



BOARD OF VETERANS' APPEALS

FOR THE SECRETARY OF VETERANS AFFAIRS

WASHINGTON, DC 20038

The Board of Veterans' Appeals made a decision on your appeal.

<i>If your decision contains a</i>	<i>What happens next</i>
Grant	The Department of Veterans Affairs (VA) will contact you regarding next steps, which may include issuing payment. Please refer to VA Form 4597, which is attached for additional options.
Remand	Additional development is needed. VA will contact you regarding next steps.
Denial or Dismissal	Please refer to VA Form 4597, which is attached for your options.

If you have any questions, please contact your representative, if you have one, or check the status of your appeal at <http://www.vets.gov>.

Sincerely yours,

Decision Management Branch
Office of Appellate Support



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BOARD OF VETERANS' APPEALS

FOR THE SECRETARY OF VETERANS AFFAIRS

DATE: October 10, 2023

ORDER

Entitlement to additional Veteran Readiness and Employment (VR&E) (formerly known as Vocational Rehabilitation and Employment) services under Chapter 31, Title 38, United States Code, other than employment services, to include pursuit of a medical degree, is granted.

FINDINGS OF FACT

1. The Veteran and Vocational Rehabilitation Counselor (VRC) completed an initial evaluation, finding that the Veteran had a serious employment handicap, and that achievement of a vocational goal was reasonably feasible.
2. Although the Veteran has a bachelor's degree in biomedical sciences with an emphasis on premed, the evidence reasonably demonstrates that he is unable to obtain or maintain appropriate employment consistent with his interests, abilities, and aptitudes with his current education.
3. Resolving reasonable doubt in the Veteran's favor, the Veteran is entitled to additional VR&E benefits, other than employment services, to include training in pursuit of a career as a physician.

CONCLUSION OF LAW

The criteria for a change in the Veteran's vocational rehabilitation goal and objectives to obtaining a medical degree and becoming a physician are met. 38 U.S.C. §§ 3100, 3101, 3102, 3105, 3107; 38 C.F.R. §§ 21.35, 21.40, 21.53, 21.72, 21.92, 21.94.

REASONS AND BASES FOR FINDINGS AND CONCLUSION

The Veteran honorably served on active duty with the Navy from June 2000 to June 2005, and with the Army from February 2006 to August 2014. This appeal to the Board of Veterans' Appeals (Board) arose from a May 2018 administrative decision by the Department of Veterans Affairs (VA) Vocational Rehabilitation Counselor (VRC) denying the Veteran's request for additional educational training beyond his Bachelor of Science in biomedical/premed sciences, to include attending medical school to become a physician. The appeal was remanded by the Board in March 2020 and May 2021 for further development. In May 2023, the Veteran testified at a Board hearing, a transcript of which is of record.

The purpose of VA's rehabilitation program is to provide services and assistance necessary to enable veterans with service-connected disabilities to achieve independence in daily living and, to the extent possible, become employable and obtain and maintain suitable employment. 38 U.S.C. § 3101; 38 C.F.R. § 21.70. This can include employment services and additional training in pursuit of entry level employment.

In each case in which a veteran has either an employment handicap or serious employment handicap, VA must determine the reasonable feasibility of achieving a vocational goal. 38 C.F.R. § 21.53(a). A "vocational goal" is defined as gainful employment consistent with a veteran's abilities, aptitudes, and interests. 38 U.S.C. §§ 3101(8), 3106(a); 38 C.F.R. §§ 21.50, 21.53.

A serious employment handicap is defined as a significant impairment of the Veteran's ability to prepare for, obtain, or retain employment consistent with his

abilities, aptitudes, and interests. 38 C.F.R. § 21.52. A veteran's service-connected disability(ies) must contribute in substantial part to the individual's overall vocational impairment. 38 C.F.R. § 21.52. This means that the disability(ies) must have an identifiable, measurable, or observable causative effect on the overall vocational impairment, but need not be the sole or primary cause of the employment handicap. *Id.*

In the instant case, the Veteran's basic entitlement to VR&E services is not at issue. A March 2018 Counseling Record Narrative Report shows that a VRC found that the Veteran had a serious employment handicap, that he was entitled to services, and that achievement of a vocational goal is reasonably feasible. The Board finds no reason to overturn these findings that are favorable to the Veteran.

At the initial March 2018 counseling session, the VRC noted the Veteran "expressed an interest in the business [field], medical field, and [being a] fitness instructor." CareerScope testing reflected his highest areas of interest were in science and humanitarian fields. The Veteran's aptitudes testing scored highest in form perception and clerical perception, creating overlapping interest and aptitude results in medical sciences, social services, and nursing. *See* March 2018 counseling record. A March 2018 rehabilitation needs inventory (RNI) reflects the Veteran was most interested in a career as a medical doctor, fitness instructor, and business. When the Veteran applied for VR&E services, he was already enrolled at Keiser University and was studying to obtain a Bachelor of Science in biomedical sciences with a premed emphasis. *See* March 2018 RNI.

After the initial counseling session, the Veteran obtained a letter from his primary care physician noting he had no physical limitations that would disqualify him from any medical program. *See* March 2018 Dr. M.T.O letter. He also obtained a letter from his psychiatrist who stated the Veteran was fully compliant with his therapy and medication, and noted that his psychiatric disorder would not impede his ability to become a physician. *See* March 2018 Dr. L.G. letter. The Veteran also completed a March 2018 letter of intent to his VRC noting his desire to attend medical school to become a physician. The Veteran did not mention any interest other than that of the medical field after the March 2018 counseling session.

The record reflects the Veteran and VRC met three more times to develop his individualized written rehabilitation plan (IWRP). The Veteran contends that at the second meeting, he and his VRC created a “mock IWRP” with objectives to complete the MCAT and apply to medical school. *See* February 2020 Veteran affidavit. There is no draft IWRP or documented conversation in the record to corroborate the Veteran’s statement, but the Board finds the Veteran’s statements credible during the appeal.

At the fourth meeting, the VRC agreed the Veteran could receive VR&E benefits to finish his bachelor’s degree, but noted he would be employable at the completion of this degree, and he should consider focusing “his vocational exploration on jobs that he could get with the degree he is currently pursuing...[such as a] biomedical technology specialist, clinical lab research specialist, quality specialist, or related” profession. *See* May 2018 counseling note. The Veteran replied that he did not want to pursue jobs in the biomedical field, his degree emphasis was premised with the intention to attend medical school, and his degree would not work in the VRC’s suggested jobs. *Id.* The VRC then stated that VR&E benefits for education beyond his current degree “could not be approved at this time” and the Veteran declined the services offered by the VRC. *Id.* No IWRP was signed at this juncture. The VRC then issued a May 2018 determination letter stating that additional educational training after his bachelor’s degree, to include attending medical school, was denied. *See* May 2018 determination letter. Four days later, the Veteran contacted his VRC and stated he changed his mind and would like to continue with the “biomedical track plan” recommended at the last appointment.

The Veteran and VRC then finalized an IWRP with objectives to complete his bachelor’s degree in biomedical sciences/premed at Keiser University by February 2019, to maintain the best possible health to permit successful completion of the objectives of the IWRP, and to obtain and maintain employment as a biomedical technology specialist, clinical lab research specialist, quality specialist, or related. *See* May 2018 IWRP. The Veteran began receiving VR&E benefits to assist with his education.

It is unclear from the record exactly what occurred during the initial meetings between the Veteran and his original VRC, but the record strongly reflects that the Veteran always had the interest and occupational goal of physician and his

CareerScope results reflected such a path was consistent with his aptitudes and ability, pending further education. As the VRC noted, other career options were also available that required less education. It appears from the record that the Veteran merely went along with drafting the May 2018 IWRP so that he could receive VR&E assistance with schooling while he completed his bachelor's degree, and always had the intent to try and change his IWRP once his degree was complete.

After finalizing the IWRP, the Veteran was assigned to a new VRC. In August 2018, the Veteran contacted his new VRC and stated he now expected to graduate in December 2018 instead of February 2019, which would "allow [him] to pursue job opportunities early since [he needs] the money, and to begin preparing for the MCAT early." In November 2018, the Veteran requested redevelopment of his IWRP, stating that his old VRC discussed his desire to attend medical school, but the idea was deferred until completion of his bachelor's degree. The VRC noted that the current IWRP stated that once his degree was complete, his case will be referred to employment services for assistance with entry level employment. *See* November 2018 VRC note. The Veteran then expressed that he felt misled, and he would not be able to find suitable employment with his current degree. *Id.* The VRC stated it was "unlikely" he could "proceed with medical school." *Id.* After the interaction, the new VRC spoke to the Veteran's old VRC and supervisor, who agreed the case should be returned to the original VRC. *Id.*

In December 2018, the Veteran provided a notice of disagreement with the original May 2018 determination letter denying additional educational training, including medical school. The determination letter stated the Veteran "will have sufficient training for employment in the field in which [he] is currently being trained" and "not additional education is needed for [him] to find suitable and ongoing employment." *See* May 2018 determination letter. This appeal ensued.

The Board will proceed to adjudicate the matter before it, which essentially is whether medical school is necessary for the Veteran to obtain suitable employment consistent with his abilities, aptitudes, and interests.

Again, the Board points out that a VRC determined that the Veteran has a serious employment handicap and that achievement of a vocational goal is reasonably

feasible. The remaining question, therefore, is whether the Veteran requires an additional program of rehabilitation to obtain and maintain suitable employment, and the Board finds that he does.

Here, the Veteran is service-connected for posttraumatic stress disorder (PTSD) with residuals of a traumatic brain injury (TBI) rated at 70 percent disabling, gastroesophageal reflux disease (GERD) rated at 60 percent from October 16, 2018, cervical spine degenerative disc disease rated at 30 percent, migraines rated at 30 percent from October 16, 2018, asthma rated at 10 percent prior to July 16, 2021 and 30 percent thereafter, right and left upper extremity radiculopathy each rated at 20 percent disabling, and pruritis ani with rectal bleeding rated at 20 percent from October 16, 2018, among other conditions. *See* August 2022 rating decision codesheet. His combined disability rating is 90 percent, prior to October 16, 2018 and 100 percent thereafter. *Id.* He has been awarded a total disability rating based on individual unemployability (TDIU) during the entire appeal period in question.

The Veteran's educational history shows that he received a Bachelor of Science in biomedical sciences with an emphasis in premed. While serving in the United States Navy, the Veteran served as a urology technician, then he served in the Army as a fire support specialist. After separation from service in August 2014, the record reflects the Veteran worked temporarily in security, as a fitness instructor and office manager. *See* May 2017 VA Form 21-8940. An October 2014 VA psychiatric examination report reflects the Veteran hoped to become a doctor. After graduation from Keiser, the Veteran accepted parttime offers to work as a security guard and eventually accepted a position as a STEM teacher for at-risk youth within Clay County, but he had to quit after six months due to increased stressors aggravating his PTSD. *See* June 2020 Veteran log. The Veteran stated he also drove people around part time, and took security jobs when he could. The Veteran provided an extensive log of the jobs he applied to from January 2019 through June 2020, which included numerous teaching positions, science technician positions, and caregiver positions for which the Veteran was not selected. Thus, regarding whether, prior to pursuing a medical degree, the Veteran had the education to qualify himself for suitable employment consistent with his

abilities, aptitudes, and interests, the Veteran has submitted evidence showing that although he sought alternative employment, no such employment was offered.

The Veteran or VRC may request a change in the Veteran's rehabilitation plan at any time. 38 C.F.R. § 21.94(a). A change in the statement of a long-range goal may only be made following a reevaluation of the Veteran's rehabilitation program by the VRC. A change may be made when: (1) achievement of the current goal(s) is no longer reasonably feasible; or (2) the Veteran's circumstances have changed or new information has been developed which makes rehabilitation more likely if a different long-range goal is established; and (3) the Veteran fully participates and concurs in the change. 38 C.F.R. § 21.94(b).

Here, the record reflects the Veteran's service-connected disabilities increased in October 2018, including GERD, migraines, pruritis ani with rectal bleeding, and tinnitus. Additionally, the record reflects the Veteran applied to numerous jobs and was not provided employment. For the jobs that he did accept, the record suggests the positions aggravated his psychiatric symptoms and he was unable to maintain employment. Also, the record reflects the Veteran graduated with a premed focus, which the Veteran stated limited his ability to obtain related laboratory positions without further training and certifications. Thus, the Board finds the record reflected that the Veteran's circumstances changed and a reevaluation of the Veteran's IWRP was warranted, but no reevaluation was conducted by the VRC. Instead, the VRC insisted the Veteran receive help from an employment coordinator and look for a job. When the Veteran refused to continue with VR&E employment assistance and appealed, the VRC placed the Veteran's IRWP in "interrupt status." *See* January 2019 counseling record; February 2019 VRC letter.

In February 2020, the Veteran provided a detailed vocational assessment by P.C., a vocational expert, who reviewed the entire record, analyzed the March 2018 CareerScope results, and interviewed the Veteran. P.C. noted the Veteran's PTSD symptoms resulted in difficulty being around other people, trouble controlling his emotions, difficulty adapting to stressful circumstances, significant interruption in his ability to complete tasks, follow direction, and concentrate, and difficulty in crowds and confined spaces resulting in panic attacks when triggered. *See* February 2020 P.C. vocational assessment. He also acknowledged the Veteran's chronic musculoskeletal pain and headaches limit his physical activity,

but stated the Veteran's PTSD symptoms are the most significant vocational impairment and would negatively interfere with his ability to interact with others appropriately in a structured worksite. *Id.* The vocational assessment also reflects the Veteran avoids small spaces, and that offices trigger his PTSD symptoms. *Id.* P.C. opined that the VRC did not properly consider the Veteran's significant psychiatric vocational impairment in conducting her analysis. *Id.* P.C. discussed, at length, the vocational goal of a general practitioner versus that of a biomedical engineer, chemical laboratory technician, and quality assurance analyst, and noted that "the physician occupation allows the Veteran to control his environment in such a way that he can avoid triggers that may be associated with PTSD." *Id.* It was noted that the other occupations are more structured, with time frames, deadlines, and require work in more confined spaces that would involve greater physical demands than that of a physician. *Id.* Importantly, P.C. noted the Veteran has not expressed interest in any of the potential occupations provided by the VRC; thus, P.C. opined that the occupational goal within the IWRP is not consistent with the Veteran's aptitudes, abilities, and interests. Instead, P.C. opined that a vocational goal of physician was reasonably feasible, was in line with the Veteran's aptitudes, abilities, and interests, and would not aggravate his service-connected disabilities as much as the other suggested professions.

A March 2020 Board remand requested a VRC conduct a vocational rehabilitation and functional capacity evaluation to ascertain functional limitations caused by the Veteran's service-connected disabilities and their effect on his ability to perform in both the medical field and the biomedical laboratory fields. In June 2020, the Veteran told the VRC that he searched for employment within his laboratory training in biomedical sciences, but was unsuccessful, in part, because he does not have "the certification for the medical laboratory technician (MLT) license with the program he completed" as his emphasis was premed. *See* June 2020 VRC correspondence. In June 2020, a VRC opined that the Veteran had enough training and education for various employment opportunities in a STEM career. She noted that the Veteran's CareerScope reflected his strongest work groups included laboratory technology, life sciences, physical sciences, and medical sciences, and that there were numerous similarities between her suggested professions and that of a physician, such that "if the Veteran maintains he is unable to conduct duties of the identified biomedical related positions, it is also more likely than not that he is

unable to perform the duties of a general practitioner.” *See* June 2020 Counseling record. The Board finds the VRC’s opinion probative, as she worked with the Veteran, is a professional in vocational rehabilitation, and considered the record. However, the June 2020 VRC opinion and June 2021 addendum opinion do not consider the Veteran’s PTSD and TBI residuals in determining whether a career in the biomedical field would be appropriate.

In June 2022, P.C. provided an addendum vocational opinion, further emphasizing the opinion from his February 2020 vocational assessment. P.C. noted the Veteran clearly has the aptitude and physical ability to pursue alternative occupations, such as a biomedical technology specialist, but “he does not have any interest in these occupations.” P.C. further stated that the goals within the original May 2018 IWRP are not reasonably feasible vocational goals as they would trigger his PTSD, but becoming a physician is a reasonably feasible vocational goal as the Veteran has the interest, completed his bachelor’s degree in premed, testing reflects he has the aptitude for a medical profession, and he was accepted into medical school with a scholarship. *See* June 2022 P.C. vocational assessment. The Board agrees based on the evidence of record, such as the March 2018 CareerScope results, the Veteran’s completion of a premed degree with exceptional grades, and his continued expressed interest in becoming a physician.

Given the above, the Board places significant weight into the findings of the February 2020 P.C. vocational assessment and June 2022 addendum. P.C. is a professional with education and experience in determining the employability of an individual, and as such, is competent to opine as to the employability of the Veteran; there is no evidence that P.C. is not credible. Moreover, P.C. made the assessment based upon an interest and aptitude inventory, the Veteran’s education and work history background, and with consideration of the Veteran’s needs related to his disabilities. As such, the P.C. assessments are afforded significant probative weight. *See Black v. Brown*, 10 Vet. App. 297 (1997). Likewise, the Board places significant weight into the findings of the June 2020 VRC assessment, but places less probative value in the June 2020 and June 2021 VRC assessments as she did not appear to consider the Veteran’s highest rated service-connected disabilities, his PTSD and TBI residuals. The Veteran has consistently stated that specific

occupations aggravate his psychiatric symptoms, such as working in a confined office.

In light of the discussion above, the evidence demonstrates that the Veteran has a serious employment handicap, and he is unlikely to obtain suitable employment in light of his current level of education and work experience. Considering the evidence above, as well as other evidence of record not specifically discussed, the Board concludes that, when reasonable doubt is resolved in favor of the Veteran, VR&E benefits for furthering his education are warranted in this case. Here, although the VRC found that the Veteran's existing education was sufficient for the Veteran to obtain and maintain employment with his interests, aptitudes, and abilities, the Board finds that the Veteran has made a compelling case to support the conclusion that additional training is necessary. Indeed, the Veteran has persuasively argued as to why he is unable to advance in a laboratory technician position or other similar occupation selected by the VRC, as his service-connected PTSD and TBI residuals prevent him from working in such a structured environment and he has no interest in such a career. The Veteran has also demonstrated that he has been unable to obtain suitable employment in line with his educational background. Further, it has been determined that the Veteran's vocational goal, i.e., obtaining a medical degree in order to pursue a career practicing medicine, is reasonably feasible. The Board also finds that the Veteran's vocational goal builds upon the Veteran's demonstrated interests and skills obtained while serving in the Navy and obtaining his Bachelor of Science in premed biomedical sciences.

In this regard, the Board is cognizant that the goal of VR&E is not to provide the Veteran with the level of employment that he so chooses, but to make him able to obtain and maintain suitable employment. 38 C.F.R. § 21.70. Here, however, the Board is persuaded that the only way to obtain suitable employment consistent with the Veteran's abilities, aptitudes, and interests is for the Veteran to obtain a medical degree. 38 C.F.R. § 21.51(a).

For the reasons and bases discussed above, and with resolution of all reasonable doubt in favor of the Veteran, the Board concludes that the evidence of record supports a finding that the criteria for VR&E benefits, other than employment

YOUR RIGHTS TO APPEAL OUR DECISION

The attached decision by the Board of Veterans' Appeals (Board) is the final decision for all issues addressed in the "Order" section of the decision. The Board may also choose to remand an issue or issues to the local VA office for additional development. If the Board did this in your case, then a "Remand" section follows the "Order." However, you cannot appeal an issue remanded to the local VA office because a remand is not a final decision. *The advice below on how to appeal a claim applies only to issues that were allowed, denied, or dismissed in the "Order."*

If you are satisfied with the outcome of your appeal, you do not need to do anything. Your local VA office will implement the Board's decision. However, if you are not satisfied with the Board's decision on any or all of the issues allowed, denied, or dismissed, you have the following options, which are listed in no particular order of importance:

- Appeal to the United States Court of Appeals for Veterans Claims (Court)
- File with the Board a motion for reconsideration of this decision
- File with the Board a motion to vacate this decision
- File with the Board a motion for revision of this decision based on clear and unmistakable error.

Although it would not affect this BVA decision, you may choose to also:

- Reopen your claim at the local VA office by submitting new and material evidence.

There is *no* time limit for filing a motion for reconsideration, a motion to vacate, or a motion for revision based on clear and unmistakable error with the Board, or a claim to reopen at the local VA office. Please note that if you file a Notice of Appeal with the Court and a motion with the Board at the same time, this may delay your appeal at the Court because of jurisdictional conflicts. If you file a Notice of Appeal with the Court *before* you file a motion with the Board, the Board will not be able to consider your motion without the Court's permission or until your appeal at the Court is resolved.

How long do I have to start my appeal to the court? You have **120 days** from the date this decision was mailed to you (as shown on the first page of this decision) to file a Notice of Appeal with the Court. If you also want to file a motion for reconsideration or a motion to vacate, you will still have time to appeal to the court. *As long as you file your motion(s) with the Board within 120 days of the date this decision was mailed to you*, you will have another 120 days from the date the Board decides the motion for reconsideration or the motion to vacate to appeal to the Court. You should know that even if you have a representative, as discussed below, *it is your responsibility to make sure that your appeal to the Court is filed on time*. Please note that the 120-day time limit to file a Notice of Appeal with the Court does not include a period of active duty. If your active military service materially affects your ability to file a Notice of Appeal (e.g., due to a combat deployment), you may also be entitled to an additional 90 days after active duty service terminates before the 120-day appeal period (or remainder of the appeal period) begins to run.

How do I appeal to the United States Court of Appeals for Veterans Claims? Send your Notice of Appeal to the Court at:

**Clerk, U.S. Court of Appeals for Veterans Claims
625 Indiana Avenue, NW, Suite 900
Washington, DC 20004-2950**

You can get information about the Notice of Appeal, the procedure for filing a Notice of Appeal, the filing fee (or a motion to waive the filing fee if payment would cause financial hardship), and other matters covered by the Court's rules directly from the Court. You can also get this information from the Court's website on the Internet at: <http://www.uscourts.cavc.gov>, and you can download forms directly from that website. The Court's facsimile number is (202) 501-5848.

To ensure full protection of your right of appeal to the Court, you must file your Notice of Appeal **with the Court**, not with the Board, or any other VA office.

How do I file a motion for reconsideration? You can file a motion asking the Board to reconsider any part of this decision by writing a letter to the Board clearly explaining why you believe that the Board committed an obvious error of fact or law, or stating that new and material military service records have been discovered that apply to your appeal. It is important that your letter be as specific as possible. A general statement of dissatisfaction with the Board decision or some other aspect of the VA claims adjudication process will not suffice. If the Board has decided more than one issue, be sure to tell us which issue(s) you want reconsidered. Issues not clearly identified will not be considered. Send your letter to:

**Litigation Support Branch
Board of Veterans' Appeals
P.O. Box 27063
Washington, DC 20038**

Remember, the Board places no time limit on filing a motion for reconsideration, and you can do this at any time. However, if you also plan to appeal this decision to the Court, you must file your motion within 120 days from the date of this decision.

How do I file a motion to vacate? You can file a motion asking the Board to vacate any part of this decision by writing a letter to the Board stating why you believe you were denied due process of law during your appeal. *See* 38 C.F.R. 20.904. For example, you were denied your right to representation through action or inaction by VA personnel, you were not provided a Statement of the Case or Supplemental Statement of the Case, or you did not get a personal hearing that you requested. You can also file a motion to vacate any part of this decision on the basis that the Board allowed benefits based on false or fraudulent evidence. Send this motion to the address on the previous page for the Litigation Support Branch, at the Board. Remember, the Board places no time limit on filing a motion to vacate, and you can do this at any time. However, if you also plan to appeal this decision to the Court, you must file your motion within 120 days from the date of this decision.

How do I file a motion to revise the Board's decision on the basis of clear and unmistakable error? You can file a motion asking that the Board revise this decision if you believe that the decision is based on "clear and unmistakable error" (CUE). Send this motion to the address on the previous page for the Litigation Support Branch, at the Board. You should be careful when preparing such a motion because it must meet specific requirements, and the Board will not review a final decision on this basis more than once. You should carefully review the Board's Rules of Practice on CUE, 38 C.F.R. 20.1400-20.1411, and *seek help from a qualified representative before filing such a motion*. See discussion on representation below. Remember, the Board places no time limit on filing a CUE review motion, and you can do this at any time.

How do I reopen my claim? You can ask your local VA office to reopen your claim by simply sending them a statement indicating that you want to reopen your claim. However, to be successful in reopening your claim, you must submit new and material evidence to that office. *See* 38 C.F.R. 3.156(a).

Can someone represent me in my appeal? Yes. You can always represent yourself in any claim before VA, including the Board, but you can also appoint someone to represent you. An accredited representative of a recognized service organization may represent you free of charge. VA approves these organizations to help veterans, service members, and dependents prepare their claims and present them to VA. An accredited representative works for the service organization and knows how to prepare and present claims. You can find a listing of these organizations on the Internet at: <http://www.va.gov/vso/>. You can also choose to be represented by a private attorney or by an "agent." (An agent is a person who is not a lawyer, but is specially accredited by VA.)

If you want someone to represent you before the Court, rather than before the VA, you can get information on how to do so at the Court's website at: <http://www.uscourts.cavc.gov>. The Court's website provides a state-by-state listing of persons admitted to practice before the Court who have indicated their availability to the represent appellants. You may also request this information by writing directly to the Court. Information about free representation through the Veterans Consortium Pro Bono Program is also available at the Court's website, or at: <http://www.vetsprobono.org>, mail@vetsprobono.org, or (855) 446-9678.

Do I have to pay an attorney or agent to represent me? An attorney or agent may charge a fee to represent you after a notice of disagreement has been filed with respect to your case, provided that the notice of disagreement was filed on or after June 20, 2007. *See* 38 U.S.C. 5904; 38 C.F.R. 14.636. If the notice of disagreement was filed before June 20, 2007, an attorney or accredited agent may charge fees for services, but only after the Board first issues a final decision in the case, and only if the agent or attorney is hired within one year of the Board's decision. *See* 38 C.F.R. 14.636(c)(2).

The notice of disagreement limitation does not apply to fees charged, allowed, or paid for services provided with respect to proceedings before a court. VA cannot pay the fees of your attorney or agent, with the exception of payment of fees out of past-due benefits awarded to you on the basis of your claim when provided for in a fee agreement.

Fee for VA home and small business loan cases: An attorney or agent may charge you a reasonable fee for services involving a VA home loan or small business loan. *See* 38 U.S.C. 5904; 38 C.F.R. 14.636(d).

Filing of Fee Agreements: If you hire an attorney or agent to represent you, a copy of any fee agreement must be sent to VA. The fee agreement must clearly specify if VA is to pay the attorney or agent directly out of past-due benefits. *See* 38 C.F.R. 14.636(g)(2). If the fee agreement provides for the direct payment of fees out of past-due benefits, a copy of the direct-pay fee agreement must be filed with the agency of original jurisdiction within 30 days of its execution. A copy of any fee agreement that is not a direct-pay fee agreement must be filed with the Office of the General Counsel within 30 days of its execution by mailing the copy to the following address: Office of the General Counsel (022D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. *See* 38 C.F.R. 14.636(g)(3).

The Office of the General Counsel may decide, on its own, to review a fee agreement or expenses charged by your agent or attorney for reasonableness. You can also file a motion requesting such review to the address above for the Office of the General Counsel. *See* 38 C.F.R. 14.636(i); 14.637(d).