



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

June 27, 2012

Director (00/21C)
All VA Regional Offices and Centers

In Reply Refer To: 211A
Fast Letter 12-17

ATTN: All Veterans Service Center Personnel

SUBJ: Final Rule: Clothing Allowance

Purpose

This fast letter provides information regarding the Department of Veterans Affairs (VA) publication of the final rule, RIN 2900-AN64, Clothing Allowance, in the Federal Register on November 16, 2011 at [76 FR 70883](#). VA corrected the final rule on June 11, 2012 at [77 FR 34218](#).

Background

This final rule amends 38 CFR § 3.810 providing that VA may, under certain circumstances, pay more than one annual clothing allowance.

The amendment provides for annual clothing allowances for

- each qualifying prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) worn or used by a Veteran for a service-connected disability or disabilities, and/or
- each physician-prescribed medication used by a Veteran for a service-connected skin condition.

To qualify for a clothing allowance, each appliance or medication must affect a distinct type of article of clothing or outer garment. (Example: One damages shirts, another damages pants.)

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This amendment also provides two annual clothing allowances for a single type of garment if a Veteran

- wears or uses more than one qualifying prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) for a service-connected disability or disabilities, or
- uses a physician-prescribed medication for more than one service-connected skin condition, or
- uses an appliance and a medication for a service-connected disability or disabilities.

To qualify for two clothing allowances, the article of clothing must wear out at a faster rate than if affected by a single appliance or medication.

On June 11, 2012, VA published a nonsubstantive correcting amendment to 38 CFR § 3.810 (a)(2)(ii), to replace the final rule text "more than one type" with the text "a distinct type," and clarify that VA intends that the references to garments or clothing in this regulation are to types of garments, such as shirts, rather than to individual garments, such as a specific shirt, and the above information incorporates this change.

Effective Date

This amendment is effective on December 16, 2011, and its provisions apply to all applications for benefits pending before VA or received by VA on or after that date.

Questions

Enclosed is a copy of the regulatory changes incorporating the provisions of AN64 and nonsubstantive correcting amendment. For questions concerning this final rule, please email VAVBAWAS/CO/212A.

/S/
Thomas J. Murphy
Director
Compensation Service

Enclosure

Enclosure 1

§ 3.810 Clothing Allowance.

(a) Except as provided in paragraph (d) of this section, a veteran who has a service-connected disability, or a disability compensable under 38 U.S.C. 1151 as if it were service connected, is entitled, upon application therefore, to an annual clothing allowance, which is payable in a lump sum, as specified in this paragraph.

(1) One Clothing Allowance. A veteran is entitled to one annual clothing allowance if—

(i) A VA examination or a hospital or examination report from a facility specified in § 3.326(b) establishes that the veteran, because of a service-connected disability or disabilities due to loss or loss of use of a hand or foot compensable at a rate specified in § 3.350(a), (b), (c), (d), or (f), wears or uses one qualifying prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) which tends to wear or tear clothing; or

(ii) The Under Secretary for Health or a designee certifies that—

(A) A veteran, because of a service-connected disability or disabilities, wears or uses one qualifying prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) which tends to wear or tear clothing; or

(B) A veteran uses medication prescribed by a physician for one skin condition, which is due to a service-connected disability, that causes irreparable damage to the veteran's outer garments.

(2) More Than One Clothing Allowance; Multiple Types of Garments Affected. A veteran is entitled to an annual clothing allowance for each prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) or medication used by the veteran if each appliance or medication—

(i) Satisfies the requirements of paragraph (a)(1) of this section; and
(ii) Affects a distinct type of article of clothing or outer garment.

(3) Two Clothing Allowances; Single Type of Garment Affected. A veteran is entitled to two annual clothing allowances if a veteran uses more than one prosthetic or orthopedic appliance, (including, but not limited to, a wheelchair), medication for more than one skin condition, or an appliance and a medication, and the appliance(s) or medication(s)—

(i) Each satisfy the requirements of paragraph (a)(1) of this section; and
(ii) Together tend to wear or tear a single type of article of clothing or irreparably damage a type of outer garment at an increased rate of damage to the clothing or outer garment due to a second appliance or medication.

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