

CLOTHING ALLOWANCE BENEFIT

- 1. REASON FOR ISSUE.** This Veterans Health Administration (VHA) Handbook updates Department of Veterans Affairs (VA) procedures for governing the clothing allowance benefit to veteran beneficiaries.
- 2. SUMMARY OF CHANGES.** This VHA Handbook revises the procedures for the issuance of clothing allowance benefit to veteran beneficiaries.
- 3. RELATED ISSUES.** VHA Directive 1173 and VHA Handbooks 1173.01 through 1173.14.
- 4. RESPONSIBLE OFFICE.** The Chief Prosthetic and Clinical Logistics Officer (10FP) is responsible for the contents of this VHA Handbook. Questions may be referred to 202-254-0440.
- 5. RESCISSIONS.** VHA Handbook 1173.15, dated November 1, 2000, is rescinded.
- 6. RECERTIFICATION:** This VHA Handbook is scheduled for recertification on or before the last working day of May 2012.

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DISTRIBUTION: CO: E-mailed 5/22/07
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 5/22/07

CONTENTS

CLOTHING ALLOWANCE

PARAGRAPH	PAGE
1. Purpose	1
2. Authority	1
3. Scope	1
4. Procedures	2

CLOTHING ALLOWANCE BENEFIT

1. PURPOSE

This Veterans Health Administration (VHA) Handbook establishes uniform and consistent procedures for governing the clothing allowance benefit to veteran beneficiaries.

2. AUTHORITY

a. Under Title 38 United States Code (U.S.C.) 1162, the Department of Veterans Affairs (VA) must pay an annual clothing allowance to veterans if the veteran has a service-connected disability or condition, or a disability compensable under 38 U.S.C. 1151 that requires the veteran to wear or use a prosthetic or orthopedic device that wears out or tears clothing, e.g., pants, shirts, etc. (see Title 38 Code of Federal Regulations (CFR) 3.810).

b. The clothing allowance may also be paid if the veteran uses, for a service-connected skin condition, medication prescribed by a physician, which causes irreparable damage to the veteran's outer garments. **NOTE:** *Irreparable damage does not include stains that are removable through regular laundering or dry cleaning.* Approval of a claim based on use of medication requires a medical determination. A skin condition requiring use of a medication is not considered static, and a re-determination is required each year.

3. SCOPE

a. Veterans Service Center officials in the Veterans Benefits Administration (VBA) refer applications for the clothing allowance benefit to VHA in all cases, with the exception of a clothing allowance benefit as an accrued benefit after the veteran's death.

b. Certain clothing allowance claims require a determination by a Prosthetic Representative, or designated physician, when the veteran's disability appears temporary in nature or when, for other reasons, a review of the record and/or physical examination of the veteran is necessary.

c. In all cases where a review is determined to be necessary, the Prosthetic Representative, and/or designated physician, must determine that:

(1) Use of the device or skin medication is medically prescribed; and

(2) In the case of a device, such device qualifies as a prosthetic or orthopedic appliance;

(3) The device or skin medication tends to wear out, tear, or cause irreparable damage to the veteran's clothing; and

(4) The veteran actually uses the device or skin medication with sufficient consistency to wear out, tear, or cause irreparable damage to clothing. If it cannot be determined from the veteran's records that all preceding conditions have been met, an examination and/or evaluation is required.

d. The clothing allowance may be authorized for veterans who wear braces, rigid spinal braces, rigid cervical braces, or who use wheelchairs, crutches, rigid orthotics and/or ankle and/or foot orthosis (AFOs), ileostomy and colostomy appliances or similar devices, or who use certain skin medications and/or ointments.

e. Payment of the clothing allowance is made in a lump sum annually to those for whom entitlement is established as of August 1. Future annual payments are made to those who are on the rolls with established permanent or temporary entitlement on August 1 of subsequent years. These annual payments are not related to specific periods and prorated payments are not made. For example, if a veteran establishes eligibility for the clothing allowance as of any date after August 1 of any year, the claimant is not entitled to any payment for that year. No amount is payable until the annual payment becomes due on the following August 1. Likewise, a partial refund is not required should the veteran's entitlement be terminated during a period after the annual clothing allowance has been furnished, which is prior to the succeeding August 1.

4. PROCEDURES

a. When a rating decision is processed which initially establishes service connection, and the patient, because of a service-connected disability, wears or uses a prosthetic or orthotic appliance, the veteran must be informed of potential eligibility for the clothing allowance by the Veterans Service Center. The veteran is instructed to apply for the clothing allowance benefit at a VHA health care facility utilizing VA Form 10-8678, Application for Annual Clothing Allowance, and submitting it to the nearest VHA health care facility.

b. When other veterans with potential eligibility are identified by Prosthetic Representatives at VHA health care facilities, assistance must be provided to the claimant after VA Form 10-8678 is completed. The completed application will be processed at the health care facility. Documentation of all actions, favorable or unfavorable, will be recorded in the patient's Computerized Patient Record System (CPRS) record.

c. Annotate VA Form 10-2319 (ADP), Record of Prosthetic Service, on page 3 to reflect receipt of VA Form 10-8678, as follows:

(1) Access the Add/Edit Clothing Allowance option under the PSC/Entitlement Records section of the Prosthetic official's menu.

(2) Enter the patient's name at the prompt, and then complete the remainder of the fields beginning with the date the claim was processed by the Prosthetic activity.

(3) Enter the name of the person performing the clothing allowance examination.

(4) Enter appropriate identifying information at the "Clothing Allowance Description" prompt, including the appliance for which the claim was made.

(5) When entitlement is not recommended, indicate one or more of the following at the “Clothing Allowance Description” prompt:

- (a) Appliance causing wear or tear is not worn, or medication causing damage is not used;
- (b) Appliance not worn for service connected condition, or medication not used for service connected condition;
- (c) Appliance worn, not medically prescribed, or medication used not medically prescribed.
- d. Notification letters for all determinations made must be sent to each veteran and their designated power of attorney. This includes denials.
- e. When the veteran certifies use of an appliance and/or medication which damages clothing and there is no record of VA issue, a physical examination needs to be scheduled prior to a recommendation for denial of entitlement. In determining whether these devices and/or medications tend to damage clothing, each individual application is to be considered on the objective findings of the case; this may include a medical examination and an inspection and evaluation of the device(s) claimed to cause damage to the clothing. Staff must ensure that they do not routinely require the production of worn or torn clothing. **NOTE:** *Reasonable doubt should be resolved in favor of the veteran.*
- f. Appeals must be handled according to the official appeals process administered by the facility Chief Business Officer.
- g. VHA Prosthetic and Sensory Aids Service is responsible for the award action on the annual re-certification portion of the Clothing Allowance benefit. However, the funding for the Clothing Allowance remains in the VBA benefit appropriation. The Veterans Integrated Service Network (VISN) Prosthetic Representative (VPR) coordinates the award action at the facility level and ensures all appropriate staffs have been trained in the procedures of processing payment for clothing allowance benefits in VBA’s Benefits Delivery Network (BDN). **NOTE:** *All training and user manuals can be located on the prosthetic website at: <http://vaww.va.gov/prosthetics>.*
- h. Authorization of a clothing allowance to a veteran, who is in receipt of military retired pay and for whom an active master record does not exist, must be made each year for the current annual payment. If continuing eligibility has been established, payment of the next and succeeding annual clothing allowance payment may be made without re-determination of eligibility. For non-static disabilities, reapplication, using VA Form 10-8678, is required for each subsequent annual payment. **NOTE:** *Veterans Service Center officials have been instructed to verify addresses in cases involving continuing eligibility on, or about, August 1 of each year through individual communication.*
- i. Veterans rated as service connected and determined to be eligible on a continuing basis (per 38 CFR 3.810(a)(1)) for loss of use (at a rate specified in 38 CFR 3.350(a),(b),(c),(d), or (f)(1)), are not required to reapply. Their clothing allowance is included in the automated

payment process; this, however, does not preclude the possibility of future recertification as to the wear or use of the appliance.

j. Veterans whose determination, completed at a VHA facility, states "the condition requiring use of such device is not static," are required to reapply at the local VHA facility on an annual basis prior to August 1 of each year.