

Department of Veterans Affairs

§ 21.197

(4) Either the veteran or VA discontinues the program; or

(5) Service-connection for the veteran's service-connected disability is severed by VA or he or she otherwise ceases to be eligible.

(Authority: 38 U.S.C. 3109, 3110)

CROSS-REFERENCES: See §§ 21.160 Independent living services, 21.282 Effective date of induction into a rehabilitation program, 21.322 Commencing date, and 21.324 Reduction or termination date.

§ 21.194 "Employment services" status.

(a) *Purpose.* The status *employment services* serves to:

(1) Identify veterans who are being furnished employment services; and

(2) Assure that these veterans receive necessary services in a timely manner.

(b) *Assignment to employment services status.* A veteran's case may be assigned or reassigned to *employment services* status under the provisions of §§ 21.84, 21.88, 21.94 and 21.98.

(c) *Continuation in employment services status.* A case will remain in *employment services* status for the period specified in the IEAP, subject to the limitations specified in paragraph (d) of this section.

(d) *Termination of employment services status.* The veteran will continue in *employment services* status until the earliest of the following events occurs:

(1) He or she is determined to be rehabilitated under the provisions of § 21.283; or

(2) He or she is:

(i) Employed for at least 60 days in employment that does not meet the criteria for rehabilitation contained in § 21.283, if the veteran intends to maintain this employment and declines further assistance; and

(ii) Adjusted to the duties and responsibilities of the job.

(3) Either the veteran or VA interrupts the employment services program;

(4) Either the veteran or VA discontinues the employment services program;

(5) He or she reaches the end of the period for which employment services have been authorized and there is no basis for extension; or

(6) Service-connection for the veteran's service-connected disability is severed or he or she otherwise ceases to be eligible.

(Authority: 38 U.S.C. 3117)

CROSS-REFERENCES: See §§ 21.47 Eligibility for employment assistance, 21.250 Overview of employment services, and 21.326 Authorization of employment services.

[49 FR 40814, Oct. 18, 1984, as amended at 58 FR 68768, Dec. 29, 1993]

§ 21.196 "Rehabilitated" status.

(a) *Purpose.* The purpose of *rehabilitated* status is to identify those cases in which the goals of a rehabilitation program or a program of employment services have been substantially achieved.

(b) *Assignment to "rehabilitated" status.* A veteran's case shall be assigned to "rehabilitated" status when his or her case meets the criteria for rehabilitation contained in § 21.283.

(Authority: 38 U.S.C. 3102, 3107 and 3117)

(c) *Termination of rehabilitated status.* A veteran's case will not be removed from *rehabilitated* status under § 21.284 once that status has been assigned, unless the determination of rehabilitation is set aside for a reason specified in § 21.284.

(Authority: 38 U.S.C. 3100)

CROSS-REFERENCE: See § 21.284 Reentrance into a rehabilitation program.

[49 FR 40814, Oct. 18, 1984; 50 FR 9622, Mar. 11, 1985, as amended at 58 FR 68768, Dec. 29, 1993]

§ 21.197 "Interrupted" status.

(a) *Purpose.* The purpose of *interrupted* status is to recognize that a variety of situations may arise in the course of a rehabilitation program in which a temporary suspension of the program is warranted. In each case, VA first must determine that the veteran will be able to return to a rehabilitation program or a program of employment services following the resolution of the situation causing the interruption. This determination will be documented in the veteran's record.

(Authority: 38 U.S.C. 3117)

§ 21.198

38 CFR Ch. I (7–1–04 Edition)

(b) *Assignment to “interrupted” status.* A veteran’s case will be assigned to *interrupted* status when:

(1) VA determines that a suspension of services being provided is necessary; and

(2) Either:

(i) A definite date for resumption of the program is established; or

(ii) The evidence indicates the veteran will be able to resume the program at some future date, which can be approximately established.

(Authority: 38 U.S.C. 3110)

(c) *Reasons for assignment to “interrupted” status.* A veteran’s case may be interrupted and assigned to *interrupted* status for reasons including but not limited to the following:

(1) *Veteran does not initiate or continue rehabilitation process.* If a veteran does not begin or continue the rehabilitation process, the veteran’s case will be interrupted and assigned to *interrupted* status, including:

(i) A case in *evaluation and planning* status;

(ii) A case in *extended evaluation* status;

(iii) A case in *rehabilitation to the point of employability* status;

(iv) A case in *independent living program* status; or

(v) A case in *employment services* status.

(2) *Unsatisfactory conduct and cooperation.* If a veteran’s conduct or cooperation becomes unsatisfactory, services and assistance may be interrupted as determined under provisions of §§ 21.362 and 21.364.

(3) *Services not available.* The veteran cannot continue the program because the necessary training and rehabilitation services are unavailable.

(4) *Prior to assignment to “discontinued” status.* A veteran’s case shall be assigned to *interrupted* status prior to discontinuance and assignment to *discontinued* status in all cases except as provided in § 21.182(d) and upon the veteran’s death. The purpose of assignment to *interrupted* status is to assure that all appropriate actions have been taken to help the veteran continue in his or her program before discontinuing benefits and services.

(5) *Absences.* The veteran is not entitled to be placed on authorized absence under §§ 21.340 through 21.350 while in interrupted status.

(Authority: 38 U.S.C. 3111)

(d) *Reentrance from “interrupted” status.* (1) A veteran in *interrupted* status may be assigned to his or her prior status or other appropriate status, if he or she reports for entrance or reentrance into the prescribed program at the time and place scheduled for the resumption of the rehabilitation program.

(2) If a veteran in *interrupted* status fails to report for entrance or reentrance into the program at the appointed time and place, the veteran’s case will remain in *interrupted* status. The case manager will then determine whether there is a satisfactory reason for the veteran’s failure to enter a new or reenter the prior program. If the evidence of record does not establish a satisfactory reason, the veteran’s case will be discontinued and assigned to *discontinued* status.

(e) *Case management responsibility during a period of interruption.* The case manager shall maintain contact with the veteran during *interruption* and shall arrange for appropriate medical or other services the veteran needs to be able to enter or reenter a rehabilitation program or a program of employment services.

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

CROSS-REFERENCE: See § 21.324 Reduction or termination date.

[49 FR 40814, Oct. 18, 1984, as amended at 52 FR 2518, Jan. 23, 1987]

§ 21.198 “Discontinued” status.

(a) *Purpose.* The purpose of *discontinued* status is to identify situations in which termination of all services and benefits received under Chapter 31 is necessary.

(b) *Placement in “discontinued”.* VA will discontinue the veteran’s case and assign the case to *discontinued* status following assignment to *interrupted* status as provided in § 21.197 for reasons including but not limited to the following: