§ 21.7100 Counseling.

A veteran or servicemember may receive counseling from VA before beginning training and during training.

(a) Purpose. The purpose of counseling is

(1) To assist in selecting an objective;
(2) To develop a suitable program of education;
(3) To select an educational institution appropriate for the attainment of the educational objective;
(4) To resolve any personal problems which are likely to interfere with the successful pursuit of a program; and
(5) To select an employment objective for the veteran that would be likely to provide the veteran with satisfactory employment opportunities in light of his or her personal circumstances.

(b) Required counseling. (1) In any case in which VA has rated the veteran as being incompetent, the veteran must be counseled before selecting a program of education or training. The requirement that counseling be provided is met when—

(i) The veteran has had one or more personal interviews with the counselor;
(ii) The counselor has jointly developed with the veteran recommendations for selecting a program; and
(iii) These recommendations have been reviewed with the veteran.

(2) The veteran may follow the recommendations developed in the course of counseling, but is not required to do so.

(3) VA will take no further action on a veteran’s application for assistance under 38 U.S.C. chapter 30 when he or she—

(i) Fails to report;
(ii) Fails to cooperate in the counseling process; or
(iii) Does not complete counseling to the extent required under paragraph (b)(1) of this section.

(Authority: 38 U.S.C. 3034, 3463; Pub. L. 98–525)

 infancy
(4) Counseling is not required for any other individual eligible for educational assistance established under 38 U.S.C. chapter 30.


(c) Availability of counseling. Counseling is available for—

(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) In considering changes in career plans and making sound decisions about the changes.

(Authority: 38 U.S.C. 3034, 3463; Pub. L. 98-525)

(d) Provision of counseling. VA shall provide counseling as needed for the purposes identified in paragraphs (a) and (c) of this section upon request of the individual. In addition, VA shall provide counseling as needed for the purposes identified in paragraph (b) of this section following the veteran’s request for counseling, the veteran’s initial application for benefits or any communication from the veteran or guardian indicating that the veteran wishes to change his or her program. VA shall take appropriate steps (including individual notification where feasible) to acquaint all participants with the availability and advantages of counseling services.

(Authority: 38 U.S.C. 3034, 3463; Pub. L. 98-525)


§ 21.7110 Selection of a program of education.

(a) Payments of educational assistance are usually based on pursuit of a program of education. In order to receive educational assistance under 38 U.S.C. chapter 30, a veteran or servicemember must—

(1) Be pursuing an approved program of education;

(2) Be pursuing refresher or deficiency courses;

(3) Be pursuing other preparatory or special education or training courses necessary to enable the veteran or servicemember to pursue an approved program of education;

(4) Have taken an approved licensing or certification test, for which he or she is requesting reimbursement; or

(5) Be an individual who has taken a course for which the individual received tuition assistance provided