§ 21.188 "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 developed when the veteran was in evaluation and planning status.

(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.

(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.

§ 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.

(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. 3106)

(d) Termination of extended evaluation status. A veteran in extended evaluation status will remain in that status until one of the following events occur:

(1) Following notification of necessary arrangements to begin an extended evaluation, the date the extended evaluation begins, and instructions as to the next steps to be taken, the veteran:

(ii) Fails to report and does not respond to followup contact by the case manager;

(iii) Declines or refuses to enter the program; or

(iii) Defers induction for a period exceeding 30 days beyond the scheduled date of induction, except where the deferrment is due to illness or other sufficient reason;

(2) VA determines the reasonable feasibility of a vocational goal for the veteran before completion of all of the planned evaluation because the decision does not require the further evaluation;

(3) The veteran completes the extended evaluation;

(4) Either the veteran or VA interrupts the extended evaluation;

(5) Either the veteran or VA discontinues the extended evaluation; or

(6) Service-connection for the veteran’s service-connected disability is severed by VA or his or her continued eligibility otherwise ceases.

(Authority: 38 U.S.C. 3106)
§ 21.190 “Rehabilitation to the point of employability” status.

(a) Purpose. The rehabilitation to the point of employability status serves to:
   (1) Identify veterans who receive training and rehabilitation services to enable them to attain a vocational goal; and
   (2) Assure that services specified in the veteran’s IWRP are provided in a timely manner by VA.

(Authority: 38 U.S.C. 3101)

(b) Assignment. A veteran’s case may be assigned or reassigned to rehabilitation to the point of employability status under the provisions of §§21.84, 21.94, 21.96, or 21.98.

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

(c) Continuation in rehabilitation to the point of employability status. A veteran will be assigned to rehabilitation to the point of employability status during periods in which:
   (1) The veteran has progressed through applicant status and evaluation and planning status (including extended evaluation status when appropriate), and is pending induction into the facility at which training and rehabilitation services will be provided;
   (2) The veteran is receiving training and rehabilitation services prescribed in the IWRP; or
   (3) The veteran is on authorized leave of absence.

(Authority: 38 U.S.C. 3104, 3107)

(d) Termination of rehabilitation to the point of employability status when goals of the IWRP for this period are achieved. VA will consider a veteran to have completed the period of rehabilitation to the point of employability, and will terminate this status under the following conditions:
   (1) The veteran achieves the goals of, and has been provided services specified in, the IWRP;
   (2) The veteran who leaves the program has completed a sufficient portion of the services prescribed in the IWRP to establish clearly that he or she is generally employable as a trained worker in the occupational objective established in the IWRP;
   (3) The veteran, who has not completed all prescribed services in the IWRP, accepts employment in the occupational objective established in the IWRP with wages and other benefits commensurate with wages and benefits received by trained workers; or
   (4) The veteran:
      (i) Satisfactorily completes a prescribed program, the practice of which requires pursuing an examination for licensure, but
      (ii) Is unable to take the licensure examination prior to the basic twelve-year termination date and there is no basis for extension of that date.

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

(e) Other conditions for termination of rehabilitation to the point of employability status. In addition to termination under conditions described in paragraph (d) of this section, the classification of the veteran’s records in this status may be terminated under any of the following conditions:
   (1) A veteran who has been notified of necessary arrangements to begin the program, the date the program begins and instructions as to the next steps to be taken:
      (i) Fails to report and does not respond to initial or subsequent followup by the case manager;
      (ii) Declines or refuses to enter the program; or
      (iii) Defers induction for a period exceeding 30 days beyond the scheduled beginning date of the program, except where the deferment is due to illness or other sufficient reason.
   (2) Either the veteran or VA interrupts the period of rehabilitation to the point of employability;
   (3) Either VA or the veteran discontinues the period of rehabilitation to the point of employability;
   (4) The veteran reaches his or her termination date, and there is no basis for extension under §21.44;
   (5) The veteran’s entitlement to training and rehabilitation services under Chapter 31 is exhausted, and there is no basis for extension under §21.78; or
   (6) Service-connection for the veteran’s service-connected disability is