

Chapter 3
GUIDELINES FOR THE DEVELOPMENT AND
ADMINISTRATION OF AN EXTENDED EVALUATION PLAN

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Chapter 3
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3.01 Introduction

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program provides all applicants with an initial evaluation to determine entitlement to services and to identify the services necessary for the applicant to reach his/her goal. In instances where it is not immediately clear if the achievement of a vocational goal is currently reasonably feasible, VR&E provides a period of extended evaluation. During this period, the Vocational Rehabilitation Counselor (VRC) and Veteran develop a plan of services designed to determine feasibility. This chapter will provide information on the laws and regulations that govern the delivery of extended evaluation plans, an overview of the extended evaluation process, steps in the development and administration of an extended evaluation plan and procedural guidance on the delivery of rehabilitation services.

3.02 References and Resources

- Laws: 38 United States Code (U.S.C.) 3101
 38 U.S.C. 3104
 38 U.S.C. 3105
 38 U.S.C. 3106
 38 U.S.C. 3111
- Regulations: 38 Code of Federal Regulations (CFR) 21.35
 38 CFR 21.53
 38 CFR 21.57
 38 CFR 21.74
 38 CFR 21.86
 38 CFR 21.188
 38 CFR 21.266
 38 CFR 21.362
 38 CFR 21.364
 38 CFR 21.420
- VA Forms (VAF): VAF 119, Report of Contact
 VAF 28-0957, Vocational Rehabilitation Guidelines and
 Debt Prevention
 VAF 28-1902b, Counseling Record - Narrative Report
 VAF 28-1902n, Counseling Record - Narrative Report
 (Supplement Sheet)

VAF 28-8872, Rehabilitation Plan
VAF 28-8872a, Rehabilitation Plan - Continuation Sheet
VAF 4107, Your Right to Appeal Our Decision

3.03 Extended Evaluation Overview

a. Definitions

38 U.S.C. 3101 and 38 CFR 21.35 provide definitions to the most commonly used terms in the VR&E program. The terms most commonly used in the delivery of an extended evaluation plan are:

1. Serious Employment Handicap (SEH)

SEH is defined as a significant impairment of a Veteran's ability to prepare for, obtain or retain employment consistent with his/her abilities, interests and aptitudes.

2. Vocational Goal

A vocational goal is defined as gainful employment that is consistent with the Veteran's abilities, aptitudes and interests.

3. Achievement of a Vocational Goal

The VRC must determine if the achievement of a vocational goal is feasible based on the findings from the initial evaluation. There are two possible outcomes:

(a) The achievement of a vocational goal is reasonably feasible when the effects of the Veteran's disability(ies), both service and non-service-connected, do not prevent the Veteran from pursuing a Vocational Rehabilitation program and becoming gainfully employed in a suitable occupation.

(b) The achievement of a vocational goal is not currently reasonably feasible when the effects of the Veteran's disability(ies), both service and non-service-connected, prevent the Veteran from pursuing a vocational goal, or the effects of the disability(ies) are expected to worsen within the period needed to achieve a vocational goal.

b. Purpose

38 CFR 21.57 states that the purpose of an extended evaluation is to determine whether it is currently reasonably feasible for a Veteran with an SEH to achieve a vocational goal. The VRC makes the determination that a period of extended evaluation is necessary when feasibility cannot readily be determined based on the information obtained in the initial evaluation.

c. Duration

Per 38 U.S.C. 3105 and 38 CFR 21.74, extended evaluations must be at least two weeks long, but may not exceed 12 months unless a longer period is necessary to determine whether achievement of a vocational goal is reasonably feasible. The VRC can approve the initial 12-month extended evaluation period, but the VR&E Officer must approve any extensions of that period. Up to two additional six-month periods of extended evaluation may be approved if there is reasonable certainty that the feasibility of achieving a vocational goal can be determined during this period. Any request for an extension beyond the basic period of 12 months must be justified by a discussion of the Veteran's circumstances and the issues related to the feasibility of achieving a vocational goal. This justification must be documented in narrative form on VAF 28-1902b, Counseling Record - Narrative Report, or VAF 28-1902n, Counseling Record - Narrative Report (Supplemental Sheet) and placed on the right side of the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder. See Appendix O, VA Forms, for information on how to access VAFs.

It is important to note that Veterans who served during Operation Iraqi Freedom (OIF) and/or Operation Enduring Freedom (OEF) can be provided with an initial extended evaluation plan of 18 months if the severity of the Veteran's disabilities warrants additional time to make the determination of feasibility. VR&E Officer concurrence is required. These types of plans require that the following information be documented on VAF 28-1902b or VAF 28-1902n and placed on the right side of the CER folder:

- Veteran's Name and Social Security Number (SSN)
- Station Number
- Case Manager Number
- Date the Individualized Extended Evaluation Plan (IEEP) is signed
- Number of months of planned service under the IEEP
- All independent living (IL) services as a part of the IEEP

- Was the individual on active duty when the IEEP was signed
- Was the individual hospitalized at a military treatment facility when the IEEP was signed

d. Services

Services approved under an extended evaluation plan must logically contribute to determining whether the Veteran meets the conditions of feasibility. 38 U.S.C. 3104 outlines the services provided during a rehabilitation program administered by VR&E. A variety of services are available for use during an extended evaluation, to include:

1. Diagnostic and Evaluative Services

- Assessment of physical limitations and abilities
- Assessment of cognitive limitations and abilities
- Aptitude testing
- Mental health services
- Assistive technology assessment

2. Services to Improve the Veteran's Ability to Attain a Vocational Goal

- Situational assessments
- Work hardening
- VA work-study
- Volunteer activities
- Compensated Work Therapy (CWT)

3. Services to Improve the Veteran's Ability to Achieve Maximum Independence in Daily Living

- Occupational therapy
- Physical therapy

- IL needs assessment
- Assistive technology assessment

4. Academic Programs

Academic coursework may be an appropriate part of an extended evaluation plan, but services cannot consist solely of academic programs. In general, the IEEP should consist of no more than one term of academic coursework. However, one additional academic term may be approved if the reason for the additional term is not solely for the purpose of determining academic potential. When considering if an additional academic term is appropriate, the VRC must:

- Determine that additional diagnostic and/or evaluative services are needed
- Ensure that the second academic term is authorized in conjunction with these additional diagnostic and/or evaluative services
- Address all feasibility concerns during the second academic term
- Submit written documentation regarding the need for additional services that specifies how the additional services will assist in the determination of feasibility
- Obtain concurrence from the VR&E Officer

5. Subsistence Allowance

Per 38 CFR 21.266, a Veteran participating in an extended evaluation program can receive a subsistence allowance. The allowance is paid in accordance to 38 CFR 21.260.

6. Supplies

Supplies are furnished to enable an individual to pursue rehabilitation and achieve the goals of his/her program. Supplies include books, tools and other supplies and equipment which VA determines are necessary for the completion of the rehabilitation program. See 38 CFR 21.210 and M28R.V.A.4 for additional information on furnishing supplies.

3.04 Extended Evaluation Plan Development and Implementation

The following information outlines the development of an extended evaluation plan.

a. Analyses of the Veteran's Needs

Using information gathered during the initial evaluation, and in collaboration with other service providers, analyses of the following factors are conducted to determine the services needed to assist with the determination of feasibility:

- Functional capacity/limitations
- Work tolerance
- IL needs
- Education/training needs

b. Individualized Extended Evaluation Plan (IEEP)

All rehabilitation plans have common elements, but the VRC must individualize the elements to fit the Veteran's identified needs. The elements of an IEEP are:

1. Program Goal

Per 38 CFR 21.86, the program goal for an IEEP is to determine if the achievement of a vocational goal is currently reasonably feasible. If possible, a specific occupational goal or occupational cluster and a three-digit Dictionary of Occupational Titles (DOT) code are included. However, if the VRC is utilizing a fast track IEEP, or if the goal is not clearly defined, the use of DOT code 999 is permissible.

2. Intermediate Objectives

Intermediate objectives identify secondary goals that contribute directly to the achievement of the program goal. Per 38 CFR 21.86, the intermediate objectives for an IEEP must relate to the issues/questions that have to be resolved for the VA to determine the current reasonable feasibility of achieving a vocational goal. The VRC must ensure that each objective:

- Is clear and easily understood

- Relates to achieving the goal
- Is observable and can be evaluated
- Has a measurable outcome

3. Anticipated Completion Date

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.

4. Services

There are a number of services that can be provided during an IEEP. See section 3.03d of this chapter for examples of these services.

The description of documented services must be:

- Specific and detailed
- Clear and unmistakable as to their relationship to a particular intermediate objective

5. Duration of Services

Duration of services specifies a start and end date for each intermediate objective.

6. Service Providers

Services can be provided by a variety of sources, to include:

- VR&E
- Veterans Health Administration (VHA)
- Rehabilitation facilities
- IL Centers
- Medical personnel
- Education/training facilities

The rehabilitation plan must list the contact information of the individual(s) providing services and include the following information:

- Name
- Address
- Telephone number
- Email address, if available

7. Evaluation Information

This section provides information on how the Veteran's progress will be measured during the rehabilitation process and provides an evaluation schedule. The following sources may be used to establish the evaluation criteria:

- College transcripts
- Training progress reports
- Medical records
- Self-report by the Veteran and/or the Veteran's family
- Other sources as appropriate

This section outlines the terms that will be used to measure satisfactory conduct, as required by 38 U.S.C. 3111. The VRC and Veteran must collaborate on the development of these terms since the successful development and implementation of a rehabilitation plan requires the full and effective participation of the Veteran in the rehabilitation process. See 38 CFR 21.362 and 21.364 for additional information and guidance on measuring conduct.

8. Progress Notes

Progress notes provide a place to document any additional information related to the plan.

It is important to note that when a court, with proper jurisdiction, has appointed a legal guardian or custodian for the Veteran, VR&E must develop the plan in consultation with the guardian or custodian.

c. Levels of Case Management

There are three levels of case management based on the individual's needs. For those Veterans participating in an IEEP, the case management level must be either:

1. Level 2

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

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

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

2. Level 3

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

- Participation or placement in IL, rehabilitation workshops, special rehabilitation facilities, or Chapter 35 Special Restorative Training
- Chronic, inappropriate conduct and cooperation
- Behavior in violation of training establishment policies
- Severe impairments due to medical or neuropsychological condition(s)

- Substance abuse issues
- Homelessness
- Incarceration or threatened incarceration

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

d. Corporate WINRS (CWINRS) Activity

CWINRS activity requires updates to the claims processing and disposition tabs prior to the development of the Individualized Extended Evaluation Plan (IEEP). This is accomplished through the following steps:

- Ensuring that the Serious Employment Handicap indicator is set to "Yes" by using the Update Disposition function on the Claim Processing tab
- Entering the date that Evaluation and Planning status is closed.
- Selecting Entitlement Code from the drop-down list.
- Selecting the correct Rehabilitation Claim Disposition from the drop-down list.
- Allowing CWINRS default selection of Award Payment System.
- Entering Pre-Rehab Salary using 4 digits, with the maximum entry of 9999.

When the VRC and the Veteran agree upon the services to be provided during the IEEP, the VRC must complete the rehabilitation plan data fields under the REHAB tab of CWINRS, performing the following steps:

1. On the Rehab Tab, select Add Plan to enable the Plan functionality.
2. Select program plan IEEP.
3. Select Employment Through Long-Term Services from the track selection drop-down option.
4. Set program cost limit.
5. Enter the annual review date.

6. Enter the Plan Modified date.
 7. Chose "no" under self-employment (SE) goal.
 8. Set level of case management, which is listed as Supervision Level in CWINRS (Level 2 or 3).
 9. Enter the DOT code if known. If not, the use of DOT code 999 is permissible.
 10. Enter the program goal.
 11. At this point, the VRC must click OK to save the plan, then to add individual objectives using functionality on the Rehabilitation Plan screen.
 12. Click OK to save.
 13. Click Print Plan to print VAF 28-8882, Rehabilitation Plan, and VAF 28-8872, Rehabilitation Plan Continuation Sheet (see Appendix O, VA Forms, for information on how to access VA Forms).
 14. Prepare High Cost Memo as needed based on approval levels for program costs (see M28R.IV.C.1 for information on cost approval levels).
 15. Use "Print Letters" to generate VAF 28-0957, Vocational Rehabilitation Guidelines and Debt Prevention.
 16. Update CWINRS case status to extended evaluation (see 38 CFR 21.188 for additional information on extended evaluation status). This action will automatically update the Benefits Delivery Network (BDN) with the DOT code.
- e. Complete the Orientation Process

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

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

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

Following orientation, the VRC and the Veteran must sign the rehabilitation plan and VAF 28-0957. The originals are placed in the right side of the CER folder, and copies are provided to the Veteran.

f. Documentation of the Planning and Orientation Process

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

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

g. Implementation of the IEEP

After these actions are complete, implement the services identified in the plan. Document all case activity in CWINRS notes or on VAF 119, Report of Contact. See Appendix O, VA Forms for information on accessing VA Forms.

See M28R, Part V, Section A for detailed information on plan implementation.

3.05 Outcomes of Extended Evaluation Plans

There are three possible outcomes of an IEEP.

a. The Achievement of a Vocational Goal is Reasonably Feasible

38 CFR 21.53 states that the achievement of a vocational goal is reasonably feasible when the following conditions are met:

1. A vocational goal has been identified, and
2. The Veteran's physical and mental conditions permit training for the goal to begin within a reasonable period, and
3. The Veteran possesses the skills to pursue the vocational goal, or VR&E will provide the training necessary to achieve the goal.

When the outcome of the IEEP indicates that the achievement of a vocational goal is reasonably feasible, the VRC and Veteran will work together to develop an appropriate rehabilitation plan with a goal of employment.

b. The Achievement of a Vocational Goal is Not Currently Reasonably Feasible

When the outcome of the IEEP indicates that the achievement of a vocational goal is not currently reasonably feasible, the VRC must consider the need for IL services and develop a program of IL services if appropriate.

If it is determined that IL services are not warranted, then the VRC must:

- Obtain VR&E Officer's concurrence on the decision that IL services are not warranted, and
- Provide the service center with a copy of the VAF 28-1902b explaining the facts of the case (if the Veteran has a disability rating of less than 100%), and
- Begin the discontinuance process (see M28R.V.A.7 for detailed information on how to discontinue a case)

It is important to note that finding that the achievement of a vocational goal is infeasible without a period of extended evaluation requires compelling evidence which establishes infeasibility beyond any reasonable doubt.

c. It is Not Clear if the Achievement of a Vocational Goal is Currently Reasonably Feasible

In rare instances, the services provided during the period of extended evaluation do not lead to a definitive determination of feasibility. In this situation, 38 U.S.C. 3106 states that VR&E must resolve any reasonable doubt in the Veteran's favor by determining that achievement is currently reasonably feasible.

3.06 Informing the Veteran

The determination of reasonable feasibility of achieving a vocational goal must be made at the earliest time possible during the extended evaluation program but no later than the end of the extended evaluation period or an extension of that period. This notification must be made to the Veteran and his/her representative, if applicable, in writing per 38 CFR 21.420. If possible, also provide notice in person.

The notification must include the following information:

- Decision or findings
- Reasons supporting the decision, including all facts, laws and regulations considered
- Effective date of the decision
- Appeal rights via VAF 4107, Your Right to Appeal our Decision, when appropriate (see Appendix O, VA Forms, for information on how to access VA Forms)

It is important to note that finding that the achievement of a vocational goal is not currently reasonably feasible is not considered an adverse action and, therefore, does not require the delivery of appeal rights. However, a determination that IL services are not warranted following a finding that achievement of a vocational goal is not currently reasonable feasible is considered an adverse action and does require the delivery of appeal rights. In this situation, the Veteran must be provided due process, including a notice of proposed adverse action, before the rehabilitation program is discontinued. The Veteran has the right to an administrative review or appeal under 38 CFR 21.59 regarding issues of eligibility or entitlement.