higher learning approved by the Secretary of Defense or the Secretary of Education, as the case may be; and is, or was at the time of the veteran’s or 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,