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Title 38, Part 21

*Vocational Rehabilitation and Education*

**Veterans Benefits Administration**

Supplement No. 80

Covering period of *Federal Register* issues  
through January 4, 2009

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# GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

## Supplemental Materials for *Book G*

Code of Federal Regulations

Title 38, Part 21

*Vocational Rehabilitation and Education*

## Veterans Benefits Administration

Supplement No. 80

5 January 2009

Covering the period of Federal Register issues  
through January 4, 2009

When **Book G** was originally prepared, it was current through final regulations published in the *Federal Register* of 25 February 1992. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which is at page G-8 of Book G, *Vocational Rehabilitation and Education*.

**To ensure accuracy and timeliness of your materials,  
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1. Always file your supplemental materials immediately upon receipt.
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<b>FILING INSTRUCTIONS</b>
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**Book G, Supplement No. 80  
January 5, 2009**

*Remove these  
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*Section(s)  
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21.73-1 to 21.74-1	21.73-1 to 21.74-1	Tech.corr.
21.3044-1 to 21.3046-6	21.3044-1 to <u>21.3046-5</u>	§§21.3045-21.3046
21.3131-1 to 21.3131-4	21.3131-1 to <u>21.3131-8</u>	§21.3131
21.3300-1 to 21.3300-2	21.3300-1 to 21.3300-2	§21.3300
21.3333-1 to 21.3333-2	21.3333-1 to <u>21.3333-4</u>	§21.3333

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## HIGHLIGHTS

### Book G, Supplement No. 80 January 5, 2009

**Supplement Highlights references:** Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §3.263, you will see a note at the end of that section which reads: “Supplement *Highlights* references—6(2).” This means that paragraph 2 of the *Highlights* section in Supplement No. 6 contains information about the changes made in §3.263. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

**Supplement frequency:** This Book G (*Rehabilitation and Education*) was originally supplemented six times a year, in February, April, June, August, October, and December. Beginning 1 August 1995, supplements will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

### Modifications in this supplement include the following:

1. On 30 December 2008, the VA published a final rule, effective that same date, to amend its regulations to reflect increases effective for fiscal years 2005, 2006, 2007, 2008, and 2009, respectively, in the monthly rates payable under the Survivors’ and Dependents’ Educational Assistance program in accordance with statutory requirements and previously established formulas; a change in the formula used to calculate entitlement charges for individuals pursuing apprenticeship or other on-job training in accordance with the *Veterans Benefits Improvement Act of 2004*; and nonsubstantive changes for the purpose of clarity and to reflect agency organization. Changes:

- In §21.3045, revised the introductory text, paragraph (c) introductory text, and paragraphs (g) and (h);
- In §21.3046, revised paragraph (d)(4)(ii);
- In §21.3131, revised paragraph (a), removed paragraphs (b) and (c), and redesignated paragraphs (d)–(f) as (b)–(d);
- In §21.3300, revised paragraph (d); and
- In § 21.3333, revised paragraphs (a)(1)–(3), added new paragraph (a)(4)–(6), and revised paragraph (b)(1).



**§21.73 Duration of employment assistance programs.**

(a) *Duration.* Employment assistance may be provided to the veteran for the period necessary to enable the veteran to secure employment in a suitable occupation, and to adjust in the employment. This period shall not exceed 18 months. A veteran may be provided such assistance if he or she is eligible for employment assistance under the provisions of §21.47 of this part. (Authority: 38 U.S.C. 3105(b))

(b) *Employment assistance not charged against Chapter 31 entitlement.* The period of employment assistance provided in paragraph (a) of this section is not charged against the months of entitlement under Chapter 31 (see §21.70). (Authority: 38 U.S.C. 3105(b))

[49 FR 40814, Oct. 18, 1984, as amended at 54 FR 21216, May 17, 1989]

**§21.74 Extended evaluation.**

(a) *General.* An extended evaluation may be authorized for the period necessary to determine whether the attainment of a vocational goal is currently reasonably feasible for the veteran. The services which may be provided during the period of extended evaluation are listed in §21.57(b) of this part. (Authority: 38 U.S.C. 3105(a), 3106(a))

(b) *Duration.* An extended evaluation may not be for less than two weeks (full or part-time equivalent) nor for more than twelve months unless a longer period is necessary to determine whether achievement of a vocational goal is reasonably feasible. (Authority: 38 U.S.C. 3105(a))

(c) *Approval of the period of an extended evaluation.*

(1) The counseling psychologist may approve an initial period of up to 12 months for an extended evaluation.

(2) An additional period of extended evaluation of up to 6 months may be approved by the counseling psychologist, if there is reasonable certainty that the feasibility of achieving a vocational goal can be determined during the additional period. The counseling psychologist will obtain the concurrence of the Vocation Rehabilitation and Employment (VR&E) Officer before approving the extension of a period of extended evaluation.

(3) An extension beyond a total period of 18 months for additional periods of up to 6 months each may only be approved by the counseling psychologist if there is a substantial certainty that a determination of current feasibility may be made within this extended period. The concurrence of the VR&E Officer is also required for this extension. (Authority: 38 U.S.C. 3105(a), 3106(b); Pub 99-576)

[49 FR 40814, Oct. 18, 1984, as amended at 53 FR 50957, Dec. 19, 1988; 54 FR 37332, Sept. 8, 1989; 62 FR 17707, Apr. 11, 1997; 66 FR 44053, Aug. 22, 2001; 73 FR 79647, Dec. 30, 2008]

**Supplement *Highlights* reference:** 30(2)

*Next Section is §21.76*



**§21.3044 Entitlement.**

(a) *Limitations on entitlement.* Each eligible person is entitled to educational assistance not in excess of 45 months, or the equivalent thereof in part-time training. The Department of Veterans Affairs will not authorize an extension of entitlement except as provided in paragraph (c) of this section. The period of entitlement when added to education or training received under any or all of the laws cited in §21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which employment adjustment allowance was paid after the eligible person completes a period of rehabilitation and reaches a point of employability.

(b) *Continuous pursuit is not required.* The 45-month period of entitlement is any 45 months within the period of eligibility. The eligible person is not required to pursue his or her program for 45 consecutive months. (Authority: 38 U.S.C. 3511(a))

(c) *Exceeding the 45 months limitation.* The 45 months limitation may be exceeded only in the following cases:

(1) Where no charge against the entitlement is made based on a course or courses pursued by a spouse or surviving spouse under the special assistance for the educationally disadvantaged program (See §21.3344(d)); or

(2) Where special restorative training authorized under §21.3300 exceeds 45 months. (Authority: 38 U.S.C. 3541(b), 3533(b))

[49 FR 48692, Dec. 14, 1984, as amended at 61 FR 26109, May 24, 1996]

**Supplement *Highlights* reference:** 27(1)

**§21.3045 Entitlement charges.**

VA will make record-purpose charges against an eligible person's entitlement only when required by this section. Charges for institutional training will be based upon the principle that an eligible person who trains full time for 1 day should be charged 1 day of 38 U.S.C. chapter 35 entitlement.

(a) *No entitlement charge for eligible persons receiving tutorial assistance.* VA will make no charge against the entitlement of an eligible person for tutorial assistance received in accordance with §21.4236. (Authority: 38 U.S.C. 3492, 3533(b))

(b) *Entitlement charges for elementary and secondary education.*

(1) When an eligible spouse or surviving spouse is pursuing a course leading to a secondary school diploma or an equivalency certificate as described in §21.3344, there are two sets of circumstances which will always result in VA's making no charge against his or her entitlement. These are as follows:

(i) Either the eligible spouse or surviving spouse completed training during the period beginning on October 1, 1980, and ending on August 14, 1989, and remained continuously enrolled from October 1, 1980, through the time the spouse or surviving spouse either completed training or August 14, 1989, whichever is earlier; or

(ii) The eligible spouse or surviving spouse completed training before August 15, 1989, and received educational assistance based upon the tuition and fees charged for the course.

(2) When an eligible spouse or surviving spouse is pursuing a course leading to a secondary school diploma or an equivalency certificate as described in §21.3344, the following circumstances will always result in VA's making a charge against his or her entitlement unless the provisions of paragraph (d) of this section would exempt the spouse or surviving spouse from receiving an entitlement charge.

(i) The spouse or surviving spouse elects to receive dependents' educational assistance at the rate described in §21.3131(a), and

(ii) Either was not pursuing a course leading to a secondary school diploma or equivalency certificate on October 1, 1980, or has not remained continuously enrolled in such a course since October 1, 1980.

(3) When an eligible person pursues refresher, remedial or deficiency training before August 15, 1989, the following provisions govern the charge against the entitlement.

(i) VA will not make a charge against the entitlement of an eligible spouse or surviving spouse.

(ii) VA will make a charge against the entitlement of an eligible child.

(4) The following provisions apply to an eligible person for training received after August 14, 1989. When he or she is pursuing a course leading to a secondary school diploma or equivalency certificate or refresher, remedial or deficiency training.

(i) VA will make no charge against the entitlement of an eligible person for the first five months of full time pursuit (or its equivalent in part-time pursuit).

(ii) VA will make a charge against the entitlement of an eligible person for pursuit in excess of the pursuit described in paragraph (b)(4)(i) unless the provisions of paragraph (d) of this section would exempt the eligible person from receiving an entitlement charge. (Authority: 38 U.S.C. 3511(a), 3533(a); Pub. L. 100-689, Pub. L. 102-127 (Oct. 10, 1991))

(c) *Other courses for which entitlement will be charged.* Except when the requirements of paragraph (d) of this section are met, VA will make a charge against the period of entitlement of:

(1) An eligible person for pursuit of a program of apprenticeship or other on-job training;

(2) A spouse or surviving spouse for pursuit of a correspondence course; or

(3) An eligible person for the pursuit of any course not described in paragraph (a) or (b) of this section. (Authority: 38 U.S.C. 3534)

(d) *Exemption from entitlement charge.*

(1) VA will not make a charge against the entitlement of an eligible person for the pursuit of any course or courses when the requirements of paragraphs (d)(1)(i) and (ii) of this section are met, by VA finding that the eligible person:

(i) Had to discontinue pursuit of the course or courses as a result of being:

(A) Ordered, in connection with the Persian Gulf War by orders dated before September 11, 2001, to serve on active duty under 10 U.S.C. 688, 12301(a), 12301(d), 12301(g), 12302, or 12304, or under former 10 U.S.C. 672(a), 672(d), 672(g), 673, or 673(b) (redesignated effective December 1, 1994, as 10 U.S.C. 12301(a), 12301(d), 12301(g), 12302, and 12304, respectively);

(B) Ordered, by orders dated after September 10, 2001, to serve on active duty under 10 U.S.C. 688, 12301(a), 12301(d), 12301(g), 12302, or 12304; or

(C) Involuntarily ordered, by orders dated after September 10, 2001, to full-time National Guard duty under 32 U.S.C. 502(f).

(ii) Failed to receive credit or lost training time toward completion of the eligible person's approved educational, professional or vocational objective as a result of having

to discontinue for a reason described in paragraph (d)(1)(i) of this section, his or her course pursuit.

(2) The period for which VA will not make a charge against entitlement shall not exceed the portion of the period of enrollment in the course or courses for which the eligible person failed to received credit or with respect to which the eligible person lost training time. (Authority: 38 U.S.C. 3511(a)(2); sec. 103(e), Pub. L. 107-103, 115 Stat. 980)

(e) *Determining entitlement charge.* The provisions of this paragraph apply to all courses except those courses for which VA is not making a charge against the eligible person's entitlement, apprenticeship or other on-job training, correspondence courses, and courses offered solely through independent study.

(1) After making any adjustments required by paragraph (e)(3) of this section VA will make a charge against entitlement:

(i) On the basis of total elapsed time (one day for each day of pursuit) if the eligible person is pursuing the program of education on a full-time basis,

(ii) On the basis of a proportionate rate of elapsed time, if the eligible person is pursuing a program of education on a three-quarter, one-half or less than one-half time basis. For the purpose of this computation, training time which is less than one-half, but more than one-quarter time, will be treated as though it were one-quarter time training.

(2) VA will compute elapsed time from the commencing date of enrollment to date of discontinuance. If the eligible person changes his or her training time after the commencing date of enrollment, VA will:

(i) Divide the enrollment period into separate periods of time during which the eligible person's training time remains constant; and

(ii) Compute the elapsed time separately for each time period.

(3) An eligible person may concurrently enroll in refresher, remedial or deficiency training for which paragraph (b)(3) or (b)(4)(i) of this section requires no charge against entitlement and in a course or courses for which paragraph (b)(2) or (b)(4)(ii) or (c) of this section requires a charge against entitlement. When this occurs, VA will charge entitlement for the concurrent enrollment based only on pursuit of the courses described in paragraph (b)(2) or (b)(4)(ii) or (c) of this section, measured in accordance with §§21.4270 through 21.4275 of this part, as appropriate. (Authority: 38 U.S.C. 3533(a); Pub. L. 100-689)

(f) *Entitlement charge for pursuit solely by independent study.* For enrollments in terms, quarters, or semesters that begin after June 30, 1993, VA will make charges against the entitlement of an eligible person in the manner prescribed by paragraph (e) of this section, if he or she is pursuing a program of education solely by independent study. For all other enrollments where the eligible person is pursuing a program of education solely by independent study, the

computation will be made as though the eligible person's training were one-quarter time. (Authority: 38 U.S.C. 3482(b), 3532(a))

(g) *Entitlement charge for apprenticeship or other on-job training.* For each month that an eligible person is paid a monthly educational assistance allowance while undergoing apprenticeship or other on-job training, including months in which the eligible person fails to complete 120 hours of training, VA will make a record-purpose charge against 38 U.S.C. chapter 35 entitlement, if any, as follows:

(1) For training pursued before October 1, 2005, VA will reduce chapter 35 entitlement by one month for each month of benefits paid.

(2) For training pursued on or after October 1, 2005, VA will reduce chapter 35 entitlement proportionately based on the percentage rate (rounded to the nearest percentage) determined by dividing the amount of the training assistance paid for the month by the monthly educational assistance payable for full-time enrollment in an educational institution. (Authority: 38 U.S.C. 3534, 3687; sec. 102, Pub L. 108-454, 118 Stat. 3600)

(h) *Entitlement charge for correspondence courses.* The charge against entitlement of a spouse or surviving spouse for pursuit of a course exclusively by correspondence will be 1 month for each of the following amounts paid as an educational assistance allowance:

- (1) \$788.00, paid after June 30, 2004, and before October 1, 2004;
- (2) \$803.00, paid after September 30, 2004, and before October 1, 2005;
- (3) \$827.00, paid after September 30, 2005, and before October 1, 2006;
- (4) \$860.00, paid after September 30, 2006, and before October 1, 2007;
- (5) \$881.00, paid after September 30, 2007, and before October 1, 2008; and
- (6) \$915.00, paid after September 30 2008. (Authority: 38 U.S.C. 3534(b), 3564, 3686(a))

(i) *Overpayment cases.* VA will make a charge against entitlement for an overpayment only if the overpayment is discharged in bankruptcy, is waived and is not recovered, or is compromised.

(1) If the overpayment is discharged in bankruptcy or is waived and is not recovered, the charge against entitlement will be at the appropriate rate for the elapsed period covered by the overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees).

(2) If the overpayment is compromised and the compromise offer is less than the amount of interest, administrative costs of collection, court costs and marshal fees, the charge against entitlement will be at the appropriate rate for the elapsed period covered by the overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees).

(3) If the overpayment is compromised and the compromise offer is equal to or greater than the amount of interest, administrative costs of collection, court costs and marshal fees, the charge against entitlement will be determined by:

(i) Subtracting from the sum paid in the compromise offer the amount attributable to interest, administrative costs of collection, court costs and marshal fees,

(ii) Subtracting the remaining amount of the overpayment balance determined in paragraph (i)(3)(i) of this section from the amount of the original overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees),

(iii) Dividing the result obtained in paragraph (h)(3)(ii) of this section by the amount of the original debt (exclusive of interest, administrative costs of collection, court costs and marshal fees), and

(iv) Multiplying the percentage obtained in paragraph (h)(3)(iii) of this section by the amount of the entitlement otherwise chargeable for the period of the original overpayment. (Authority: 38 U.S.C. 3471, 3532)

(j) *Interruption to conserve entitlement.* An eligible person may not interrupt a certified period of enrollment for the purpose of conserving entitlement. An educational institution may not certify a period of enrollment for a fractional part of the normal term, quarter or semester, if the eligible person is enrolled for the term, quarter or semester. VA will make a charge against entitlement for the entire period of certified enrollment, if the eligible person is otherwise eligible for benefits, except when benefits are interrupted under any of the following conditions:

(1) Enrollment is actually terminated;

(2) The eligible person cancels his or her enrollment, and does not negotiate an educational benefits check for any part of the certified period of enrollment;

(3) The eligible person interrupts his or her enrollment at the end of any term, quarter, or semester within the certified period of enrollment, and does not negotiate a check for educational benefits for the succeeding term, quarter, or semester;

(4) The eligible person requests interruption or cancellation for any break when a school was closed during a certified period of enrollment, and VA continued payments under an established policy based upon an Executive Order of the President or an emergency situation. Whether the eligible person negotiated a check for educational benefits for the certified period is immaterial. (Authority: 38 U.S.C. 3511)

(k) *Education loan after otherwise applicable delimiting date—spouse or surviving spouse.* VA will make a charge against the entitlement of a spouse or surviving spouse who receives an education loan pursuant to §21.4501(c) at the rate of 1 day for each day of entitlement that would have been used had the spouse or surviving spouse been in receipt of educational assistance allowance for the period for which the loan was granted. (Authority: 38 U.S.C. 3512)

[49 FR 48692, Dec. 14, 1984, as amended at 55 FR 28024, July 9, 1990; 57 FR 29799, July 7, 1992; 58 FR 26240, May 3, 1993; 61 FR 26109, May 24, 1996; 62 FR 55760, Oct. 28, 1997; 63 FR 67778, Dec. 9, 1998; 66 FR 32227, June 14, 2001; 68 FR 34320, June 9, 2003; 69 FR 62207, Oct. 25, 2004; 73 FR 2423, Jan. 15, 2008; 73 FR 79647, Dec. 30, 2008]

**Supplement *Highlights* references:** 6(3), 27(1), 41(1), 55(2), 62(1), 66(2), 77(2), 80(1).

**§21.3046 Periods of eligibility; spouses and surviving spouses.**

This section states how VA will compute the beginning date, the ending date and the length of a spouse's or surviving spouse's period of eligibility. The period of eligibility of a spouse computed under the provisions of paragraph (a) of this section will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of surviving spouse. (Authority: 38 U.S.C. 3512(b))

(a) *Beginning date of eligibility period—spouses.*

(1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 10-year period of eligibility is December 1, 1968.

(2) The beginning date of eligibility:

(i) Shall be determined as provided in paragraph (a)(2) of this section when:

(A) The permanent total rating is effective after November 30, 1968, or the notification to the veteran of the rating was after that date, and

(B) Eligibility does not arise under §21.3021(a)(3)(ii) of this part.

(ii) For spouses for whom VA made a final determination of eligibility before October 28, 1986, shall be:

(A) The effective date of the rating, or

(B) The date of notification, whichever is more advantageous to the spouse.

(iii) For spouses for whom VA made a final determination of eligibility after October 27 1986, shall be:

(A) The effective date of the rating, or

(B) The date of notification, or

(C) Any date between the dates specified in paragraphs (a)(2)(iii)(A) and (B) of this section as chosen by the eligible spouse.

(iv) May not be changed once a spouse has chosen it as provided in paragraph (a)(2)(iii) of this section.

(3) If eligibility arises under §21.3021(a)(3)(ii) of this part, the beginning date of the 10-year eligibility period is:



(i) December 24, 1970, or

(ii) The date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs. (Authority: 38 U.S.C. 3501(a); Pub. L. 99-576)

(b) *Beginning date of eligibility period-surviving spouses.*

(1) If VA determines before December 1, 1968, that the veteran died of a service-connected disability, the beginning date of the 10-year period is December 1, 1968. (Authority: 38 U.S.C. 3512)

(2) If the veteran's death occurred before December 1, 1968, but VA does not determine that the veteran died of a service-connected disability until after November 30, 1968, the beginning date of the 10-year period is the date on which VA determines that the veteran died of a service-connected disability.

(3) If the veteran's death occurred before December 1, 1968, while a total, service-connected disability evaluated as permanent in nature was in existence, the beginning date of the 10-year period is December 1, 1968.

(4) If the veteran's death occurred after November 30, 1968, and VA makes a final decision concerning the surviving spouse's eligibility for dependents' educational assistance before October 28, 1986, the beginning date of the 10-year period is:

(i) The date of death of the veteran who dies while a total, service-connected disability evaluated as permanent in nature was in existence, or

(ii) The date on which VA determines that the veteran died of a service-connected disability.

(5) If the veteran's death occurred after November 30, 1968, and VA makes a final decision concerning the surviving spouse's eligibility for dependents educational assistance after October 27, 1986, VA will determine the beginning date of the 10-year period as follows:

(i) If the surviving spouse's eligibility is based on the veteran's death while a total, service-connected disability evaluated as permanent in nature was in existence, the beginning date of the 10-year period is the date of death.

(ii) If the surviving spouse's eligibility is based on the veteran's death from a service-connected disability, the surviving spouse will choose the beginning date of the 10-year period. That date will be no earlier than the date of death and no later than the date of the VA determination that the veteran's death was due to a service-connected disability. (Authority: 38 U.S.C. 3512(b); Pub. L. 99-576)

(6) Once a surviving spouse has chosen a beginning date of eligibility as provided in paragraph (b)(5) of this section, the surviving spouse may not revoke that choice. (Authority: 38 U.S.C. 3512(b); Pub. L. 99-576)

(c) *Ending date of eligibility period.*

(1) *Spouses.*

(i) If on or after December 27, 2001, VA makes a determination of eligibility for a spouse, the period of eligibility cannot exceed 10 years. The eligibility period can be extended only as provided in paragraph (c)(3) of this section and §21.3047.

(ii) If before December 27, 2001, VA made a determination of eligibility for a spouse, the eligibility period has no ending date unless the spouse changes his or her program of education. If on or after December 27, 2001, the spouse changes his or her program of education, the eligibility period cannot exceed 10 years. The beginning date of the eligibility period is determined as provided in paragraph (a) of this section. The 10-year eligibility period can be extended only as provided in paragraph (c)(3) of this section and §21.3047.

(iii) Notwithstanding the provisions of paragraph (c)(1)(i) of this section, if eligibility arises before October 24, 1972, educational assistance will not be afforded later than October 23, 1982, based on a course or program of correspondence, apprentice, or other on-the-job training, approved under the provisions of §21.4256, §21.4261, or §21.4262, except that VA may award educational assistance beyond October 23, 1982, if the eligible spouse qualifies for the extended period of eligibility as provided in paragraph (c)(3) of this section and §21.3047.

(2) *Surviving spouses.*

(i) For surviving spouses, the period of eligibility cannot exceed 10 years and can be extended only as provided in paragraph (c)(3) of this section and §21.3047.

(ii) If eligibility arises before October 24, 1972, educational assistance will not be afforded later than October 23, 1982, based on a course or program of correspondence, apprentice, or other on-the-job training approved under the provisions of §21.4256, §21.4261, or §21.4262, except that VA may award educational assistance beyond October 23, 1982, if the eligible surviving spouse qualifies for an extended period of eligibility as provided in paragraph (c)(3) of this section and §21.3047.

(iii) The eligibility period for a surviving spouse is not reduced by any earlier period during which the surviving spouse was eligible for educational assistance under this chapter as a spouse. (Authority: 38 U.S.C. 3512; sec. 108(c)(4), Pub. L. 107-103, 115 Stat. 985)

(3) *Extensions due to certain orders dated after September 10, 2001.* Notwithstanding any other provisions of this section, if a spouse or surviving spouse, during the eligibility period otherwise applicable to such individual under this section, serves on active duty pursuant to an order to active duty dated after September 10, 2001, issued under 10 U.S.C. 688,

12301(a), 12301(d), 12301(g), 12302, or 12304, or is involuntarily ordered by an order dated after September 10, 2001, to full-time National Guard duty under 32 U.S.C. 502(f), VA will grant the individual an extension of the ending date of his or her eligibility period. The extension will equal the length of the period of such active duty plus four months. (Authority: 38 U.S.C. 3512; sec. 303(b), Pub. L. 108-183, 117 Stat. 2659)

(d) *Extension to ending date.*

(1) The ending date of a spouse's period of eligibility may be extended when the spouse is enrolled and eligibility ceases for one of the following reasons:

(i) The veteran is no longer rated permanently and totally disabled;

(ii) The spouse is divorced from the veteran without fault on the spouse's part; or

(iii) The spouse no longer is listed in any of the categories of §21.3021(a)(3)(ii) of this part.

(2) If the spouse is enrolled in a school operating on a quarter or semester system, VA will extend the period of eligibility to the end of the quarter or semester, regardless of whether the spouse has reached the midpoint of the quarter, semester or term.

(3) If the spouse is enrolled in a school not operating on a quarter or semester system, VA will extend the period of eligibility to the earlier of the following:

(i) The end of the course, or

(ii) 12 weeks.

(4) If the spouse is enrolled in a course pursued exclusively by correspondence, VA will extend the period of eligibility to whichever of the following will result in the lesser expenditure:

(i) The end of the course, or

(ii) The total additional amount of instruction that:

(A) \$2,206 provides during the period July 1, 2004, through September 30, 2004;

(B) \$2,248 provides during the period October 1, 2004, through September 30, 2005;

(C) \$2,316 provides during the period October 1, 2005, through September 30, 2006;

(D) \$2,408 provides during the period October 1, 2006, through September 30, 2007;

(E) \$2,467 provides during the period October 1, 2007, through September 30, 2008; or

(F) \$2,562 provides after September 30, 2008. (Authority: 38 U.S.C. 3511(b))

(5) VA will not extend the period of eligibility when the spouse is pursuing training in a training establishment as defined in §21.4200(c) of this part.

(6) An extension may not:

(i) Exceed maximum entitlement, or

(ii) Extend beyond the delimiting date specified in paragraph (a) of this section or §21.3047, as appropriate. (Authority: 38 U.S.C. 3511(b), 3512(b), 3532, 3686)

[54 FR 33886, Aug. 17, 1989; 57 FR 29799, July 7, 1992; 57 FR 60735, Dec. 22, 1992; 62 FR 51784, Oct. 3, 1997; 62 FR 59579, Nov. 4, 1997; 69 FR 62207, Oct. 25, 2004; 73 FR 2424, Jan. 15, 2008; 73 FR 79647, Dec. 30, 2008]

**Supplement *Highlights* references:** 34(2), 35(4), 66(2), 77(2), 80(1).

**§21.3131 Rates—educational assistance allowance—38 U.S.C. chapter 35.**

(a) Rates. Except as provided in §21.3132, educational assistance allowance under 38 U.S.C. chapter 35 is payable at the following monthly rates:

(1) For training pursued after June 30, 2004, and before October 1, 2004:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 788.00
3/4 time .....	592.00
1/2 time .....	394.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	394.00
1/4 time or less <sup>1</sup> .....	197.00
Cooperative training (other than farm cooperative) (full time only) .....	
	788.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	574.00
Second six months .....	429.00
Third six months .....	285.00
Fourth six months and thereafter .....	144.00
Farm cooperative:	
Full time .....	636.00
3/4 time .....	477.00
1/2 time .....	319.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$394.00 or \$197.00, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(2) For training pursued after September 30, 2004, and before October 1, 2005:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 803.00
3/4 time .....	603.00
1/2 time .....	401.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	401.00
1/4 time or less <sup>1</sup> .....	200.75
Cooperative training (other than farm cooperative)	
(full time only) .....	803.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	585.00
Second six months .....	438.00
Third six months .....	291.00
Fourth six months and thereafter .....	147.00
Farm cooperative:	
Full time .....	648.00
3/4 time .....	486.00
1/2 time .....	325.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$401.00 or \$200.75, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(3) For training pursued after September 30, 2005, and before October 1, 2006:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 827.00

3/4 time .....	621.00
1/2 time .....	413.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	413.00
1/4 time or less <sup>1</sup> .....	206.75
Cooperative training (other than farm cooperative)	
(full time only) .....	827.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	650.00
Second six months .....	507.00
Third six months .....	366.00
Fourth six months and thereafter .....	151.00
Farm cooperative:	
Full time .....	667.00
3/4 time .....	500.00
1/2 time .....	334.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$413.00 or \$206.75, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(4) For training pursued after September 30, 2006, and before October 1, 2007:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 860.00
3/4 time .....	645.00
1/2 time .....	429.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	429.00
1/4 time or less <sup>1</sup> .....	215.00
Cooperative training (other than farm cooperative)	

(full time only) .....	860.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	676.00
Second six months .....	527.00
Third six months .....	380.00
Fourth six months and thereafter .....	157.00
Farm cooperative:	
Full time .....	693.00
3/4 time .....	520.00
1/2 time .....	347.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$429.00 or \$215.00, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(5) For training pursued after September 30, 2007, and before January 1, 2008:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 881.00
3/4 time .....	661.00
1/2 time .....	439.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	439.00
1/4 time or less <sup>1</sup> .....	220.25
Cooperative training (other than farm cooperative)	
(full time only) .....	881.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	692.00
Second six months .....	540.00
Third six months .....	389.00



Fourth six months and thereafter .....	160.00
Farm cooperative:	
Full time .....	710.00
3/4 time .....	533.00
1/2 time .....	355.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$439.00 or \$220.25, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(6) For training pursued after December 31, 2007, and before October 1, 2008:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 881.00
3/4 time .....	661.00
1/2 time .....	439.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	439.00
1/4 time or less <sup>1</sup> .....	220.25
Cooperative training (other than farm cooperative) (full time only) .....	
	881.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	641.00
Second six months .....	480.00
Third six months .....	317.00
Fourth six months and thereafter .....	160.00
Farm cooperative:	
Full time .....	710.00
3/4 time .....	533.00
1/2 time .....	355.00

Correspondence..... 55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly.<sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$439.00 or \$220.25, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(7) For training pursued after September 30, 2008:

<i>Type of course</i>	<i>Monthly rate</i>
Institutional:	
Full time .....	\$ 915.00
3/4 time .....	686.00
1/2 time .....	456.00
Less than 1/2 but more than 1/4 time <sup>1</sup> .....	456.00
1/4 time or less <sup>1</sup> .....	227.75
Cooperative training (other than farm cooperative) (full time only) .....	
	915.00
Apprentice or on-the-job (full time only) <sup>2</sup> :	
First six months .....	666.00
Second six months .....	499.00
Third six months .....	329.00
Fourth six months and thereafter .....	166.00
Farm cooperative:	
Full time .....	737.00
3/4 time .....	553.00
1/2 time .....	368.00
Correspondence.....	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. <sup>3</sup>

<sup>1</sup>If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$456.00 or \$227.75, as appropriate, per month, if the maximum allowance is not initially authorized.

<sup>2</sup>See footnote 5 of §21.4270(c) for measurement of full time and §21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

<sup>3</sup>Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons. (Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2), (d))

(b) *Less than half time.* The monthly rate for an eligible person who is pursuing an institutional course on less than one-half time basis may not exceed the monthly rate of the cost of the course computed on basis of the total cost for tuition and fees which the school requires similarly circumstanced individuals enrolled in the same course to pay. “Cost of the course” does not include the cost of books or supplies which the student is required to purchase at his or her own expense. (Authority: 38 U.S.C. 3532(a)(2))

(c) *Courses leading to a secondary school diploma or equivalency certificate.* The monthly rate of Survivors’ and Dependents’ Educational Assistance payable for an eligible person enrolled in a course leading to a secondary school diploma or equivalency certificate shall be the rate for institutional training stated in paragraph (a) of this section. (Authority: 38 U.S.C. 3532(d), 3533)

(d) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child’s entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in §3.8 (b), (c), or (d) of this chapter, payments of educational assistance allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized. (Authority: 38 U.S.C. 3532(d), 3565)

[61 FR 26109, May 24, 1996, as amended at 63 FR 67778, Dec. 9, 1998; 66 FR 32227, June 14, 2001; 68 FR 34321, June 9, 2003; 68 FR 37206, June 23, 2003; 69 FR 62207, Oct. 25, 2004; 73 FR 79647, Dec. 30, 2008]

**Supplement *Highlights* references:** 27(1), 41(1), 55(2), 62(1), 66(2), 80(1).

Reserved

## Special Restorative Training

### 21.3300 Special restorative training.

(a) *Purpose of special restorative training.* The Department of Veterans Affairs may prescribe special restorative training where needed to overcome or lessen the effects of a physical or mental disability for the purpose of enabling an eligible person to pursue a program of education, special vocational program or other appropriate goal. Medical care and treatment or psychiatric treatment are not included. (Authority: 38 U.S.C. 3540 through 3543)

(b) *Eligible persons.* VA may prescribe special restorative training for an eligible person who is a child, spouse, or surviving spouse except for a spouse whose qualification as an eligible person is under §21.3021(a)(3)(ii). The special restorative training must begin after December 26, 2001, for a spouse or surviving spouse. (Authority: 38 U.S.C. 3501, 3540, 3541, 3543; sec. 109, Pub. L. 107-103, 115 Stat. 986)

(c) *Special restorative training courses.* The counseling psychologist or vocational rehabilitation counselor, after consulting with the Vocational Rehabilitation Panel, may prescribe for special restorative training purposes courses such as:

- (1) Speech and voice correction or retention,
- (2) Language retraining,
- (3) Speech (lip) reading,
- (4) Auditory training,
- (5) Braille reading and writing,
- (6) Training in ambulation,
- (7) One-hand typewriting,
- (8) Nondominant handwriting,
- (9) Personal, social and work adjustment training,
- (10) Remedial reading, and
- (11) Courses at special schools for mentally and physically disabled or
- (12) Courses provided at facilities which are adapted or modified to meet special needs of disabled students. (Authority: 38 U.S.C. 3540, 3541, 3543)

(d) *Duration of special restorative training.* VA may provide special restorative training in excess of 45 months where an additional period of time is needed to complete the training. Entitlement, including any authorized in excess of 45 months, may be expended through an accelerated program requiring a rate of payment for tuition and fees in excess of:

- (1) \$247.00 a month for the period beginning July 1, 2004, and ending September 30, 2004;
- (2) \$251.00 a month for the period beginning October 1, 2004, and ending September 30, 2005;

- (3) \$258.00 a month for the period beginning October 1, 2005, and ending September 30, 2006;
- (4) \$268.00 a month for the period beginning October 1, 2006, and ending September 30, 2007;
- (5) \$274.00 a month for the period beginning October 1, 2007, and ending September 30, 2008; and
- (6) \$284.00 a month for months after September 30, 2008. (Authority: 38 U.S.C. 3541(b), 3542)

(e) *Special restorative training precluded in Department of Veterans Affairs facilities.* Special restorative training will not be provided in Department of Veterans Affairs facilities. (Authority: 38 U.S.C. 3543(b))

[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42725, Oct. 24, 1984; 50 FR 19934, May 13, 1985; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003; 69 FR 62208, Oct. 25, 2004; 73 FR 2424, Jan. 15, 2008; 73 FR 79650, Dec. 30, 2008]

**Supplement *Highlights* references:** 41(1), 55(2), 62(1), 66(2), 77(2), 80(1).

**§21.3333 Rates.**

(a) *Rates.* Special training allowance is payable at the following monthly rates, except as provided in paragraph (c) of this section.

(1) For special restorative training pursued after June 30, 2004, and before October 1, 2004.

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$788.00	If costs for tuition and fees average in excess of \$247.00 per month, rate may be increased by such amount in excess of \$247.00. (38 U.S.C. 3542).

(2) For special restorative training pursued after September 30, 2004, and before October 1, 2005:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$803.00	If costs for tuition and fees average in excess of \$251.00 per month, rate may be increased by such amount in excess of \$251.00. (38 U.S.C. 3542).

(3) For special restorative training pursued after September 30, 2005, and before October 1, 2006:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$827.00	If costs for tuition and fees average in excess of \$258.00 per month, rate may be increased by training such amount in excess of \$258.00. (Authority: 38 U.S.C. 3542).

(4) For special restorative training pursued after September 30, 2006, and before October 1, 2007:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$860.00	If costs for tuition and fees average in excess of \$268.00 per month, rate may be increased by training such amount in excess of \$268.00. (Authority: 38 U.S.C. 3542).

(5) For special restorative training pursued after September 30, 2007, and before October 1, 2008:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
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Special restorative training	\$881.00	If costs for tuition and fees average in excess of \$274.00 per month, rate may be increased by training such amount in excess of \$274.00. (Authority: 38 U.S.C. 3542).
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(6) For special restorative training pursued after September 30, 2008:

<u>Course</u>	<u>Monthly rate</u>	<u>Accelerated charges</u>
Special restorative training	\$915.00	If costs for tuition and fees average in excess of \$284.00 per month, rate may be increased by training such amount in excess of \$284.00. (Authority: 38 U.S.C. 3542).

(b) *Accelerated charges.*

(1) VA may pay the additional monthly rate if the eligible person, or his or her parent or guardian (see §21.3021(d)) if the eligible person has a guardian or has not attained majority under laws applicable in his or her State of residence, concurs in having his or her period of entitlement reduced by 1 day for each:

(i) \$26.27 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period July 1, 2004, through September 30, 2004;

(ii) \$26.77 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period October 1, 2004, through September 30, 2005;

(iii) \$27.57 that the special training allowance exceeds the basic monthly rate of \$827.00 for the period October 1, 2005, through September 30, 2006;

(iv) \$28.67 that the special training allowance exceeds the basic monthly rate of \$860.00 for the period October 1, 2006, through September 30, 2007;

(v) \$29.37 that the special restorative training allowance exceeds the basic monthly rate of \$881.00 for the period October 1, 2007, through September 30, 2008; and

(vi) \$30.50 that the special restorative training allowance exceeds the basic monthly rate of \$915.00 for months after September 30, 2008.

(2) VA will:

(i) Charge fractions of more than one-half day as 1 day;

(ii) Disregard fractions of one-half or less; and

(iii) Record charges when the eligible child is entered into training.  
(Authority: 38 U.S.C. 3542)



(c) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child's entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in §3.8(b), (c), or (d) of this chapter, payments of special training allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized. (Authority: 38 U.S.C. 3532(d), 3542, 3565)

[35 FR 9814, June 16, 1970, as amended at 48 FR 37975, Aug. 22, 1983, 50 FR 19934 May 13, 1985; 57 FR 29799, July 7, 1992; 61 FR 29295, June 10, 1996; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003; 68 FR 37206, June 23, 2003; 69 FR 62209, Oct. 25, 2004; 73 FR 2426, Jan. 15, 2008; 73 FR 79651, Dec. 30, 2008]

**Supplement *Highlights* references:** 27(3), 41(1), 55(2), 62(1), 66(2), 77(2), 80(1).

*Next Section is §21.3344*

Reserved