

Post-9/11 Veterans Educational Assistance Act of 2008 Chapter 33, Title 38 U.S.C.

The following pamphlet has been compiled by the Atlanta RPO to provide basic information that is current as of 4/29/2009. For the most up-to-date information, visit www.gibill.va.gov.

A. Eligible individuals. Generally, an individual who served a **minimum of 90 days** on active duty **after** September 10, 2001, will be eligible for educational assistance under the Post-9/11 GI Bill. (See paragraph D for length of service requirements.) Active duty served as a member of the Armed Forces or as a result of a call or order to active duty from a reserve component under section 688, 12301(a), 12301(d), 12303(g), 12302, or 12304 of **Title 10** is qualifying active duty service.

The following periods of active duty service are excluded:

- Active Guard Reserve Under Title 32;
- ROTC under 10 U.S.C. 2107(b);
- Service academy contract period;
- Service terminated due to defective enlistment agreement; and
- Service used for loan repayment

B. Period of Eligibility. In general, an individual's eligibility to use chapter 33 benefits expires 15 years from the date of the last discharge or release from active duty of at least 90 consecutive days.

In order to retain eligibility, after meeting the service requirements, an individual must:

- Be honorably discharged from Armed Forces; or
- Be released from Armed Forces with service characterized as honorable and placed on the retired list, temporary disability retired list, or transferred to the Fleet Reserve or the Fleet Marine Corps Reserve; or
- Be released from Armed Forces with service characterized as honorable for further service in a reserve component; or
- Be discharged or released from Armed Forces for—
 - A medical condition which existed prior to service (EPTS),
 - Hardship (HDSP), or
 - A condition which interfered with duty (CIWD); *or*
 - Continue on active duty.

C. Chapter 33 Entitlement. Individuals eligible under chapter 33 are generally entitled to 36 months of educational assistance. Individuals may not receive benefits under chapter 33 and 30, 31, 32, 35 of title 38 or chapter 107, 1606, or 1607 of title 10 concurrently. Individuals are limited to a maximum of 48 months of entitlement when using benefits under two or more programs.

Note: Individuals eligible under chapter 30 who elect to receive benefits under chapter 33 are only entitled to the number of months they had remaining under chapter 30 at the time of their election (including any revoked months of transferred entitlement) up to a maximum of 36 months. If a person has used all of his/her chapter 30 benefits before electing chapter 33, then that person is entitled to up to 12 months of chapter 33 under the 48 month rule (See paragraph G for more information.)

D. Educational Assistance.

1. Established Charges (Limited to the most expensive undergraduate in-State public institution of higher learning). The amount of established charges (tuition and fees) payable for the entire quarter, semester, or term will be sent directly to the school as a lump sum payment. The percentage of the maximum benefit payable to an individual is based on the aggregate amount of active duty served on or after September 11, 2001. Individuals will receive the applicable percentage (see chart below) of the lesser of:

- a. Established charges; or
- b. Highest amount of established charges regularly charged undergraduate in-State students for full-time pursuit at an Institution of Higher Learning (IHL) – go to the following Web site for the most current listings: http://www.gibill.va.gov/GI_Bill_Info/CH33/Tuition_and_fees.htm

The following table applies to all categories:

Post-9/11 Service	Percentage of Maximum Amount Payable
At least 36 months	100%
At least 30 continuous days on active duty and discharged due to service-connected disability	100%
At least 30 months, but less than 36 months	90%
At least 24 months, but less than 30 months *	80%
At least 18 months, but less than 24 months	70%
At least 12 months, but less than 18 months	60%
At least 06 months, but less than 12 months	50%
At least 90 days, but less than 06 months	40%

NOTE: Service of 90 days, but less than 24 months does not include entry level and skill training. Service of 24 months and greater does include entry level and skill training.

*** If you back out entry level and skill training and the aggregate days of service are still at least 730 days, then the entry level and skill training is included in the aggregate for determination of the level of benefit. If backing out entry level and skill training brings the person's service to less than 730 days, then it cannot be included in the aggregate for determination of the level of benefit.**

2. Monthly Housing Allowance. The monthly housing allowance is based on the monthly basic allowance for housing (BAH) payable for a military member with dependents in pay grade **E-5** residing **in the same ZIP code for the college or university where the individual is enrolled**. Active duty members, individuals training at **50% pursuit or less**, and individuals pursuing **only** distance learning are **not** eligible for a housing stipend. The full BAH is payable for **all** pursuit that is **more than 50%** of full time pursuit, e.g., where 12 semester hours would be full time, the full BAH would be payable for all pursuit of **more than 6** semester hours. To determine the BAH for your school's zip code, go to the following Web address: <http://www.defensetravel.dod.mil/perdiem/bah.html>

3. Stipend for Books and Supplies. Individuals may receive a stipend of up to \$1000 a year for books, supplies, etc. The individual will receive a lump sum payment in the first month of each quarter, semester, or term at the rate of \$41.67 per credit hour up to a yearly total of 24 credits. NOTE: The amount of the monthly housing allowance and the book stipend must be prorated based on the percentage of maximum benefit payable as noted in the above chart. (See examples below.)

EXAMPLE 1: Individuals attending Veterans Affairs University (VAU) in Florida are charged \$2,500 for full-time training each quarter. The highest in-State undergraduate tuition in Florida is \$5,000 per quarter and the monthly housing allowance for the zip code that VAU resides in is \$1500.

Individuals who served at least 36 months on active duty (eligible for 100% of benefit) and who attend VAU full-time would receive—

- \$2,500 for tuition and fees (paid directly to VAU);
- A monthly housing allowance of \$1,500 per month (while pursuing training at more than 50% of full time); and
- \$41.67 per quarter hour in which the individual is enrolled up to a total of 24 quarter hours.

Individuals who served at least 24 months on active duty (eligible for 80% of benefit) and who attend VAU full-time would receive—

- \$2,000 for tuition and fees (paid directly to VAU);
- A monthly housing allowance of \$1,200 per month (while pursuing training at more than 50% of full time); and
- \$33.34 book stipend for each quarter hour in which the individual is enrolled up to a total of 24 quarter hours.

EXAMPLE 2: Individuals attending Private Benefits University (PBU) in Texas are charged \$8,000 in tuition and \$600 in fees for full-time training each quarter. The highest in-State undergraduate tuition in Texas is \$4,000 and the highest fees are \$3,000 per quarter and the monthly housing allowance for the zip code that PBU resides in is \$1000.

Individuals who served at least 36 months on active duty (eligible for 100% of benefit) and who attend PBU full-time would receive—

- \$4,000 for tuition and \$600 for fees (paid directly to PBU);
- A monthly housing allowance of \$1,000 per month (while pursuing training at more than 50% of full time); and
- \$41.67 book stipend for each quarter hour in which the individual is enrolled, up to a total of 24 quarter hours.

Individuals who served at least 24 months on active duty (eligible for 80% of benefit) and who attend PBU full-time would receive—

- \$3,200 for tuition and \$480 in fees (paid directly to PBU);
- A monthly housing allowance of \$800 per month (while pursuing training at more than 50% of full time); and
- \$33.34 book stipend for each quarter hour in which the individual is enrolled up to a total of 24 quarter hours.

4. Limitation on Educational Assistance for Training Pursued at Half Time or Less and for Active Duty Members.

- a. **Half-time Training or Less.** Individuals training at ½ time or less are **not** eligible for the **monthly housing stipend**. They are eligible for an appropriately reduced stipend for books. The amount of educational assistance payable is the applicable percentage (see chart above) of the lesser of:
- (i) Established charges; or
 - (ii) Highest amount of established charges regularly charged in-State undergraduate students for full-time pursuit at an in-State public IHL.
- b. **Active Duty Members.** Active duty members are **not eligible** for the monthly housing stipend or for the book stipend. The amount of educational assistance payable is the lesser of the:
- (i) Established charges; or
 - (ii) The Top-up amount not covered by military tuition assistance.

In the case of active duty members, tuition and fees are not limited by the highest cost at a public IHL in the state where they are attending school.

5. **Kickers.** Individuals eligible for a kicker (College Fund, Reserve Kicker) will remain eligible for such kicker under chapter 33. The kickers will be paid monthly as an increase to the housing stipend. Although active duty members, individuals training at ½ time or less, and individuals pursuing **only** distance learning are not eligible for the monthly housing stipend they will receive a monthly kicker payment.

Note: Individuals will not receive an increased amount for additional contributions (\$600 buy-up) paid under chapters 30 or 1607.

6. **Refund of chapter 30 contributions (excludes \$600 buy-up).** A proportional amount [based on the number of months remaining under chapter 30 at time of chapter 33 election] of the basic \$1200 contribution will be included in the last monthly stipend payment when chapter 33 entitlement exhausts. Individuals who do not exhaust entitlement under chapter 33 will not receive a refund of contributions paid under chapter 30.

7. **Rural Benefit.** One-time payment of \$500 (no entitlement charged) for claimants using chapter 33 to pursue a program of education if the claimant—

- Resides in a county with 6 persons or less per square mile (as determined by most recent decennial Census); *and either*
- Physically relocates at least 500 miles; *or*
- Travels by air to physically attend an IHL if no other land-based transportation exists.

8. **Other Benefits.** These benefits are authorized with **no resulting charge to entitlement**.

- Tutorial assistance may be paid up to \$100 per month, not to exceed a total of \$1200;
- **One** licensing and certification test may be reimbursed, not to exceed the cost of the test up to a maximum of \$2000; *and*
- Work-study is authorized for individuals training at ¾ time or higher.

E. Approved Programs. Individuals may receive educational assistance for any program of education that is approved under chapter 30 **and** offered by an **institution of higher learning (IHL – college or university)**. Individuals who were previously eligible for chapter 30, 1606, or 1607 may continue to receive educational assistance for chapter 30 approved programs not offered by IHLs (i.e. flight schools, non degree vocational-technical schools, correspondence schools, APP/OJT programs, preparatory courses, and national tests). See paragraph G for more information.

F. Yellow Ribbon Program. IHL's may **voluntarily** enter into an agreement with VA to fund **up to 50 percent** of the established charges not already covered under chapter 33. VA will match each additional dollar funded by the school. The combined amounts may not exceed the full cost of the school's established charges. Schools may choose specific programs to which they wish to apply the Yellow Ribbon Program (YRP). Schools wishing to participate in YRP must specify how much money they will waive for each individual, to how many individuals they wish to apply it, and to which programs it will apply. All participation by veterans in the YRP is strictly on a first come, first served basis. Schools may **not** specify individual veterans to whom they wish to apply this program. **Only individuals entitled to the 100 percent benefit rate (based on service requirements) may receive this funding.** See more complete information on this program on page 36.

G. Chapter 33 Elections. An individual who has met the requirements to establish eligibility under chapter 33 and, as of August 1, 2009 is--

- Eligible for either chapter 30, 1606, or 1607; or
- A member of the Armed Forces and making the basic \$1200 contribution toward chapter 30; or
- A member of the Armed Forces who previously declined to elect chapter 30

must make an **irrevocable** election to use benefits under chapter 33.

The individual will no longer be eligible under the chapter he or she elected to "trade in" in order to receive chapter 33. Any contributions being made under chapter 30 will cease the month following the election.

(NOTE: Individuals electing chapter 33 may use benefits under the revoked chapter if the type of educational assistance [flight, correspondence, APP/OJT, preparatory courses, and national tests] the individual wishes to pursue is not available under chapter 33. Entitlement used under the revoked chapter will be deducted from chapter 33.)

H. Transfer of Entitlement (TOE) Under Chapter 33. The **Department of Defense (DOD)** is authorized to allow individuals who, on or after August 1, 2009, have served at least 6 years in the Armed Forces and who agree to serve at least another 4 years in the Armed Forces to transfer unused entitlement to their dependents (spouse, children). **The Department of Defense may, by regulation, impose additional eligibility requirements and limit the number of months transferable to not less than 18 months.**

ADVICE TO VETERANS CONSIDERING CHANGING OVER TO CHAPTER 33

A. ENTITLEMENT AND REVOKING A BENEFIT

- ◆ If your only other benefit is CH 30 and you elect CH 33 – your entitlement will be 36 months, minus whatever was used under CH 30. If your CH30 entitlement was exhausted before you elect CH33, then you are limited to no more than 48 including what you used under CH30.
- ◆ If you are eligible for CH 1606 and or CH 1607 and you elect CH 33 – your entitlement will be 36 months, but is limited to no more than a total of 48 months if you used benefits under 1606 or 1607
- ◆ If you are eligible for CH 30 and either 1606 or 1607 – you should revoke 1606 or 1607 – then your entitlement will be 36 months but no more than a total of 48 months including what you have already used under 1606 or 1607

IF YOU ARE ELIGIBLE FOR CH 30 AND 1606 OR 1607 – DO NOT REVOKE CH 30
(You can revoke CH 1606 or CH 1607 if you are eligible, even if you never applied)

BE SURE TO COMPARE HOW MUCH MONEY YOU WILL RECEIVE UNDER BOTH BENEFITS.

- ◆ If you are eligible for CH 30 with at least 36 months of service, and then you were called up to active duty after that time and did not serve another 36 months – don't relinquish CH 30. Compare monthly rates. You should probably relinquish 1606 or 1607.
- ◆ Make sure all "call up" service is **after 9/10/2001**

Additional Information. The most current information on the Post-9/11 GI Bill is available on the GI Bill website. A fact sheet about the Post-9/11 GI Bill can be found on the GI Bill website:
<http://www.gibill.va.gov/>