

§ 21.5725

38 CFR Ch. I (7–1–10 Edition)

servicemember’s death, in fact, dependent upon him or her for over one half of his or her support.

(Authority: 10 U.S.C. 1072(2)(D), 2147(d)(1))

(d) *Surviving spouse*. The term means a widow or widower who is not remarried.

(Authority: 10 U.S.C. 2147(d)(2))

(e) *Servicemember*. This term means anyone who—

- (1) Meets the eligibility requirements for the program, and
- (2) Is on active duty in the Air Force, Army, Navy or Marine Corps.

(Authority: 10 U.S.C. 2142)

(f) *Spouse*. This term means a person of the opposite sex who is the husband or wife of the veteran or servicemember.

(Authority: 10 U.S.C. 2147)

(g) *Divisions of the school year*. (1) *Standard academic year* is a period of 2 standard semesters or 3 standard quarters. It is 9 months long.

(2) *Standard quarter* is a division of the standard academic year. It is from 10 to 13 weeks long.

(3) *Standard semester* is a division of the standard academic year. It is 15 to 19 weeks long.

(4) *Term* is either

- (i) Any regularly established division of the standard academic year, or
- (ii) The period of instruction which takes place between standard academic years.

(Authority: 10 U.S.C. 2142)

(h) *Full-time training*. This term means training at the rate of 12 or more semester hours per semester, or the equivalent.

(Authority: 10 U.S.C. 2144)

(i) *Part-time training*. The term means training at the rate of less than 12 semester hours per semester or the equivalent.

(Authority: 10 U.S.C. 2144)

(j) *Enrollment period*. This term means an interval of time during which an eligible individual—

(1) Is enrolled in an accredited educational institution; and

(2) Is pursuing his or her program of education.

(Authority: 10 U.S.C. 2142)

§ 21.5725 Obtaining benefits.

(a) *Actions required of the individual*. In order to obtain benefits under the educational assistance and subsistence allowance program, an individual must—

- (1) File a claim for benefits with VA, and
- (2) Ensure that the accredited institution certifies his or her enrollment to VA.

(Authority: 10 U.S.C. 2149)

(b) *VA action upon receipt of a claim*. Upon receipt of a claim from an individual VA shall—

- (1) Determine if the individual, or the veteran upon whose service the claim is based, has or had basic eligibility;
- (2) Determine that the eligibility period has not expired;
- (3) Determine that the individual has remaining entitlement;
- (4) Verify that the individual is attending an accredited institution;
- (5) Determine whether payments may be made for the course, and
- (6) Make appropriate payments of educational assistance and subsistence allowance.

(Authority: 10 U.S.C. 2142–2149)

CLAIMS AND APPLICATIONS

§ 21.5730 Applications, claims, and time limits.

The provisions of subpart B of this part apply with respect to claims for educational assistance under the educational program described in § 21.5701, VA actions upon receiving a claim, and time limits connected with claims.

(Authority: 10 U.S.C. 2141, 2149; 38 U.S.C. 5101, 5102, 5103)

[64 FR 23772, May 4, 1999]

ELIGIBILITY AND ENTITLEMENT

§ 21.5740 Eligibility.

(a) *Establishing eligibility*. To establish eligibility to educational assistance