

Department of Veterans Affairs

§ 21.264

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Full-time only .....	420.45	521.54	614.60	44.80
Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	420.45	521.54	614.60	44.80
¾ time .....	315.93	391.74	459.50	34.45
½ time .....	211.39	261.91	307.87	22.98
Farm cooperative, apprenticeship, or other on-job training (OJT): <sup>2</sup>				
Full-time only .....	367.62	444.57	512.35	33.32
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time .....	420.45	521.54	614.60	44.80
OJT greater than ½ time <sup>2</sup> .....	367.62	444.57	512.35	33.32
Non-farm cooperative (Full-time only):				
Institutional .....	420.45	521.54	614.60	44.80
On-job <sup>2</sup> .....	367.62	444.57	512.35	33.32
Improvement of rehabilitation potential:				
Full-time .....	420.45	521.54	\$614.60	\$44.80
¾ time .....	315.93	391.74	459.50	34.45
½ time .....	211.39	261.91	307.87	22.98
¼ time <sup>3</sup> .....	105.98	130.96	153.93	11.48

<sup>1</sup> For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.  
<sup>2</sup> For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup> The quarter-time rate may be paid only during extended evaluation.

(Authority: 38 U.S.C. 3108, 3115(a)(1); Pub. L. 103-446)

(c) *Subsistence allowance precluded.* A veteran may not receive a subsistence allowance when VA is providing the veteran only the following services:

- (1) Initial evaluation;
- (2) Placement and post-placement services under 38 U.S.C. 3105(b); or
- (3) Counseling.

(Authority: 38 U.S.C. 3108 (a)(1) and (a)(3))

(d) *Dependents.* The term *dependent* means a spouse, child or dependent parent who meets the definition of relationship specified in §§ 3.50, 3.51, 3.57 or 3.59 of this chapter.

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

[49 FR 40814, Oct. 18, 1984, as amended at 51 FR 9955, Mar. 24, 1986; 52 FR 42113, Nov. 3, 1987; 54 FR 4283, Jan. 30, 1989; 56 FR 7567, Feb. 25, 1991; 60 FR 4561, Jan. 24, 1995; 65 FR 51764, Aug. 25, 2000; 65 FR 60724, Oct. 12, 2000]

**§ 21.262 Procurement and reimbursement of cost for training and rehabilitation services, supplies, or facilities.**

(a) *General.* Whenever services, supplies and facilities from source outside VA are required by any of these regulations, they shall be provided through contract, agreement of other coopera-

tive arrangement between VA and the vendor.

(Authority: 38 U.S.C. 3115(b))

(b) *VA Acquisition Regulations.* Payments of charges for training and rehabilitation services, supplies, or facilities, authorized under Chapter 31 are subject to the provisions of applicable VA Acquisition Regulations especially 48 CFR part 831 and subpart 871.2.

(Authority: 38 U.S.C. 3115(a))

**§ 21.264 Election of payment at the 38 U.S.C. chapter 30 educational assistance rate.**

(a) *Eligibility.* A veteran who applies for, and is found entitled to training or education under Chapter 31, may elect to receive payment at the educational allowance rate and other assistance furnished under Chapter 30, for similar training in lieu of a subsistence allowance, provided the following criteria are met:

- (1) The veteran has remaining eligibility for, and entitlement to educational assistance under Chapter 30;
- (2) The veteran enrolls in a program of education or training approved for benefits under Chapter 30;

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(3) The program of education is part of an IWRP (Individualized Written Rehabilitation Plan) approved by VA.

(Authority: 38 U.S.C. 3015, 3022, 3108(f))

(b) *Reelection of subsistence allowance.* Reelection of payment of benefits at the Chapter 31 subsistence allowance rate may be made only after completion of a term, quarter, semester, or other period of instruction unless:

(1) Chapter 30 eligibility or entitlement ends earlier;

(2) Failure to approve immediate reelection would prevent the veteran from continuing in the rehabilitation program.

(Authority: 38 U.S.C. 3015, 3022, 3108(f))

(c) *Services precluded.* A veteran entitled to vocational rehabilitation training or education who elects payment at the educational assistance rate payable under Chapter 30 shall be provided the same training and rehabilitation services as other veterans under Chapter 31, but may not be provided:

(1) Subsistence allowances;

(2) Loans from the revolving fund loan;

(3) Payment of costs for:

(i) Vocational and other training services;

(ii) Supplies; or

(iii) Individualized tutorial assistance.

(Authority: 38 U.S.C. 3015, 3022, 3108(f))

(d) *Chapter 30 provisions applicable.* A veteran who has elected payment at the Chapter 30 educational assistance rate must meet the same terms and conditions as other veterans pursuing similar training under these programs.

(Authority: 38 U.S.C. 3015, 3022, 3108(f))

[49 FR 40814, Oct. 18, 1984, as amended at 54 FR 4283, Jan. 30, 1989; 57 FR 57108, Dec. 3, 1992]

**§ 21.266 Payment of subsistence allowance under special conditions.**

(a) *Hospitalized veteran or serviceperson.* A veteran pursuing a VA rehabilitation program under Chapter 31 while hospitalized in a VA medical center or in any other hospital at VA expense may receive the subsistence al-

lowance otherwise payable. The subsistence allowance will be paid at the rates specified in § 21.260, except:

(1) The amount of subsistence allowance or the allowance provided under § 21.264 that may be paid to a veteran pursuing a rehabilitation program for any month for which the veteran receives compensation at the rate prescribed in § 3.401(h) of this title, as the result of hospital treatment (not including post-hospital convalescence) or observation at the expense of VA may not exceed, when added to any compensation to which such veteran is entitled for the month, an amount equal to the greater of:

(i) The sum of: (A) the amount of monthly subsistence of the allowance payable under § 21.264, and (B) the amount of monthly disability compensation that would be paid to the veteran if he or she was not receiving compensation at the temporary 100 percent rate as the result of such hospital treatment or observation, or

(ii) The amount of monthly disability compensation payable under § 3.401(h) of this title.

(2) A veteran pursuing a rehabilitation program while in post hospital convalescence (§ 3.401(h)) will be paid the regular rate of subsistence allowance.

(3) A serviceperson pursuing a rehabilitation program under Chapter 31 will not receive a subsistence allowance if he or she is hospitalized in a medical facility under the jurisdiction of the Secretary pending final discharge from the armed forces.

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

(b) *Specialized rehabilitation facility—*

(1) A veteran in a specialized rehabilitation facility will be paid the regular rate of subsistence allowance at the institutional rate. VA may pay the cost of room and board in lieu of subsistence allowance when:

(i) The specialized rehabilitation facility requires that similarly circumstanced persons pay the same charges for room and board, and

(ii) The case manager finds and the veteran agrees that it is to the veteran's advantage for VA to pay the cost of room and board.