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Chapter 3 CASE TRANSFERS

3.01 Introduction

This chapter covers general information related to the proper interregional and intraregional transfer of Vocational Rehabilitation and Employment (VR&E) cases. It provides the guidelines and procedures for transferring a Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

3.02 References and Resources

Laws: 38 United States Code (U.S.C.) 3104
38 U.S.C. 3107

Regulations: 38 Code of Federal Regulations (CFR) 3.105
38 CFR 21.94
38 CFR 21.370
38 CFR 21.372
38 CFR 21.410
38 CFR 21.412
38 CFR 21.414
38 CFR 21.430

VA Forms (VAF): FL 28-72, Request to the Other Regional Offices to Accept Transfer of Veterans for Training under Chapter 31, Title 38 U.S.C.
RS-023, Request to Transfer for Vocational Rehabilitation
VAF 119, Report of Contact
VAF 22-8872, Rehabilitation Plan
VAF 22-8872a, Rehabilitation Plan, Continuation Sheet
VAF 3542, Authorization to Report-Voucher
VAF 7216a, Request for and/or Notice of Transfer of Veteran's Record

3.03 General Information on Case Transfers

a. Definitions

1. Interregional Transfer

An interregional transfer is the transfer of a Veteran's CER folder from the jurisdiction of one Regional Office (RO) to another.

2. Intraregional Transfer

An intraregional transfer is the transfer of a Veteran's CER folder within the jurisdiction of an RO.

b. Guidelines for Transferring Counseling/Evaluation/Rehabilitation (CER) Folders

VR&E Officers (VREO) should make every effort to resolve issues related to interregional transfers while keeping in mind the best interests of the Veteran. Proper coordination of interregional transfers should minimize the number of disagreements among ROs regarding the transfer of cases.

1. Finality of Decision

The decisions of the transferring RO concerning entitlement in a given Veteran's case are as follows:

- (a) Final and binding upon all Department of Veteran Affairs (VA) ROs as to conclusions based on evidence on file at that time.
- (b) Not subject to any revision on the same factual basis except by duly constituted appellate authorities or except as provided in 38 CFR 21.410 and 21.414.

2. Revision of Decision

The revision or overturning of a decision based on the following actions is subject to the corresponding regulations below:

- (a) Clear and unmistakable error is 38 CFR 3.105(a).
- (b) Difference of opinion is 38 CFR 3.105(b).
- (c) Character of discharge is 38 CFR 3.105(c).
- (d) Severance of service connection is 38 CFR 3.105(d).
- (e) Reduction to a less than a compensable evaluation is 38 CFR 3.105(e).

3. Coordination Between the Transferring and Receiving Offices

A careful coordination of case transfers between the ROs is expected to result in a warm handoff versus a cold handoff and should result in the following outcomes:

- (a) Enhanced VR&E support to the Veteran.
 - (b) Enhanced communication and coordination between ROs to facilitate acceptance of case transfers.
 - (c) Reduced likelihood of the Veteran losing enrollment status in a training facility.
 - (d) Minimized amount of time for a Veteran to resume vocational rehabilitation services in a different jurisdiction.
4. Conditions for Case Transfers
- (a) Case in Applicant (APP) Status

A Servicemember or Veteran applies for vocational rehabilitation services and relocates to another state before he/she receives initial evaluation.

The CER folder may be transferred to the RO of jurisdiction. The case is maintained in its current status during the transfer and the pending Control Code (CC) 095, 295 or 719 is cancelled (PCAN). The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (b) Case in Evaluation and Planning (EP) Status

- (1) The Servicemember or Veteran initiates a vocational rehabilitation claim and receives initial evaluation, but relocates to another state before entitlement is established.

The CER folder may be transferred to the RO of jurisdiction. The case is maintained in its current status during the transfer and the pending CC 719 is cancelled (PCAN). The receiving office must establish a new CC 719 and the Veteran must be contacted within 10 days of receipt of the CER folder.

- (2) The Servicemember or Veteran begins the evaluation process and is found entitled to services, but relocates to another state.

The CER folder may be transferred to the RO of jurisdiction. The case remains in its current status during the transfer and the pending CC 719 is cleared (PCLR) after he/she is notified of

entitlement. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

(c) Case in Active Status

Active statuses are Extended Evaluation (EE), Rehabilitation To the point of Employability (RTE), Independent Living (IL) or Job Ready (JR) Status.

- (1) The Veteran is actively participating in a plan of services, relocates to another state and agrees to continue with his/her rehabilitation program.

The CER folder may be transferred to the office of jurisdiction and the case is maintained in its current status during the transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (2) The Veteran has not actively participated in a plan of services for an extended period, relocates to another state and remains unresponsive to motivational contact.

The CER folder may not be transferred to the office of jurisdiction until contact has been established with the Veteran and he/she agrees to resume participation in his/her rehabilitation program. Motivational outreach must include telephone calls, letters, emails and inter-agency coordination. Additionally, contacts must be made to all available addresses and telephone numbers of record in the VA system. All contact attempts must be clearly documented in the CER folder.

- (3) Veteran has not actively participated in a plan of services for an extended period, relocates to another state and agrees to continue with his/her rehabilitation program.

The CER folder may be transferred to the office of jurisdiction and current status is maintained during the transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder to reevaluate plan of services.

- (4) A Veteran has been receiving employment services, relocates to another state for employment opportunities and exceeds the 18-month limit for employment services.

The CER folder may not be transferred if employment services have reached or exceed the 18-month limit. The case must be processed for discontinuance and the Veteran must be provided with the appropriate notification of actions and due process prior to case closure. The Veteran must be informed that he/she may reapply and may be eligible for limited employment services only.

- (5) A Veteran completes his/her vocational training and relocates to another state for employment opportunities.

The CER folder may be transferred to the receiving office in its current case status during case transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

(d) Case in Interrupted (INT) Status

- (1) A Veteran currently does not participate in his/her program, but has indicated his/her expected return to the program and relocates to another state.

The CER folder may be transferred to the receiving office in its current case status during case transfer. The receiving office must establish contact with the Veteran within 10 days of receipt of the CER folder.

- (2) A Veteran currently does not participate in his/her program, has not responded to attempted contacts and relocates to another state.

The CER folder may not be transferred to the office of jurisdiction until contact has been established with the Veteran and he/she agrees to resume participation in his/her rehabilitation program.

5. Exceptions

A Veteran who relocates to a foreign country may not continue to receive VR&E services unless he/she has established a legal basis for residing in the foreign country. Refer to M28R.V.C.2 for details on residing in a foreign country. The CER folder may not be transferred until legal residence is established.

6. Other Considerations

(a) Cases with Expired Rehabilitation Plans

Prior to the case transfer, the case manager must take one of the following actions if the case has an expired rehabilitation plan:

- (1) Re-evaluate the Veteran's program and redevelop the plan, as necessary.
- (2) Update the period of services after ensuring that the plan is still appropriate and the Veteran has sufficient amount of entitlement and the plan is within his/her Eligibility Termination Date (ETD).

Note: If the Veteran does not respond to attempted contacts, the case may not be transferred. The case manager must start the process for discontinuance.

(b) Veteran Relocates without Informing the Case Manager

An RO must not automatically transfer the Veteran's case in an active case status to the RO having jurisdiction over the Veteran's new residence. When an RO discovers that a Veteran has relocated to another state, the RO must send the Veteran a letter to verify the change of residence and the Veteran's intent to pursue his/her rehabilitation program.

- (1) If the Veteran does not respond to the notification letter, the RO must ensure that all efforts are taken to contact the Veteran by telephone, email or mail. If the Veteran remains unresponsive to the attempted contacts, the RO may proceed to initiate interruption of services and should send the Veteran a letter of intent to interrupt his/her case with the proper due process.

(2) If the Veteran responds to either the interruption or discontinuance letter indicating a desire to resume his/her program in another jurisdiction, the VREO of the transferring office must contact the VREO at the receiving RO prior to the case transfer. During the discussion, any issues related to the rehabilitation plan, its appropriateness, validity and the availability of previously planned services in the new area must be resolved. The discussion must be clearly documented in the Corporate WINRS Case Management System (CWINRS) Notes.

c. Disagreements with Case Transfers

1. The VREO must make every effort to resolve issues related to interregional transfers keeping in mind the best interest of the Veteran. The following are some instances in which disagreements with case transfers may occur:
 - (a) There is a disagreement with the entitlement determination made by the transferring office. Entitlement decisions rendered by a Vocational Rehabilitation Counselor (VRC) are binding unless there is a clear and unmistakable error in fact or law or if the Veteran's situation changes such that the circumstances upon which the decision was based no longer apply.
 - (b) There is a disagreement in the implementation of the Veteran's rehabilitation plan since the transferring office does not provide the type of services prescribed in the plan. In this case, the receiving office may amend the plan in accordance with 38 CFR 21.94 for specific instances that services are no longer appropriate or the services may not lead to the Veteran's suitable employment or increased independence in daily living.
 - (c) There is a disagreement in the rehabilitation plan for a self-employment plan, an Individualized Independent Living Plan (IILP) or an Individualized Written Rehabilitation Plan (IWRP) with extensive institutional training that is leading to a graduate degree.
 - (d) The Veteran resides within the RO's jurisdiction and is requesting continuation of services initiated by another office.
2. In rare circumstances, when an agreement cannot be reached, the transferring office must take the following actions:
 - (a) Outline the issues regarding the disagreement in a memorandum format. The RO Director signs the memorandum of disagreement.

- (b) Send the memorandum of disagreement with the CER folder to the Director of VR&E Service for review.

VR&E Service will review the case to resolve the disagreements and will advise the transferring RO of the appropriate transfer procedures or next steps.

3.04 Procedures for Case Transfers

- a. Coordinating Warm Handoff Prior to Case Transfer

Transfer of a CER folder must be discussed between the VREO, or their designees, of the transferring and receiving offices. This discussion should include the Veteran's present circumstances, last contact with the Veteran and the Veteran's current contact information such as address, telephone number, email address, etc. The information must be clearly documented on VAF 119. The documentation must be filed in the middle side of the Veteran's CER folder or in CWINRS Notes. All email communications regarding the transfer must also be filed in the middle side of the CER folder.

- b. Transferring Office's Responsibilities

Subsequent to confirmation that the receiving office is prepared to accept the warm handoff of the file, the transferring office must ensure the following actions are complete:

1. If the case is in EP status and an IWRP is not developed:
 - (a) Review that all collected information is clearly documented in the CER folder.
 - (b) Ensure that the vocational assessment results and documented vocational exploration activities are included for plan development.
2. If the case is in EP Status and an IWRP is developed:
 - (a) Confirm services are appropriate by ensuring that the proposed facility is contacted and rehabilitation services are appropriate.
 - (b) Assist the Veteran with his/her admission to the new facility and ensure information, records and other documents are filed in the Veteran's CER folder.
 - (c) Confirm Veteran's admission with the facility and file a copy of the admission letter in the CER folder. If an admission letter is not available or typically not issued by the facility, the rehabilitation plan should be noted to reflect that admission to the facility has been confirmed.
 - (d) If the Veteran's case remains in EP status or his/her plan needs redevelopment, assist the Veteran in developing a rehabilitation plan. The plan must be comprehensively developed and coordinated with the receiving office. In addition, VA Form 28-8872a (see Appendix O, VA Forms), must be annotated as follows:

"I understand the terms of the attached rehabilitation plan are tentative and subject to modification by another VR&E office. As the Veteran, I understand I may not proceed to the facility or begin a program of services until authorized to do so by the VA."

- (e) The Veteran must sign the supplemental sheet and the plan. The original copies are filed in the Veteran's CER folder once the Veteran has been provided a copy of each.
 - (f) The transferring RO has the responsibility to authorize program expenses and to document authorization of expenditures. This authorization may exceed the level designated to case managers as specified in 38 CFR 21.430. The authorization of expenditures must also be attached to the rehabilitation plan.
3. If the case is already in a plan of services (RTE or EE status):
- (a) If the Veteran has participated in a training program within the transferring RO's jurisdiction, the transferring RO must review the case for outstanding payments such as tuition fees, books, supplies, etc. All outstanding expenses must be paid or settled prior to the case transfer.
 - (b) Ensure the FL 28-72 is completed.
 - (c) Ensure that RS-023 is completed.
 - (d) Transfer the CER folder, including the rehabilitation plan, the itemized anticipated program expenditures and completed RS-023 to the receiving office.
4. Prepare VAF 7216a and deliver it to the Administrative Activity (Veteran's Service Center) for the transfer of the claims folder.
5. Prepare VAF 3542, if necessary.
6. Clear or cancel, as appropriate, all pending issues, future diary and employee controls.
7. Change the CER folder location in Benefits Delivery Network (BDN) and in CWINRS.
- c. Receiving Office's Responsibilities
- 1. Upon receipt of the Veteran's CER folder and all necessary supporting documentation, the VREO must:
 - (a) Review the CER folder and determine if any incomplete actions are required of transferring office.

- (b) Coordinate with the VREO of the transferring office regarding any incomplete items.
 - (c) Assign the case to a local case manager for continuation of plan development or service delivery.
2. Once transfer is accepted, the receiving office's assigned case manager must:
- (a) Send a letter to the Veteran immediately to inform him/her of receipt of his/her CER folder and his/her scheduled appointment.
 - (b) If plan has not been developed, review the vocational assessment results, if any, and conduct vocational exploration with the Veteran.
 - (c) If plan has been developed, review the rehabilitation plan with the Veteran.
 - (d) If necessary, update the estimated costs associated with the Veteran's program for the year or the period for which the Veteran is training within the RO's jurisdiction.
 - (e) Acquire authorization to exceed the program expense limit due to an update in the estimated costs, if necessary.
 - (f) Update the Responsible Employee and CER Folder Location in CWINRS and the Chapter 31 Master Record in BDN. If necessary, establish appropriate controls (see procedures outlined in M28R.III.A.2).
 - (g) Ensure that payment is processed when travel at Government expense has been authorized on VAF 3542.
- d. If Receiving Office Believes Case Transfer is Not Appropriate

The VREO of the receiving office must take the following actions after reviewing the Veteran's CER folder and deciding that the interregional transfer is not acceptable:

1. Immediately notify the VREO of the transferring station.
2. Complete endorsement one on RS-023 to reflect the transfer is not acceptable. The reason(s) for non-acceptance must be outlined in the remarks section of the form.
3. Attach RS-023 to the CER folder and return it to the transferring office.
4. In CWINRS, go to the folder for Case Management. On the dropdown box, select View Pending Case Transfers. Select the case and click Reject. Type in the justification for the action taken. The M35 screen for the CER folder location in BDN is updated after the action is taken.

3.05 Case Status for Transfers

a. Case Status Change

Case status change is not allowed during the process of transferring any CER folders to another jurisdiction. All cases must remain in their current statuses during the case transfer.

b. Pending Codes

All pending CC 095, 295, 719 must be cancelled (PCAN) when a Veteran initiates a claim for vocational rehabilitation services, entitlement has not been established and the Veteran relocates to another jurisdiction.

3.06 Veteran's Transfer Expenses

a. Interregional Transfer at Government Expense

A Veteran may need to transfer from the jurisdiction of one VA facility to another in order to accomplish rehabilitation. Travel is limited to Veteran's transportation and does not include transportation for the Veteran's dependents or for moving personal effects. The case manager must approve the travel prior to authorization. Authorization of travel at government expense is allowed under the following conditions as outlined in 38 CFR 21.372:

1. To enter training in the nearest satisfactory facility.
2. To enter training in the state in which the Veteran has long-standing family and social ties and in which he/she plans to live following rehabilitation.

3. To report to an employer/trainer when all necessary steps have been taken to establish an on-the-job training program.
 4. To report to a rehabilitation facility.
 5. To return to his/her home from a place of training if training is not available for a period of 30 days or more and travel from his/her home to the place of training or rehabilitation services was at government expense.
 6. To return to the place of training or rehabilitation from his/her home when the purpose of travel is to continue training or rehabilitation services and travel to the place of training or rehabilitation services to the Veteran's home was at government expense.
 7. To return to the point from which he/she was transferred at government expense upon being assigned to Discontinued (DIS) or INT status for any reason, except abandonment of training by the Veteran without good reason.
 8. To report for satisfactory employment or a prearranged employment interview following completion of a program of vocational rehabilitation when there are no satisfactory employment opportunities in the Veteran's jurisdiction and the Veteran has a Serious Employment Handicap (SEH).
 9. To return to his/her home, if transferred at government expense to pursue training, when, upon completion of his/her course of study, satisfactory employment is not available.
 10. To return to the location from which he/she traveled without authorization because VA did not issue the necessary travel authorization on a timely basis.
- b. Intraregional Transfer at Government Expense

A Veteran may need to transfer within the jurisdiction of an RO to accomplish rehabilitation. Travel is limited to Veteran's transportation and does not include transportation for the Veteran's dependents or for moving personal effects.

The case manager must approve the travel prior to authorization. The procedure for travel authorization is the same as authorization for beneficiary travel using VAF 3542. Authorization of travel at government expense is allowed under the following conditions as outlined in 38 CFR 21.370:

1. To report to a prospective employer/trainer for an interview.

2. To report to a school or training facility for a personal interview that is required by the school as a condition for admission.
 3. To report to a rehabilitation facility.
 4. To return home from the training or rehabilitation facility when services are not available for 30 days or more and travel from home to the training or rehabilitation facility was at government expense.
 5. To return to the training or rehabilitation facility from home when the purpose of travel is to continue the rehabilitation program and travel from the training or rehabilitation facility to the Veteran's home was at government expense.
 6. To return to the point from which he/she was transported at government expense upon being assigned to DIS or INT status for any reason, except abandonment of training by the Veteran without good reason.
 7. To report to a place of prearranged employment upon completion of vocational rehabilitation for the purpose of beginning work.
 8. To return home from the place of training following rehabilitation to the point of employability when suitable employment is not available.
 9. To return from the place of training to the Veteran's prior location, when VA could have approved travel to the place of training at government expense, but did not issue the necessary travel authorization.
 10. To report for a scheduled examination required in practicing the trade or profession for which the Veteran has been trained. If there is more than one possible test site, travel is limited to the nearest location.
- c. Attendant Travel

Attendant travel may be authorized when the services of an attendant are necessary due to the severity of the Veteran's disability(s). Attendants may only be used to enable a Veteran to attend appointments for initial evaluation, counseling or intraregional or interregional travel at government expense. Authorization of attendant travel at government expense is allowed under certain conditions as outlined in 38 CFR 21.374:

1. Payment is authorized on the same basis as for the Veteran the attendant is accompanying.

2. Authorization includes transportation (either common carrier or mileage), meal and lodging expenses.
3. Family members, defined as a person who is related to the Veteran by blood or marriage, are not eligible for this benefit.
4. VA may authorize a person who is in the regular civilian employment of the Federal government to act as an attendant. In this situation, he/she is entitled to transportation and expenses or per diem in place of subsistence in accordance with the provisions of the Federal Travel Regulations.
5. If not authorized, then civilian employees of the Federal government who act as attendants are not eligible for this benefit.