

Example Statement prepared by Dan Cullen for Veterans claiming Temp 100 for treatment at Hot Springs Domiciliary. Please be sure to edit it with the correct dates and verbiage of the denial letter when you cut and paste this into a 4138.

This statement in support of claim is in conjunction with supplemental review 20-0995 for the denial of inpatient hospitalization in Notification Letters dated 06/18/2019 and 09/27/2019.

Your statement in the 06/18/2019 Notification Letter "VA Medical Opinion of June 10, 2019 noted: Domiciliary stays are not inpatient hospitalizations. They are considered residential facilities. (38 CFR 3.400, 38 CFR 4.29)" and statement in the 08/02/2019 Notification Letter "According to the provisions of 38 CFR 4.29 when a Veteran is a resident in a VA domiciliary program, we are not able to grant a temporary total evaluation" are incorrect and do not follow the prescribed law.

In the M21-1MR, Part IV, subpart ii, Chapter2, Section J, 2.f. **Exceptions:** It specifically states that "veterans are entitled to hospitalization benefits for treatment in excess of 21 days in a day hospital program even though they are concurrently required to be housed in a VA domiciliary." A link is provided here: https://www.knowva.ebenefits.va.gov/system/templates/selfservice/va_ssnew/help/customer/locale/en-US/portal/55440000001018/content/554400000014579/M21-1-Part-IV-Subpart-ii-Chapter-2-Section-J-Compensation-Under-38-CFR-428-38-CFR-429-and-38-CFR-430-and-Other-Temporary-Total-Evaluations

Please familiarize yourselves with **VHA DIRECTIVE 1162.02 Transmittal Sheet July 15, 2019 MENTAL HEALTH RESIDENTIAL REHABILITATION TREATMENT PROGRAM (MH RRTP)**

Part 3. f. Mental Health Residential Rehabilitation Treatment Program. Mental Health Residential Rehabilitation Treatment Program (MH RRTP) is the umbrella term for the array of programs and services that comprise mental health residential care. The term MH RRTP refers to those programs currently designated as Domiciliary RRTPs which may include Domiciliary Care for Homeless Veterans, Domiciliary Substance Use Disorder Programs, Domiciliary Posttraumatic Stress Disorder (PTSD) Programs, General Domiciliary Programs (General DOM), and Compensated Work Therapy (CWT) – Transitional Residence (TR).

I was hospitalized for my Service Connected Disorder, not PTSD. The RRTP is a Mental Health program, not specific to PTSD. If the intake used the term "PTSD" for my condition, then they were mistaken.