.IV.6.01 Job Aids: • Chapter 31 Subsistence Allowance Job Aid • P911SA Job Aid Training: VRE Fiscal Accuracy Refresher Training – 03/2017
10.B	**Non-standard term: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	Nonstandard Term. A division of a school year that is longer or shorter than a quarter or semester. If a term is shorter or longer than a standard quarter or semester, the credit hours must be adjusted to "equivalent credit hours" before determining training time (rate of pursuit). Equivalent Credit Hours. The number of credit hours in a standard term comparable to the number of hours in a term that is not a standard quarter or semester. *NOTE: VA treats "equivalent credit hours" as credit hours for measurement purposes.* Step 1: Determine the number of whole weeks in the nonstandard term: • Determine the number of days from the beginning to the end of the term as certified by the school, subtracting any vacation period of 7 days or more. • Divide the above result by 7. • Consider a remainder of 4 days or more to be a whole week and disregard a remainder of 3 days or less. • Note: In the above calculation, always use the beginning date of enrollment certified by the school as the starting date for computing the length of a nonstandard term. Step 2: Compute "equivalent credit hours": • Multiply the credits to be earned in the term by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarter hours. • Divide the product by the number of whole weeks (see Step 1 above) in the term. • NOTE: Drop any fractional (decimal) unit that may result from this calculation. However, if the student is taking less than one	38 CFR 21.4272 M22-4.IV.6.06 Job Aids: • Chapter 31 Subsistence Allowance Job Aid • P911SA Job Aid Training: • VRE Fiscal Accuracy Refresher Training – 03/2017

	equivalent credit hour always round up to one equivalent credit hour.	
10.C	**Overlapping period when two or more standard terms overlap: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	In some cases a student enrolls in courses with overlapping enrollment periods. This can happen with enrollment at two schools or at one school. *NOTE: Schools will certify the commencing date of courses in accordance with 38 CFR 21.4131(b). Applying this regulation can result in the certification of overlapping courses at the same school.* If the student is enrolled in overlapping enrollment periods, compute the training time separately for the enrollment periods before, during, and after the overlapping period. Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result. If one or more overlapping terms is of nonstandard length, compute equivalent credit hours for the nonstandard term (see B above). Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result.	38 CFR 21.4131(b) 38 CFR 21.4272 M22-4.IV.6.11 Job Aids: • Chapter 31 Subsistence Allowance Job Aid • P911SA Job Aid Training: VRE Fiscal Accuracy Refresher Training – 03/2017
10.D	**Overlapping period when two or more non-standard terms overlap: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	In some cases a student enrolls in courses with overlapping enrollment periods. This can happen with enrollment at two schools or at one school. *NOTE: Schools will certify the commencing date of courses in accordance with 38 CFR 21.4131(b). Applying this regulation can result in the certification of overlapping courses at the same school.* If the student is enrolled in overlapping enrollment periods, compute the training time separately for the enrollment periods before, during, and after the overlapping period. Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result. If one or more overlapping terms is of nonstandard length, compute equivalent credit hours for the nonstandard term (see B above). Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result.	38 CFR 21.4131(b) 38 CFR 21.4272 M22-4.IV.6.11 Job Aids: • Chapter 31 Subsistence Allowance Job Aid • P911SA Job Aid Training: VRE Fiscal Accuracy Refresher Training – 03/2017
10.E	**Overlapping period when two or more standard and non-standard terms overlap: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	In some cases a student enrolls in courses with overlapping enrollment periods. This can happen with enrollment at two schools or at one school.	38 CFR 21.4131(b) 38 CFR 21.4272 M22-4.IV.6.11

	NOTE: Schools will certify the commencing date of courses in accordance with 38 CFR 21.4131(b). Applying this regulation can result in the certification of overlapping courses at the same school. If the student is enrolled in overlapping enrollment periods, compute the training time separately for the enrollment periods before, during, and after the overlapping period. Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result. If one or more overlapping terms is of nonstandard length, compute equivalent credit hours for the nonstandard term (see B above). Retain fractional (decimal) credit hours when adding the credits for overlapping periods but drop any fraction from the final result.	Job Aids: • Chapter 31 Subsistence Allowance Job Aid • P911SA Job Aid Training: VRE Fiscal Accuracy Refresher Training – 03/2017
10.F	**Overlapping period when clock hour training and credit hour training overlap: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	In some cases, a student is enrolled in both credit hour and clock hour courses that are overlapping. If a clock-hour course overlaps with a course taken at the primary school that is measured on a semester- or quarter-hour basis, convert the clock hours to equivalent semester or quarter hours. To make this conversion: • Divide the number of semester or quarter hours required for full-time attendance at the primary school by the number of clock hours required for full-time attendance at the secondary school. • Multiply the result by the number of clock hours in which the student is enrolled. • Drop any fraction that my result.	38 CFR 21.7172 M22-4.IV.6.12
10.G	**Clock hour training: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	There are two types of clock-hour measurement: 1. Courses where full time is 18 clock hours. These are courses where theory and class instruction predominate. a. Full Time = 18 clock hours per week. b. ¾ Time = 13 – 17 clock hours per week. c. ½ Time = 9 – 12 clock hours per week. d. <½ Time, >¼ Time = 5 – 8 clock hours per week. e. ¼ Time or Less = 1 – 4 clock hours per week. 2. Courses where full time is 22 clock hours. These are courses where shop practice is an integral part of the course. a. Full Time = 22 clock hours per week. b. ¾ Time = 16 – 21 clock hours per week. c. ½ Time = 11 – 15 clock hours per week. d. <½ Time, >¼ Time = 6 – 10 clock hours per week. e. ¼ Time or Less = 1 – 5 clock hours per week.	38 CFR 21.4270 M22-4.IV.7.05

10.H	**Graduate or advanced professional training: The correct rate of pursuit was not paid.**	
	Considerations	**Citations**
	Schools can qualify to make their own determination of training time for graduate and advanced professional courses. If they do not qualify to make this determination, these courses are measured on the same basis as undergraduate courses. NOTE: If a school qualifies to determine training time for graduate courses, it also qualifies to determine training time for any undergraduate courses the graduate student may be enrolled in. <u>Terms of nonstandard length</u>: Accept the school's certification of the training time or the training time computed for undergraduate students whichever is the greater.	38 CFR 21.4273 M22-4.IV.6.13
10.I	**The customary vacation/holiday of 7 days or more was not deducted when calculating the length of the term, which resulted in an incorrect rate of pursuit.**	
	Considerations	**Citations**
	Subsistence allowance will be paid for: 1. Weekend and legal holidays, or customary vacation periods associated with them. 2. Periods in which the school is closed temporarily under emergency conditions. When calculating the number of weeks in a term, subtract any school holiday or customary vacation period of 7 days or more.	38 CFR 21.270
10.J	**The correct type of term (Semester, Quarter, Clock) was not used when determining rate of pursuit.**	
	Considerations	**Citations**
	VR&E staff must have a certification from an approved facility or service provider that includes fixed dates of enrollment and rate of pursuit identified by semester, quarter, or clock hour before processing a payment of subsistence allowance in SAM. The correct type of term must be used in determining the rate of pursuit.	M28R.V.B.8
11.	**Was the subsistence allowance award paid for the correct fiscal year (FY)/calendar year (CY)?**	
	Considerations	**Citations**
	Chapter 31 Cost of Living Allowance changes are effective October 1 of each Fiscal Year. P911SA Cost of Living Allowance changes are effective January 1 of each Calendar Year.	M28R.Appendix AO M28R.V.B.8 VR&E Letters: 28-18-02 28-17-04 28-16-08 28-15-14
		Response Guide

		Yes, No or NA If No, select one or more Reasons (A-C). If non-payment occurred and there were no payments during the review period, answer NA.
		Corrective Action
		If the Veteran was underpaid or overpaid, cite a corrective action.
11.A	**Regular CH31 rate was paid for the incorrect FY.**	
	Considerations	**Citations**
	Each year, VR&E Service provides a Cost of Living Adjustment letter. This letter includes the rates in effect for the upcoming fiscal year. Rate changes are effective October 1 of each fiscal year.	VR&E Letters: 28-18-02 28-17-04 28-16-08 28-15-14
11.B	**P911SA rate was paid for the incorrect CY.**	
	Considerations	**Citations**
	The P911SA uses the BAH rate for the zip code of the facility that is in effect for the current calendar year, unless P911SA is being continued at the same facility from a previous year in which the BAH rate was higher and criteria for rate protection were met.	M28R.V.B.8.06
11.C	**P911SA rate was incorrectly protected, or not protected when appropriate.**	
	Considerations	**Citations**
	37 U.S.C. 403(b)(6) requires the Department of Defense (DoD) to "grandfather" the BAH for members who retain uninterrupted eligibility for the BAH even if the housing rates decrease or if the individual receives a promotion within the same housing area. Similar to DoD's grandfathering rule, VR&E will provide rate protection for individuals who are continuously enrolled in training at the same facility under Chapter 31. This means, that if the BAH rate for the zip code of the training facility, agency, or employer decreases from 2014 to 2015, the rate for 2014 may be paid.	37 USC 403(b)(6) M28R.V.A.3.04
12.	**Was the subsistence allowance paid for the elected rate?**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.260, a Veteran participating in the VR&E program will receive a monthly subsistence allowance at the Chapter 31 subsistence allowance rate of payment, unless the Veteran elects to receive an alternate payment, chapter 30 or P911SA. When a Veteran has entitlement to more than one education benefit, the Veteran must elect which benefit to receive per 38 U.S.C. 3322 and 38 CFR 21.21. Under no circumstance can a Veteran receive payment from	38 USC 3322 38 CFR 21.21 38 CFR 21.260 M28R.V.A.3 M28R.VII.A.4 Email Guidance – Implementation of

	another VA education benefit while receiving Chapter 31 subsistence allowance. ***Tip:*** *The VR&E record must contain documentation showing the rate elected. If there is a change in the election, this must be documented.*	VAF 28-0987, dated 8/23/17 **Response Guide** Yes, No, or NA If No, select a Reason (A-C). If non-payment occurred and there were no payments during the review period, answer NA. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
12.A	**The Veteran elected/re-elected Chapter 31 rate, but this rate was not paid.**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.260, a Veteran participating in the VR&E program will receive a monthly subsistence allowance at the Chapter 31 subsistence allowance rate of payment, unless the Veteran elects to receive an alternate payment, chapter 30 or P911SA. ***Tip:*** *The VR&E record must contain documentation showing the rate elected. If there is a change in the election, this must be documented.*	38 USC 3322 38 CFR 21.21 38 CFR 21.260 M28R.V.A.3 M28R.VII.A.4 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17
12.B	**The Veteran elected P911SA rate, but this rate was not paid.**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.260, a Veteran participating in the VR&E program will receive a monthly subsistence allowance at the Chapter 31 subsistence allowance rate of payment, unless the Veteran elects to receive an alternate payment, chapter 30 or P911SA. ***Tip:*** *The VR&E record must contain documentation showing the rate elected. If there is a change in the election, this must be documented.*	38 USC 3322 38 CFR 21.21 38 CFR 21.260 M28R.V.A.3 M28R.VII.A.4 Email Guidance – Implementation of VAF 28-0987, dated 8/23/17
12.C	**The Veteran elected the Chapter 30 rate, but this rate was not paid.**	
	Considerations	**Citations**
	In accordance with 38 CFR 21.264, a Veteran who is participating in the VR&E program may elect to use the Chapter 30 rate of payment, and other assistance furnished under Chapter 30, in lieu of a subsistence allowance, if the following criteria are met:	38 CFR 21.264 M28R.V.A.3

	• The Veteran has remaining eligibility for, and entitlement to, educational assistance under Chapter 30. • The Veteran enrolls in a program of education or training approved for benefits under Chapter 30. • The program of education is part of an approved IWRP.	
13.	**Did the award reflect the correct number of dependents?**	
	Considerations	**Citations**
	Dependent information can be verified by accessing Share if a Veteran is rated at 30% or more and the information has already been provided to VA. If the information is not in Share, either because the Veteran is rated less than 30% or because VA never received this information, or if the Veteran reports different information than that found in Share, the Veteran must complete and submit VAF 21-686c or a written statement including the date and place of marriage (for spouse) or date of birth (for child) and the name and social security number of the dependent. **Spouse:** VBA will recognize a Veteran's marriage for the purposes of paying benefits if the marriage was recognized under the law of the place where at least one of the parties resided when they were married, or at the time when the claimant became eligible for benefits. VBA will generally accept a claimant's statement that he or she is married. This same procedure applies no matter if the claimant is asserting that he/she is in an opposite-sex marriage or a same-sex marriage. The only time when VA will not accept a claimant's statement as being sufficient evidence to establish the claimant's marriage is when the claimant's statement on its face raises a question of validity, the claimant's statement conflicts with other evidence in the record, or there is a reasonable indication of fraud or misrepresentation. In these instances, VBA shall require more information, per 38 CFR 3.204(a)(2). ***Child:*** For claims involving a biological child of the Veteran, the Veteran's written statement is sufficient to establish the relationship to the child. For claims involving an adopted child, the parent/child relationship should be recognized per 38 CFR 3.210(c). For claims involving a stepchild of a same-sex marriage, the parent/child relationship should be recognized per section 3.210(d).	38 USC 103(c) 38 USC 5124(a) 38 CFR 3.1(j) 38 CFR 3.204(a) 38 CFR 3.210 VBA Letter 20-15-16 **Response Guide** Yes, No, or NA Yes or No if regular CH31 rate is paid. If No, select one or more Reasons (A-C). NA if P911SA rate is paid. If non-payment occurred and there were no payments during the review period, answer NA. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
13.A	**Number of dependents on award was inconsistent with documentation.**	
	Considerations	**Citations**
	VR&E staff must ensure that the dependent(s) of a Veteran is/are appropriately added or removed. All data must be entered accurately into the systems and must be consistent with the data contained in the VR&E record.	M28R.III.A.2 M28R.V.A.3 M28R.V.B.8
13.B	**The dependent(s) was added to the award on the incorrect date.**	
	Considerations	**Citations**
	If the Veteran acquires a dependent after he/she enters or reenters a rehabilitation program, the increase is effective on the latest of the following dates:	38 CFR 21.322 M28R.V.A.3

	• Date of the Veteran's marriage, birth of his/her child or his/her adopted child, if the evidence of the event is received within 1 year from the event. • Date notice is received of dependent's existence if evidence is received within 1 year from the date VA requested the evidence and informed the Veteran of the time limits during which this evidence must be submitted. • Date VA receives evidence of the dependent's existence if this date is more than 1 year after VA requested this evidence and informed the Veteran of the time limits during which this evidence must be submitted.	
13.C	**The dependent(s) was removed from the award on the incorrect date.**	
	Considerations	**Citations**
	The effective date of the reduced rate is the first date of the month following the date of loss: • Loss of spouse due to divorce, annulment, or death • Loss of child due to marriage, death, or discontinuance of school attendance The end-of-month rule does not apply when a Veteran's child turns 18 or 23 years old. In order to be considered a child for VA purposes, the individual must be under age 18 or be between the ages of 18 and 23, and pursuing of a course of instruction at an approved educational institution, and is a legitimate child, a legally adopted child, or a Stepchild who is a member of the Veteran's household. • In either of these instances, the effective date of the reduced rate is the day before either the child's 18th or 23rd birthday.	38 CFR 21.324 M28R.V.A.3
14.	**Was the P911SA rate based on the correct BAH rate?**	
	Considerations	**Citations**
	In accordance with Public Law 111-377, Section 205, Veterans who are entitled to both a Chapter 31 subsistence allowance and Chapter 33 Post-9/11 GI Bill educational assistance may elect to receive a payment in an alternate amount in lieu of the Chapter 31 subsistence allowance. The alternate payment is based on the Basic Allowance for Housing (BAH) that the military authorizes for a Servicemember at the rank of E-5 with dependents. VR&E staff can determine the appropriate rate by using the BAH Calculator located at http://www.defensetravel.dod.mil/site/bahCalc.cfm.	PL 111-377 38 CFR 21.264 M28R.V.B.8 **Response Guide** Yes, No, or NA Yes or No if P911SA rate is paid. If No, select one or more Reasons (A-E) NA if regular CH31 or CH30 rate is paid. If non-payment occurred and there were no payments

		during the review period, answer NA.
		Corrective Action
		If the Veteran was underpaid or overpaid, cite a corrective action.
14.A	**The P911SA rate was not paid at the rate for E-5 with dependents for the zip code of the authorized facility.**	
	Considerations	**Citations**
	The P911SA rate is based on the BAH that the military authorizes for a Servicemember at the rank of E-5 with dependents. The rate is paid using the BAH amount associated with the zip code of the facility (use the zip code associated with the facility code where services are authorized). Training during a term that includes on-line courses and at least one credit at a brick and mortar facility is paid at the appropriate training time using the BAH amount associated with the zip code of the brick and mortar facility, not fifty percent of the BAH national average.	M28R.V.B.8 November 2016 September 2018 Hotline Bulletins
14.B	**Online: The P911SA rate was not paid at the correct rate when training was solely in-home or online.**	
	Considerations	**Citations**
	A Veteran training full-time solely in-home or on-line will receive a payment that is fifty percent of the basic allowance for housing national average. Training during a term that includes on-line courses and at least one credit at a brick and mortar facility is paid at the appropriate training time using the BAH amount associated with the zip code of the brick and mortar facility, not fifty percent of the BAH national average.	M28R.V.B.8
14.C	**More than one facility: The P911SA was not paid at the correct rate when the Veteran attended more than one facility.**	
	Considerations	**Citations**
	To determine the BAH amount for periods of training in which the Veteran is enrolled at more than one facility simultaneously, use the zip code of the parent facility. If the Veteran is not enrolled at the parent facility, then use the facility where the Veteran is enrolled in more credits. If the Veteran is enrolled in an equal amount of credits at each facility, use the facility that provides the highest BAH rate.	M28R.V.B.8
14.D	**OHA: The P911SA was not paid at the correct rate when the Veteran attended a facility in a US Territory.**	
	Considerations	**Citations**
	In some instances, a Veteran may pursue training in a United States Territory with an assigned zip code and elect payment at the P911SA rate of pay. VR&E staff should verify that the training site is located at one of the following US Territories where OHA is payable:	M28R.V.B.8

	• American Samoa • Northern Mariana Islands • Puerto Rico • Virgin Islands • Guam VR&E staff can determine the appropriate rate by using the OHA Calculator located at https://www.defensetravel.dod.mil/site/ohaCalc.cfm.	
14.E	**Foreign institution: The P911SA was not paid at the correct rate when the Veteran is attending a foreign institution with no assigned zip code.**	
	Considerations	**Citations**
	For training in foreign institutions where there is no associated zip code, the BAH national average is used.	M28R.V.B.8
15.	**Was the P911SA rate paid correctly based on the first use of CH31 entitlement?**	
	Considerations	**Citations**

	Effective January 1, 2018, there will be two P911SA rates. For ease of understanding, these rates will be defined as the "uncapped" P911SA rate and the "capped" P911SA rate:
	
	• The "uncapped" P911SA rate applies to VR&E participants who first used their entitlement to Chapter 31 on or before December 31, 2017. This rate includes an additional amount that must be added to the BAH Calculator to determine the correct P911SA rate.
	  ○ Additional Amounts:
	  ▪ 2015: $16
	  ▪ 2016: $33
	  ▪ 2017: $50
	  ▪ 2018: $69
	  ▪ 2019: $89
	  ▪ 2020" $92
	
	• The "capped" P911SA rate applies to VR&E participants who first used their entitlement to Chapter 31 on or after January 1, 2018. This rate is limited to the amount provided by the BAH Calculator.
	
	The phrase "first used their entitlement to Chapter 31" is defined as a charge to Chapter 31 entitlement, regardless of whether the charge was part of the current claim for Chapter 31 benefits and services or was part of a previous claim for Chapter 31 benefits and services. For example, a Veteran utilized Chapter 31 entitlement to attend training in 2013, and his/her case was discontinued or rehabilitated from a plan of service. If this Veteran reapplies for Chapter 31 on or after January 1, 2018, he/she would be entitled to receive the "uncapped" P911SA rate.
		VR&E Email Guidance: 12/31/2019 - 2020 BAH Information for P911SA Rates
		
		Harry W. Colmery Veterans Educational Assistance Act of 2017, Section 501
		Response Guide
		Yes, No, or NA
		
		Yes or No if P911SA is paid.
		
		If No, select a Reason.
		
		NA if regular CH31 or CH30 rate is paid.
		
		If non-payment occurred and there were no payments during the review period, answer NA.
		Corrective Action
		If the Veteran was underpaid or overpaid, cite a corrective action.

15.A	**The Uncapped P911SA rate was incorrectly paid.**	
	Considerations	**Citations**
	The "uncapped" P911SA rate applies to VR&E participants who first used their entitlement to Chapter 31 on or before December 31, 2017. This rate includes an additional amount that must be added to the BAH Calculator to determine the correct P911SA rate. Additional Amounts: • 2015: $16 • 2016: $33 • 2017: $50 • 2018: $69 • 2019: $89	VR&E Email Guidance: 01/02/2019 - 2019 BAH Information for P911SA Rates
15.B	**The Capped P911SA rate was incorrectly paid.**	
	Considerations	**Citations**
	The "capped" P911SA rate applies to VR&E participants who first used their entitlement to Chapter 31 on or after January 1, 2018. This rate is limited to the amount provided by the BAH Calculator.	VR&E Email Guidance: 01/02/2019 - 2019 BAH Information for P911SA Rates
16.	**Was subsistence allowance paid at the correct rate for an OJT/Apprenticeship?**	
	Considerations	**Citations**
	OJT provides eligible Veterans with the opportunity to obtain training and practical job experience concurrently. Veterans who are entitled to training under the VR&E program are eligible to participate in the OJT program when determined appropriate by a case manager. A Veteran can be paid a monthly subsistence rate of the difference between the journeyman wage and the training wage, not including overtime, but not more than the Chapter 31 Subsistence Allowance rate allowed. It is important to note that subsistence allowance is paid to Veterans participating in the OJT program at the full-time rate only. A standard full-time workweek is 40 hours unless the employing agency defines full-time as less than 40 hours for all employees in the particular position approved for OJT.	M28R.V.A.3 M28R.V.B.8 **Response Guide** Yes, No, or NA Yes or No for OJT/Apprenticeship. NA for other types of training. If non-payment occurred and there were no payments during the review period, answer NA. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
17.	**Was subsistence allowance correctly adjusted for enrollment changes (reductions/withdrawals/additions)?**	
	Considerations	**Citations**
	38 U.S.C. 3680(a)(3) prohibits payment of VA benefits for a course in which a Veteran withdraws and receives a non-punitive grade that has no quality point value toward fulfilling a facility's graduation requirement and is not calculated into the Grade Point Average (GPA). If the facility assigned a non-punitive grade, VA may not pay subsistence allowance for the course. Facilities may assign punitive and non-punitive grades	38 USC 3680(a)(3) M28R.V.B.8 M22-4.IV.11.10 **Response Guide** Yes, No, or NA

	differently, therefore the case manager must check with the training facility to determine if the grade assigned is punitive or not before adjusting any payments. Many schools consider a WF as punitive and count towards the GPA, however that may not be the case for some schools. The case manager must amend the subsistence allowance award to create an overpayment if VA has paid for a course assigned a non-punitive grade, unless one of the following exceptions applies: • The student can establish that the failure to complete the course was due to mitigating circumstances. • The student was ordered to active duty. • The course withdrawal occurred during the drop period. Any reduction/withdrawal after the drop/add period requires the development of mitigating circumstances. If the last date of attendance is unknown, use the effective date on the certification. If both are listed, use the last date of attendance. If acceptable mitigating circumstances are not established after the 30-day period, retroactively reduce the award effective the first day of the term. If the Veteran's rate of pursuit is reduced below half-time, payment of subsistence for the term will be terminated under 38 CFR 21.324. No subsistence allowance award can be made for less-than-half-time training.	Yes or No if enrollment changed during review period. If No, select one or more Reasons (A-J). If non-payment occurred and there were no payments during the review period, answer NA. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
17.A	**Mitigating circumstances were not correctly developed.**	
	Considerations	**Citations**
	Mitigating circumstances are conditions beyond the Veteran's control, which prevent continuous pursuit of the rehabilitation program. When a Veteran reduces his/her training rate or withdraws completely from training, the case manager must provide maximum flexibility in helping the Veteran resolve difficulties without the burden of an overpayment or program interruption. The case manager's decision whether mitigating circumstances are acceptable or unacceptable determines the appropriate action to be taken on the Veteran's subsistence allowance. This means that the case manager's decision establishes whether the reduction or termination of payment is retroactive from the beginning of the term or at the date of last attendance. The case manager must send the Veteran a notification letter regarding reduction, termination, or overpayment of subsistence allowance. The letter must include statements explaining the following: • The Veteran's right to present information to establish mitigating circumstances. • The thirty-day period from the date of the letter to present the information.	M28R.V.B.8

	• The consideration VA will give to a Veteran claiming mitigating circumstances. Acceptable mitigating circumstances may include, but are not limited to the following: • Illness of the Veteran. • Illness or death in the Veteran's family. • Unavoidable change in the Veteran's employment. • Unavoidable geographical change in the Veteran's employment. • Immediate family or financial obligations beyond the Veteran's control. • Discontinuance of a course or program by the educational institution. • Difficulty with childcare issues beyond the Veteran's control. Once received, the case manager must analyze the evidence provided by the Veteran and determine whether it is acceptable or unacceptable for establishing mitigating circumstances. The case manager must clearly document the decision in the VR&E record or in a case note. VA may reduce or terminate the Veteran's subsistence allowance award retroactively for failure to provide acceptable mitigating circumstances within thirty days. The Veteran still has up to one year from the date of VA's request for mitigating circumstances to submit evidence.	
17.B	**The award was not correctly amended when mitigating circumstances were established.**	
	Considerations	**Citations**
	The case manager must take the appropriate action for reducing or terminating an award as soon as the certification of change in enrollment or assignment of a non-punitive grade is received. When a Veteran withdraws from a course(s) or receives a non-punitive grade and: a) Mitigating Circumstances Established 1) If the case manager receives evidence of mitigating circumstances with certification of withdrawal or assignment of a non-punitive grade in a timely manner, reduce the subsistence allowance award at the end of the month or end of the term, whichever is earlier, and inform the Veteran of the change (The end date would be the last day of the month or end of the term). 2) If the reduction occurs prior to the beginning of the term, benefits must be reduced back to the first day of the term that the Veteran withdraws. For complete withdrawal, the case manager must terminate the subsistence allowance effective the Veteran's last day of attendance (The end date is the last day of attendance).	M28R.V.B.8

17.C	**The award was not correctly amended when mitigating circumstances were not established.**	
	Considerations	**Citations**
	The case manager must take the appropriate action for reducing or terminating an award as soon as the certification of change in enrollment or assignment of a non-punitive grade is received. When a Veteran withdraws from a course(s) or receives a non-punitive grade and: a) Mitigating Circumstances Not Established 1) If the case manager does not receive adequate evidence of mitigating circumstances with certification of withdrawal and the Veteran has withdrawn from all courses, terminate the subsistence allowance award effective the date of withdrawal, establish a thirty- day control period and develop for mitigating circumstances (The end date would be the last day of attendance). 2) If the case manager does not receive adequate evidence of mitigating circumstances with certification of withdrawal and the Veteran has withdrawn from fewer than all courses, reduce subsistence allowance effective the end of the month when the enrollment change occurred, establish a thirty-day control period, and develop for mitigating circumstances (The end date would be the last day of the month). 3) If the Veteran has completed a course, or all courses with non-punitive grades, and the case manager has received the enrollment certification for the next term, terminate or reduce subsistence allowance the last day of the previous term, authorize subsistence allowance for the new term, establish a thirty-day control period, and develop for mitigating circumstances (The end date would be the last day of the previous term). 4) If acceptable mitigating circumstances are not received in any of the above scenarios after the thirty-day period, retroactively reduce the award effective the first day of the term.	M28R.V.B.8
17.D	**The Six Credit Exclusion was not applied or was applied incorrectly.**	
	Considerations	**Citations**
	A large overpayment will typically occur if a student withdraws from courses and does not establish mitigating circumstances. The student is required to repay all benefits received for these courses from the beginning of the term. However, Public Law 100-689 permits Veterans to have a one-time exclusion from the requirement to establish mitigating circumstances. The six-credit hour exclusion automatically establishes mitigating circumstances at the first instance that a Veteran reduces or withdraws from training for up to six-credit hours. A Veteran who withdraws from fewer than six-credit hours in the first instance will exhaust this benefit. a) When the Six-credit Hour Exclusion Does Apply The six-credit hour exclusion applies to a course withdrawal only if each of the following requirements is met:	PL 100-689 M28R.V.B.8

	1) The withdrawal is the first instance of withdrawal from a course. 2) The Veteran has been awarded subsistence for the withdrawn course. 3) Mitigating circumstances would normally be an issue (e.g., the withdrawal was beyond the drop period and a non-punitive grade was assigned for the course). If a Veteran withdraws from a three-semester hour course and several days later withdraws from an additional three-semester hour course; the exclusion applies only to the first course. b) When the Six-credit Hour Exclusion Does Not Apply The six-credit exclusion does not apply in the following situations: 1) The Veteran withdraws from a course during the drop period. 2) The Veteran completes a course and receives a non-punitive grade. The Veteran withdraws from a course and receives a punitive grade.	
17.E	**Punitive grades were assigned and the award was not adjusted effective the last date of attendance.**	
	Considerations	**Citations**
	When there is a reduction/withdrawal and punitive grades are assigned, subsistence allowance must be stopped for the period the Veteran is not attending a class. Additionally, development for mitigating circumstances is not required since a punitive grade has been assigned.	38 USC 3680 M22-4.IV.11.10
17.F	**When the award was adjusted, the correct rate of pursuit was not applied.**	
	Considerations	**Citations**
	The case manager must take the appropriate action for reducing or terminating an award as soon as the certification of change in enrollment or assignment of a non-punitive grade is received. Award must be consistent with the revised certification.	M28R.V.B.8
17.G	**When the award was adjusted, the correct dates were not used.**	
	Considerations	**Citations**
	The case manager must take the appropriate action for reducing or terminating an award as soon as the certification of change in enrollment or assignment of a non-punitive grade is received. Award must be consistent with the revised certification.	M28R.V.B.8
17.H	**Reduction or withdrawal occurred, and award was not adjusted.**	
	Considerations	**Citations**
	The case manager must amend the subsistence allowance award to create an overpayment if VA has paid for a course assigned a non-punitive grade, unless one of the following exceptions applies: • The student can establish that the failure to complete the course was due to mitigating circumstances. • The student was ordered to active duty. • The course withdrawal occurred during the drop period.	M28R.V.B.8

17.I	**Non-punitive grades were assigned, and award was not adjusted.**	
	Considerations	**Citations**
	38 U.S.C. 3680(a)(3) prohibits payment of VA benefits for a course in which a Veteran withdraws and receives a non-punitive grade that has no quality point value toward fulfilling a facility's graduation requirement and is not calculated into the Grade Point Average (GPA).	38 USC 3680(a)(3) M28R.V.B.8
17.J	**There was no evidence of development for mitigating circumstances.**	
	Considerations	**Citations**
	Any reduction/withdrawal after the drop/add period requires the development of mitigating circumstances.	M28R.V.B.8
18.	**When non-payment of subsistence allowance occurred, was a valid justification provided and was the Veteran notified?**	
	Considerations	**Citations**
	A SM/V, and his/her designated representative if applicable, must receive notification whenever a decision is made on a VR&E claim that grants, denies, reduces, or terminates VA benefits. The case manager must fully inform the Veteran of any periods for which subsistence allowance will not be paid and the reason for the nonpayment when planning the training schedule. The reasons may include that the periods are chargeable to leave and would exceed the amount of leave allowable, or the Veteran needs to conserve his/her entitlement. The copy of the rehabilitation plan which the Veteran receives on entry into training should clearly state all scheduled periods of interruption of training ***Tip:*** Non-payment may be justified in writing. If it is not justified in writing, an error will be cited.	M28R.V.A.1 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-B). **Corrective Action** If the Veteran was underpaid, cite a corrective action.
18.A	**No justification was documented.**	
	Considerations	**Citations**
	A SM/V, and his/her designated representative if applicable, must receive notification whenever a decision is made on a VR&E claim that grants, denies, reduces, or terminates VA benefits. The case manager must fully inform the Veteran of any periods for which subsistence allowance will not be paid and the reason for the nonpayment when planning the training schedule. ***Tip:*** *The reasons for non-payment must be documented in order to notify the SM/V and his/her designated representative of the decision.*	M28R.V.A.1
18.B	**Veteran was not notified of non-payment.**	
	Considerations	**Citations**
	A SM/V, and his/her designated representative if applicable, must receive notification whenever a decision is made on a VR&E claim that grants, denies, reduces, or terminates VA benefits.	M28R.V.A.1

19.	**Was subsistence allowance processed timely? To be removed**	
	Considerations	**Citations**
	M28R states, VR&E staff must ensure that subsistence allowance payments are made on a timely basis; that the Veteran is eligible for payment during the period certified; and that the Veteran receives the rate that he/she is entitled based upon rate of pursuit. M28R does not specifically define timeliness in relation to processing of subsistence allowance. However, timeliness of the processing of EAA is defined as no later than 15 days after receipt of documentation that supports authorization. This timeliness standard is also applied to the processing of subsistence allowance.	M28R.V.A.3 **Response Guide** NA

☐ **Employment Adjustment Allowance**		
20.	**Was the Veteran eligible to receive EAA when authorized and paid?**	
	Considerations	**Citations**
	An EAA payment may be authorized only after the case manager makes the determination that the Veteran meets the criteria for EAA payment.	M28R.V.A.3 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-F). NA if no payment occurred. Comment Only if ETD has expired and there is no SEH (Reason will be added in a future update) **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
20.A	**The Veteran did not participate in training at a VA approved facility while in RTE status.**	
	Considerations	**Citations**
	The Veteran must have attended training at a VA-approved facility, except as specified in 38 CFR 21.268(c). The Veteran has completed the objectives outlined in his/her IWRP. However, the Veteran may meet this condition even if he/she has not completed all the services prescribed in his/her IWRP. The case manager will consider the period of rehabilitation to the point of employability to be completed if, on or before the Veteran's eligibility termination date (ETD),	M28R.V.A.3

	the Veteran leaves his/her program without completing all planned services under one of the following conditions: a) The Veteran has completed a sufficient portion of the services prescribed in his/her IWRP to establish clearly that he/she is generally employable as a trained worker in the occupational objective established in the IWRP. b) The Veteran accepts employment in the occupational objective established in his/her IWRP with wages and other benefits commensurate with wages and benefits received by trained workers in that objective.	
20.B	**The Job Ready Decision was not documented.**	
	Considerations	**Citations**
	Prior to the authorization of EAA, the case manager must make a determination if the Veteran meets all criteria, including a documented job ready decision. The Veteran has been declared job ready and the case manager has determined that there are no impediments in the Veteran's ability to conduct employment search activities, or to maintain suitable employment.	M28R.V.A.3
20.C	**A valid IEAP or IWRP/IEAP was not included in the record.**	
	Considerations	**Citations**
	An IEAP has been developed and signed by the case manager and the Veteran. An employment objective may be developed as part of the original IWRP; however, the case manager must ensure that the employment plan and the period of services are current or updated. Additionally, requirements for authorization and payment of EAA must be specified on the IEAP. An IEAP must clearly outline the services being provided to the Veteran. The employment services may be provided through the following: a) Placement Service that includes assistance in Veteran's employment search. Post-placement Service that includes assistance in Veteran's ability to maintain employment.	M28R.V.A.3
20.D	**Contact was not established with the Veteran and documented to verify participation in planned employment services for a period of at least 30 days.**	
	Considerations	**Citations**
	The case manager is responsible for making the determination that a Veteran has been successfully participating in a program of employment services for at least 30 days before authorizing an EAA payment. The case manager may use information obtained from the Veteran directly, a Disabled Veterans' Outreach Program (DVOP) representative, a Local Veterans' Employment Representative (LVER), a VA contractor, or an employer. The case manager must provide details and document that the Veteran has satisfactorily participated and followed the planned employment	M28R.V.A.3

	services for no less than 30 days. This means that the Veteran has fulfilled the requirements of the IEAP for the period being considered for payment. In addition, the case manager must clearly explain and document that the Veteran is following the objectives of the IEAP such as satisfactorily conducting employment search, or adequately adjusting in his/her employment for a period of 30 days. The narrative must be documented in the VR&E record or in a case note, and must include the following information: • Date of contact with Veteran. • Method of contact (face-to-face, telephone, email, etc.). • Information regarding Veteran's progress in his/her job search or current employment. This narrative, as well as all supporting documentations, such as the Veteran's job search logs, must be filed in the VR&E record. ***Tip:*** *Contact must be on or after the 30th day of the 30-day period for which EAA is authorized. Contact prior to the 30th day cannot verify that the Veteran participated in employment services for at least 30 days.* ***Tip:*** *The dates in SAM default to the 30-day period after the case is moved to JR status. The second EAA dates default to the 30-day period after the first EAA. These dates can be changed. The dates must be edited if the authorized period differs from these dates.*	
20.E	**The Veteran's case was not in JR status.**	
	Considerations	**Citations**
	A case manager may only authorize EAA payment for a Veteran who has satisfactorily followed a program of VA approved employment services under 38 U.S.C. 3104(a)(5). This means that a Veteran's case must have progressed through RTE status to Job Ready status following the provision of services under an IWRP.	M28R.V.A.3
20.F	**The individual was receiving benefits under Chapter 31 and another VA Education program (duplication of benefits occurred).**	
	Considerations	**Citations**
	A Veteran must make an election of benefits among the programs of education administered by VA for which he or she may be eligible. A Veteran who has basic entitlement to rehabilitation under Chapter 31 and is also eligible for assistance under any of the other education programs administered by VA must make an election of benefits between Chapter 31 and any other VA program of education for which he or she may be eligible. The Veteran may reelect at any time if he or she is otherwise eligible.	38 CFR 21.21
20.G	**The Veteran's ETD has expired and there is no SEH.**	
	Considerations	**Citations**
	Unless the Veteran has been determined to have a serious employment handicap (SEH), the Veteran must be within his/her 12-year period of	M28R.V.A.3

	eligibility to receive EAA. The case manager must make an SEH redetermination if a Veteran's ETD will expire before completion of his/her vocational rehabilitation program. This determination must be clearly explained and documented. For a Veteran with no SEH, if the ETD expires before a full 30-day period, eligibility period. the EAA is prorated and the Veteran is paid only for the days within the	
21.	**Was the correct amount paid for each EAA award?**	
	Considerations	**Citations**
	If authorized, EAA will be processed at the full-time rate for the type of program the Veteran was last pursuing. This includes authorization of EAA at the P911SA rate, if the Veteran elected that rate while in EP or RTE status. NOTE: Errors are frequently cited in STAR reviews when EAA is not paid for the full-time rate for the type of training the Veteran was last pursuing. 1) If a Veteran in receipt of P911SA has been attending a brick and mortar facility, but their last term is solely online, EAA will be paid at the full-time rate for this type of training, which is 50% of the BAH national average. 2) If the Veteran has received P911SA and re-elects the regular CH31 rate for the last term because they are attending solely online and the regular CH31 rate is higher, then the EAA will be paid at the full-time rate for regular CH31 subsistence allowance.	M28R.V.A.3 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-E). NA if no payment occurred. **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.
21.A	**CH31 rate: Incorrect fiscal year.**	
	Considerations	**Citations**
	EAA must be paid at the Chapter 31 full-time rate of subsistence allowance for the Veteran's type of training that he/she completed. EAA must be paid at the rate in effect for the period being authorized. If rate of payment of the EAA changes during an authorized period, such as change in the number of a Veteran's dependents or increase in an annual COLA must be documented.	M28R.V.A.3
21.B	**CH31 rate: Incorrect number of dependents.**	
	Considerations	**Citations**
	EAA must be paid at the Chapter 31 full-time rate of subsistence allowance for the Veteran's type of training that he/she completed. EAA must be paid at the rate in effect for the period being authorized. If rate of payment of the EAA changes during an authorized period, such as change in the number of a Veteran's dependents or increase in an annual COLA must be documented.	M28R.V.A.3
21.C	**P911SA rate: Inconsistent with rate paid for the type of training the Veteran was last pursuing (zip code, locality pay, capped vs. uncapped, etc.).**	
	Considerations	**Citations**
	The EAA rate of payment will be the same as the P911SA full-time rate of payment for the type of training that the Veteran completed.	M28R.V.A.3
21.D	**P911SA rate: Incorrect rate paid when the Veteran last pursued training solely online.**	
	Considerations	**Citations**
	The EAA rate of payment will be the same as the P911SA full-time rate of payment for the type of training that the Veteran completed.	M28R.V.A.3

	Tip: If the Veteran historically attended training on campus but attended solely online during the last term, EAA is paid at the rate of 50% of the BAH National Average.	
21.E	**P911SA rate: incorrect rate for the CY or protected rate.**	
	Considerations	**Citations**
	A Veteran who elects to receive P911SA in lieu of Chapter 31 subsistence allowance may be entitled to EAA payments. The EAA rate of payment will be the same as the P911SA full-time rate of payment for the type of training that the Veteran completed. If the rate is less than the previous year, determine whether the Veteran qualifies for continued payment at the previous year's rate. Veterans who had continuously attended the same facility with no more than a 6 month break in training must be grandfathered in at the higher rate of pay. Additionally, the case manager must make the required Job Ready determination and ensure that the Veteran participates satisfactorily in a plan of employment services.	M28R.V.A.3
22.	**Was EAA authorized timely? To be removed**	
	Considerations	**Citations**
	EAA should be authorized as soon as there is documented evidence that the Veteran is entitled to payment, but not later than 15 days after receipt of documentation that supports authorization of an EAA payment.	M28R.V.A.3 **Response Guide** NA
23.	**When a denial of EAA occurred, was a valid justification provided and was the Veteran notified?**	
	Considerations	**Citations**
	A denial occurs when all criteria for an EAA payment are met but a payment is not made.	M28R.V.A.3 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-B). **Corrective Action** If the Veteran was underpaid, cite a corrective action.
23.A	**No justification was documented.**	
	Considerations	**Citations**
	The case manager must carefully document the reason(s) for the denial of EAA payment relating the reasons to the specific requirements of the IEAP. This is critical, as this documentation, which details the basis for the denial as related to the provisions of the IEAP, will be the basis for review of the decision in any instance that the Veteran requests a review or an appeal of the decision.	M28R.V.A.3
23.B	**Veteran was not notified of non-payment.**	
	Considerations	**Citations**
	The case manager may deny payment of EAA when a Veteran fails to satisfactorily participate or follow his/her approved program of employment services.	M28R.V.A.3

	The case manager must inform the Veteran of the denial of EAA payment by letter. The notification letter must inform him/her of the decision and must explain the reason for the denial. The Veteran must also be provided due process along with his/her appellate rights (VAF 20-0998). The case manager must carefully document the reason(s) for the denial of EAA payment relating the reasons to the specific requirements of the IEAP. This is critical, as this documentation, which details the basis for the denial as related to the provisions of the IEAP, will be the basis for review of the decision in any instance that the Veteran appeals the decision. The Veteran may appeal the decision to the Board of Veterans Appeals and the Court of Veterans Appeals.	
24.	**When the Veteran received additional payments of EAA, did documentation support this payment?**	
	Considerations	**Citations**
	A Veteran is entitled to only two EAA payments when all requirements are met while in Job Ready Status. There are specific circumstances under which additional EAA payment may be made; however, there must be sufficient documentation to justify the additional payments.	M28R.V.A.3 **Response Guide** Yes, No, or NA The NA response should be selected if no additional EAA payments were made. **Corrective Action** If the Veteran was overpaid, cite a corrective action.
24.A	**Plan was not redeveloped with a new vocational goal.**	
	Considerations	**Citations**
	If a Veteran has ever received an EAA following rehabilitation to the point of employability, he or she may, nevertheless, receive it again when completing an additional rehabilitation program to the point of employability if: • The prior determination of rehabilitation to the point of employability is set-aside; and • The Veteran is inducted into a new vocational rehabilitation program as provided in 38 CFR §21.282(a). Therefore, if a Veteran participated in employment services to include the authorization of EAA and was subsequently determined no longer job ready, warranting plan redevelopment of a new vocational goal (i.e. new Dictionary of Occupational Title (DOT) code), two additional EAA payments may be authorized during the same application period if the	M28R.V.A.3

	criteria for EAA payment as outlined in M28R.V.A.3.06 are met. However, it should be noted, the period of employment assistance is limited to a total of 18 months not including any time in Interrupted status per M28R. VI.A.2.04.a. Prior rehabilitated cases where the previous rehabilitation has been set side may also receive two additional EAA payments following rehabilitation to the point of employability if criteria outlined in M28R.V.A.3.06 are met.	
24.B	**Documentation did not support payment of additional EAA due to natural disaster.**	
	Considerations	**Citations**
	If a Veteran lives in an area where a natural disaster is declared by the Governor and/or the President of the United States, then he/she may qualify for additional assistance in accordance with Public Law 112-154. The law allows the VR&E program to provide up to two additional months of EAA payments to Veterans who have been displaced by a natural or other disaster.	M28R.V.A.3
24.C	**Duplication of EAA occurred.**	
	If the Veteran has already received two EAA payments, they are not entitled to additional payments unless the plan is redeveloped with a new DOT code, or they live in an area where a natural disaster is declared and they qualify for additional payments under PL 112-154.	M28R.V.A.3

☐ Other Expenditures		
25.	**Were criteria for Retroactive Induction payment met?**	
	Considerations	**Citations**
	A Veteran may be inducted into a rehabilitation program retroactively when the conditions specified in 38 CFR 21.282 are met. This means that payment for tuition fees and other verifiable expenses that the Veteran incurred while pursuing training consistent with his/her approved rehabilitation program may be authorized as specified in 38 CFR 21.262 and 21.264. In addition, payment for subsistence allowance may also be authorized under the provisions of 38 CFR 21.260, 21.266 and 21.270. The effective date for retroactive induction is the date when the Veteran has met all established requirements. However, the effective date must not be earlier than the effective date of the establishment of the Veteran's disability rating. A program of rehabilitation and assistance may be approved retroactively when the following conditions are met, per 38 CFR 21.282: • The period for which retroactive induction is requested is within the individual's basic period of eligibility or extended eligibility as provided in 38 U.S.C. 3103 and 38 CFR 21.41 through 21.44. • The individual is entitled to disability compensation during the period for which retroactive induction is requested.	38 CFR 21.282 M28R.IV.C.2 M28R.V.A.1 M28R.V.B.8 M28R.IV.C.8 **Response Guide** Yes, No, or NA

	• The individual meets the criteria of entitlement to VR&E services for the requested period. The training pursued during the retroactive period is determined to be suitable for achieving the vocational goal of the individual's rehabilitation plan. The VREO must concur with the retroactive induction prior to the processing of payment. This concurrence must be documented in the corresponding VR&E record. The VRC must prepare a memorandum for review and an approval by the VREO that includes the following information: • Specific dates of retroactive training. • Requested date of induction. • Number of months of remaining entitlement. • Entitlement Termination Date (ETD). • Disability rating information. • Vocational goal. • Documentation of other VA educational benefits used during the retroactive period. • Information about the individual's cooperation during the counseling process.	
26.	**Were criteria for Retroactive Reimbursement met?**	
	Considerations	**Citations**
	Retroactive reimbursement is the authorization of benefits and services under Chapter 31 for a period previously paid under Chapter 33. It includes calculating and paying the difference between the benefits the individual received under Chapter 33 and what the individual would have received under Chapter 31 for that same period, if the individual had been determined eligible and entitled to Chapter 31 for that period. To receive the difference in benefits under Chapter 31 and Chapter 33, the individual must elect a start date for Chapter 31 coverage that includes the period when Chapter 33 benefits were paid. This includes reimbursement of the difference in tuition, fees, books, supplies, and monthly allowance benefits when the benefits that can be authorized under Chapter 31 are greater than what the individual was paid under Chapter 33. The individual must use Appendix AB, Election of Retroactive VR&E Chapter 31 Benefits, to document this election. The individual may only elect P911SA for a period of retroactive approval beginning August 1, 2011 or later. A VRC may approve a program of rehabilitation and assistance retroactively when the following conditions are met:	M28R.IV.C.2 **Response Guide** Yes, No, or NA

	• Following an initial evaluation, the individual was determined eligible and entitled under Chapter 31 during the prior period of training provided under Chapter 33. • The individual has requested reimbursement under Chapter 31 for the period of training provided under Chapter 33. The evidence of record must show that the conditions for retroactive approval outlined in 38 CFR 21.282, with the exception of the condition outlined in 38 CFR 21.282(c)(5), were met for the period of training the individual requests retroactive reimbursement under Chapter 31. • The prior training will contribute to the achievement of the vocational goal approved in the Chapter 31 rehabilitation plan. The VREO or designee must concur with the retroactive reimbursement prior to the signing of a new or amended IWRP that includes retroactive reimbursement. The VRC must submit the following items when requesting VREO concurrence: a) A written justification for retroactive reimbursement in the VR&E record or case note that clearly indicates the following: • How the criteria for retroactive approval under 38 CFR 21.282, except 21.282(c)(5), have been met. • The period to be approved. • The specific services to be approved, e.g., difference of tuition. b) A copy of the signed Appendix AB, Election of Retroactive VR&E Chapter 31 Benefits. c) A copy of the Long Term Solution (LTS) screens showing Chapter 33 benefits paid to the individual for the period that is requested for retroactive reimbursement. d) A copy of the IWRP or amended IWRP that clearly lists all retroactive services that are being authorized. Appendix AV, VREO Concurrence – Ch33 Retroactive Reimbursement, that documents the VREO or designee's concurrence.	
27.	**Was Revolving Fund Loan authorized and paid correctly?**	
	Considerations	**Citations**
	If the eligibility requirements are met, the VRC must then determine if the Veteran meets the conditions for approval prior to granting a RFL in accordance with 38 CFR 21.274 (d). A RFL may be approved when the following conditions are met: 1. The reason for the loan must be clearly and directly related to beginning, continuing, or reentering a rehabilitation program. 2. The Veteran would otherwise be unable to begin, continue or reenter a rehabilitation program without the loan. 3. The loan must not exceed the amount needed or twice the monthly subsistence allowance for a Veteran without dependents in a full-time institutional training program. It should be noted that the loan amount must be in multiples of $10.	M28R.V.B.9 **Response Guide** Yes, No, or NA If No, select one or more Reasons (A-B)

	The Veteran must elect, or be in receipt of, subsistence allowance. It is important to note that in some cases a Veteran may meet the conditions for eligibility by having an IWRP, IEEP, or IILP prepared, but will not meet the conditions of approval because he/she will not be in receipt of subsistence allowance.	
27.A	**The individual was not eligible to receive an RFL.**	
	Considerations	**Citations**
	Prior to granting a RFL, the VRC must determine if the Veteran meets the following conditions in accordance with 38 CFR 21.274 (c): 1. Type of Plan Prepared A Veteran may be eligible for a RFL if an IWRP, an IEEP, or an IILP has been prepared. Supportive services such as a RFL must not be granted to a Veteran during a period or program of employment services in accordance with 38 CFR 21.254. 2. Terms and Conditions of Plan The Veteran and VRC must both agree with the terms and conditions of the IWRP, IEEP, or IILP.	M28R.V.B.9
26.B	**Required documentation was not present to support authorization of RFL.**	
	Considerations	**Citations**
	The VRC may approve up to $200 for the amount of the RFL in multiples of $10.00 based upon the evidence considered to establish need. Refer to the current Chapter 31 Subsistence Allowance Rates (without dependents) that is regularly published prior to the new fiscal year. Post-911 subsistence allowance rates do not apply. An advance in excess of $200 requires the concurrence of the VR&E Officer. The VR&E Officer may approve up to twice the amount of the subsistence allowance for a single Veteran at the institutional rate. (See 38 CFR 21.260.) The VRC must provide the Veteran with alternative resources if the need is greater than the maximum amount of RFL allowable.	M28R.V.B.9
28.	**Was beneficiary travel authorized and paid correctly?**	
	Considerations	**Citations**
	Individuals who travel to and from a VR&E office or other place in connection with vocational rehabilitation may be entitled to reimbursement for the cost of beneficiary travel (BT) to include lodging and meals. Reimbursement for BT may be authorized at Government expense within limits specified by law in accordance with 38 U.S.C 111 in the following situations: • **Initial evaluation, reevaluation and counseling appointments:** When VR&E asks an individual to report to a designated place for an initial evaluation; a reevaluation; or a counseling appointment,	M28R.V.B.6 **Response Guide** Yes, No, or NA **Corrective Action** If the Veteran was underpaid or overpaid, cite a corrective action.

	including personal or vocational adjustment counseling; reimbursement of BT must be authorized to and from the place of evaluation and counseling if requested by the individual, per 38 CFR 21.376. • **Intraregional travel:** VA may authorize intraregional BT for travel to and from an individual's residence and a training or employment location when travel is within the territory of the Regional Office (RO) of jurisdiction and the individual is instructed to travel for any of the reasons listed in M28R.V.B.6.05. • **Interregional travel:** VA may authorize interregional BT when travel from the jurisdiction of one RO to a training or employment location in the jurisdiction of another RO is needed to accomplish the goals of his/her rehabilitation plan and meets any of the conditions listed in M28R.V.B.6.06. • **Attendant travel:** Attendants may receive BT to enable an individual to attend appointments for initial evaluation and counseling or for intraregional and interregional travel. VR&E must not pay the attendant a fee if he/she is a relative of the individual in accordance with 38 CFR 21.374. When authorized, VA has authority to provide reimbursement to eligible persons for mileage driven in a private vehicle at a rate of 41.5 cents per mile, or for transportation by common carrier/public transportation (plane, bus, taxi, etc.) with the presentation of an itemized receipt within 30 calendar days of travel. Ferry fares; bridge, road and tunnel tolls; luggage fares; or parking associated with travel may also be provided on presentation of an itemized receipt within 30 calendar days of travel. However, consideration must be given to the most economical means of transportation (i.e., reimburse the mileage rate or actual cost, whichever is less, or pay the mileage rate if no actual costs are claimed). NOTE: Reimbursement for the cost of rental vehicles is prohibited. For approved travel beyond 12 hours, the cost of lodging, meals, and miscellaneous expenses (e.g. taxi fare, mileage to airport) may be reimbursed after the fact in accordance with GSA per diem limits when reimbursing actual necessary travel expenses upon the presentation of itemized receipts within 30 calendar days of completion of travel. Refer to http://www.gsa.gov/perdiem to find the current rates. Reimbursement for lodging and meals may be provided for conferences, supplemental short-term trainings and other required travel beyond 12 hours in connection with vocational rehabilitation with prior approval from the individual's case manager. Per diem is not authorized for official travel of 12 hours or less.	

	NOTE: *Reimbursement for lodging and meals must not be provided for training that encompasses the individual's entire rehabilitation program or solely because the individual chooses to stop or take a less direct route.*	
29.	**Were expenditures allowable?**	
	Considerations	**Citations**
	Certain goods and services are not appropriate for any type of vocational rehabilitation plan and must not be authorized.	M28R.IV.C.2 M28R.IV.C.9 M28R.V.A.3 M28R.V.A.4 M28R.V.B.8
		Response Guide
		Yes or No If No, select one or more Reasons (A-C).
29.A	**The Veteran was receiving benefits under Chapter 31 and another VA Education program (duplication of benefits occurred).**	
	Considerations	**Citations**
	Before authorizing subsistence allowance, VR&E staff should check all other education chapters (e.g., chapters 30, 32, 33, 1606) to ensure that the Veteran is not receiving benefits under another education program since a Veteran cannot receive benefits from more than one program at a time.	M28R.V.A.3 M28R.V.B.8
29.B	**Purchased items or services were not allowed.**	
	Considerations	**Citations**
	Certain goods and services are not appropriate for any type of vocational rehabilitation plan and must not be authorized. In addition, plan goals in certain industries, such as the medical marijuana industry, are in violation of federal law and must not be approved. The following goods and services must not be provided by VR&E: 1. Vehicles A vehicle is defined as a conveyance moving on wheels, runners, tracks, or the like, which is used for transporting people or goods. Purchase or rental of trucks, cars, golf carts, all-terrain vehicles, or other means of transportation is prohibited. In addition, items such as a tractor, mower, or similar equipment must not be authorized as part of an IILP. 2. Medical Marijuana An individual's use of medical marijuana in states where it is legal may not bar access to federal funding for a program of VA vocational rehabilitation services. However, provision of goods and services, and rehabilitation goals related to the medical marijuana industry is prohibited. Training and tools for cultivating, distributing, dispensing, or selling of medical marijuana must not be authorized under a vocational rehabilitation plan. 3. Updating or Replacing Existing Equipment	M28R.IV.C.2 M28R.IV.C.9 M28R.V.A.4

	In an IILP, the VRC should not update or replace existing equipment that enables participation in an avocational activity. For example, providing a more complex camera or an updated computer program is prohibited. 4. Companion Animals and Service Dogs Payment for the purchase of service dogs, guide dogs, or companion animals for Veterans participating in the VR&E Program is prohibited under any circumstance. This also means that VR&E must not authorize payment for training or any other services related to companion animals or service dogs.	
29.C	**Duplicate payment, purchase, or reimbursement.**	
	Considerations	**Citations**
	VR&E employees must ensure payments, purchases, or reimbursements have not already been paid by reviewing the Veteran's Chapter 31 Payment History and VR&E record.	M28R.V.B.10

☐ **Reviews** (For tracking only. Not included in score. Answering No does not result in a fiscal error.)		
30.	**Was the requested Higher-Level Review completed in an accurate and timely manner?**	
	Considerations	**Citations**
	A higher-level review may be requested by the Veteran as part of the appeals process. If there is evidence of a request for higher-level review there must be documentation that the review was completed accurately and in a timely manner.	38 CFR 21.416 M28R.III.C.3 **Response Guide** Yes, No, or NA Yes or No if 28-0996 is present. If No, select one or more Reasons (A-E). NA if not present
30.A	**The requested review was not completed accurately.**	
	Considerations	**Citations**
	The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including: • Only information in the record at the time of the decision is reviewed during the higher-level review (HLR). No new evidence is reviewed. • The SM/V submitted VAF 20-0996 to the RO of jurisdiction within one year of the date listed on the decision letter. • If more than one year has elapsed, the VR&E staff member must inform the SM/V in writing that he/she is outside the time limit to request an HLR, but may submit new evidence, if available, for a supplemental claim review (SCR). • VAF 20-0996 is date stamped as soon as it is received, and information is entered into Caseflow. • If an informal conference is requested, the higher-level reviewer must document the completion of the informal conference in a case note.	38 CFR 21.416 M28R.III.C.3

	• If the SM/V requests the HLR be completed at another RO, the HLR was complete at the alternate RO, as identified in M28R.Appendix T. • Three possible outcomes: uphold the decision, overturn the decision, or identify a duty to assist error.	
30.B	**The review was not completed in a timely manner (90 days or less from date of request).**	
	Considerations	**Citations**
	All HLRs must be completed; a decision rendered; and the SM/V informed of the decision in writing within 90 days from the receipt of VAF 20-0996. It is important to note that even if the SM/V requests the HLR be completed at an alternate RO, the timeliness requirements to complete the HLR within 90 days from receipt of the request for a HLR remain in place. The requirement to complete the HLR within the required timeframe will transfer to the RO completing the HLR. Therefore, it is imperative that the coordination between the two ROs occur as soon as possible to ensure the alternate RO has appropriate time to complete the HLR.	38 CFR 21.416 M28R.III.C.3
30.C	**The review was not completed by a more experienced VRC than the individual who made the decision.**	
	Considerations	**Citations**
	An HLR is a review of a decision that is completed by a more experienced VRC than the individual who made the decision. For VR&E, this duty may be assigned to lead or Supervisory VRC; the Assistant VR&E Officer; or the VR&E Officer. The higher-level reviewer must be someone that was not involved in the original decision-making process.	38 CFR 21.416 M28R.III.C.3
30.D	**The review indicated a Duty to Assist error, but a Supplemental Claim Review was not initiated.**	
	Considerations	**Citations**
	If during a HLR, the reviewer identifies a duty to assist error, meaning that the reviewer determined by a review of the case that additional information is available that may likely impact the decision that was not considered in the original decision, he/she will return the case to the assigned VRC. The VRC must immediately contact the SM/V to initiate the process to obtain the new evidence. The VRC has 30 days from the time the reviewer returns the case to obtain the new information and readjudicate the claim. It is important to note that the identification of a duty to assist error automatically triggers a SCR. Therefore, as soon as the duty to assist error is identified, Caseflow must be updated.	38 CFR 21.416 M28R.III.C.3
30.E.	**The requested informal conference was not provided.**	
	Considerations	**Citations**
	The SM/V has the right to one informal conference per issue during the HLR. Due to the timeliness requirements for completing the HLR, rescheduling the informal conference may not be an option if the request to reschedule is not made in a timely manner. Therefore, if the SM/V does not attend the informal conference and/or requests to reschedule the conference, it must be made in a timely manner that allows sufficient	38 CFR 21.416 M28R.III.C.3

	time to complete the HLR. Best practice is to reschedule the conference one time to ensure that VR&E provides every opportunity for the SM/V to be heard. If the request to reschedule the informal conference is not timely and will impede the reviewer's ability to complete the HLR within the 90/125-day period, then the reviewer is not required to reschedule the conference.	
31.	**Was the requested Supplemental Claim Review completed in an accurate and timely manner?**	
	Considerations	**Citations**
	A supplemental review may be requested by the Veteran as part of the appeals process. If there is evidence of a request for a supplemental review there must be documentation that the review was completed accurately and in a timely manner.	38 CFR 21.416 M28R.III.C.3 **Response Guide** Yes, No, or NA Yes or No if 28-0995 is present. If No, select one or more Reasons (A-B). NA if 28-0995 is not present.
31.A	**The requested review was not completed accurately.**	
	Considerations	**Citations**
	The QA review will assess the accuracy of the decision and compliance with procedures outlined in M28R.III.C.3, including: • The review includes new and relevant evidence that was not considered when the original decision was made. • The SM/V submitted VAF 20-0995 to the RO of jurisdiction • VAF 20-0995 is date stamped as soon as it is received, and information is entered into Caseflow. • Two possible outcomes: uphold the decision or overturn the decision.	38 CFR 21.416 M28R.III.C.3
31.B	**The review was not completed in a timely manner (125 days or less from date of request or identification of a Duty to Assist error).**	
	Considerations	**Citations**
	All SCRs must be completed; a decision rendered; and the SM/V informed of the decision in writing within 125 days from the receipt of VAF 20-0995.	38 CFR 21.416 M28R.III.C.3

☐ **IPERA** (For tracking only. Not included in score. Answering No does not result in a fiscal error.)	
32.	**Was the correct amount paid?**
32.A	**An overpayment was made requiring correction or documentation of an Admin Error if appropriate. List amount if known.**

32.B	**An overpayment was made as a result of an Admin Error, which is correctly documented. List amount if known.**
32.C	**An underpayment was made requiring correction. List amount if known.**

☐ General Comments

This section is used to note any other issues in the case that are not addressed above. This section does not count as an error, but analysis of noted issues may lead to additional items being added to the review instrument.