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TESTIMONY OF
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BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
OF THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

OVERSIGHT HEARING ON THE TOPIC OF:
"A REVIEW OF VA'S VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM"

MAY 17, 2018



Chairman Arrington, Ranking Member O'Rourke, and Members of the Committee:

Thank you for inviting Student Veterans of America (SVA) to submit our testimony on the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment Program (VR&E). With more than 1,500 chapters representing more than 1.1 million student veterans in schools across the country, we are pleased to share the perspective of those directly impacted by the subjects before this committee.

Established in 2008, SVA has grown to become a force and voice for the interests of veterans in higher education. With a myriad of programs supporting their success, rigorous research on ways to improve the landscape, and advocacy throughout the nation, we place the student veteran at the top of our organizational pyramid.

Introduction/History

The intent of VR&E is to provide services to eligible servicemembers and veterans with service-connected disabilities to help them prepare for, obtain, and maintain suitable employment, or to achieve independence in daily living.¹ The end goal of VR&E is employment. Veterans work with a Vocational Rehabilitation Counselor to select one of five employment tracks: (1) Reemployment with a Previous Employer, (2) Rapid Access to Employment, (3) Self Employment, (4) Employment Through Long-Term Services, and (5) Independent Living Services.²

VR&E has been an important component of veterans' reintegration since Congress instituted a veterans benefits system upon U.S. entry into World War I in 1917.³ In 1953, the Department of Veterans Benefits became part of the Veteran's Administration.⁴ The *Veterans' Benefits Act of 1962* authorized peacetime VR&E. The *Vietnam Era Veterans' Readjustment Assistance Act of 1974*, which amended the 1962 law, provided similar benefits to those offered during other wars.

As part of the *GI Bill Improvement Act of 1977*, Congress required VA to perform a study of its vocational rehabilitation program. In response, Congress passed the *Veterans' Rehabilitation and Education Amendments of 1980*. The program's purpose changed; focus turned to enabling veterans with service-connected disabilities to achieve maximum independence in daily living and to the maximum extent possible, to become employable and able to maintain suitable employment.

In 1986, the Vocational Rehabilitation and Counseling Service and Education Service were combined into Vocational Rehabilitation and Education Service. More changes followed the VA becoming a cabinet agency in March 1989. In 1990, the Vocational Rehabilitation and Education Service became the Vocational Rehabilitation Service. A separate Education Service was created at this time. In 1999, the name of the Central Office command and field structure became Vocational Rehabilitation and Employment Service.

The Deputy Under Secretary for Field Operations, the Deputy Under Secretary for Economic Opportunity, and the VR&E Director work together to provide VR&E services. The VR&E Service Director, who reports to the Deputy Under Secretary for Economic Opportunity, determines VR&E policy and priorities. The Deputy Under Secretary for Field Operations through five District Offices oversees and manages VR&E personnel in the 56 regional benefits offices. Importantly, the Office of Field Operations allocates employees to the Regional Offices.

¹ U.S. Department of Veterans Affairs, *Vocational Rehabilitation and Employment (VR&E)*, https://www.benefits.va.gov/vocrehab/employment_tracks.asp (last visited Apr. 30, 2018).

² *Id.*

³ Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, *The Independent Budget – Veterans Agenda for the 115th Congress (Policy Recommendations for Congress and the Administration)*, 120, http://www.independentbudget.org/2018/FY18_IB.pdf (last visited Apr. 30, 2018).

⁴ Email correspondence with Scott Lajiness, VBA-VSO Liaison, May 10, 2018. We thank Scott and his team for assisting us with our VR&E history inquiries. This correspondence provided the legislative history and background for this section.



In 2003, the Government Accountability Office (GAO) identified federal disability programs, including VR&E, as high risk due to program management difficulties.⁵ In March 2004, the Congressional Commission on Service Members and Veterans Transition Assistance's VR&E Task Force issued a report with 110 recommendations for program improvement.⁶ Important Task Force takeaways included (1) VR&E not being a Veterans Benefits Administration (VBA) priority in assisting impacted veterans return to the workforce, (2) VR&E having a limited capacity to manage its growing workload, and (3) VR&E needing a redesign for the 21st century employment environment.⁷

Although VA implemented nearly all of the Task Force's recommendations, program concerns continue. The *Veterans' Benefits Improvement Act*, which passed in 2008, included a provision requiring a 20-year longitudinal study focusing on outcomes for participants beginning rehabilitation plans in fiscal years 2010, 2012, and 2014.⁸ We appreciate VA's dedication to improving and enhancing VR&E and other benefits through study and evaluation.⁹

VR&E is an important program that continues to serve our nation's veterans. We appreciate the Office of VR&E meeting with us to discuss the program, and we look forward to ongoing collaboration to ensure the program best serves our veterans as they transition following their service. SVA appreciates the opportunity to share feedback on two VR&E-specific bills.

Key Successes

Before discussing our concerns and sharing our insights for program improvement, we want to highlight several positive reforms occurring at VR&E. VR&E's new case management system is replacing its Corporate WINRS system that has been in place for two decades.¹⁰ By utilizing a Microsoft management platform, veterans will be able to receive more efficient and effective services. After hearing from our constituents about issues coordinating and traveling to and from appointments, we are also encouraged by VR&E's increasing use of tele-counseling based on a successful St. Petersburg Regional Office pilot.¹¹

As an organization that works on behalf of service-affiliated students getting "to, through, and beyond higher education," we also applaud VR&E for the expansion of the VetSuccess on Campus Program from 94 to 105 campuses.¹² We look forward to the continued growth of this program.

Current Challenges

⁵ U.S. Government Accountability Office, *High-Risk Series: An Update*, January 2003, <https://www.gao.gov/assets/240/237065.pdf> (reporting, "The second new high-risk area involves federal disability programs, primarily those at the Social Security Administration and the Department of Veterans Affairs. Already growing, disability programs are poised to surge as baby-boomers age, yet the programs remain mired in outdated economic, workforce, and medical concepts and are not well-positioned to provide meaningful and timely support to disabled Americans.").

⁶ Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, *The Independent Budget – Veterans Agenda for the 115th Congress (Policy Recommendations for Congress and the Administration)*, 120, http://www.independentbudget.org/2018/FY18_IB.pdf (last visited Apr. 30, 2018).

⁷ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – GAO Comments on Key Task Force Findings and Recommendations*, June 2004, <https://www.gao.gov/assets/250/242861.pdf>.

⁸ 38 U.S.C. § 3122 – Longitudinal study of vocational rehabilitation programs.

⁹ U.S. Department of Veterans Affairs, *VR&E Longitudinal Study*, <https://www.benefits.va.gov/VOCREHAB/VRELongitudinalStudy.asp> (last visited May 13, 2018).

¹⁰ U.S. Department of Veterans Affairs, *Volume III – Benefits and Burial Programs and Departmental Administration*, *Congressional Submission, FY 2019*, VBA-246, <https://www.va.gov/budget/docs/summary/fy2019VAbudgetvolumeIIBenefitsBurialProgramsAndDeptmentalAdministration.pdf> [hereinafter *FY 2019 Congressional Submission*].

¹¹ *FY 2019 Congressional Submission*, at VBA-247.

¹² *FY 2019 Congressional Submission*, at VBA-249.



In recent years, we have collected stakeholder feedback on this program. Specifically, we performed a deep-dive analysis of VR&E over the past five months, including targeted feedback from stakeholders. Individual situations varied, but we classified hurdles into five main categories: (1) counselor concerns, (2) program administration, (3) process subjectivity, (4) career concerns, and (5) benefits misconceptions. The next several sections include a mix of individual anecdotes and systemic barriers permeating the program.

Counselor Issues

Counselor quality is consistently cited as the top challenge our students face. Large caseloads contribute to the lacking quality and veteran dissatisfaction. Public Law 114-223 specifies a ratio of one counselor for every 125 veterans in the program.¹³ VA acknowledges that this counselor ratio is not being met, noting how the average counselor caseload ratio was 136.4 in 2017.¹⁴ This average also reflects that some counselors may be serving less than 125 veterans while other counselors are serving much more. In March 2013, seven offices averaged fewer than 100 cases per staffer, yet eight offices averaged more than 175 cases per staffer.¹⁵ Although the 2017 case per counselor ratio is lower than it was in 2015 (138.3) and 2016 (140.0), VA must enforce the ratio requirement specified in the 2016 law.

- *Katherine S., Fort Worth, TX, University of Texas – Arlington:* “As it stands, the future of a veteran depends on the opinion of a counselor. The trouble with opinions are, not only are they subjective for the counselor and relative to each veteran, but, in my experience, neither the veteran or a substantiated medical opinion seems to be able to influence the counselor’s belief. No one person should have that much sovereignty over another, especially when it is based on the whim of a personal opinion.”
- *Wayne M., Los Angeles, CA, California State – Los Angeles:* Underscoring the need for more counselors, he says, “they want to help more, but all of them in California are overloaded.”

Students also experience counselor continuity hurdles. The GAO determined that VR&E participants who work with more VR&E personnel over time are less likely to achieve suitable employment, revealing “veterans who worked with four staff were 27 percentage points less likely to achieve success within 8 years of program entry, compared to those who worked with only one staff member.”¹⁶ Addressing this counselor staffing disparity would presumably also help lower the number of program re-entries, which included 37 percent across three studied cohorts in FY 2016.¹⁷

We are concerned by VA’s 2019 VR&E budgetary request for \$257.6 million as this request is \$59.3 million lower than the 2018 level.¹⁸ VA states that the sizable decrease in the VR&E funding request is a result of the favorable pricing of the new Transition Assistance Program contract.¹⁹ While we recognize the potential cost savings associated with a new program, we do not accept the rationale for not requesting additional Full-Time Employees to help with the program.²⁰ The current estimate for 2018 is 1,589 Total FTE, and the request for 2019 is also

¹³ *Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act*, Public Law 114-223, Sept. 29, 2016, <https://www.congress.gov/114/plaws/publ223/PLAW-114publ223.pdf>.

¹⁴ *FY 2019 Congressional Submission*, at VBA-244.

¹⁵ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 9, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

¹⁶ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 5, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

¹⁷ EconSys, *Vocational Rehabilitation and Employment (VR&E) Longitudinal Study (PL 110-389 Sec. 334)*, E-10, July 31, 2017, <https://www.benefits.va.gov/VOCREHAB/docs/2016LongStdy.pdf>. [hereinafter 2017 Longitudinal Study].

¹⁸ *2019 Congressional Submission*, at VBA-239.

¹⁹ *FY 2019 Congressional Submission*, at VBA-240.

²⁰ *FY 2019 Congressional Submission*, at VBA-240.



1,589.²¹ In light of continued feedback about not enough counselors, we question why more funding and resources are not being maximized to address this staffing gap.

Counselor training is another area of serious concern. We support VA's requirements for counselors and counseling psychologists to hold a master's degree or higher in Rehabilitation Counseling or a related field with a minimum of 30 hours of specific coursework.²² We also appreciate the growing emphasis on professional credentialing, including Certified Rehabilitation Counselor, Certified Veterans Rehabilitation Counselor, Licensed Professional Counselor, and National Certified Counselor.²³

In addition, counselors would benefit from track-specific training. Receiving training about entrepreneurship and changing academic requirements and demands would contribute to program satisfaction and successful rehabilitations. GAO previously reported ongoing training deficiencies,²⁴ including knowledge gaps regarding job placement and workplace accommodations. We were extremely discouraged by a senior VR&E Official's response to our inquiry about track-specific training. One VA program official stated, "The counselors know the tracks extremely well without having a VA specific training on each one of them."²⁵

Such response directly contradicts what individual veterans are experiencing in many cases. One student emphasizes how counselors need to be trained about the self-employment track, "It seems like one of the biggest obstacles is that my counselor doesn't know how to go forward with the self-employment track mostly because she has never done it before." Another student says VR&E must "hold VR&E counselors accountable for working outside their scope of practice."

Program Administration

Program control and ownership is a major barrier. Although VR&E is supposed to be a collaborative effort between VR&E and the Office of Field Operations, divided responsibility and authority is ineffective. The Office of Field Operations maintains oversight responsibility and management for the field operation.²⁶ While VR&E can implement policy and procedures, VR&E does not have control over regional office structure and individual counselors.

The M28R, VR&E Employment Manual,²⁷ as well as VR&E Job Support Tools,²⁸ are available resources to help educate and inform counselors and other personnel about their roles and responsibilities. Such resources provide important information regarding application processing, evaluation and entitlement, as well as plan development. However, policies and manuals are only successful when combined with management, oversight, and enforcement mechanisms.

VA agreed with the GAO recommendation that the VR&E Office must work with the Office of Field Operations to collect information about the varying approaches and report on which approaches are most successful in terms of

²¹ FY 2019 Congressional Submission, at VBA-240.

²² FY 2019 Congressional Submission, at VBA-241.

²³ FY 2019 Congressional Submission, at VBA-241.

²⁴ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 10, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

²⁵ Email correspondence with Senior VA Official, Apr. 16, 2018.

²⁶ Email correspondence with Scott Lajiness, VBA-VSO Liaison, May 10, 2018. Mr.Lajiness noted how this organizational structure is noted in Office of Field Operations Letter 20-02-41, VBA Reorganization.

²⁷ U.S. Department of Veterans Affairs, M28R, *Vocational Rehabilitation and Employment Service Manual*, <https://www.benefits.va.gov/WARMS/M28R.asp> (last visited May 13, 2018).

²⁸ U.S. Department of Veterans Affairs, *Vocational Rehabilitation & Employment Job Support Tools*, https://www.vba.va.gov/bln/vre/epss/VRE_JST/index.html (last visited May 13, 2018).



suitable employment and veteran satisfaction.²⁹ Before this Subcommittee on February 27, 2014, VR&E Director Jack Kammerer stated, “VR&E Service is designing the staffing model to account for regional factors impacting performance, and together with the Office of Field Operations, we will revisit the metrics used in the resource allocation model to ensure continued validity and data integrity.”³⁰ We request an update on the metrics and resource allocation model being used because problems persist more than four years later.

- *Johnny P., McGaheysville, VA, Vermont College of Fine Arts:* “Never before have I seen a VA program seemingly designed to prevent veterans from using it – the hoops to clear to participate are daunting, and eligible veterans in need suffer during the time consuming application process.”

The recent VA Office of the Inspector General Audit of VR&E Subsistence Allowance Payments³¹ raises concerns. After evaluating a sample of 120 subsistence allowances for November 2016 and identifying four errors of overpayments and underpayments in 120 payments, the Office decided to limit the audit’s scope and to offer no recommendations.³² This report release on March 15, 2018 came out weeks after 11,000 VR&E participants experienced disbursement delays.³³ These late disbursements impact whether our students are able to pay for basic living necessities like housing and food. We encourage VR&E to identify what caused this delay and ensure it does not happen again.

- *Jill W., Ada, OK, East Central University:* “[C]onsistently, VR&E’s procedure for processing invoices is not effective. Our school takes from first available funds when processing financial aid, and VR&E is always the last to pay.... I understand that VR&E counselors have to check the invoices, especially for books and supplies, before forwarding them to finance, but the amount of time it is taking puts VR&E participants at a huge disadvantage compared to Post-9/11 students, whose tuition and fees are paid in a timely manner.”
- *Mark B., Washington, D.C., Johns Hopkins University:* “My student loans were held by Johns Hopkins for 8 months because it took Voc Rehab 8 months to pay tuition to Hopkins.”

Process Subjectivity

VR&E is marked by inconsistent treatment for similarly situated parties. While individualized plans are a VR&E positive, the emphasis on individualization often results in students receiving different approvals based on who their counselors are.

- *Cristy B., Waterford, MI, Wayne State University:* In referencing the inconsistencies, she discusses a common situation, “‘My VRC did this for me but didn’t do that,’ while others are getting this and that.”
- *Francheska S., Annapolis, MD, Anne Arundel Community College:* “There is a huge disparity in equality between vocational rehabilitation programs. For example, Voc Rehab will only pay for my associates since I

²⁹ See U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 10, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf> (noting how VA concurred with GAO’s recommendation that “VA collect information on the regional offices’ approaches for managing their VR&E workloads, assess their advantages and disadvantages, and use the results of this assessment to provide guidance to the offices.”).

³⁰ Jack Kammerer, *Prepared Statement RE Oversight Hearing on the Topic of “A Review of the Effectiveness of VA’s Vocational Rehabilitation and Employment Program,”* HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 57, Feb. 27, 2014, <https://www.gpo.gov/fdsys/pkg/CHRG-113hhrg87668/pdf/CHRG-113hhrg87668.pdf>.

³¹ VA Office of Inspector General, *Audit of Vocational Rehabilitation and Employment Program Subsistence Allowance Payments*, VETERANS BENEFITS ADMINISTRATION, Mar. 15, 2018, <https://www.va.gov/oig/pubs/VAOIG-16-05121-110.pdf>.

³² *Id.* at 3.

³³ Emily Wax-Thibodeaux, *11,000 disabled student veterans left without rent and expense money due to computer glitch*, THE WASHINGTON POST, Feb. 2, 2018, <https://www.washingtonpost.com/news/checkpoint/wp/2018/02/02/11000-disabled-student-veterans-left-without-rent-and-expense-money-due-to-computer-glitch/>.



am employable as a paralegal. In contrast, my fellow veterans are able to attend law school courtesy of Voc Rehab. When I addressed this disparity with my counselor, the answer I consistently received is as follows: ‘We are here to employ you not educate you.’”

- *Bruno M., Las Vegas, NV, University of Nevada Las Vegas:* After seeing many of his friends and colleagues able to use VR&E for graduate school, he emphasizes the need for clarity regarding “access to graduate level degrees.”

Career Concerns

Career concerns fall into three main categories: (1) failing to identify high-demand career fields, (2) pressuring recipients into paths/careers they do not want, and (3) missing soft skills development, including interviewing and LinkedIn instruction. Students consistently cite the lack of guidance about suitable employment. Some veterans are also pushed toward employment paths that will aggravate their disabilities.

- *Adam L., Syracuse, NY, Syracuse University:* “As a medic with medic related PTS I wasn't going to be able to become a physician assistant with cadaver labs being a part of the undergrad and grad education plan.”
- *Donalita B., Gilbert, AZ:* “Counselors need to take veterans’ disabilities into consideration when selecting a track.”
- *Gilbert B., Marina, CA, California State University – Monterey Bay:* Regarding employment training and supports, he desires “more time to go over employment services in more detail instead of just the 30 minute meetings.”

In addition to counselors, Employment Coordinators work out of the Regional Offices.³⁴ Although such coordinators are supposed to help with resume preparation, this is an area that demands improvement. Veterans report confusion and difficulty³⁵ in translating their military experiences into the civilian workforce context, which clearly seems like an opportunity for counselors and coordinators. Having a professional and polished resume is not enough in today’s competitive job market – Program participants must know how to leverage job resources like LinkedIn. Veterans are eligible for a free one-year LinkedIn Premium Careers subscription,³⁶ and counselors and coordinators could be instrumental in helping recipients use these resources.

Benefits Misconceptions

We consistently hear from students about persisting confusion regarding the use of multiple education benefits. VR&E specifies a duration of 48 months.³⁷ GI Bill beneficiaries may use their education benefit for up to 36 months.³⁸ For students using both benefits, how do these months of eligibility interact? VA specifies on its Post 9/11 GI Bill FAQ page, that while a beneficiary may be eligible for more than one VA education benefit program, “[Y]ou may

³⁴ FY 2019 Congressional Submission, at VBA-242.

³⁵ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 6, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

³⁶ LinkedIn, *LinkedIn for Veterans – Free Premium Career Subscription and Eligibility*, <https://www.linkedin.com/help/linkedin/answer/14803/linkedin-for-veterans-free-premium-career-subscription-and-eligibility?lang=en> (last visited May 7, 2018).

³⁷ See 38 U.S.C. § 3105(b)(1) – Duration of rehabilitation programs.

³⁸ 38 U.S.C. § 3312(a) – Educational assistance: duration.



only receive payments from one program at a time. You can receive a maximum of 48 months of benefits under any combination of VA education programs you qualify for.”³⁹

Students indicate this seemingly clear-cut policy is problematic in practice. Some students are able to use the remaining 12 months (difference between 48 months of maximum eligibility and 36 months of GI Bill benefits) to continue educational pursuits, while others are not. Third party sources identify how nuanced this policy can be.⁴⁰ In recognizing that VR&E is an employment program, we request clearer guidance about benefits overlap to ensure students are maximizing their benefits in pursuit of their educational and employment goals. Such guidance is imperative as a majority of VR&E participants are pursuing the Employment through Long-Term Services track, specifically 83 percent for Longitudinal Study Cohort I, 88 percent for Cohort II, and 92 percent for Cohort III.⁴¹

Recommended Improvements

Immediate Recommendations

Expectation Management. First, many VR&E obstacles originate from unclear expectations about what the program provides. This can be addressed by revamping how the program is publicized. Although we generally received positive feedback about the application form being intuitive and easy to fill out, policy guidance about how the program works is scattered on multiple webpages.

We appreciate that the Client Relations Team⁴² is available to respond to inquiries from veterans, as well as outside organizations like ours. As inquiries come in, patterns of questions are likely to emerge. We recommend the VR&E Office prepare a Frequently Asked Question resource to be updated annually. Providing this resource would enable prospective and current participants’ understanding of program objectives.

Employer Partnerships. Identifying employer partnerships is another opportunity for the VR&E program to flourish. Many entities are looking to hire veterans, and several of the VR&E existing tracks, including Reemployment with a Previous Employer and Rapid Access to Employment demonstrate this. VA and the Department of Labor maintain a Memorandum of Understanding to best serve those with service-connected disabilities, which includes providing labor market information to VR&E participants.⁴³ We think further inter-agency collaboration with the Department of Labor’s Veterans’ Employment and Training Service will foster greater leveraging of opportunities and resources,⁴⁴ including almost 2,500 American Job Centers.⁴⁵

Subsistence Allowances. Establishing appropriate subsistence allowances would also be a beneficial program development. Many of our surveyed constituents share concerns about not being able to afford basic necessities like food and rent while pursuing their individualized training and education plans. Subsistence rates are based on

³⁹ U.S. Department of Veterans Affairs, *Can I be eligible for two or more education benefits?*, GI BILL CUSTOMER HELP, Answer Updated Mar. 14, 2018, https://gibill.custhelp.va.gov/app/answers/detail/a_id/523/-/can-i-be-eligible-for-two-or-more-education-benefits%3F.

⁴⁰ Benjamin Krause, *Does VA Voc Rehab Chapter 31 Take Away From Your GI Bill?*, DISABLEDVETERANS.ORG, Oct. 30, 2013, <https://www.disabledveterans.org/2013/10/30/va-voc-rehab-take-away-gi-bill/> (noting how the blog author is a VR&E alumnus who has submitted testimony to the House Veterans Affairs Committee).

⁴¹ *2017 Longitudinal Study*, at 3-13.

⁴² *FY 2019 Congressional Submission*, at VBA-249.

⁴³ See Jack Kammerer, *Statement RE A Review of VA’s Vocational Rehabilitation and Employment Program*, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 5-6, JULY 8, 2015, <https://docs.house.gov/meetings/VR/VR10/20150708/103656/HHRG-114-VR10-Wstate-KammererJ-20150708.pdf>.

⁴⁴ U.S. Department of Labor, *About VETS*, <https://www.dol.gov/vets/aboutvets/aboutvets.htm> (last visited May 10, 2018).

⁴⁵ CareerOneStop, *How can an American Job Center help you?*, <https://www.careeronestop.org/LocalHelp/AmericanJobCenters/american-job-centers.aspx#AJC%20Types> (last visited May 10, 2018).



rate of attendance (full time, three quarter time, half time), number of dependents, and the training type.⁴⁶ Regional Office insights also echo these challenges where managers report that veterans may discontinue their plans before obtaining suitable employment because of financial pressures.⁴⁷ Although some VR&E participants may be able to receive the higher Post 9/11 Chapter 31 Subsistence Allowance Rate if pursuing their educations, this funding does not apply to all VR&E participants.

Participant Satisfaction. Implementing satisfaction surveys for participants and employers would make it easier for VR&E to monitor the program and assess issues as they arise, as compared to having to wait for results from the Longitudinal Study. We question the rationale for no longer externally reporting Veterans' Satisfaction with VR&E that is measured in the J.D. Power & Associates Voice of the Veteran Continuous Measurement Survey.⁴⁸

Strategic Recommendations

Economic Opportunity Administration. The creation of the VA Economic Opportunity Administration will provide economic opportunity programs like VR&E with the champion these programs need and deserve. Creating an Under Secretary for Economic Opportunity and Transition to oversee these programs would also give this Committee and other legislative bodies a central point of contact for accountability and oversight.⁴⁹ SVA is proud to support the bipartisan Veterans' Education, Transition, and Opportunity Prioritization Plan (VET OPP) Act of 2018, which was introduced in the House by Subcommittee Members Brad Wenstrup and Mark Takano.⁵⁰

As SVA's Director of Policy Lauren Augustine testified at the Joint Subcommittee Oversight Hearing on the Fiscal Year 2019 Budget, this fourth administration would create "a refocusing of existing resources that modernizes VA and creates greater accountability for economic opportunity and transition programs."⁵¹ Similarly SVA's Vice President of Government Affairs William Hubbard emphasized how moving VR&E and other programs to the new administration will increase accountability, elevate economic opportunity issues, reduce bureaucracy, create a VA counterpart for positions already established at the Department of Labor and the Department of Defense, as well as supporting "whole health."⁵² We look forward to testifying at the upcoming legislative hearing on the VET OPP Act.

⁴⁶ U.S. Department of Veterans Affairs, *VR&E Subsistence Allowance Rates*, https://www.benefits.va.gov/vocrehab/subsistence_allowance_rates.asp (last visited May 13, 2018).

⁴⁷ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 6, Feb. 27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

⁴⁸ *FY 2019 Congressional Submission*, at VBA-245.

⁴⁹ MG Robert M. Worley II USAF (Ret.), *Testimony RE An Update on the Implementation of the Forever GI Bill, the Harry W. Colmery Educational Assistance Act of 2017*, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, Dec. 12, 2017, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2006> (Noting how in the Exchange with Rep. Kathleen Rice (D-NY), Mr. Worley consistently expressed how he could not answer questions relating to other Economic Opportunity Programs not under the Education Service purview. An Under Secretary for Economic Opportunity and Transition would oversee VR&E programs, educational assistance programs, veterans' housing loan and related programs, and other critical programs that serve our veterans. A person holding this role would serve a crucial role for keeping the lines of communication and oversight between VA and Congress open).

⁵⁰ Press Release – *Wenstrup, Takano, Rubio, and Hassan Introduce Legislation to Prioritize Veterans' employment and Education Programs at the VA*, BRAD WENSTRUP WEBSITE, Apr. 26, 2018, <https://wenstrup.house.gov/updates/documentsingle.aspx?DocumentID=400271>.

⁵¹ Lauren Augustine, *Testimony RE Oversight Hearing on the Topic of "Fiscal Year 2019 Budget Submission of the Department of Veterans Affairs"*, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY AND SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS OF THE COMMITTEE ON VETERANS' AFFAIRS, 5, Mar. 15, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing-VA-FY19-Budget-3.15.18.pdf>.

⁵² William Hubbard, *Testimony RE Legislative Hearing on the Topic of: "Pending Legislation,"* HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 6-7, Mar. 20, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing--HVAC-Subcommittee-on-Economic-Opportunity-March-20-2018.pdf> (noting how "It appears maintenance of bureaucracy is the chief concern for those opposing this proposal, placing an emphasis on preserving 'the way things are' for the sake of doing so, versus the prioritization of the customer: veterans.").



Authority Restructure. The VR&E Office should be given responsibility and authority over counselors and other staff administering the VR&E program. Having this authority under the Office of Field Operations inhibits oversight and effective service to our veterans. Giving the power to VR&E will enable more effective counselor and personnel allocation to each regional office.

Eligibility Requirements. Reconsidering VR&E’s eligibility criteria, which is specified in statute, would require a legislative fix. As it currently stands, a veteran is VR&E eligible (1) if he/she has a service-connected disability of at least 20 percent with an employment handicap or a service-connected disability of 10 percent with a serious employment handicap and (2) be discharged or released from military service under other than dishonorable conditions.⁵³ The most recent VR&E Longitudinal Study released on July 31, 2017, revealed that cohort members (Cohort I includes 10,791 members; Cohort II includes 15,396 members; Cohort III includes 21,082 members) have an average service-connected disability of about 60 percent.⁵⁴

It is interesting to note how VR&E participants who re-entered the program from a discontinued or rehabilitated status have a higher combined disability rating – 69 percent as compared to 64 percent, which can likely be attributed to a worsening disability condition.⁵⁵ By increasing the service-connected disability rating requirement, we can ensure that VR&E services are being received by the veterans truly in need of assistance obtaining suitable employment, defined as “employment that does not aggravate the Veteran or Servicemember’s disabilities, is stable, and is consistent with his or her pattern of abilities, aptitudes, and interests.”⁵⁶

Funding Reform. The VR&E funding structure demands attention. VR&E Director Jack Kammerer emphasized VR&E importance before this subcommittee, stating “VR&E employees across the country are committed to and engaged in multiple initiatives to extend VR&E’s outreach capabilities, gain a better understanding of our current and future Veteran population, increase program efficiencies, enhance our supporting technologies, and reframe performance metrics.”⁵⁷ VA’s VR&E budget request fails to indicate that VR&E is a priority.

2019 Budget Authority Request: \$258.0 million
Change over 2018 Estimate: -\$59.3 million / -18.7 percent

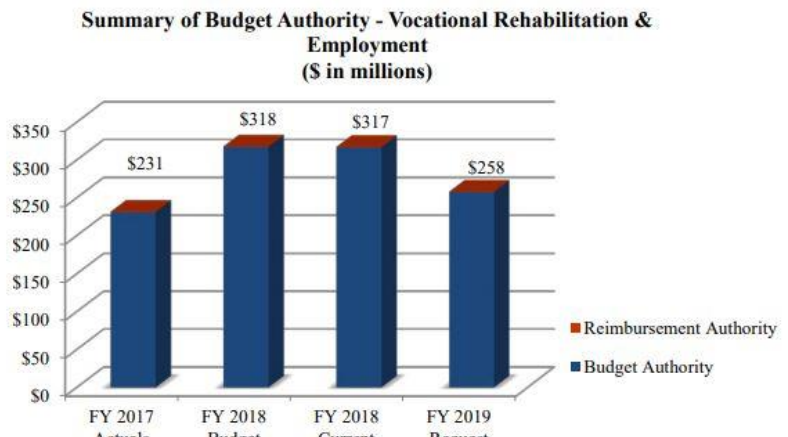


Figure 1. VA’s 2019 Budgetary Request shows an 18.7 percent decrease. FY 2019 Congressional Submission, at VBA-239.

⁵³ See 38 U.S.C. § 3102 – Basic entitlement. See also U.S. Department of Veterans Affairs, *Vocational Rehabilitation and Employment (VR&E) – Eligibility and Entitlement*, https://www.benefits.va.gov/vocrehab/eligibility_and_entitlement.asp (last visited May 1, 2018).

⁵⁴ 2017 Longitudinal Study, at E-4.

⁵⁵ 2017 Longitudinal Study, at E-10.

⁵⁶ U.S. Department of Veterans Affairs, *Vocational Rehabilitation and Employment (VR&E) – Program Definitions*, https://www.benefits.va.gov/vocrehab/program_definitions.asp (last visited May 1, 2018).

⁵⁷ Jack Kammerer, *Statement RE A Review of VA’s Vocational Rehabilitation and Employment Program*, HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, 1, JULY 8, 2015, <https://docs.house.gov/meetings/VR/VR10/20150708/103656/HHRG-114-VR10-Wstate-KammererJ-20150708.pdf>.



Total appropriations for Fiscal Year 2016 totaled \$1,532,061,000 - \$217,379,000 for salaries, rent, travel, other services; \$573,346,000 for subsistence allowances paid to veterans, and \$741,336,000 for vocational training, including tuition, books, supplies, etc. paid on behalf of veterans.⁵⁸ Due to VR&E's expected increasing program demand, we emphasized during previous testimony that counselor salaries be increased to attract high-quality counselors.⁵⁹ Glassdoor indicates a salary range of \$49,799-\$95,000 based on salary reports and statistical methods.⁶⁰

Paired with our anecdotal evidence from our constituents, recent work by the Department of Justice and U.S. Attorney's Office for the District of Columbia highlight additional issues. Atius Technology Institute's owner paid a counselor a 7 percent cash kickback on all VA payments to Atius, which amounted to a kickback of approximately \$155,000.⁶¹ In exchange for the kickback, the counselor encouraged VR&E participants to attend Atius. While this particular situation is likely limited in scope, it shines a light on the need for better compensation to attract higher quality personnel to take care of and support our veterans.

Data Collection and Analysis. The congressionally-mandated Longitudinal Study is a positive step in data collection, but we are concerned with how VR&E is measuring results. At SVA, we are driven by data, especially outcomes. Based on our National Veteran Education Success Tracker (NVEST), which is the first comprehensive study of the academic successes of student veteran use of the Post-9/11 GI Bill, we are able to report that students have earned 453,000 degrees and certificates using the Post-9/11 GI Bill since 2009.⁶²

Although VR&E's 15,528 positive outcomes for 2017 sounds impressive, "positive outcome" is broadly defined as achieved a rehabilitation plan goal, pursued higher education, obtained suitable employment, or became employable through VR&E.⁶³ Does pursuit of higher education mean signing up for a class? Completing a course with a passing grade? Starting but not completing a course? We question whether the positive outcome includes those veterans who achieved a maximum rehabilitation gain, which is a status applied to veterans who attained vocational skills or some other benefit from VR&E participation even though suitable employment was not achieved.⁶⁴ While each of these attainments may benefit a participant, VA must monitor outcomes, successes, and issues in a way that allows the program to be evaluated.

Outcome Tracking. Another strategic goal is to track employment outcomes for longer periods. Currently, veterans are considered rehabilitated once suitable employment has been maintained for 60 days. For comparison, the Department of Labor measures job retention for its employment and training programs over a 180-day period.⁶⁵

⁵⁸ 2017 Longitudinal Study, at 1-15.

⁵⁹ Lauren Augustine, *Testimony RE Oversight Hearing on the Topic of "Fiscal Year 2019 Budget Submission of the Department of Veterans Affairs,"* HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY AND SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS OF THE COMMITTEE ON VETERANS' AFFAIRS, 4, Mar. 15, 2018, <http://studentveterans.org/images/pdf/will/Legislative-Hearing-VA-FY19-Budget-3.15.18.pdf>.

⁶⁰ Glassdoor, *U.S. Department of Veterans Affairs Vocational Rehabilitation Counselor Salaries*, https://www.glassdoor.com/Salaries/vocational-rehabilitation-counselor-salary-SRCH_KO0,35.htm (last visited May 1, 2018).

⁶¹ Office of Public Affairs, *School Owner Pleads Guilty to \$2 Million Bribery Scheme Involving VA Program for Disabled Military Veterans*, Apr. 16, 2018, <https://www.justice.gov/opa/pr/school-owner-pleads-guilty-2-million-bribery-scheme-involving-va-program-disabled-military> (also noting how "These bribery payments were hand-delivered by Poawui or an Atius employee to the VR&E counselor or the counselor's assistant, a veteran who was enrolled in the VR&E program.")

⁶² Cate, C.A., Lyon, J.S., Schmeling, J., & Bogue, B.Y. (2017). *National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post-9/11 GI Bill*. Student Veterans of America, Washington, D.C., 42, http://nvest.studentveterans.org/wp-content/uploads/2017/03/NVEST-Report_FINAL.pdf (noting how 63.4 percent of the completed degrees were at the bachelor's degree level or higher).

⁶³ *FY 2019 Congressional Submission*, at VBA-242.

⁶⁴ U.S. Government Accountability Office, *VA Vocational Rehabilitation and Employment Program – Further Program Management Improvements Are Needed*, 2 n.7, Feb.27, 2014, <https://www.gao.gov/assets/670/661184.pdf>.

⁶⁵ *Id.* at 8.



Monitoring employment six months and one year, which VA has previously considered,⁶⁶ would enable VA to better assess rehabilitation.

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We thank the Chairman, Ranking Member, and the Committee members for your time, attention, and devotion to the cause of veterans using VR&E and other economic opportunity programs. As always, we welcome your feedback and questions, and we look forward to continuing to work with this subcommittee, the House Veterans' Affairs Committee, and the entire Congress to ensure the success of all generations of veterans through education and beyond.

⁶⁶ *Id.* at 8.



Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, Student Veterans of America has not received any federal grants in Fiscal Year 2018, nor has it received any federal grants in the two previous Fiscal Years.



Cassandra Vangellow, Esq.
Legal and Policy Fellow



Cassandra Vangellow joined the professional staff of Student Veterans of America as a member of the government affairs team in August 2017. Ms. Vangellow works on higher education issues within executive and legislative branch policy.

Ms. Vangellow received her Bachelor of Science degree in Journalism with a concentration in Political Science from the University of Florida. She graduated from the Georgetown University Law Center in 2017 and is admitted to the New York State Bar as a practicing attorney.

Ms. Vangellow, the daughter of a public school administrator, worked in one of the foremost public school districts in New York State for multiple years. Her portfolio included work on a nationally recognized anti-bullying campaign. In her legal studies, Ms. Vangellow worked at the Securities and Exchange Commission's Division of Enforcement and Georgetown's Institute for Public Representation (IPR). While at IPR, Ms. Vangellow focused on children's privacy issues.

As the daughter of a former Navy officer, Ms. Vangellow is passionate about bettering the academic climate for all service-affiliated students.



APPENDIX A

The following feedback comes directly from student veterans and other constituents who filled out our survey. Such feedback includes hurdles, as well as suggestions for improvement. Narratives include participants' first name and last initial.

Counselor Issues

- *Jonathan H.:* I had an awful Voc Rehab Counselor who refused to let me attend the university of my choosing, which I was already enrolled at and instead pushed for me to instead, drop out and enroll in community college. She said, "there is no difference between Harvard and a community college" and I stood up and left the room never to go back and make use of their services. After I left no one even attempted to make contact with me. Before this I also informed the counselor I want to be a lawyer and she informed me that the best I would be able to do is Paralegal.
- *Kierston W.:* We are required to meet with our counselor once per semester to discuss our education track, however, the last 2 appointments that I had with our VSOC were cancelled. Also, our (Syracuse University) VSOC was highly disorganized with not returning emails or being available for the veterans on campus.
- *Mark H.:* More of a hands-on approach to the counselors. Most students on VR&E don't get the much-needed help from counselors here at UNLV.
- *Jim B.:* More counselors to better understand participant needs as most counselors are completely over booked which takes away from their knowledge of the veterans they are trying to assist. Often allowing individuals to fall through the cracks.
- *Samantha R.:* More accessibility - VR&E counselors available on campus.
- *Daniel C.:* Better communication between vets & counselors/supervisors at VR&E. I have to call & email several times to get a response & most of the time I don't receive all the information available on a particular subject. It feels like they have all the information & I have to ask the right question the right way at the right time to get an answer with all the content I need. To put it simple, I feel like I don't matter. I feel like I am a bother to the counselor.
- *Daniel P.:* The entire system is broken. Counselors are incompetent and unwilling. Their superiors do not get involved and are nonexistent as it relates to helping student veterans. I was placed on the program over three years ago, and I have gone through four different counselors that have no idea what's going on. The right hand doesn't know what the left hand is doing. This program is a complete waste of time and I would advise any fellow veteran to stay clear and pursue education on their own using other resources.
- *Robert O.:* The responsiveness of counselors, they are not equipped to solve most issues.
- *Robert A.:* Either fewer veterans assigned to a specific counselor so that it doesn't take an act of congress to get them to at least email you back within a three week time period after you've attempted to contact them, or who actually have a background in career/personal development or something to that extent so that neither the Veterans Administration or veteran wastes their time, TAX PAYERS dollars, or start being more selective on who you hire as a counselor.
- *Wayne M.:* Reduce work load for counselors - they want to help more, but all of them in California are overloaded.
- *Katherine S.:* As it stands, the future of a veteran depends on the opinion of a counselor. The trouble with opinions are, not only are they subjective for the counselor and relative to each veteran, but, in my experience, neither the veteran or a substantiated medical opinion seems to be able to influence the counselor's belief. No one person should have that much sovereignty over another, especially when it is based on the whim of a personal opinion.

Program Administration

- *Robert R.:* Subsistence allowance is not enough to survive.



- *Kierston W.:* We are encouraged to attend school full time, and many of us have families, we all have monthly payments that need to be made whether classes are in session or on break. As non-traditional students it is difficult for us to find part-time employment while classes are in session, that can transfer to a full time position while on break that will supplement the housing allowance.
- *Christopher G.:* Making it simpler for Vets to access benefits and not have it hard to jump through hoops to get reimbursement.
- *Carlos S.:* Manage expectations of participants. This is not a "get everything I want" program. - Better explanation of the benefit and eligibility. Too many veterans think this is an automatic benefit.
- *Mark B.:* Pay bills in a decent amount of time. My student loans were held by Johns Hopkins for 8 months because it took Voc Rehab 8 months to pay tuition to Hopkins.
- *Kassandra F.:* Cost of living pay - I think that the prorated money is not beneficial for those who are in school and trying to pay for housing or any bills.
- *Dean Z.:* Equal monthly stipend to post 9-11, as a student attending college in the DC Metro area being married with 2 children, I get approx \$971 a month for housing and food, veterans at my college using post 9-11 as single Unmarried get approx \$2100 a month. I've had to take out loans to pay for housing because I could not afford to live in the local area.
- *Arthur H.:* Better stipend to help with the cost of living.
- *Hannah J.:* I would like to share my experience with attempting to apply for an MSW internship with the VA hospital in Des Moines Iowa. Upon acceptance to my MSW program with Simmons College in Boston, online accredited and prestigious brick mortar in its own right, I immediately contacted the local VA in Des Moines to acquire the steps I needed to complete in order to apply. I was informed that I was not qualified to apply for the VA internship due to my programs "online" status. I contacted my VR&E counselor, and the MSW VA program director in Des Moines, and was informed that there was nothing that I could do about this.
- *Jill W.:* I am the director of Veteran Student Support Services (Dept. of Education TRIO program) at a small university in Oklahoma. My coworkers and I have discussed advising our new intakes to utilize the Post-9/11 GI Bill rather than VR&E, even though we know that our disabled veterans really need the case management services provided by VR&E. This is because, consistently, VR&E's procedure for processing invoices is not effective. Our school takes from first available funds when processing financial aid, and VR&E is always the last to pay. Right now, I still have seven students for whom VR&E has not processed payments, and the school has applied the Pell Grants and/or loan money of those students to their accounts, leaving them with little resources to pay rent, utilities, etc. The past several semesters, we have had students who did not receive their released Pell grants/loans until the week before finals! (A few semesters ago, every single payment for the State of Oklahoma was sent to Texas, and the government had to wait for that money to be returned before they would reissue payments!!! Another semester, the VA was changing payment systems, and again, our students suffered.) I understand that VR&E counselors have to check the invoices, especially for books and supplies, before forwarding them to finance, but the amount of time it is taking puts VR&E participants at a huge disadvantage compared to Post-9/11 students, whose tuition and fees are paid in a timely manner.
- *Patrick H.:* The book reimbursement is very outdated with hard copies and invoices being mailed between colleges and state offices. Tuition and fees need to be reimbursed faster, especially for those colleges that hold back the Pell Grant Money until the Ch. 31 money comes in.
- *Johnny P.:* Never before have I seen a VA program seemingly designed to prevent veterans from using it – the hoops to clear to participate are daunting, and eligible veterans in need suffer during the time consuming application process.

Process Subjectivity

- *Cristy B.:* Training for counselors - Counselors all need to receive the same training so that they can provide quality service to veterans. This whole "My counselor did this for me but didn't do that" while others are getting this and that.



- *Shane*: Most of the time the Counselors deny applications based on how they feel. They do not follow the CFR regulations. They neglect to provide a reason behind their actions. There is no one to check and monitor what they are doing. There is a lot of abuse and neglect of veterans needs that exists within the program.
- *Tarshica R.*: Some get approved for bachelor & master programs while some do not. Really hard to gain employment with Associates.
- *Helen H.*: Some places allow services while others do not. Huge inconsistencies. Veterans suffer.
- *Francheska S.*: There is a huge disparity in equality between vocational rehabilitation programs. One is location and the second inequality depends on your vocational rehabilitation specialist. For example, VR&E will only pay for my associates since I am employable as a paralegal. In contrast, my fellow veterans are able to attend law school courtesy of VR&E. When I addressed this disparity with my counselor, the answer I consistently received is as follows: We are here to employ you not educate you.
- *Kevin T.*: Make it simpler to get the degree one is working toward instead of having to fight with counselors to get answers without being belittled or having to make a trial ready case. I've almost completed my B.A. We planned to get me licensed IF I did well enough to go forward. A master's is needed to get licensed. Well, I didn't flunk out of the first year, actually, I've held near a 4.0 with this being my senior year. Still it has been a fight to get any information about moving forward. Others are doing it, and it seems dependent on who one is assigned as to how easy or hard it is to get anything.

Career Concerns

- *Adam L.*: Realistic VR&E counselor - As a medic with medic related PTS I wasn't going to be able to become a physician assistant with cadaver labs being a part of the undergrad and grad education plan.
- *Kierston W.*: While this is a great benefit that allows a student to search for the right job after graduating, it is not only not advertised but also not available until the student is "job ready." As an accounting major on a CPA track I am not "job ready" until I've passed all 4 parts to the CPA exam, however, can work as an accountant for 2 years while preparing for and taking the exams. I have a job after graduation, 2 months after graduation and will not be able to receive this benefit until I've finished all parts, which means I am searching for a job for 2 months that will pay me enough to survive.
- *Mario H.*: Listen to the needs of the recipient. - I was put into an Business Administration AA program against the advice of my school counselor and my wishes with the promise of a continuation upon completion. After program completion, I was told I did not qualify to continue and my degree was not transferable so I had to go back to school at my own expense to be able to transfer which took me an additional two years.
- *Charles P.*: There is no job placement program nor is there a way to link with other who may want to hire veterans for job. Outside of the school aspect, the program is useless. My counselor was never in the office, never very helpful, we had monthly calls which were a waste. - Like other job placement areas, they need to get out there and look for companies and people to help find veterans jobs. I mean bigger companies not just Walmart, good paying jobs with a future.
- *Joshua M.*: When initially signing up for the VR&E don't make individuals pick 3 jobs they think they would want in order to receive any benefits. As many of us are just getting out of the military and don't know exactly what we want to do. If Individuals are leaning towards a field guide them, but if they are unsure allow those using chapter 31 to take gen eds that they will eventually need. This would give them time to choose a specific career field or even career. This would not waste tax payers money as they have at least a years worth of time to decide what they want to do while getting credits they would need for any degree later down the road.
- *Logan B.*: It feels like I'm fighting tooth and nail to take the self-employment route. I wish they would be more open to me making my own choices and how VR&E can help me instead of trying to put me on whatever track is easiest.
- *Brenton I.*: A comprehensive list of employment opportunities in the local area either through work-study or privately owned companies.
- *Donalita B.*: Counselors need to take veterans' disabilities into consideration when selecting a track.



- *Gilbert B.:* More time to go over employment services in more detail instead of just the 30 minute meetings

Benefits Misconceptions

- *Heidi O.:* The eligibility could be extended beyond the 48 months so if there was a need to get a Masters degree in a career field it would be covered.
- *Donald W.:* For those of us who use 9/11, who qualify for vocrehab, ensuring that they know that they should switch before they run out so that they can continue at the higher GI bill rate. Make it easier to access once you are in school.



APPENDIX B

VR&E statutory and regulatory authority are included below.

38 USC Ch. 31: TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

From Title 38—VETERANS' BENEFITS

PART III—READJUSTMENT AND RELATED BENEFITS

§3100. Purposes

The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

§3101. Definitions

For the purposes of this chapter—

- (1) The term "employment handicap" means an impairment, resulting in substantial part from a disability described in section 3102(1)(A) of this title, of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.
- (2) The term "independence in daily living" means the ability of a veteran, without the services of others or with a reduced level of the services of others, to live and function within such veteran's family and community.
- (3) The term "program of education" has the meaning provided in section 3452(b) of this title.
- (4) The term "program of independent living services and assistance" includes (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in daily living, including such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Secretary to be needed for such veteran to achieve maximum independence in daily living, and (B) the assistance authorized by this chapter for such veteran.
- (5) The term "rehabilitated to the point of employability" means rendered employable in an occupation for which a vocational rehabilitation program has been provided under this chapter.
- (6) The term "rehabilitation program" means (A) a vocational rehabilitation program, or (B) a program of independent living services and assistance authorized under section 3120 of this title for a veteran for whom a vocational goal has been determined not to be currently reasonably feasible.
- (7) The term "serious employment handicap" means a significant impairment, resulting in substantial part from a service-connected disability rated at 10 percent or more, of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.
- (8) The term "vocational goal" means a gainful employment status consistent with a veteran's abilities, aptitudes, and interests.
- (9) The term "vocational rehabilitation program" includes—
 - (A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Secretary to be needed—
 - (i) in the case of a veteran for whom the achievement of a vocational goal has not been determined not to be currently reasonably feasible, (I) to determine whether a vocational goal is reasonably feasible, (II) to improve such veteran's potential to participate in a program of services designed to achieve a vocational goal, and (III) to enable such veteran to achieve maximum independence in daily living, and



- (ii) in the case of a veteran for whom the achievement of a vocational goal is determined to be reasonably feasible, to enable such veteran to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and
- (B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.

§3102. Basic entitlement

(a) In General.—A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if—

(1) the person—

(A) is—

(i) a veteran who has a service-connected disability rated at 20 percent or more which was incurred or aggravated in service on or after September 16, 1940; or

(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that—

(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

(B) is determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

(2) the person is a veteran who—

(A) has a service-connected disability rated at 10 percent which was incurred or aggravated in service on or after September 16, 1940; and

(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.

(b) Additional Rehabilitation Programs for Persons Who Have Exhausted Rights to Unemployment Benefits Under State Law.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

(A) the person is described by paragraph (1) or (2) of subsection (a); and

(B) the person—

(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(3) In this subsection, the terms "compensation", "regular compensation", "benefit year", "State", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).



(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.

§3103. Periods of eligibility

(a) Except as provided in subsection (b), (c), (d), or (e) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

(A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or

(B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and—

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also



determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.

(f) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

§3104. Scope of services and assistance

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether the veteran has an employment handicap or a serious employment handicap and whether a vocational goal is reasonably feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

(3) An allowance and other appropriate assistance, as authorized by section 3108 of this title.

(4) A work-study allowance as authorized by section 3485 of this title.

(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

(6) Personal adjustment and work adjustment training.

(7)(A) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.

(8) Loans as authorized by section 3112 of this title.

(9) Treatment, care, and services described in chapter 17 of this title.

(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

(12) For veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

(14) Special services (including services related to blindness and deafness) including—

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.



(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

(16) Other incidental goods and services determined by the Secretary to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

(b) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Secretary. To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the preceding sentence to the extent the Secretary determines appropriate.

(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary. In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and any other factor the Secretary determines appropriate.

(2) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan describing such changes.

§3105. Duration of rehabilitation programs

(a) In any case in which the Secretary is unable to determine whether it currently is reasonably feasible for a veteran to achieve a vocational goal, the period of extended evaluation under section 3106(c) of this title may not exceed twelve months, except that such period may be extended for additional periods of up to six months each if the Secretary determines before granting any such extension that it is reasonably likely that, during the period of any such extension, a determination can be made whether the achievement of a vocational goal is reasonably feasible in the case of such veteran.

(b)(1) Except as provided in paragraph (2) and in subsection (c), the period of a vocational rehabilitation program for a veteran under this chapter following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed forty-eight months, except that the counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title may be provided for an additional period not to exceed eighteen months in any case in which the Secretary determines the provision of such counseling and services to be necessary to accomplish the purposes of a rehabilitation program in the individual case.

(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.

(c) The Secretary may extend the period of a vocational rehabilitation program for a veteran to the extent that the Secretary determines that an extension of such period is necessary to enable such veteran to achieve a vocational goal if the Secretary also determines—

(1) that such veteran had previously been rehabilitated to the point of employability but (A) such veteran's need for further vocational rehabilitation has arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran had been so rehabilitated, or (B) the occupation for which such veteran had been so rehabilitated is not suitable in view of such veteran's current employment handicap and capabilities; or

(2) under regulations which the Secretary shall prescribe, that such veteran has a serious employment handicap and that an extension of such period is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d)(1) Except as provided in paragraph (2), the period of a program of independent living services and assistance for a veteran under this chapter (following a determination by the Secretary that such veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible) may not exceed twenty-four months.



(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

(B) In this paragraph, the term "Post-9/11 Global Operations period" means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not—

(A) be charged against any entitlement of any veteran under this chapter; or

(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.

§3106. Initial and extended evaluations; determinations regarding serious employment handicap

(a) The Secretary shall provide any veteran who has a service-connected disability rated at 10 percent or more and who applies for benefits under this chapter with an initial evaluation consisting of such services described in section 3104(a)(1) of this title as are necessary (1) to determine whether such veteran is entitled to and eligible for benefits under this chapter, and (2) in the case of a veteran who is determined to be entitled to and eligible for such benefits, to determine—

(A) whether such veteran has a serious employment handicap, and

(B) whether the achievement of a vocational goal currently is reasonably feasible for such veteran if it is reasonably feasible to make such determination without extended evaluation.

(b) In any case in which the Secretary has determined that a veteran has a serious employment handicap and that the achievement of a vocational goal currently is reasonably feasible for such veteran, such veteran shall be provided an individualized written plan of vocational rehabilitation developed under section 3107(a) of this title.

(c) In any case in which the Secretary has determined that a veteran has a serious employment handicap but the Secretary is unable to determine, in an initial evaluation pursuant to subsection (a) of this section, whether or not the achievement of a vocational goal currently is reasonably feasible, such veteran shall be provided with an extended evaluation consisting of the services described in section 3104(a)(1) of this title, such services under this chapter as the Secretary determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal and enable such veteran to achieve maximum independence in daily living, and assistance as authorized by section 3108 of this title.

(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.

(e) The Secretary shall in all cases determine as expeditiously as possible whether the achievement of a vocational goal by a veteran currently is reasonably feasible. In the case of a veteran provided extended



evaluation under subsection (c) of this section (including any periods of extensions under section 3105(a) of this title), the Secretary shall make such determination not later than the end of such extended evaluation or period of extension, as the case may be. In determining whether the achievement of a vocational goal currently is reasonably feasible, the Secretary shall resolve any reasonable doubt in favor of determining that such achievement currently is reasonably feasible.

(f) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Secretary shall assign a Department of Veterans Affairs employee to be responsible for the management and followup of the provision of all services (including appropriate coordination of employment assistance under section 3117 of this title) and assistance under this chapter to such veteran.

§3107. Individualized vocational rehabilitation plan

(a) The Secretary shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 3106(b) of this title. Such plan shall be developed with such veteran and shall include, but not be limited to (1) a statement of long-range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services (which shall include counseling in all cases) and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(b) The Secretary shall review at least annually the plan formulated under subsection (a) of this section for a veteran and shall afford such veteran the opportunity to participate in each such review. On the basis of such review, the Secretary shall (1) redevelop such plan with such veteran if the Secretary determines, under regulations which the Secretary shall prescribe, that redevelopment of such plan is appropriate, or (2) disapprove redevelopment of such plan if the Secretary determines, under such regulations, that redevelopment of such plan is not appropriate.

(c)(1) Each veteran for whom a plan has been developed or redeveloped under subsection (a) or (b)(1), respectively, of this section or in whose case redevelopment of a plan has been disapproved under subsection (b)(2) of this section, shall be informed of such veteran's opportunity for a review as provided in paragraph (2) of this subsection.

(2) In any case in which a veteran does not agree to such plan as proposed, to such plan as redeveloped, or to the disapproval of redevelopment of such plan, such veteran may submit to the person described in section 3106(f) of this title a written statement containing such veteran's objections and request a review of such plan as proposed or redeveloped, or a review of the disapproval of redevelopment of such plan, as the case may be.

(3) The Secretary shall review the statement submitted under paragraph (2) of this subsection and the plan as proposed or as redeveloped, and, if applicable, the disapproval of redevelopment of the plan, and render a decision on such review not later than ninety days after the date on which such veteran submits such statement, unless the case is one for which a longer period for review, not to exceed 150 days after such veteran submits such statement, is allowed under regulations prescribed by the Secretary, in which case the Secretary shall render a decision no later than the last day of the period prescribed in such regulations.

§3122. Longitudinal study of vocational rehabilitation programs

(a) Study Required.—(1) Subject to the availability of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.

(2) The groups of individuals described in this paragraph are the following:

(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2010.

(B) Individuals who begin participating in such a program during fiscal year 2012.

(C) Individuals who begin participating in such a program during fiscal year 2014.



(b) Annual Reports.—By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year.

(c) Contents of Report.—The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:

(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.

(2) The average number of months such individuals served on active duty.

(3) The distribution of disability ratings of such individuals.

(4) The types of other benefits administered by the Secretary received by such individuals.

(5) The types of social security benefits received by such individuals.

(6) Any unemployment benefits received by such individuals.

(7) The average number of months such individuals were employed during the year covered by the report.

(8) The average annual starting and ending salaries of such individuals who were employed during the year covered by the report.

(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.

(10) The average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report.

(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.

(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.

(13) The average annual income of such individuals.

(14) The average total household income of such individuals for the year covered by the report.

(15) The percentage of such individuals who own their principal residences.

(16) The average number of dependents of each such veteran.



Title 38: Pensions, Bonuses, and Veterans' Relief PART 21—VOCATIONAL REHABILITATION AND EDUCATION Contents Subpart A—Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31

§21.1 Training and rehabilitation for veterans with service-connected disabilities.

(a) Purposes. The purposes of this program are to provide to eligible veterans with compensable service-connected disabilities all services and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. (Authority: 38 U.S.C. 3100)

(b) Basic requirements. Before a service-disabled veteran may receive training and rehabilitation services under Chapter 31, Title 38 U.S.C., three basic requirements must be met:

(1) The Department of Veterans Affairs must first find that the veteran has basic entitlement to services as prescribed by §21.40. (Authority: 38 U.S.C. 3102)

(2) The services necessary for training and rehabilitation must be identified by the Department of Veterans Affairs and the veteran. (Authority: 38 U.S.C. 3106)

(3) An individual written plan must be developed by the Department of Veterans Affairs and the veteran describing the goals of the program and the means through which these goals will be achieved.