



Memorandum of Understanding

Between

The Department of Defense

And

The Department of Veterans Affairs

PURPOSE

This Memorandum of Understanding (MOU) is expressly undertaken between the Department of Defense, acting through the Under Secretary of Defense, Personnel and Readiness (USD/P&R), and the Department of Veterans Affairs, acting through the Under Secretary of Veterans Affairs for Benefits, Veterans Benefits Administration (USB/VBA), for the purpose of providing Vocational Rehabilitation and Employment (VR&E) services at the earliest opportunity to active duty Servicemembers (including National Guard and Reserve members on active duty orders). Early access to VR&E services and assistance offers Servicemembers resources that aid their recovery, their transition and their reintegration into civilian life.

AUTHORITY

The VR&E program has authority, pursuant to Title 38, United States Code, chapters 31 and 36, to provide all services and assistance necessary to enable eligible 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.

Section 1611 of the Wounded Warrior Act, title XVI of Public Law 110-181 (National Defense Authorization Act for Fiscal Year 2008), requires the Secretary of Defense and the Secretary of Veterans Affairs, to the extent feasible, to develop and implement a comprehensive policy on improvements to the care, management, and transition of recovering Servicemembers, from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs. The Education and Employment Initiative (E2I) program has authority, pursuant to title 10, United States Code, § 1142-1144 to provide certain transition benefits and services to separating Servicemembers, including those involuntarily separated due to physical disability.

Section 1631(b) of the Wounded Warrior Act entitles a member of the U.S. Armed Forces with a severe injury or illness to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to Veterans of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs in order to facilitate the recovery and rehabilitation of such members. E2I is established pursuant to title 10, chapter 58, which authorizes certain benefits and services for members being separated.

Entitlement to VR&E services and assistance under the Wounded Warrior Act is based on the submission to VA of a VA Form 28-1900 (Disabled Veterans Application for Vocational Rehabilitation) and qualifying information related to military service. VA will accept documentation from the Military Department showing the Servicemember has a medical condition determined to be the result of an injury incurred or illness contracted in the line of duty, which could be cause for referral into the Integrated Disability Evaluation System (IDES). Qualifying information to determine eligibility for VR&E services and assistance may be provided to VA by the Servicemember or the Physical Evaluation Board Liaison Officer (PEBLO), Warrior Transition Units, Wounded Warrior Regiments, Community Based Health Care Organizations (CBHCOs) to the extent authorized by law, and other referral sources, such as VA Polytrauma Centers with the member's consent. Service Treatment Records (STRs) are not necessary to establish entitlement for VR&E services, but are requested to expedite the counseling process for Servicemembers enrolled in IDES or E2I.

TERMS

This MOU outlines the parameters in which eligible active duty Servicemembers (including National Guard and Reserve members on active duty orders) can receive vocational rehabilitation counseling services and assistance. Eligible Servicemembers should be informed and referred to a vocational rehabilitation counselor (VRC) for counseling on VR&E services and assistance if they are:

- A. Evaluated by a DoD or VA physician and determined to have a severe injury or illness which could cause their referral into the IDES.
- B. Assigned to a Service's Wounded Warrior program and are participating in the E2I program to the extent authorized by law.
- C. Being processed through the IDES and are being referred to a Physical Evaluation Board.

RESPONSIBILITIES OF THE PARTIES

- A. The USD/P&R shall develop and establish policy and procedures to:
 - 1. Inform active duty Servicemembers with a severe injury or illness, which could cause the member to be evaluated for medical discharge, to contact a VRC to discuss entitlement to VR&E services and assistance.
 - 2. Send Servicemembers participating in the E2I program to a VRC.

3. Send Service members in the IDES who are referred to the Informal Physical Evaluation Board to a VRC.
4. Establish an on-site VRC at designated military installations agreed to by the Military Department concerned and the Department of Veterans Affairs, VBA.
5. Provide suitable facilities for VRCs to meet with Servicemembers on-site at designated military installations, to include: one office for each VRC (the total number VRCs determined by applying a ratio of one VRC to 75-100 Service members). Such facilities must include appropriate utilities (adequate lighting, ventilation, heat, etc.), male and female restrooms, furniture, access for individuals with disabilities, and sufficient parking. Telephones, Internet access, and janitorial services must also be provided.
6. Provide access by VRCs to the installation in accordance with applicable regulations.
7. Provide on-going local publicity efforts to inform Servicemembers about their eligibility and opportunity for on-site VR&E services where VRCs are available as agreed to by the Military Departments concerned and the Department of Veterans Affairs.
8. Require maximum participation with the support of installation and unit commanders and make the first appointment between the Servicemember and the VRC mandatory.

B. The USB/VBA shall:

1. Identify, in coordination with the Military Departments concerned, locations where it has the resources and capabilities to provide on-site VRCs at designated military installations.
2. Provide points of contact and coordinators at the headquarters level for the purpose of providing VR&E services at the earliest opportunity to active duty Servicemembers (including National Guard and Reserve members on active duty orders).
3. Provide highly qualified VRCs at the designated military installations.
4. Provide computers and other automation necessary to access the Internet/VA resources.
5. Develop a Career Plan with the Servicemember and ensure the Career Plan is given to the Recovery Care Coordinator (RCC) or Chain of Command for review.
6. Collaborate with DOL/DoD to assist transitioning Servicemembers with education or employment in the vicinity of their intended place of employment. Transitioning Servicemembers will also be provided with referrals to their local DOL center, VA medical center and other VA resources in the vicinity of their intended place of residence prior to discharge.
7. Provide VR&E services and assistance to Servicemembers with severe injuries and illnesses participating in the E2I program or processing through the IDES, ranging from a comprehensive rehabilitation evaluation to determine abilities, skills, and interests to services that assist Servicemembers in preparing for, obtaining, and maintaining employment to the extent authorized by law.

8. Monitor the provision of the enumerated services and assistance to maintain a high-quality program.
9. Provide, in coordination with the Military Department concerned, on-going publicity through, but not limited to, newsletters, installation newspaper articles, flyers, and posters.

PERIOD OF PERFORMANCE

This MOU shall become effective upon the last date of signature of the parties and shall remain in effect until terminated in writing by either or both parties, but will be jointly reviewed at one year from the date of signature. This agreement may be terminated at any time upon 30 day advance written notice by either party, and may be amended by written agreement of the parties.

ADMINISTRATIVE CONTACTS

US Department of the Army, Office of the Assistant Secretary
Manpower and Reserve Affairs
The Pentagon, Room 2E460
Washington, DC 20310

US Department of the Navy, Office of the Assistant Secretary
Manpower and Reserve Affairs
1000 Navy Pentagon
Washington, DC 20350

US Department of the Air Force, Office of the Assistant Secretary
Manpower and Reserve Affairs
1660 Air Force Pentagon
Washington, DC 20330

Office of Wounded Warrior Care and Transition Policy
200 Stovall Street
Hoffman II, Suite 11N01
Alexandria, VA 22331-0800

Veterans Benefits Administration (VBA)
Vocational Rehabilitation & Employment Service
810 Vermont Avenue, NW
Washington, DC 20420
(202) 461-9600

MODIFICATIONS

Amendments or renewals may be proposed in writing at any time during the period of performance by either party and shall become effective upon signing by both parties. No change to this agreement shall be binding unless and until reduced to writing and signed by duly authorized officials of both parties.

EFFECT OF AGREEMENT

This MOU is intended to improve services and efficiencies within the Executive Branch and does not confer any rights upon any individual or other entity. This agreement does not authorize the expenditure or reimbursement of any funds. Nothing in this MOU shall obligate DoD or VA to expend appropriations or enter into any contract or other obligation. All obligations of the parties under this MOU shall be subject to the availability of funds for such purposes.

Nothing in this MOU shall be interpreted as limiting, superseding, or otherwise affecting the parties' normal operations or decisions in carrying out their statutory or regulatory duties.

NO THIRD PARTY RIGHTS

Nothing in this agreement creates any enforceable rights by third parties.

IN WITNESS THEREOF each party hereto has caused this Agreement to be executed as indicated below.

Department of Defense

Department of Veterans Affairs

By:
Acting Under Secretary of Defense
for Personnel and Readiness

By:
Under Secretary of Veterans Affairs
for Benefits

Signed

Date: Month, Day, Year

2/11/2012

Signed

Date: Month, Day, Year

1/17/2012