

§21.186

38 CFR Ch. I (7-1-04 Edition)

assigned to *evaluation and planning* status for any of the purposes specified in paragraph (a) of this section.

(c) *Termination of evaluation and planning* status. The assignment of the veteran's records to *evaluation and planning* status may be terminated under the following conditions:

(1) *Evaluation and planning completed.* The services necessary to complete evaluation and planning have been provided. These services are:

- (i) Completion of an initial evaluation;
- (ii) Development of an IWRP (Individualized Written Rehabilitation Plan) or other individual rehabilitation plan in those cases in which eligibility and entitlement to services provided under Chapter 31 are established; or
- (iii) Completion of reevaluation of prior findings made in initial evaluation or modification of a rehabilitation plan.

(2) *Evaluation and planning not completed.* The VR&C Division shall make every reasonable effort to enable the veteran to complete the evaluation and planning phase of the rehabilitation process. A determination that every reasonable effort by VA has been made, and that little likelihood exists that continued efforts will lead to completion of planning and evaluation, may be made under the following conditions:

- (i) The veteran writes VA and requests that his or her case be inactivated;
- (ii) The veteran fails to keep scheduled appointments following his or her initial appointment; or
- (iii) The veteran otherwise fails to cooperate with VA in the evaluation and planning process. If the veteran fails to cooperate, the provisions of §21.362 are applicable.

(Authority: 38 U.S.C. 3106, 3107)

CROSS-REFERENCE: See §§21.50 through 21.58 Initial and extended evaluation, and §§21.80 through 21.98 Individualized written rehabilitation plan.³

§21.186 "Ineligible" status.

(a) *Purpose.* The purpose of *ineligible* status is to identify the cases in which a veteran requests services under Chapter 31, but the request is denied by VA, usually, on the basis of information de-

veloped when the veteran was in *evaluation and planning* status.

(Authority: 38 U.S.C. 3106)

(b) *Assignment to ineligible* status. A veteran's case will be assigned to *ineligible* status following a finding by VA that the veteran is not eligible for or entitled to services under Chapter 31. The finding must preclude all possible Chapter 31 services.

(Authority: 38 U.S.C. 3106, 3107)

(c) *Termination of ineligible* status. The assignment of the veteran's case to *ineligible* status should be terminated if the veteran thereafter becomes eligible to receive any Chapter 31 service. Placement of the case in *ineligible* status is a bar to reconsideration of eligibility unless a material change in circumstances occurs.

(Authority: 38 U.S.C. 3106)

§21.188 "Extended evaluation" status.

(a) *Purpose.* The purposes of *extended evaluation* status are to:

- (1) Identify a veteran for whom a period of *extended evaluation* is needed; and
- (2) Assure that necessary services are provided by VA during the extended evaluation.

(Authority: 38 U.S.C. 3106)

(b) *Assignment to extended evaluation* status. A veteran's case may be assigned or reassigned to *extended evaluation* status under provisions of §21.57, §21.74, §21.86, §21.94, §21.96, or §21.98.

(Authority: 38 U.S.C. 3107)

(c) *Continuation in extended evaluation* status. A veteran's case will be in *extended evaluation* status during periods in which:

- (1) The veteran is pending induction into the facility at which rehabilitation services will be provided;
- (2) The veteran is receiving rehabilitation services prescribed in the IEEP (§21.86); or
- (3) The veteran is on authorized leave of absence during an extended evaluation.

(Authority: 38 U.S.C. 3108)