



**DEPARTMENT OF VETERANS AFFAIRS  
VA Regional Office  
VA Vocational Rehabilitation & Employment  
345 Perry Hill Road  
Montgomery, AL 36109**

02/05/2019

Mr. Joshua L. Yates  
7 Clayton St  
Apt 2K  
Montgomery, AL 36104

**In Reply Refer to:**  
322/28  
Last 4 digits: 8162 / 00

Dear Mr. Joshua L. Yates:

I regret that I must deny your request for Vocational Rehabilitation and Employment (VR&E) services.

**Why do you not qualify for VR&E services?**

VR&E services are a VA benefit based on the Veteran's need for employment services and/or independent living needs. To determine if you are qualified, we must prove you meet all of the following conditions:

- You have difficulty getting or keeping a job that matches well with your interests, skills, and talents
- Your service-connected disability is a part of this difficulty
- You need education, training, or employment services to help you overcome this difficulty

After carefully reviewing the evidence, I have determined that your service-connected disability does not contribute to your difficulty getting and keeping a job. As a result, we cannot provide VR&E services at this time.

**What evidence did VA consider?**

In reaching my decision, I considered the following evidence: information obtained from VA form 28-1902w, your self-report, documentation that you provided on 02/05/2019 and VA records.

**Does this decision affect other VA benefits?**

No, you may continue to receive your present VA benefits. You may also apply for other VA benefits if you believe you are eligible to receive them.

**Can you reapply for Vocational Rehabilitation and Employment services?**

Yes, you may reapply for VR&E services if your situation changes. A Vocational Rehabilitation Counselor (VRC) must make a determination that you meet the eligibility and entitlement criteria in effect at the time we receive your application.

**What can you do if you disagree with our decision?**

If you disagree with our decision, please refer to the enclosed VA Form 4107VRE, Your Rights to Appeal Our Decision. This form outlines applicable timelines and course of actions you may wish to take.

**What can you do if you have questions or concerns?**

If there is any other evidence or information that you think will support your claim, please let us know. If you have any questions about this letter or need additional information on VA benefits, please contact me at 334-213-3535, via email at Janelle.Babers@va.gov, or call 1-800-827-1000. If you use the Telecommunications Device for the Deaf (TDD), the federal number is 711.

Sincerely yours,

Janelle P. Babers  
Rehabilitation Counselor

Enclosure: VA Form 4107VRE

cc: VETERANS OF FOREIGN WARS OF THE US

**How can eBenefits assist you?**

eBenefits is a web portal that provides resources and self-service capabilities to Veterans, Servicemembers, and their families to research, access and manage their VA and military benefits and personal information. It is a joint effort between VA and the Department of Defense. eBenefits uses secure credentials to allow access to personal information and gives users the ability to perform numerous self-service functions. The eBenefits portal also provides access to the Veterans Employment Center, a one-stop career website for Veterans, transitioning Servicemembers and GI Bill beneficiaries, as well as military spouses and dependents. You will also find a list of links to other sites that provide information about military and Veteran benefits. It is an essential way for Veterans, Servicemembers, and their families to receive access to services. To access eBenefits, go to [www.ebenefits.va.gov](http://www.ebenefits.va.gov).





We have reached a decision on your claim for Chapter 31 Vocational Rehabilitation and Employment (VR&E) benefits. If you disagree with our decision, you may do any or all of the following actions; however, you may only take one action at a time.

- Submit new evidence to support your claim.
- Request an informal meeting.
- Request an administrative review.
- Start an appeal by submitting a Notice of Disagreement.

**IF YOU DISAGREE WITH OUR DECISION, YOU CAN:**

**1. Send us new evidence to support your claim.**

You may send any new evidence to the address included on our decision letter (referred to here as the original decision letter), as long as it is submitted prior to completion of an appeal to the Board of Veterans' Appeals. We will consider your evidence as long as it is evidence we have not already seen and it relates to your claim. Your letter should tell us how the new evidence should change our earlier decision. After our review of the new evidence, we will let you know in writing whether the new evidence changes our decision.

**2. Request an informal meeting to discuss our decision.**

Within 30 days from the date of our original decision letter, you can request an informal meeting with your assigned case manager. An informal meeting is a means for VR&E staff to ensure that you understand our decision on your claim and to provide an opportunity to clarify any issue(s) regarding your claim. During an informal meeting, a member of VR&E's supervisory staff may be present, if requested. During the meeting, you may present new evidence that relates to your claim. After the informal meeting, and our review of the new evidence, we will let you know in writing whether the new evidence presented at the informal meeting changes our decision.

**3. Request an Administrative Review of our decision.**

You may also request an administrative review of our original decision by informing your case manager in writing within one year from the date on our original decision letter. The administrative review involves the review of only evidence that was previously submitted. If you have new evidence you would like to submit, you may do so as instructed in paragraph 1 or 2 above. Please note that you cannot request an administrative review if you have already started the process to appeal to the Board of Veterans' Appeals on the same issue(s) within this claim.

Administrative reviews for decisions on entitlement to VR&E benefits and development of a rehabilitation plan by the VR&E Officer are conducted by VR&E Service at VA Central Office in Washington, DC. Administrative reviews for decisions on development of a rehabilitation plan or adverse actions, such as reduction or termination of VR&E benefits, are conducted by the VR&E Officer. When the administrative review is complete, you will be notified of the administrative review decision in writing.

**4. Make an Appeal to the Board of Veterans' Appeals (Board).**

**a. How do I start my appeal?**

To begin your appeal, write us a letter telling us that you disagree with our decision. This letter is called your "Notice of Disagreement" (NOD). If you disagree with more than one issue, please tell us in your letter each issue you are appealing. Send your NOD to the address included on our original decision letter.



**b. How long do I have to start my appeal?**

You have one year from the date of our original decision letter (not from the date of an administrative review decision) to start an appeal of our decision. This means your NOD must be postmarked or received by us within one year from the date of our original decision letter. In most cases, you cannot appeal a decision after this one-year period has ended.

**c. What happens if I do not start my appeal on time?**

If you do not start your appeal on time, our decision will become final. Once our decision is final, we will not revisit our decision unless you:

- Show that our decision contained an obvious error, and that error clearly changed the outcome of our decision, or
- Send us new evidence that relates to the issue you appealed.

**d. What happens after VA receives my Notice of Disagreement?**

When VA receives your NOD, we will send you a Statement of the Case. A Statement of the Case describes the facts, laws, regulations, and reasons that we considered or used to make our decision. We will also send you a VA Form (VAF) 9, "Appeal to Board of Veterans' Appeals", with the Statement of the Case. If you want to continue your appeal to the Board after receiving a Statement of the Case, you must complete and return VAF 9 to the address on our decision letter.

You must submit the completed VAF 9 within one year from the date of our original decision letter, or within 60 days from the date that we mail the Statement of the Case to you, whichever provides you with more time. If you decide to complete an appeal by filing a VAF 9, you have the option to request a Board hearing. Hearings often increase wait time for a Board decision. It is not necessary for you to have a hearing for the Board to decide your appeal. It is your choice.

**e. Where can I find out more about the VA appeals process?**

You can find a "plain language" pamphlet called "How Do I Appeal", on the Internet at: [http://www.bva.va.gov/How\\_Do\\_I\\_Appeal.asp](http://www.bva.va.gov/How_Do_I_Appeal.asp). Additionally, you can find the formal rules for the VA appeals process in title 38, Code of Federal Regulations, Part 20. You can find the complete Code of Federal Regulations on the Internet at: <http://www.ecfr.gov>. A printed copy of the Code of Federal Regulations may be available at your local law library.

**5. Can I get someone to help me with my appeal?**

You can have someone represent you, if you wish.

- You can find a list of Veterans Service Organizations that will represent you for free at <http://www.va.gov/vso>, or
- An attorney or agent can represent you, but may require you to pay for their services. VA cannot pay any attorney or agent fees.