§ 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.

(b) Charge against entitlement. For educational assistance allowance paid 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. 3222, 3231, 3233(c), 3452(b), 3689)

§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.

(ii) Enter the number of full days in excess of the number of full months.
(iii) Divide line a by 30. Enter the (2) quotient.

(iv) Total (lines 1 and 2) .................. (3)

(v) Multiply line 3 by 1 for a full-time (4) 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.

(This is the entitlement factor.)

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

(i) Enter the amount of the (b) individual's contributions remaining in the fund.

(ii) Divide line b by line c. Enter the (2) quotient.

(iii) 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.

(This is the entitlement factor.)

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

(i) Enter the number of full days in the (1) applicable benefit period. (Enter 30 if the benefit period is a full month.)

(ii) Divide line 1 by 30. Enter the (2) quotient.

(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 six-month periods of training ends during the benefit period. Enter the result.

(This is the entitlement factor.)

(v) Multiply line 3 by .80. Enter the result. (This is the entitlement factor.)

(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.

(ii) Enter the individual's remaining months of entitlement.

(iii) Divide line a by line b. Enter the (1) quotient.

(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.

(vi) Enter the individual's remaining months of entitlement.

(vii) Divide line c by line d. Enter the (9) quotient.

(viii) Total (lines 1, 2 and 3) ..................... (4)

(ix) Enter the charges for flight training certified by the school.

(x) Multiply line e by .60 ......................... (5)

(xi) Divide line 5 by line 4. Enter the (10) quotient. (This is the entitlement factor.)

(6) Enter two times the amount in line 11 (12)

(This is the Department of Veterans Affairs' portion of benefit payments for training completed before January 1, 1982. The Secretary of Defense will contribute this portion of the benefit payment for training that occurs after December 31, 1981.)
§ 21.5139 Computation of benefit payments for incarcerated individuals.

Notwithstanding the provisions of §21.5138, some incarcerated individuals may have their educational assistance allowance terminated or reduced. The provisions of this section shall not apply in the case of any individual who is pursuing a program of education while residing in a halfway house or participating in a work-release program in connection with that individual’s conviction of a felony.

(a) No educational assistance allowance payable to some incarcerated individuals. VA will pay no educational assistance allowance to an individual who—

(1) Is incarcerated in a Federal, State or local penal institution for conviction of a felony, and

(2) Is enrolled in a course where his or her tuition and fees are being paid by a Federal program (other than one administered by VA) or by a State or local program, and

(3) Has incurred no expenses for supplies, books or equipment.

(b) Reduced educational assistance allowance for some incarcerated individuals. VA will pay a reduced educational assistance allowance to a veteran who—

(i) Is incarcerated in a Federal, State or local penal institution of conviction of a felony, and

(ii) Is enrolled in a course—

(A) For which the individual pays some (but not all) of the charges for tuition and fees, or

(B) For which a Federal program (other than one administered by VA) or a State or local program pays all the charges for tuition and fees, but which requires the individual to pay for books, supplies and equipment.