enrolled in a course, courses or program of education leading to a secondary school diploma or an equivalency certificate.

(Authority: 38 U.S.C. 3231(b))

(b) Monthly rate. An individual pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate will receive one of two monthly rates.

(1) Unless the individual notifies the Department of Veterans Affairs to the contrary, the monthly rate of his or her educational assistance allowance will be based upon his or her tuition and fees. The Department of Veterans Affairs will make no charge against the entitlement of the individual who is receiving benefits at this monthly rate. The monthly rate will be the rate of tuition and fees being charged to the individual for the course, not to exceed:

(i) $376 for full-time training.
(ii) $283 for three-quarter time training.
(iii) $188 for half-time training.
(iv) $94 for quarter-time training.

(2) The individual may elect to receive educational assistance allowance at the monthly rate provided in §21.5138. The Department of Veterans Affairs will make an appropriate charge against the individual’s entitlement if such an election is made.

(Authority: 38 U.S.C. 3241, 3491)

(c) Method of payment. (1) If the individual’s educational assistance allowance is based upon the rate as determined in paragraph (b)(1) of this section, payment shall be made in a lump sum for the term, quarter or semester at the beginning of the month in which training begins.

(2) If the individual elects to have his or her educational assistance allowance computed as provided in §21.5138, payment will be made in the same manner as for any other residence training.

(Authority: 38 U.S.C. 3241)
§ 21.5138  

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(iii) Divide line a by 30. Enter the (2) ____.  

(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 stu-  

dent. 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 (5)____  

quotient.  

(iv) Enter two times the amount in line 5 (6)____  

(v) Enter the amount of the (d)____  

contributions, if any, re-  

maining in the fund which  

the Secretary of Defense  

contributed for the indi-  

vidual.  

(vi) Enter the individual's re- (e)____  

maining months of entitle-  

ment.  

(vii) Divide line d by line e. Enter the (7)____  

quotient.  

(viii) Total (lines 5, 6 and 7) ............. (8)____  

(ix) Enter the correspondence charges (9)____  

certified by the school.  

(x) Divide line 9 by line 8. Enter the (10)____  

quotient.  

(This is the entitlement factor.)  

(3) For apprenticeship and other on-  

job training, VA will compute an enti-  

tlement 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 (3)____  

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 vet-  

erin is in a subsequent month of train-  

ing; and by a pro-rated fraction if one  

of the veteran’s first two six-month pe-  

riods of training ends during the ben-  

efit period. Enter the result.  

(This is the entitlement factor.)  

(Authority: 38 U.S.C. 3231, 3233; Pub. L. 96–  


(4) For cooperative training, VA will  

compute an entitlement factor as fol-  

lows:  

(i) Enter the number of full months in (1)____  

the applicable benefit period.  

(ii) Enter the number of full days in ex- (a)____  

cess 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 .80. Enter the re- (4)____  

sult.  

(This is the entitlement factor.)  

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

(5) For flight training, VA will com-  

pute an entitlement factor as follows:  

(i) Enter the amount of the in- (a)____  

vidual's contributions re-  

mainin in the fund.  

(ii) Enter the individual's re- (b)____  

remaining months of entitle-  

ment.  

(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 (c)____  

contributions, if any, re-  

mainin in the fund which  

the Secretary of Defense  

contributed for the indi-  

vidual.  

(vi) Enter the individual's re- (d)____  

mainin months of entitle-  

ment.  

(vii) Divide line c by line d. Enter the (3)____  

quotient.  

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

(ix) Enter the charges for (e)____  

flight training certified by  

the school.  

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

(xi) Divide line 5 by line 4. Enter the (6)____  

quotient. (This is the entitlement fac-  

tor.)  

(Authority: 38 U.S.C. 3231(f))  

(b) Computation of benefit payment.  

Under this section, VA will compute benefit payments as follows:  

(1) Enter the entitlement fac- (f)____  

tor.  

(2) Enter the amount of the (g)____  

individual's contributions  

remaining in the fund.  

(3) Multiply line f by line e. (h)____  

Enter the result.  

(4) Enter the remaining (i)____  

months of the individual's  

entitlement.  

(5) Divide line h by line i. Enter the (11)____  

quotient.  

(This is the individual's portion.)  

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

(This is the Department of Veterans  

Affairs's 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.)  

(7) Enter the amount of the (j)____  

additional contributions, if any, remainin in the fund  

which the Secretary of De-  

fense contributed for the  

individual.  

(8) Multiply line f by line j. (k)____  

Enter the result.
§ 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.

(Authority: 38 U.S.C. 3231(e))

(b) Reduced educational assistance allowance for some incarcerated individuals. (1) 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 where—

(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.

(Authority: 38 U.S.C. 3231(e))

(2) VA will compute the monthly rates of payment for individuals in residence training by repeating the calculations in paragraphs (b)(1) through (11) of this section except that instead of entering the entitlement factor on line f, paragraph (b)(1), VA will enter 1 for a full-time student, .75 for a three-quarter time student, .5 for a half-time student, or .25 for a one-quarter time student.

(Authority: 38 U.S.C. 3231)


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(Authority: 38 U.S.C. 3231)