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Agency Information Collection Activities; Proposals, Submissions, and Approvals: Request for Retroactive Induction for a Period Previously Completed under Chapter 33 [FR Doc No: 2026-14221; OMB Control No. 2900-0933]

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Comment on VA-2026-VACO-0001-0241 (Anonymous)

Submitter Information

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General Comment

Retroactive induction under 38 U.S.C. 3108(f) requires a finding that the veteran was feasibly entitled to vocational rehabilitation services at the time they were pursuing training under Chapter 33, and that the prior training was part of an approved rehabilitation plan that would have been formulated had the veteran been properly evaluated then. Because the determination relies heavily on retrospective counselor judgment and local VA regional office (RO) discretion, there is immense variance in how "feasibility" and "necessity" are adjudicated across different jurisdictions. Veterans face inconsistent outcomes depending on which regional office handles the form, with little standardized, objective recourse if a counselor subjectively decides a prior program "would not have been approved" under a hypothetical VR&E plan.

To successfully execute a retroactive induction request, the veteran must map historical coursework, employment barriers, and employment handicaps directly against the statutory requirements of a VR&E employment handicap (EH) or serious employment handicap (SEH) as they existed during the past training period. Form 28-10286 acts as a bottleneck. If the veteran fails to explicitly articulate how their past training directly ameliorated an employment handicap caused by a service-connected disability at that exact historical time, the VBA issues administrative denials. The form's brief 20-minute estimated completion time grossly understates the cognitive and evidentiary burden placed on the veteran, who must often unearth years-old syllabus records, medical evaluations, and employment logs to satisfy evidentiary thresholds.

Veterans filling out this form are frequently unrepresented or reliant on internal VSO guidance when deciding whether to seek retroactive induction. The interaction between Chapter 33 (which covers tuition, housing stipends, and book stipends based on specific tiers) and Chapter 31 (which covers full tuition, mandatory fees, and a separate subsistence allowance) can result in complex financial recalibrations. When a retroactive induction is approved, the VA recalculates past entitlements. In some cases, shifts in entitlement calculations or subsistence allowance adjustments versus Post-9/11 housing allowances

(especially with changing BAH rates over historical years) can create unexpected administrative debt or retroactive entitlement offsets that are not transparently modeled on the face of Form 28-10286 before the veteran signs away their Chapter 33 months.

As noted in the recent federal register metrics, the volume of respondents has surged dramatically (pushing total annual burden hours to over 48,000 across nearly 145,000 applicants). The VBA's internal processing capacity for VR&E retroactive adjustments has historically suffered from severe processing delays. Because these claims require manual file reviews by specialized vocational rehabilitation counselors (VRCs) rather than automated adjudication, a form volume of 145,000+ per year creates massive administrative gridlock, leaving veterans waiting months