

All forms and scripts are always free. Edit/remove what's not applicable to you and use as you wish. Go get your entitlement....Nic ☺

Dear VRC,

As I prepare for our conference on (insert date) to determine my entitlement, I wanted to clarify a few things. After being denied last month, I reapplied and did some research and found that based on the M28C guidelines, I not only meet the EH criteria but all of the 9 categories of the SEH criteria.

I have a vocational impairment based on my service-connected disabilities. The service connected disability's have rendered my job as unsuitable because it exacerbates my service-connected disabilities on a regular basis. If I could quit that job and support myself I would but I have to continue working, otherwise I can't support myself. One would think I've overcome my vocational impairment through education and training but based on the definition of overcome found at 38 USC 3102 and 38 CFR 21.51, I have not overcome my vocational impairment if I cannot obtain suitable work due to no fault of my own and that is certainly the case. I have applied for at least 20 jobs in the last few months and have received no offers. Because of the type of degree and experience I have, the only jobs I seem to be offered are those that exacerbate my service-connected disabilities.

Additionally, I considered entry-level work but that would not meet the definition of suitable because in order for a job to be suitable, it has to match my pattern of skills abilities and interests and be within my physical cognitive and psychological capabilities. Entry level work, for me, does not fall within that category.

Additionally, I meet every single criteria for an SEH which would make it virtually impossible for anyone who understands the definition of an SEH to say I don't have one. Consequently, I believe my original denial was a clear and unmistakable error but I thought it easier to just reapply than to try to fight to get it overturned. My hope and trust is that we will not waste time in this meeting going over anything other than the fact that I meet the criteria for EH and SEH because that's all that's really relevant. I do realize that you have some leeway when things are ambiguous but there's really nothing ambiguous about the facts that I have addressed. If you'd like to go over the 9 SEH criteria and how I meet each one, then obviously that is something that we should discuss.

I also have to request that there be no attempt to deny my entitlement based on the rehabilitative path that I want to take. If you disagree with my desired path, I would appreciate it if you would execute your duty to assist as outlined in **M28C.III.C.1, 104, b** by refraining from or discontinue providing assistance so you may help me to find a

All forms and scripts are always free. Edit/remove what's not applicable to you and use as you wish. Go get your entitlement....Nic ☺

better path and not deny my entitlement because you don't agree with my path. I believe I have laid out my entitlement but we can discuss my desired path at the time we meet.

Should, for any reason you refuse to acknowledge the evidence that I am prepared to provide that justifies my EH and my SEH then I'm putting it in writing now that at the end of our meeting, I will be requesting an informal meeting with a supervisor in order to address the clear and unmistakable error via 38CFR 21.1403 which would be any failure to execute your duty to assist by ignoring the fact that I meet every single criteria for an SEH and that I have not overcome my VI with education nor training.

I do realize that this email is a bit presumptuous but the counselor before you who denied me stated many reasons for my denial and refused to acknowledge my entitlement. When I did the research they were all unjustified reasons and some of them were just flat out untrue. That being said, I did the research to find out if I really meet the criteria and it appears that I do. Whatever issues you may have as it relates to my path we can discuss, but as it relates to entitlement, I find it irrefutable based on the only definitions that matter; employment handicap, serious employment handicap, suitable and overcome. I have addressed all four so when we meet there should be no issue to their affect on my entitlement.

That being said, I look forward to meeting you to go over my situation so I can start the path to rehabilitation through VR&E services. "