

**§ 21.270**

**38 CFR Ch. I (7-1-04 Edition)**

- (2) Training in the home program;
- (3) Independent instructor program;
- (4) Cooperative program; or
- (5) Self-employment program.

(d) *Combination program.* A veteran who has pursued a combination program will be paid an employment adjustment allowance at the full-time rate for the type of training the veteran was actually pursuing at the completion of the period of rehabilitation to the point of employability.

(e) *Subsequent payments of employment adjustment allowance.* If a veteran has ever received an employment adjustment allowance following rehabilitation to the point of employability, he or she may, nevertheless, receive it again when completing an additional rehabilitation program to the point of employability if:

- (1) The prior determination of rehabilitation to the point of employability is set aside; and
- (2) The veteran is reinducted into a new vocational rehabilitation program as provided in § 21.282.

(f) *Employment adjustment allowance not charged against entitlement.* An employment adjustment allowance will not be charged against the veteran's basic entitlement.

(Authority: 38 U.S.C. 3108(a))

[49 FR 40814, Oct. 18, 1984, as amended at 54 FR 4284, Jan. 30, 1989; 57 FR 57108, Dec. 3, 1992]

**§ 21.270 Payment of subsistence allowance during leave and between periods of instruction.**

(a) *Payment during leave.* VA will pay an eligible veteran a subsistence allowance during any period of approved leave including a veteran:

- (1) Receiving medical or rehabilitation services on an outpatient basis at a VA medical center, and who provides his or her own room and board;
- (2) Receiving service department retirement or retained pay while not on active duty;
- (3) Hospitalized at a VA medical center while on approved leave. If the veteran becomes eligible for payment of disability compensation at the temporary 100 percent rate, under § 3.401(h) of this title due to hospitalization, pay-

ment will be made under provisions of § 21.266(a).

(Authority: 38 U.S.C. 3110)

(b) *Payment for intervals between periods of instruction.* Subsistence allowance will be paid to a veteran during the following periods unless the case manager and the veteran jointly determine that such payment is not in the veteran's interest:

- (1) A period between consecutive terms within an enrollment period that does not exceed 1 full calendar month;
- (2) A period between consecutive school terms, when the veteran, as part of his or her approved program of vocational rehabilitation, transfers from one educational institution to another for the purpose of enrolling in, and pursuing, the same objective at the second institution, provided the period does not exceed 30 days;
- (3) A period which does not exceed 30 days, between a semester, term, or quarter, when the educational institution certifies the enrollment of the veteran on an individual semester, term, or quarter basis.

(c) *Payment for other periods.* Subsistence allowance will be paid for:

- (1) Weeekend and legal holidays, or customary vacation periods associated with them;
- (2) Periods in which the school is closed temporarily under emergency conditions described in § 21.4138(f).

**§ 21.272 Veteran-student services.**

(a) *Eligibility.* Veterans who are pursuing a rehabilitation program under chapter 31 on a three-quarter or full-time basis are eligible to receive a work-study allowance.

(Authority: 38 U.S.C. 3104(a)(4), 3485)

(b) *Selection criteria.* Whenever feasible, VA will give priority to veterans with service-connected disabilities rated at 30 percent or more disabling in selection of recipients of this allowance. VA shall consider the following additional selection criteria:

- (1) Need of the veteran to augment the subsistence allowance or payment made by the Chapter 30 rate;
- (2) Motivation of the veteran; and