

[004]

Department of Veterans Affairs COUNSELING RECORD - NARRATIVE REPORT

1. NAME OF COUNSELEE (First, middle initial, last name) FRANK VERA
2. CLAIM NUMBER
3. SOCIAL SECURITY NUMBER
4. REGIONAL OFFICE OR CENTER 344/28

PART I - CERTIFICATION OF ENTITLEMENT/CURRENT FEASIBILITY

(Complete as required for veterans applying for chapter 31, Title 38 U.S.C.) (Check appropriate boxes below and take any action indicated)

5. DOES THE VETERAN HAVE AN IMPAIRMENT OF EMPLOYABILITY? [X] YES [] NO
6. DOES THE VETERAN'S SERVICE-CONNECTED DISABILITY MATERIALLY CONTRIBUTE TO THIS IMPAIRMENT OF EMPLOYABILITY? [] YES [X] NO
7. HAS THE VETERAN OVERCOME THE EFFECTS OF THE IMPAIRMENT OF EMPLOYABILITY? [] YES [] NO
8. DOES THE VETERAN HAVE AN EMPLOYMENT HANDICAP? [X] YES [] NO (Provide adverse action notice)
9. DOES THE VETERAN HAVE A SERIOUS EMPLOYMENT HANDICAP? [] YES [X] NO (Provide adverse action notice)
10. ACHIEVEMENT OF VOCATIONAL GOAL
[] IS CURRENTLY REASONABLY FEASIBLE
[] IS NOT CURRENTLY REASONABLY FEASIBLE (Provide adverse action notice)
[] CANNOT CURRENTLY BE DETERMINED (Extended evaluation is required if veteran has a serious employment handicap)

THIS CERTIFIES THAT - The veteran has received evaluation services to determine his or her entitlement and feasibility for vocational rehabilitation.

11. SIGNATURE OF COUNSELING PSYCHOLOGIST [Signature]
12. DATE [] 94

PART II - COUNSELING NARRATIVE

13. NAME OF COUNSELING PSYCHOLOGIST William C. Capel
14. DATE COUNSELING SESSION BEGINS [] 94

15. TEXT OF NARRATIVE (Continue on reverse, as necessary)

BASIC ELIGIBILITY AND ENTITLEMENT DATA:

Mr. Frank Vera came to Vocational Rehabilitation and Counseling to inquire about benefits relative to his desire to receive training. He is 10 percent service connected for psychosis and back strain. His nonservice connected disabilities are osteoporosis, condition of skeletal system, pulmonary emphysema, heart condition, radiation exposure, and ruptured disc. He has no other disabilities to report at this time.

Frank has 44 months and 14 days of creditable Chapter 31 entitlement remaining with an eligibility termination date of [] 1990. His prior involvement with vocational rehabilitation lead to an infeasible rating in [] 1986.

VETERAN HISTORY:

Frank is [] years old unmarried and currently is unemployed in the VASH program at Department of Veterans Affairs (VA) Medical Center, Loma Linda. Frank graduated from high school in Florida in 1970 and joined the military from 1972 to 1974 where he achieved the rate of E3 as a weapon specialist. It was during the later part of his military career that he was exposed at George Air Force Base to radiation dust. He ingested the dust which has lead to his bone condition and his NSC other problems. Frank has been unemployed since 1974 and by his own admission cannot work. He reports having tried college and failed due to his inability to complete the course work for medical reasons. He has also tried ROP for typing and found that he could not sit-up due to his bone condition.

Frank has been battling with the VA for recognition of his radiation exposure and to date has been unsuccessful. Frank is in the VASH program which addresses his medical needs and his independent living issues. Frank is currently living by self and can take care of himself and yet has over whelming medical problems. VASH is a proper placement for him and that they are assisting him to deal with these medical problems.

DISABILITY CONDITIONS:

Frank has functional limitations as a result of his service connected and nonservice connected disabilities. The job activities which are restricted involve lifting, carrying, pushing, pulling, climbing, stooping, kneeling, crouching, crawling, reaching, handling, fingering, feeling, standing, walking, sitting, and turning. Job conditions which are restricted involve working outside in extreme hot or cold weather, humid, wet environments, clutter floors, slippery or high places cause his problems. Job situations which would aggravate his disability involve a fast pace of work following instructions performance meeting emergency or competitive work. Frank admits that he cannot return to work due to his condition.
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COUNSELING RECORD - NARRATIVE REPORT (SUPPLEMENTAL SHEET)

FIRST NAME, MIDDLE INITIAL, LAST NAME OF COUNSELEE

Frank Vera

CASE NUMBER

C -

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Frank is in the program which is addressing his medical needs. He reports taking no medications other than Nitro for his heart and calcium for his bones. He sees his back condition and psychosis as deteriorating. The nonservice connected radiation exposure etc. are all deteriorating.

ASSESSMENT OF ABILITIES, APTITUDES, AND INTERESTS:

Frank deferred testing as he felt it was not appropriate at this time yet Frank struck this CP as a bright individual who had a firm grasp on VA Regulations. He has been battling with the VA since for 20 years. He definitely has a command of regulations. Frank graduated from high school and yet transcripts were not submitted. Frank has been unemployed since 1974 unable to work. In his prior evaluation with Vocational Rehabilitation and Counseling in 1986 a finding of infeasibility was established. Frank sees no reason to change that finding. The CP concurred.

VOCATIONAL EXPLORATION:

Vocational exploration is deferred at this time.

SYNTHESIS OF EVALUATION - DETERMINATION:

Frank has an impairment to employability based on his functional limitations in lack of skill, education or training with which to secure suitable employment. From Frank's conditions his functional limitations restrict his ability to lift or move, and also restricts the environment he can work in. Frank graduated from high school and was a weapon specialist in the military and has not had an employment history since 1974. He has no skills, education or training with which to secure suitable employment.

Material contribution of Frank's service connected psychosis and back condition restrict his ability to obtain or retain employment.

Frank has not overcome his impairment to employability. Frank has been unemployed since 1974 with no skills, education or work experience with which to secure employment.

Therefore, based on the above discussion an employment handicap is found to exist. At the 10 percent level of service connection a serious employment handicap cannot be granted as Frank's nonservice connected disability from the radiation exposure which is nonservice connected is the primary cause of his unstable work history. His bone density problem restricts him from working. Frank is in agreement with this.

Therefore, as a serious employment handicap cannot be granted Frank's eligibility termination date of 1990, has passed. There is no current basis for an extension as his radiation exposure and the conditions that result are not considered service connected. The veteran has apparently exhausted all means to get the VA to recognize the radiation exposure. Apparently there is no rating for radiation exposure and the Rating Board is hamstringing from acting. The veteran was urged to write letters to Clinton, Gore, and Jessie Brown with full documentation of the details of the radiation exposure and ask for assistance. This CP concurred with this action on the veteran's part as apparently no other option was available. Frank's independent living issues were looked at and he currently is in the VASH program which is addressing his independent living needs for medical treatment. Case is closed EP12 at this time.

WILLIAM G. CAPEL
Counseling Psychologist

28/28/158/165 WC:sr:2755L

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