

Department of Veterans Affairs

§21.5137

§21.5135 Advance payments.

VA will apply the provisions of §21.4138(a) in making advance payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3241, 3680)

[64 FR 52652, Sept. 30, 1999]

§21.5136 Benefit payments—secondary school program.

(a) *Restrictions on payments.* (1) The Department of Veterans Affairs may authorize benefits to qualified enlisted servicepersons for a course, courses or program of education leading to a secondary school diploma or an equivalency certificate without charge to entitlement. Payments may be made only if:

(i) The individual has contributed to the fund for at least 1 month, and

(ii) The training is received while the individual is serving:

(A) The last 6 months of his or her first enlistment after December 31, 1976; or

(B) At any time after completing his or her first enlistment.

(2) An individual who is not on active duty must have been an enlisted serviceperson while he or she was on active duty in order to receive benefits while enrolled in a course, courses or program of education leading to a secondary school diploma or an equivalency certificate.

(Authority: 38 U.S.C. 3231(b))

(b) *Monthly rate.* An individual pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate will receive one of two monthly rates.

(1) Unless the individual notifies the Department of Veterans Affairs to the contrary, the monthly rate of his or her educational assistance allowance will be based upon his or her tuition and fees. The Department of Veterans Affairs will make no charge against the entitlement of the individual who is receiving benefits at this monthly rate. The monthly rate will be the rate of tuition and fees being charged to the individual for the course, not to exceed:

(i) \$376 for full-time training.

(ii) \$283 for three-quarter time training.

(iii) \$188 for half-time training.

(iv) \$94 for quarter-time training.

(2) The individual may elect to receive educational assistance allowance at the monthly rate provided in §21.5138. The Department of Veterans Affairs will make an appropriate charge against the individual's entitlement if such an election is made.

(Authority: 38 U.S.C. 3241, 3491)

(c) *Method of payment.* (1) If the individual's educational assistance allowance is based upon the rate as determined in paragraph (b)(1) of this section, payment shall be made in a lump sum for the term, quarter or semester at the beginning of the month in which training begins.

(2) If the individual elects to have his or her educational assistance allowance computed as provided in §21.5138, payment will be made in the same manner as for any other residence training.

(Authority: 38 U.S.C. 3241)

[47 FR 51746, Nov. 17, 1982, as amended at 50 FR 19933, May 13, 1985]

§21.5137 Benefit payments and charges against entitlement for taking an approved licensing or certification test.

(a) *Benefit payments.* The amount of educational assistance allowance VA will pay to a veteran or servicemember for taking an approved licensing or certification test, if the veteran or servicemember is entitled to receive such benefit payments, will be the lowest of the following:

(1) The fee the organization or entity offering the test charges for taking the test;

(2) \$2,000; or

(3) The total remaining amount of the veteran's or servicemember's contributions to the fund and the contributions the Secretary of Defense has made to the fund on behalf of the veteran or servicemember.

(Authority: 38 U.S.C. 3222, 3231, 3232(c), 3452(b), 3689)

(b) *Charge against entitlement.* For educational assistance allowance paid

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for taking an approved licensing or certification test, VA will make a charge against the veteran's or servicemember's entitlement by dividing the amount paid under paragraph (a) of this section by the monthly amount as calculated under §21.5138(c). The calculation will assume that the veteran or servicemember is a full-time student.

(Authority: 38 U.S.C. 3232(c), 3452(b), 3689)

[72 FR 16978, Apr. 5, 2007]

§21.5138 Computation of benefit payments and monthly rates.

Except as provided in §§21.5136(b)(1) and 21.5137(a), for purposes of this subpart VA will compute benefit payments and monthly rates as provided in this section.

(Authority: 38 U.S.C. 3231, 3233, 3241, 3491, 3680, 3689)

(a) Computation of entitlement factor.

(1) For residence training, VA will compute an entitlement factor as follows:

- (i) Enter the number of full months in the applicable benefit period. (1) _____
- (ii) Enter the number of full days in excess of the number of full months. (a) _____
- (iii) Divide line a by 30. Enter the quotient. (2) _____
- (iv) Total (lines 1 and 2) (3) _____
- (v) Multiply line 3 by 1 for a full-time student; by .75 for a three-quarter time student; by .5 for a half-time student; or by .25 for a one-quarter time student. Enter the result. (4) _____

(This is the entitlement factor.)

(2) For correspondence training, VA will compute an entitlement factor as follows:

- (i) Enter the amount of the individual's contributions remaining in the fund. (b) _____
- (ii) Enter the individual's remaining months of entitlement. (c) _____
- (iii) Divide line b by line c. Enter the quotient. (5) _____
- (iv) Enter two times the amount in line 5 (6) _____
- (v) Enter the amount of the contributions, if any, remaining in the fund which the Secretary of Defense contributed for the individual. (d) _____
- (vi) Enter the individual's remaining months of entitlement. (e) _____

(vii) Divide line d by line e. Enter the quotient. (7) _____

(viii) Total (lines 5, 6 and 7) (8) _____

(ix) Enter the correspondence charges certified by the school. (9) _____

(x) Divide line 9 by line 8. Enter the quotient. (10) _____

(This is the entitlement factor.)

(3) For apprenticeship and other on-job training, VA will compute an entitlement factor as follows:

- (i) Enter the number of full days in the applicable benefit period. (Enter 30 if the benefit period is a full month.). (1) _____
- (ii) Divide line 1 by 30. Enter the quotient. (2) _____
- (iii) Multiply line 2 by .75 if the veteran is in the first six months of training; by .55 if the veteran is in the second six months of training; by .35 if the veteran is in a subsequent month of training; and by a pro-rated fraction if one of the veteran's first two six-month periods of training ends during the benefit period. Enter the result. (3) _____

(This is the entitlement factor.)

(Authority: 38 U.S.C. 3231, 3233; Pub. L. 96-466, Pub. L. 97-306, Pub. L. 99-576)

(4) For cooperative training, VA will compute an entitlement factor as follows:

- (i) Enter the number of full months in the applicable benefit period. (1) _____
- (ii) Enter the number of full days in excess of the number of full months. (a) _____
- (iii) Divide line a by 30. Enter the quotient. (2) _____
- (iv) Total lines 1 and 2 (3) _____
- (v) Multiply line 3 by .80. Enter the result. (4) _____

(This is the entitlement factor.)

(Authority: 38 U.S.C. 3231; Pub. L. 100-689)

(5) For flight training, VA will compute an entitlement factor as follows:

- (i) Enter the amount of the individual's contributions remaining in the fund. (a) _____
- (ii) Enter the individual's remaining months of entitlement. (b) _____
- (iii) Divide line a by line b. Enter the quotient. (1) _____
- (iv) Enter two times the amount in line 1 (2) _____
- (v) Enter the amount of the contributions, if any, remaining in the fund which the Secretary of Defense contributed for the individual. (c) _____
- (vi) Enter the individual's remaining months of entitlement. (d) _____
- (vii) Divide line c by line d. Enter the quotient. (3) _____
- (viii) Total (lines 1, 2 and 3) (4) _____