

### 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 updates current procedures.
3. **RELATED ISSUES:** VHA Directive 1173, and VHA Handbooks 1173.1 through 1173.15.
4. **RESPONSIBLE OFFICE:** The Chief Consultant, Prosthetic and Sensory Aids Service Strategic Healthcare Group (113), is responsible for the contents of this VHA Handbook. Questions may be referred to 202-273-8515.
5. **RESCISSIONS:** VHA Manual M-2, Part IX, Chapter 15 is rescinded.
6. **RECERTIFICATION:** This document is scheduled for recertification on or before the last working day of July 2005.

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Under Secretary for Health

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## CLOTHING ALLOWANCE BENEFIT

### 1. PURPOSE:

This Veterans Health Administration handbook establishes uniform and consistent Departmental procedures for governing the clothing allowance benefit to veteran beneficiaries.

### 2. AUTHORITY

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 (Title 38 Code of Federal Regulations (CFR) 3.810). 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. Adjudication officials in the Veterans Benefits Administration (VBA) authorize the award of the clothing allowance without the involvement of VHA in selected cases, initially and on a continuing basis, where the veteran is service connected for the anatomical loss or permanent loss of use of an extremity and the veteran certifies use of an appliance which tends to wear or tear clothing.

b. Adjudication authorities refer certain clothing allowance claims for a medical 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 requested, the Prosthetic representative, and/or designated physician, will 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, and

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

d. The clothing allowance may be authorized for veterans who wear braces, rigid spinal braces, rigid cervical braces, wheelchairs, crutches, ileostomy and colostomy appliances or similar devices, or who use certain skin medications.

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 will be 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 be related to specific periods and prorated payments will not be made. For example, if a veteran establishes eligibility for the clothing allowance as of any date after August 1 of any year, the claimant will not be 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 will not be 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 anniversary date.

#### **4. PROCEDURES**

a. When a rating decision is processed which initially establishes service connection for anatomical loss or loss of use of a hand or foot or a skin condition, the veteran will be informed of potential eligibility by the Adjudication Division and furnished VA Form 21-8678, Application for Annual Clothing Allowance, for completion and return to the Adjudication Division by the veteran.

b. When other veterans with potential eligibility are identified by Prosthetic representatives at VHA health care facilities, assistance will be provided to the claimant upon completing VA Form 21-8678. The completed application, together with VA Form 21-8679, Eligibility Determination for Clothing Allowance, will be forwarded to the Adjudication Division at the regional office having jurisdiction over the veteran's claim file. Documentation of all actions, favorable or unfavorable, will be recorded on VA Form 10-1158, Doctor's Orders.

c. Annotate VA Form 10-2319 (ADP), Record of Prosthetic Service, on page 3 to reflect preparation of VA Form 21-8679, as follows: Access the Add/Edit Clothing Allowance option under the PSC/Entitlement Records section of the Prosthetic official's menu. Enter the patient's name at the prompt, then complete the remainder of the fields beginning with the date the claim was processed by the Prosthetic activity. Enter the name of the person performing the clothing allowance examination. Enter appropriate identifying information at the "Clothing Allowance Description" prompt, including the appliance for which the claim was made. When entitlement is not recommended, indicate one or more of the following at the "Clothing Allowance Description" prompt:

- (1) Appliance causing wear or tear is not worn, or medication causing damage is not used;
- (2) Appliance not worn for service connected condition, or medication not used for service connected condition;
- (3) Appliance worn, not medically prescribed, or medication used not medically prescribed.

d. Requests for eligibility determination in claims where the adjudication authorities cannot approve payment without a medical determination will be referred to the local outpatient clinic for a review of the records and/or a physical examination of the veteran. If the veteran certifies use of an appliance and/or medication which damages clothing and there is no record of VA issue, a physical examination should 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 should be considered on the objective findings of the case; this may include a medical examination and an inspection and evaluation of the devices claimed to cause damage to the clothing. **NOTE:** *Reasonable doubt should be resolved in favor of the veteran.*

(1) When completing part I of VA Form 21-8679, check box "1" and either box "a" or "b" as indicated, if the veteran uses an appliance for a service connected condition, which tends to wear out or tear clothing. The phrase, "The continued use of such device is recommended," anticipates normal conditions, excluding the possibility of accident, illness, or other unpredictable situations which might discontinue the use of the appliance for a prolonged period.

(2) The phrase "The condition requiring the wearing or use of such device is not static," implies an uncertainty as to the period of time that the veteran will require the continued use of the device and/or medication. If there is any doubt as to which of the two items should be checked, the "nonstatic" one will be used so that an annual follow-up may be employed.

(3) Check box "2" if the veteran uses a medication for a service connected skin condition which causes irreparable damage to the veteran's outer garments.

(4) If a determination is made that the veteran does not use a prosthetic appliance and/or medication which tends to wear out, tear, or damage clothing, or if it is medically determined that the appliance and/or medication used by the veteran is not required, this is to be noted by checking box "3."

e. Authorization of a clothing allowance to veterans, who are 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 (VA Form 21-8679, part I, box "1a" is checked), payment of the next and succeeding annual clothing allowance payment may be made without re-determination of eligibility. For nonstatic disabilities, reapplication, using VA Form 21-8678, will be required for each subsequent annual payment. Adjudication officials have been instructed to verify addresses in cases involving continuing eligibility cases on or about August 1 of each year through individual communication.

f. 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 Section 3.350(a),(b),(c),(d), or (f)(1), or whose VA Form 21-8679, completed at a VHA facility states "continued use of such devices is recommended" will not be required to reapply. Their clothing allowance will be 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.

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