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Overview

• Post-9/11 Veterans Educational Assistance Act of 2008
  o Eligibility and Transfer Entitlement

• Post-9/11 Veterans Educational Improvements Act of 2010
  o Post-9/11 GI Bill Benefit Payments (Net Payer Provision)
  o Yellow Ribbon Program
  o Marine Gunnery Sergeant John David Fry Scholarship

• GI Bill Comparison Tool

• GI Bill Feedback System

• Veterans Access, Choice and Accountability Act of 2014
Post-9/11 Veterans Educational Assistance Act of 2008

Congressional Findings:

• On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.
• Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.
• The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ‘G.I. Bills’ enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.
• The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.
• The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.
• It is in the national interest for the United States to provide veterans who served on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

• In 2014/15 Congress began to revisit these goals in a changing military environment as the wars are ending:
  o Possible End date (Sunset Provision)
  o Possible elimination of transfer of benefits and/or elimination of housing for dependents
Post-9/11 GI Bill Eligibility

Chapter 33

Individuals who served on active duty after 09/10/01 will be eligible for the Post-9/11 GI Bill (Chapter 33) if the individual:

- Served for an aggregate period of at least 90 days or
- Served at least 30 continuous days and received a disability discharge.
- A fully Honorable character of service is required for all service periods ending on or after January 4, 2011. This will be noted on the members DD214 Discharge Certificate.

Other chapters of the GI Bill remain, to include:

- Chapter 30, Chapter 31, Chapter 35 and Chapter 1606
- The Military Compensation and Retirement Modernization Commission recommended eliminating two chapters
Post-9/11 GI Bill Eligibility

DD214 Certificate of Discharge

**Up to 2010**

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<tr>
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<th>Separation Date</th>
<th>Reason</th>
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<td>USMC</td>
<td>2008-07-21</td>
<td>Honorable Separation</td>
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**2011-Present**

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<td>CPL</td>
<td>USMC</td>
<td>2011-08-15</td>
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</tr>
</tbody>
</table>

**DD Form 214, Feb 2000**

Previous edition is obsolete
Post-9/11 GI Bill Benefit Payments

Monthly Housing Allowance
- Equivalent to the Basic Allowance for Housing (BAH) for an E-5 with dependents, rates may be found at:
  - https://www.defensetravel.dod.mil/site/bah.cfm
- Amount determined by zip code of the IHL where the student veteran is enrolled; not where the veteran resides.
- Prorated based on the percentage of the maximum benefit payable.
- For those enrolled solely in distance learning the housing allowance payable is $754.50 for the 2015 academic year.
- Foreign Schools: $1,509 per month.
Post-9/11 GI Bill Entitlement

- Veterans will receive a total of 36 months of benefits.
- Veterans are limited to a total of 48 months of “combined” benefits under educational assistance programs if they are eligible for two programs.
- Veterans who transfer to the Post-9/11 GI Bill (Chapter 33) from the Montgomery GI Bill (Chapter 30), will be limited to the amount of remaining Chapter 30 entitlement. (1 to 1 rate)
- Chapter 33 entitlement may be transferred to a spouse or dependent with authorization by the DOD prior to application to the DVA.
Post-9/11 GI Bill Transfer Entitlement

Transfer of Entitlement

• The member must apply to transfer their Chapter 33 benefits through the DOD website at [http://www.defense.gov/home/features/2009/0409_gibill/](http://www.defense.gov/home/features/2009/0409_gibill/)

• The DOD may allow an individual to elect to transfer entitlement to one or more dependents if he/she meets the “10 year rule”:
  ○ Has served at least 6 years in the Armed Forces; and
  ○ Agrees to serve at least another 4 years in the Armed Forces without regard to their time in service.

• Spouses may use transferred benefits after 6 years of service; dependent children after 10 years.

• Spouses can use their benefit for 15 years after the member separates/retires; children can use their benefits until their 26th birthdays.

• Transfer must occur while servicemember is on active duty

• Transfer can be revoked at anytime by servicemember

Post-9/11 GI Bill Benefit Payments (Net Payer Provision)

Effect of the “Post-9/11 Veterans Educational Improvements Act of 2010”:

- **U.S. Public Schools**: The actual net cost for in-state tuition and fees after the application of any waiver, scholarship, aid, or assistance [other than loans and funds provided under section 401(b) of the Higher Education Act of 1965]
- **Private and Foreign Schools**: The lesser of the actual net cost for tuition and fees after the application of any waiver, scholarship, aid, or assistance [other than loans and funds provided under section 401(b) of the Higher Education Act of 1965], or $21,084.89 for the academic year beginning on August 1, 2015.
- **States may apply to the DVA for a ‘waiver’ of their state aid programs from this Net Payer provision.**
- **The combined tuition benefits available to a student veteran cannot exceed the student's total tuition costs.**
  - **Fees**: Any mandatory charges (other than tuition) that are universally applied by the IHL to each and every student enrolled in an undergraduate program for that quarter, semester or term.
Post-9/11 GI Bill Benefit Payments
NY State Higher Education Services Corporation
Colleague Email 2011 – 040

• The U.S. Department of Veterans Affairs has confirmed that federal benefits under the “Post-9/11 Veterans Educational Assistance Improvements Act of 2010” (Pub. L No. 111-377), need not be reduced by the amount of New York State’s Tuition Assistance Program (TAP) and/or Veterans Tuition Awards Program (VTA) for which a veteran may be eligible.

• Tuition payments received by a veteran under the federal program will continue to be considered duplicative of any VTA and/or TAP award the veteran student may be eligible to receive. Veterans receiving these federal program benefits will continue to have their federal awards applied before any VTA and/or TAP award payment. In general, the combined tuition benefits available to a student cannot exceed the student's total tuition costs.

• [http://www.hesc.ny.gov/content.nsf/CA/Colleague_Email_2011_040](http://www.hesc.ny.gov/content.nsf/CA/Colleague_Email_2011_040)
• IHL’s may elect to participate in the Yellow Ribbon Program to make additional funds available without an additional charge to the student veterans GI Bill entitlement.
• Institutions that voluntarily enter into a Yellow Ribbon Agreement with DVA choose the amount of tuition and fees that will be contributed. The DVA will match that amount and issue payment directly to the institution.
• Only student veterans entitled to the maximum benefit rate of 100% (based on service requirements) or their designated transferees may receive Yellow Ribbon funding.
• Used to cover tuition and fees exceeding the $21,084.89 cap
• Institutions must apply directly to the VA for inclusion in the program
• Benefits transferred to a spouse are not eligible for the Yellow Ribbon program
MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP

Provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty after September 10, 2001. Eligible beneficiaries attending school may receive up to 36 months of benefits at the 100% level.

• Full tuition & fees paid directly to the school for all public school in-state students. For those attending private or foreign schools, tuition & fees are capped at a statutory maximum amount per academic year.

• A monthly housing allowance and a books & supplies stipend

Eligibility ends on the child’s 33rd birthday and Fry Scholarship beneficiaries are not eligible for Yellow Ribbon Program benefits.
Overpayments

Overpayments and debts are created when the School certifies a student and the DVA sends payment and then the student’s status changes, to include:

- The student never attended any classes for which he/she was certified regardless of the reason for nonattendance.
- The student completely withdraws on or before the first day of the term.
- The school received payment for the wrong student.
- The school received a duplicate payment.
- The school submitted an amended enrollment certification and reported reduced tuition and fee charges, reduced Yellow Ribbon amount, or reduced both. (Reductions based on student’s action should be reported on a 1999B with the changes in the enrollment and will result in a debt to the student.)
- The student died during the term, or before start of the term.
- VA issued payment above the amount certified on the enrollment certification that was used to process the payment (VA data entry error).
- If the student attended at least one day of any of the classes certified and a payment has been issued, any debt created by the reduction/withdrawal should be charged to the student.
Overpayments

• Institutions must submit any change in a student status within 30 days of the event via VA-Once.
• The DVA will issue a Debt letter to the institution or the student for return of funds.
• Institutions maintain ‘In Transit’ account to temporarily hold funds waiting for a debt letter.
• Institutions must refund funds within 90 days of receiving a debt letter from the Debt Management Center.
• Student debts will be recovered from future payments.
Mitigating Circumstances

- Mitigating circumstances are unanticipated or unavoidable events beyond a beneficiary’s control that lead to the withdrawal from, or failure to complete, one or more classes with non-punitive grades.
- If a student drops a course or withdraws from school after the drop/add period and receives a non-punitive grade, VA may reduce benefits effective the first day of the term unless the student provides evidence of “mitigating circumstances”:
  - Situations beyond the student's control that prevent the student from continuing in school or that cause the student to reduce credits.
  - Examples: Death in his or her immediate family, personal health reasons, unforeseen change in work obligation.
- If a student drops hours and does not provide acceptable mitigating circumstances, instead of reducing last day of attendance, VA will reduce/terminate beginning of the term.
Mitigating Circumstances

• Please help the VA help students understand that when a student drops/terminates, he or she may receive a request for mitigating circumstances from VA
  – If not received/accepted, the overpayment will be much more substantial than if submitted
• The most effective way for students to provide mitigating circumstances is to submit them to their School Certifying Official, along with notification of the dropped course(s)
• Report the drop and note the mitigating circumstances in “Standard Remarks” via VA-ONCE, enabling VA to review the mitigating circumstances and reduce/terminate the benefits in one action
• Long Term Solution Release 6.5.0 - Now includes functionality allowing for the proper processing of mitigating circumstances
• Plan to implement in November 2015 by VA
Dear School Certifying Official:

We are writing to notify you about an overpayment of Post-9/11 GI Bill benefits for Gerald J. Joe. Please ensure your Bursar’s Office (or Financial Business Office) receives a copy of this letter.

Our records show VA released payment(s) to your school as follows:

<table>
<thead>
<tr>
<th>Certified Enrollment Period</th>
<th>Tuition and Fees</th>
<th>Yellow Ribbon</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 9, 2013 - May 1, 2013</td>
<td>$2,682.50</td>
<td>$6,338.75</td>
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ALERTED STATE UNIVERSITY must return the payment(s) for enrollment beginning January 9, 2013 for the reason(s) below:

- The school submitted an amended 1999 showing a reduction in tuition and fee charges or a reduction in Yellow Ribbon amount, or both.

How Much Is Owed

Total overpayment of $537.50 for ALERTED STATE UNIVERSITY during the term that began on January 9, 2013 was determined as follows:

- Yellow Ribbon Program: We paid $6,338.75 for the enrollment; however, ALERTED STATE UNIVERSITY is only due $5,801.25. The Yellow Ribbon Program overpayment is $537.50.

Returning Funds

Our Debt Management Center will send you additional information about the amount of the debt and how to repay it.
Other Active Chapters of the GI Bill

Chapter 30 Montgomery GI Bill
- Members of the armed forces who entered active duty for the first time after June 30, 1985 to present.
- Monthly stipend paid to veteran of $1,717 per month.
- Can be transferred to Chapter 33 on a 1 to 1 ratio.
- 10 year limiting date from date of end of service.

Chapter 35 Survivors and Dependents Assistance
- Only chapter not for veterans
- Monthly stipend paid to survivor of $1,018 for 45 months
- Cannot use Chapter 33 and 35 simultaneously
- Spouses have 10-20 years to use and children must be between 18-26 years of age.
- Additional 5 months available during High School
Other Active Chapters of the GI Bill

Chapter 1606 Montgomery GI Bill-Reserve
- Must have a 6-year obligation to the reserves.
- Monthly stipend paid to member of $367 for 36 months.

Chapter 31 Vocational Rehabilitation
- Program whose primary function is to help veterans with service-connected disabilities become suitably employed, maintain employment or achieve independence in daily living.
- Pays for 100% of tuition, fees, books and supplies directly to the college or university.
- Also pays for sustenance assistance and monthly housing costs at the Chap 33 levels if begun with Chap 33 eligibility.
- Veteran has 12 years from date of notice of eligibility to use benefits.
GI Bill Comparison Tool

GI Bill Comparison Tool

- Comparison Tool was launched on February 4, 2014, in response to Executive Order 13607 to implement and promote “Principles of Excellence.” Two additional releases were launched in 2014. As of September 29, the Comparison Tool had 1,210,728 unique page views to over 1 million users.

The Comparison Tool:

- Streamlines information into an easy-to-use online tool
- Combines resources from more than 17 different web pages and three Federal Agencies
- Provides information to calculate benefits and research approved programs
- Compares multiple schools
- Displays school-level complaint data from the Feedback System
- Displays Section 702 (in-state tuition provision of the Choice Act) school approval information
- Displays Military Tuition Assistance (TA) for schools offering tuition assistance to service members
GI Bill Comparison Tool

Recently Added Functionality:

- Displays Caution Flag for schools listed on Department of Education’s Heightened Cash Monitoring (HCM) list
- 2015 Housing Rates
- 2015-2016 Tuition Cap Rates
- VSOC Counselors- displays updated contact information for the 2015-2016 academic year
- Section 702 In-state Tuition
- Provides Data Dashboard “GI Bill Quick Facts” (open source data that answer simple questions)
  - Veteran Initiatives
  - School Type (Tuition and Fee Benefits Paid)
  - Largest GI Bill Campuses
GI Bill Feedback System

http://www.benefits.va.gov/gibill/feedback.asp
GI Bill Feedback System

• On January 30, 2014, VA launched the Feedback System to intake student complaints concerning non-compliant POE schools

• Total complaints as of August 31, 2015: 3,953.
• Of these:
  o POE complaints: 2,816 (71%)
    • Pending: 11 (<1%)
    • Active: 873 (31%)
    • Closed: 1,932 (69%)
  o Non-POE complaints: 1,137 (29%)

• Risk-based reviews conducted as of August 31, 2015: 73
  o 7 withdrawals

• GI Bill Feedback System Observations:
  o Communication – Issues between school staff and students
  o Financial issues – Timeliness of certification submission
  o Transfer of credits – General lack of understanding by students
  o Refund issues – Administration with multiple types of financial aid (Title IV & VA)
Section 701 Expansion of Marine Gunnery Sergeant John David Fry Scholarship

- Section 701 extends the Marine Gunnery Sergeant John David Fry Scholarship to surviving spouses of military personnel who die in the line of duty after September 10, 2001.
- Eligible spouses will be entitled to up to 36 months of the full, 100% level, of the Post-9/11 GI Bill. This includes the tuition and fee payment, a monthly housing allowance, and a books and supplies stipend.
- Fry Scholarship beneficiaries are not eligible for Yellow Ribbon Program benefits.
- Cannot be used combined with Chapter 35 DEA
- 15 years from date of Servicemembers death and cannot remarry and use benefits.
Veterans Access, Choice and Accountability Act of 2014

- **Section 702**: The VA sent letters to all state Governors informing them that, as required by VACAA, VA will disapprove programs of education under the Post-9/11 GI Bill and Montgomery GI Bill at a public institution of higher learning if the school charges qualifying Veterans and dependents tuition and fees in excess of the rate for resident students. This change is effective for terms beginning after June 30, 2015.

- As of October 2015, 46 States are in compliance.
Veterans Access, Choice and Accountability Act of 2014

Section 702 Progress:

As of August 28, 2015:

- 46 states and 3 territories are compliant
- 4 states (AR, DE, IA, LA), 2 territories (AS, MP), and the District of Columbia are noncompliant.
  - All are working towards compliance by December 31, 2015.
The Future of the GI Bill

January 2015

The Military Compensation and Retirement Modernization Commission made the following recommendations:

• End two of the nine current GI Bill programs
• Increase the amount of time a service member must serve before they can transfer their Post-9/11 GI Bill Benefits to their dependents from 10 years to 12 years
• End the housing allowance for dependents using transferred Post-9/11 benefits
• Limit tuition payments to classes taken for "professional development" only
Legislation introduced in the 114th Congress

- **H.R. Unnumbered, GI Bill Transferability**
  - Would require Servicemembers to complete 10 years of service and enter an agreement to serve at least 2 more years to be eligible to transfer their unused Post-9/11 GI Bill education benefits to family members.
  - Would change the rate of payment for dependents who receive transferred entitlement under the Post-9/11 GI Bill to 50 percent of the amount of the basic allowance for housing stipend.
  - June 2, 2015: Committee on Veterans' Affairs. Hearings Held.

  - Allows an individual entitled to chapter 33 to also be entitled to the application fee required to apply to an approved program of education at an IHL. (Up to $750.00)
  - April 16, 2015: Forwarded by Subcommittee to Full Committee by Voice Vote.

- **H.R. 476 GI Bill Education Quality Enhancement Act of 2015**
  - Directs VA to conduct an annual compliance survey of educational institutions and training establishments offering courses approved for veterans' education benefits if at least 20 individuals who are eligible for such benefits are enrolled in any such course.
  - 04/16/2015 Forwarded by Subcommittee to Full Committee in the Nature of a Substitute (Amended) by Voice Vote.
Legislation introduced in the 114th Congress

  - Requires VA to work with a private contractor to administer a survey to individuals who have used or are using VA education benefits under Chapters 30, 32, 33, and 35 of title 38 U.S.C.
  - April 16, 2015: Forwarded by Subcommittee to Full Committee by Voice Vote.

  - Requires VA to consider certain time spent receiving medical care from the Secretary of Defense as active duty service performed by members of the Reserve and National Guard for purposes of eligibility for the Post-9/11 educational assistance.
  - April 16, 2015: Forwarded by Subcommittee to Full Committee by Voice Vote
Legislation introduced in the 114th Congress

  - Adds new requirements to the criteria that must be met for State Approving Agencies (SAAs) to approve an institution’s written application for approval of non-accredited courses regarding licensure or certification.
  - September 17, 2015: Subcommittee ordered to be reported (Amended) by Voice Vote.

  - Extends the authority for certain qualifying work-study activities through June 30, 2020.
  - June 25, 2015: Forwarded by Subcommittee to Full Committee by Voice Vote.
Legislation introduced in the 114th Congress

  - Would allow recipients of the Marine Gunnery Sergeant John David Fry Scholarship to be eligible for the Yellow Ribbon program under the Post-9/11 GI Bill.
  - September 16, 2015: Committee on Veterans' Affairs held hearing.

- **S. 1938, Career-Ready Student Veterans Act** (Sen. Richard Blumenthal, Conn. - Introduced August 5, 2015)
  - Adds new requirements to the criteria that must be met for State Approving Agencies (SAAs) to approve an institution’s written application for approval of non-accredited courses regarding licensure or certification.
  - September 16, 2015: Committee on Veterans' Affairs held hearing.
Legislation introduced in the 114th Congress

- **S. Unnumbered, GI Bill Processing Improvements**
  - Requires VA to make changes and improvements to VBA IT systems to automate all original and supplemental claims
  - Modifies definition of a “covered individual” in section 702 to remove the 3 year, 90 day, and discharge requirements for dependents
  - Adds the relinquished benefit and election requirements in PL-110-252 to title 38
  - Defines term “educational institution” to include a group, district, or consortium
  - Requires VA to make information on amount of benefits a Veteran or individual is entitled to available to educational institutions through a website
  - September 16, 2015: Committee on Veterans' Affairs held hearing
Ongoing Challenges

- Graduation Data shown on the GI Bill Comparison Tool highly controversial as many colleges do not use graduation data as a benchmark of success, i.e. Community Colleges
- Data also does not include many veterans who transferred in courses and are not counted as FT/FT students
- Interval Pay not reinstated upon the conclusion of the VRAP program
- GI Bill Feedback System tallies the amount of complaints against a College but not resolutions or validity of complaints
- Most complaints submitted are not violations of the POE
Ongoing Challenges

• Benefits transferred to dependents includes ‘Yellow Ribbon’ but dependents getting the Fry Scholarship do not get ‘Yellow Ribbon’
• GI Bill does not pay for Online Remedial courses
• Academic credit often not being awarded for military schools and courses as per ACE
• Licensing and certification test fees are charged 1 month benefits
• Colleges have limited training in evaluating DoD and DVA paperwork and veterans suffer the consequences
• HR1141 and S 602 Restoring GI Bill Fairness Act of 2015
References

• Berkeley College Office of Military and Veterans Affairs
  o www.berkeleycollege.edu/military
• Berkeley College Online Veterans Resource Center
  o http://berkeleycollege.libguides.com/veterans
• ACE Veteran Friendly Toolkit
  o www.vetfriendlytoolkit.org
• Department of Veterans Affairs
  o http://gibill.va.gov/
  o https://vaonce.vba.va.gov/vaonce_student/default.asp
  o http://vabenefits.vba.va.gov/vonapp/
• Department of Defense
  o http://www.defense.gov/home/features/2009/0409_gibill/
  o https://www.defensetravel.dod.mil/site/bah.cfm
• NY State Higher Education Services Corporation
  o http://www.hesc.com/
• Tuition Assistance
  o http://www.militaryta.com/
• Dr. Richard Robitaille  ror@berkeleycollege.edu