VETERAN'S BENEFITS 2014 FOR STUDENTS AND
EMPLOYERS

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OVERVIEW
• Current VA Educational Benefits Overview
• Post 9/11 Benefits Update
• GI Bill Registered Trademark
• Veteran's Benefits and DOMA
• Recent Developments in Oklahoma Veteran’s Educational Benefits and Protections for Military students
• SCRA and USERRA Overview for Employers

VA Educational Benefits
Chapter 30 – Montgomery GI Bill
Chapter 31 – Disabled Veterans
Chapter 32 - Veterans Educational Assistance Program (VEAP)
Chapter 33 – Post 9/11
Chapter 34 – Old Montgomery GI Bill
Chapter 35 – Survivors and Dependents Assistance (DEA)
Chapter 1606 – Reserves
Chapter 1607 – Reserve Educational Assistance Program (REAAP)
Chapter 30 – Montgomery GI Bill

• Veteran had to pay $1200 over a 12-month period before separating from the military.
• Veteran has 36 months of eligibility.
• Benefit must be used within 10 years of delimiting date.
• Active Duty personnel only receive actual tuition and fees.
• Other chapter 30 recipients receive funding based on the enrollment status.

Chapter 31 – Disabled Veterans

• Must have a 10% disability as determined by the Vocational Rehabilitation Counselor (VRC).
• Once disability is determined, the VA pays tuition, fees, books, supplies, as well as a monthly allowance based on the number of dependents.
• The VRC assists with choosing an appropriate major based on the disability.
• The VA Certifying Official invoices the VA for all appropriate charges related to the student’s education.

Chapter 31 – Disabled Veterans cont’d

• Entered service for the first time between January 1, 1977, and June 30, 1985;
• Opened a contribution account before April 1, 1987;
• Voluntarily contributed from $25 to $2700.
• Contributions matched on a $2 for $1 basis.
• Benefit entitlement is 1 to 36 months depending on the number of monthly contributions.
• Most veterans elected to switch to chapter 30 when they were given the chance as the benefits were better.
Chapter 35 – Survivors and Dependents Assistance

Must be the child or spouse of:
– a veteran who died or is totally or permanently disabled as a result of a service-connected disability.
– A service-member missing in action or captured in the line of duty.
• The child must be between the ages of 18 and 26.
• For spouses, benefits end 10 years after the date the spouse is deemed eligible or from the date of death of the veteran.

1606 – Montgomery GI Bill Selected Reserve
If eligibility for this program began prior to Oct. 1, 1992, the veteran has 10 years from the beginning date of eligibility to use benefits. If eligibility for this program began after October 1, 1992, the veteran has 14 years from the beginning date of eligibility to use benefits. Need to submit a Notice of Basic Eligibility (NOBE) signed by the commanding officer of the unit.

1607 – Reserve Education Assistance Program (REAP)
It is a Department of Defense education benefit program. Designed to provide educational assistance to members of the Reserve components called or ordered to active duty in response to a war or national emergency. Reservists activated for at least 90 days after 9/11/2001 are eligible for benefits or have increased benefits based on consecutive time served. May contribute up to $600 to increase benefits.
Chapter 33 – Post 9/11

Veterans who were on active duty as of September 10, 2001, may have eligibility for this program. Eligibility is based on the amount of time served on active duty after September 10, 2001. Eligibility can range from 40% to 100%. A veteran must have served at least 90 consecutive days on active duty to meet minimal eligibility criteria. This excludes time in basic military training and/or skill training.

Post-9/11 Veterans Educational Improvements Act of 2010 (GI Bill 2.0)

- Some changes retroactive

Chapter 33 – Post 9/11
GI Bill 2.0-Character of Service

38 U.S.C. Sec. 3301(b)
A fully Honorable character of service is now required for all service periods ending on or after January 4, 2011, including those with the following separation reasons:
  - A Condition Interfering With Duty (CIWD)
  - A condition Existing Prior To Service (EPTS)
  - A Hardship (HDSP)

CIWD, EPTS, and HDSP discharges prior to 1/4/11 which are other than Dishonorable may still be qualifying.
Chapter 33 – Post 9/11
GI Bill 2.0-Character of Service

38 U.S.C. Sec. 3319
Individuals eligible for ch33 benefits under the Fry and TOE provisions may not receive benefits from both sources concurrently.
Individuals eligible for TOE from multiple transferors may not receive benefits from multiple sources concurrently.
Individuals electing to use Fry Scholarship benefits lose eligibility for Dependency and Indemnity Compensation (DIC) benefits.

Eligibility

Qualifying Title 10/32 Active Duty on or after 09/11/01 will be eligible for the Post-9/11 GI Bill if the individual...

- Served for an aggregate (combined) period ranging from 90 days to 36 months. (Payment Tier is based on aggregate Service), or
- Served 30 continuous days and was discharged due to a service-connected disability

What type of Duty qualifies?

- Active Duty for Chapter 33 purposes means full-time duty in regular components of the Armed Forces or under a call to active duty under Title 10 U.S.C. 672(d), 688, 12301(a), 12301(d), 12301(g), 12302, 12304
- Title 32 AGR for the purpose of organizing, administering, recruiting, instructing, or training, and under section 502(f) for the purpose of responding to a national emergency.
Chapter 33 – Post 9/11
Eligibility/Ineligibility

Eligible

- While on Active Duty; or
- For 15 years from date of last Active Duty discharge; or
- For 15 years from last “Qualifying Service” of at least 90 consecutive days

Ineligible

Qualifying Active Duty does not currently include the following:
- Service Academy Contract Period; or
- ROTC Active Duty Contract Period under 10 U.S.C. 2107(b); or
- Service terminated due to an erroneous or defective enlistment; or
- Active Duty Service used for Active Duty loan repayment

Chapter 33 – Post 9/11 (cont’d.)

Service Requirements % of Max Benefits

At least 36 months 100
At least 30 consecutive days on active duty with discharge due to service-connected disability 100
At least 30 months, but < 36 months 90
At least 24 months, but < 30 months 80
At least 18 months, but < 24 months 70
At least 12 months, but < 18 months 60
At least 6 months, but < 12 months 50
At least 90 days, but < 6 months 40

Chapter 33 – Post 9/11
Tuition

Tuition and Fees (as of August 1, 2013):
- Pays all public school in-state tuition and fees
- Pays private and out-of-state tuition and fees up to $19,198.31 annually (up to $20,235.02 effective August 1, 2014)
- The Yellow Ribbon Program exists for private and out-of-state tuition and fees costs above the VA cap
Post 9/11 Pays after:
- Any scholarship
- Federal Tuition Assistance
- State Tuition Assistance
- Employer based aid or other assistance
- Prorated based on the individual’s payment tier (40% to 100%) and rate of pursuit
Chapter 33 – Post 9/11

Housing Stipend

Those attending a Campus

- Must be attending more than half-time
- Payment is equivalent to BAH for an E-5 with dependents
- Payment amount is determined by zip code of institution
- Prorated based on training time.

Those attending distance learning (online) classes

- Must be attending more than half-time
- The rate is equal to ½ the national average BAH for an E-5 with dependents (full-time at 100%, as of 2013)
- Prorated based on training time.
- Prorated based on the individual’s payment tier (40% to 100%) and rate of pursuit

Service member and spouse not eligible for stipend while on Active Duty (excludes children)

Chapter 33 – Post 9/11

Books and Supplies Stipend

- Up to $1,000 per academic year
  - Based on 24 credit hours in a single academic year
  - Computed at $41.67 per credit hour
  - Lump sum payment (each quarter, semester or term attended) paid directly to the student
- Title 10 and Title 32 Active duty members became eligible 1 October 2011
- Prorated based on the individual’s payment tier (40% to 100%) and rate of pursuit

Chapter 33 – Post 9/11

Non-college Degrees (NCD)

Non-college degrees: Pays actual net cost for in-State tuition and fees at public NCD institutions. At private and foreign institutions, pays the actual net costs for in-state tuition and fees or $19,198.31, whichever is less.

On-the-job and apprenticeship training: Pays a monthly benefit amount prorated based on time in program.

Flight programs: Per academic year, pays the actual net costs for in-state tuition and fees assessed by the school or $9,324.89, whichever is less.

Correspondence training: Per academic year, pays the actual net costs for in-state tuition and fees assessed by the school or $9,324.89, whichever is less.
Spouse
- Paid based on Service members duty status
- Has 15 years to use (like SM, from last date of separation)

Eligible Children
ALWAYS paid as a Non-Active Duty member
Can use at 18 (or graduated high school) thru Age 26 *

* Dependents must be under the age of 23 to approve transferability. Once they reach 23 they drop out of DEERS and are no longer eligible dependents.

Chapter 33 – Post 9/11 (cont’d.)

Students who currently have VA educational benefits under another program must make an irrevocable decision to relinquish a program should they wish to use Chapter 33. Tuition and fees are sent to the Business Office of the college that submitted the Enrollment Certification.

Chapter 33 – Post 9/11 (cont’d.)

Veterans discharged after 30 consecutive days of active duty who have a service-connected disability may receive 100%.

A veteran typically has 15 years from the date of discharge to use the VA educational benefits.
Veterans who qualify for Chapter 33 and who were members of the Armed Forces as of August 1, 2009, and are still members may elect to transfer all or part of their educational benefits to a spouse or their children. To transfer to a child, the child must be under 18, or, if in school, before the child is 23 years old.

The veteran must have served 6 years as of the date of election and agree to serve an additional 4 years to transfer to a spouse.

The veteran must have completed at least 10 years of service before the child can use the benefit.

A family member must be enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits, at the time of transfer to receive transferred educational benefits.

Eligible service members may make transfer designation at:

https://www.dmdc.osd.mil/milconnect/
or

https://www.ebenefits.va.gov/

After veteran has designated the recipient(s) and approval granted by Department of Defense, the recipient(s) must apply using VA Form 22-1990E.

If transferor is on active duty, the spouse is not eligible to receive the housing and book allowances.

If transferor is on active duty, the children may receive the housing and book allowances.

Children may use the VA educational benefits until the age of 26 if they have eligibility. Children are not limited to the 15 year delimiting date.
Yellow Ribbon

Institutions within the U.S. may voluntarily enter into an agreement with the VA to fund the tuition and fees that exceed the highest public in-state undergraduate tuition and fees. Participating institutions agree to:

- Provide contributions to eligible individuals on a first-come, first served basis.
- State the maximum number of individuals for whom contributions will be made per academic year.
- State the maximum dollar amount of contributions that may be provided per individual per academic year.
- Provide contributions using funds under the unrestricted control of the institution.

Yellow Ribbon

- ALL Individuals entitled to the 100 percent payment tier are eligible
- Includes private schools & out of state school
- VA may match up to 50% of the tuition and fee amount waived by the school above $19,198.31 cap
- Individuals interested in the Yellow Ribbon Program can find more information at www.gibill.va.gov or contact school’s Veterans’ benefits representative

GI Bill Estimator/Comparison Tool

- GI Bill Estimator/Comparison Tool; allows Veterans and family members to calculate estimated GI Bill benefits and research approved educational institutions.

Website - http://benefits.va.gov/gibill/comparison

Phase I – Launched February 4, 2014
- Value of their GI Bill benefit at a particular school (estimator)
- School indicators (similar to college scorecard)
- Veteran indicators (e.g., Pell, Yellow Ribbon, GI Bill beneficiaries)

Phase II
- Calculates GI Bill Benefits
- Tuition / Fees (pre-populated from ED’s database)
- In-State vs. Out of State
- School Indicators (PL Requirements)
- Retention rate
- Accreditation
- Veteran Student Outcomes Measures
- During School (Retention Rates, Persistence Rates, Course Completion Rates)
- Graduation (Transfer Rates, Graduation Rates, Certificate Completion)
HIGHER EDUCATION ACT OF 2008

Public Law 110-315
Became law August 14, 2008

Changes Covered:
- Information on Financial Aid for Military and Veterans
- Benefits for Children of Deceased Soldiers
- Limits on Interest Accrual
- Reduction of Interest Rates
- Military Service Deferral
- In State Tuition for Military Members and Dependents
- Interruption of Studies
- Consolidation or Loan Interruption Protection
- Career Related Cancellations
- Re-Admission Requirements

GI Bill® Registered Trademark

- GI Bill® is a Federally registered trademark owned by VA
- As part of the Principles of Excellence, VA trademarked the term to stop deceptive and misleading promotional efforts targeting GI Bill educational benefits
- Authorized to use the trademark:
  - Education/ training institutions eligible to receive GI Bill benefits
  - State Approving Agencies
  - Recognized Veterans Service Organizations
- Must use the trademark symbol in the most prominent place and give attribution (wording on http://www.benefits.va.gov/gibill along with full instructions on Terms of Use)

Third-party users:
- Cannot use the term in company names, internet domain names, logos
- Can only use the term to promote VA benefit programs

No one may:
- Use the GI Bill trademark to imply a relationship, affiliation, or association with VA that does not exist
- Misrepresent VA services through use of the mark or by the use of confusingly similar wording

Enforcement:
- Report suspected violations by email to GI-Bill.Trademark@va.gov

Potential violations under investigation:
- Use of trademark in internet domain names
- VA filed a trademark dispute claim with a website owner
- Implied affiliation with VA
- VA sent cease and desist letter
On June 26, 2013, the Supreme Court held, in United States v. Windsor, that section 3 of DOMA violates the Fifth Amendment by discriminating against same-sex couples who are lawfully married under state law.

On September 4, 2013, the United States Attorney General announced that the President had directed the Executive Branch to cease enforcement of 38 U.S.C. §§ 101(3) and 101(31), the statutory provisions governing the definitions of the terms “surviving spouse” and “spouse,” respectively, for Veterans’ benefits, to the extent they limit Veterans’ benefits to opposite-sex couples.

On June 20, 2014, VBA released a comprehensive policy regarding the provision of VA benefits to individuals in same-sex marriages.

In accordance with VBA’s June 20, 2014 comprehensive policy:

- VBA will recognize a Veteran’s marriage for the purposes of paying benefits if the marriage was recognized under the law of the place where at least one of the parties resided:
  a) when they were married; or
  b) at the time when the claimant became eligible for benefits.

- VBA will generally accept a claimant’s statement that he or she is married.

- For the purpose of the Post 9/11 GI Bill Transfer of Benefits VA will recognize all DOD-approved Section 3319 transfers to dependents.

OKLAHOMA TUITION WAIVER

- Must be a member of the Oklahoma National Guard in good standing.
- Attend 2 or 4 year institution.
- Waives tuition only.
- Waives up to 18 credit hours per semester.
- Waives out-of-state fees for non-resident.
- Eligibility requirements:
  - Active member.
  - Less than 9 AWOLs in previous 12 months.
  - Maintain good academic standing.
  - GPA 2.0 +.
Leave of Absence for Students Called to Active Duty

- New Law 70 O.S. Section 3248
  - Effective July 1, 2014
  - Students who are members of the uniformed military services of U.S. called to active duty
  - Options include:
    - Withdraw and receive a refund w/o penalty to admission status, grade point or financial aid
    - Receive incomplete grade for minimum 50% completion of class and complete classes upon return w/o penalty
  - Leave of absence shall not exceed cumulative 5 yrs
  - Student may bring legal action for actual and compensatory damages for non-compliance by institution.

Overview

- Servicemember's Civil Relief Act (SCRA)
  - 50 U.S.C. Sec. 501 et seq.
    - Purpose
    - Persons Covered by the Act & When Act Applies
    - Default Judgments & Stay of Proceedings
    - Maximum Rates of Interest
    - Garnishment and Judgment Relief

Oklahoma Military and Veteran Protections

- 44 O.S. Sec. 208.1
  - Extends the Servicemembers Civil Relief Act and Uniformed Services Employment and Reemployment Rights Act to National Guard duty
  - State Active Duty performed under 44 O.S. Sec. 72
  - Title 32 U.S.C. duty
Uniformed Services Employment and Reemployment Rights Act (USERRA)

Protections Afforded by the Statute. [38 U.S.C. §§ 4311-18.]

- PROMPT REINSTATEMENT
- STATUS
- ACCRUED SENIORITY
- HEALTH INSURANCE COVERAGE
- TRAINING, RETRAINING, OR OTHER ACCOMMODATIONS
- SPECIAL PROTECTION FROM DISCHARGE (EXCEPT FOR CAUSE)

These requirements apply to all employers, both public (federal, state, & local) and private. THERE IS NO "SMALL COMPANY" EXCEPTION.

MILITARY AND VETERAN RESOURCES

- Veteran's Benefits: http://www.vba.va.gov/VBA/
- MilitaryOneSource: www.militaryonesource.com
- ESGR: www.esgr.mil
- Legal: okbar.org/heroes

Questions?