§ 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 quotient.
   (iv) Total (lines 1 and 2) ................ (3)
   (v) Multiply line 3 by 1 for a full-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 individual’s contributions remaining in the fund.
   (ii) Enter the individual’s remaining months of entitlement.
   (iii) Divide line b by line c. Enter the quotient.
   (iv) Enter the individual’s re-
   maining months of entitlement.
   (v) Divide line d by line e. Enter the quotient.
   (This is the entitlement factor.)

(b) Computation of benefit payment.

Under this section, VA will compute benefit payments as follows:
   (1) Enter the entitlement fact-
   (f) or.
   (2) Enter the amount of the individual’s contributions remaining in the fund.

(3) For apprenticeship and other on-job training, VA will compute an entitlement factor as follows:
   (i) Enter the number of full days in the applicable benefit period. (Enter 30 if the benefit period is a full month.)
   (ii) Divide line 1 by 30. Enter the 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 two six-month periods of training ends during the benefit period. Enter the result.
   (This is the entitlement factor.)

(Authority: 38 U.S.C. 3231; Pub. L. 100–689)

(4) For cooperative 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 quotient.
   (iv) Total (lines 1 and 2) ................ (3)
   (v) Multiply line 3 by .60. 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.
   (b) Enter the individual’s remaining months of entitlement.
   (iii) Divide line a by line b. Enter the quotient.
   (iv) Enter two times the amount in line 1.
   (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 quotient.
   (viii) Total (lines 1, 2 and 3) ................. (4)
   (ix) Enter the charges for flight training certified by the school.
   (x) Multiply line 4 by .40 ................. (5)
   (xi) Divide line 5 by line 4. Enter the quotient. (This is the entitlement factor.)

(Authority: 38 U.S.C. 3231(f))
§ 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. (1) VA will pay a reduced educational assistance allowance to a veteran 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.