

# Eligibility No Longer Restricted to Initial Period of Active Duty

## MGIB–Active Duty (Chapter 30)

**Q:** What did this provision change?

**A:** This provision changed two significant eligibility criteria for Montgomery GI Bill – Active Duty (MGIB – AD) benefits: the period of service you can base your MGIB eligibility on, and the length of service required for eligibility to MGIB.

Previously, you had to establish your MGIB eligibility in your **first** period of active duty. Now any period of active duty may establish eligibility.

Before this law was enacted, those with obligations of two years were required to complete two continuous years of active duty to be eligible. Those with obligations of three years or more were required to complete three continuous years of active duty to be eligible, unless they were discharged for:

- Convenience of the government (had to serve 30 months if they had a three-year obligation, 20 months if they had a two-year obligation)
- Service-connected disability
- Hardship
- Certain medical conditions
- Certain reductions in force (RIF)

Now, to be eligible for MGIB, you must complete your obligated period of service, **no matter how long**, for whichever period you base your eligibility on, unless you meet one of the above exceptions. If you're basing your eligibility on a period with a four-year obligation, then you must complete four years. If your eligibility is based on a six-year obligation, then you must complete six years, unless you meet one of the above exceptions.

**Q:** What if I declined MGIB when I first entered?

**A:** If you declined MGIB when you first entered active duty, you can't regain your eligibility.

**Q:** If I didn't decline MGIB, what does this provision mean to me?

**A:** If you didn't decline MGIB when you first entered active duty, what this provision means to you will depend on when you entered active duty.

***If you entered active duty before November 1, 2000***, this change may be good news for you. No one who was eligible for MGIB before November 1, 2000, under provisions in effect at that time, will lose their eligibility because of this new law. And those who weren't eligible under the provisions in effect at that time may now gain eligibility.

***If you were eligible before:*** For example, if you had a four-year obligation, met other eligibility requirements, and were separated before November 1, 2000 after you completed three years, you were eligible. Your eligibility in that case is protected. Even though you didn't complete your first obligated period, you wouldn't lose that eligibility under this law.

***If you weren't eligible before*** because you didn't complete your first obligated period, and you didn't meet one of the exceptions in the box above, you may have a second chance to be eligible. If you had a later period of service, you can now use that period to qualify for MGIB. You'll still have to complete the obligated period for that later period of service, or meet one of the above exceptions, but you don't have to do so for your first period of service.

***If you entered active duty on or after November 1, 2000***, this change may be good news, even though it carries a more restrictive provision that may create difficulty for some individuals.

It may be good news if you don't qualify for MGIB based on your first period of service. The law gives you another chance to be eligible. If you reenter service, you may still qualify based on a second or later period of service.

How is it more restrictive? You'll have to ***complete your obligated period, no matter how long it is***, unless you meet one of the exceptions in the box above. If your obligation is four years, you have to complete four years. If it's six years, you have to complete six years.

**Q:** I wasn't eligible under the old provisions. I believe I'm eligible under this new provision. What should I do?

**A:** If you are in school or training and want to receive MGIB benefits, you should apply, even if you've been disallowed before. If you aren't in school or training now, but would like to find out for sure whether you're eligible, you should apply.

**Q:** How do I apply?

**A:** ***If you're in school or training***, you'll need to check in with the school or training facility official who certifies VA benefits. Check with the Financial Aid or Veterans Affairs office. The official can tell you whether the courses you're taking are approved for VA benefits. If the courses are approved, the official must provide your enrollment information to VA.

Many facilities will send the whole application package for you, including the items you must provide. It's a good idea because you may avoid delay in getting your benefits started if VA receives everything we need at the same time. The package consists of:

- Your completed application for VA education benefits, VA Form 22-1990. The form contains the address of the VA Regional Processing Office you should send the form to. You can get the form from [www.vba.va.gov/pubs/educationforms.htm](http://www.vba.va.gov/pubs/educationforms.htm). If you're unable to get the form from the Internet, click here [hyperlink to How to Get the Application for VA Education Benefits].
- A copy of your DD Form 214, Certificate of Release or Discharge from Active Duty, for the period of service you're basing your eligibility on, if you've been discharged (if the form is available). It doesn't have to be a certified copy. You may avoid delay in claims processing by sending copy 4 if available. It contains more separation information that VA needs.
- A copy of your enlistment contract for the period you're basing your eligibility on, if available. This document will verify the length of your obligated period.
- Certification of your enrollment. The school or training official who certifies benefits must send this information to VA.

***If you're not in school or training***, and want only a determination of your eligibility for MGIB, you need to send everything above except for the last item, the certification of enrollment.

## **Change in High School Requirement**

**MGIB – AD (Chapter 30) and**

**MGIB – Selected Reserves (Chapter 1606)**

**Q:** What did this provision change?

**A:** This provision enacted a more lenient requirement for having a high school diploma or equivalent. Previously, to be eligible for MGIB – Active Duty, you had to have your high school diploma, equivalency certificate, or complete the equivalent of 12 semester hours leading to a college degree ***before the end of your first obligated period of service***. To be eligible for MGIB – Selected Reserve, you had to complete those requirements ***before completing Initial Active Duty for Training***. Now, you can apply for benefits ***any time*** after you meet this requirement.

**Q:** Who does this affect?

**A:** This provision applies to you only if

- you weren't eligible for MGIB before November 1, 2000, because you didn't meet the high school requirement, or

- you entered active duty on or after November 1, 2000, meet other MGIB eligibility requirements, but don't yet meet the high school requirement.

If either of the above statements applies to you and, if you haven't yet received your high school diploma or equivalent, or completed 12 semester hours leading to a college degree, you now have a chance to meet this requirement so you can be eligible for MGIB. (Of course, you must also meet the other eligibility requirements.)

If you're on active duty, check with your education services officer for information on how you can meet this requirement.

If you're discharged from active duty, check with a community college or high school in your area for information on how you can meet this requirement.

After you've met the high school or equivalency requirement, you can go ahead and apply for benefits. If you've been denied benefits before, you can reapply. If you are in school or training and want to receive MGIB benefits, you should apply, even if you've been disallowed before. If you aren't in school or training now, but would like to find out for sure whether you're eligible, you should apply.

**Q:** How do I apply?

**A:** To apply, you'll need to send VA evidence of meeting the high school requirement in addition to the complete application package. See [[hyperlink to How Do I Apply question under first section](#)].

**Q:** What evidence should I send?

**A:** Submit your own statement or any other evidence you may have to verify that you meet this requirement. (Copy of high school diploma or GED certificate, or transcript showing completion of 12 semester hours in degree program)

## **Tuition Assistance "Top-Up"**

### **MGIB – Active Duty (Chapter 30)**

*From the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001  
(Public Law 106-398)*

**Q:** What did this provision change?

**A:** Previously, the military services, through their Tuition Assistance program, could pay up to 75% of the tuition or expenses charged by the school. Eligible service members had to find additional financing, or pay the remaining expenses from their own pockets. A service member eligible for the Montgomery GI Bill (MGIB), a VA education

benefit, wasn't allowed to receive both Tuition Assistance and the MGIB for the same course.

Because of the new law, the military services can now pay up to 100% of the tuition and expenses charged by the school up to limits established by DOD. If the tuition and expenses are more than the amount a service department will pay, a service member eligible for MGIB can elect to receive MGIB benefits for all or a part of the remaining expenses. We're calling this add-on payment "top-up."

**Q:** What does this provision mean to me?

**A:** If you're eligible for MGIB, and plan to use Tuition Assistance (TA), and your service will not pay 100% of tuition and fees, you can use MGIB top-up to pay the balance.

**Q:** Can VEAP converters and service members eligible for MGIB based on Vietnam Era service receive the top-up?

**A:** Yes, anyone who is eligible for MGIB – Active Duty (not MGIB – Selected Reserves) can receive the top-up benefits.

**Q:** Is this a good deal for me?

Using top-up is a good deal if you plan to use TA to complete a degree program while on active duty, and don't plan to continue your education after service. Top-up can also be helpful for just taking a few courses with TA while on active duty. Then you can save most of your MGIB to use after service to complete your education program.

***You need to consider carefully your own situations, and check with your education officer or counselor, before applying for top-up.*** For example, if you plan to take expensive courses using top-up, you need to consider whether you'll take additional training after you're discharged from active duty. If so, you need to understand the effect of using the top-up. You can then calculate whether your remaining benefits will cover the additional training you might need. See the next question and answer.

**Q:** How will top-up affect my monthly rate?

**A:** Using top-up will reduce your "regular" MGIB monthly rate. ***After each use of top-up***, the "regular" full-time monthly MGIB rate payable for your next enrollment will be reduced by the amount of the total top-up payment divided by 36. This will be your new full-time rate. If, in your next enrollment, you're training at less than full-time, your monthly rate would be reduced based on your new full-time rate.

For example, if you would normally be entitled to the “regular” \$985 monthly rate for full-time training, and you had received a total of \$1800 in top-up benefits, your new full-time rate would be reduced by \$50 (\$1800 divided by 36 = \$50.) So your new monthly rate would be \$935 (\$985-\$50). If, at your next enrollment, you’re training half time, the new half-time rate would be the “regular” MGIB half-time rate of \$492.50.

Additionally, the monthly rate of top-up is limited. It can’t exceed the monthly rate for full-time training plus any additional amount payable based on contributions up to \$600. (The additional amount for the College Fund isn’t included in figuring the limit to the monthly rate.)

For example, even if you are training at a half-time rate, top-up can pay up to the **basic full-time rate** (\$985 for those with obligations of three years or more) plus the additional amount payable for contributions. If you are eligible based on an obligation of three years or more, and were eligible to contribute \$600, top-up is limited to \$1135 monthly (\$985 plus the \$150 payable based on the four-to-one return for amount of contributions.)

**Q:** Is there a limit to the amount of top-up I can use?

**A:** Yes, top-up is limited to 36 months.

**Q:** Does this mean if I use 36 months of top-up, I’ve used up all my MGIB benefits?

**A:** No, that’s the good news. **You won’t be charged entitlement** for using MGIB as a top-up with TA. You’ll be limited to 36 months of the top-up, but it won’t be charged against your regular entitlement. For example, you can use all 36 months of top-up. Then, when you’re discharged from active duty, if you didn’t use MGIB alone (without TA), you’ll still have 36 months of MGIB benefits to use.

**Q:** Will DOD pay 100% tuition assistance?

**A:** DOD will encourage services to pay 100% TA if their budgets permit, but this could vary from service to service. Of course, if DOD does pay 100%, you won’t need to use MGIB top-up.

**Q:** What should I do to apply for top-up?

**A:** If you want to use top-up for winter term 2001 or later, go ahead and file the claim following the instructions below.

**Note:** Payments may be delayed somewhat until we work out development of final payment procedures for this new benefit.

- If you haven't previously filed a claim for MGIB, you should do the following:
  - ◆ Request TA from your branch of service. See your education services officer or education counselor.
  - ◆ Complete an application for VA education benefits, VA Form 22-1990. You can get the form at our Internet site at [www.vba.va.gov/pubs/educationforms.htm](http://www.vba.va.gov/pubs/educationforms.htm). Or see [hyperlink to How to Get the Application for VA Education Benefits].
  - ◆ Indicate "top-up" on the VA application in item 1A under the MGIB–Active Duty block.
  - ◆ Send your TA approval form, along with the application for VA education benefits, to the VA Regional Processing Office that handles your claim. The address is on the form.
- If you've previously filed a claim for MGIB and weren't denied benefits, simply submit your signed TA approval form to the VA Regional Processing Office that handles your claim. See [hyperlink to RPO map] for the address.

**Important:** These claims are handled differently from claims for MGIB without TA. For top-up claims, you **won't** need to check in with the school official who certifies VA benefits. We won't need an enrollment certification on VA Form 22-1999. You won't need to check for approval of the program for VA benefits; approval isn't an issue. That's because top-up is payable for any course for which TA is payable under DOD criteria.

VA determines your eligibility for MGIB. If you're eligible for MGIB, the TA approval form establishes your eligibility for top-up. No certifications from the school are needed.

**What about the signatures on the TA approval form?** The TA approval form must be signed by the approving DOD officials. Some branches of service require the commanding officer's signature; some require the education service officer's signature.

## Licensing and Certification:

### All Benefits Except MGIB – Selected Reserves (Chapter 1606)

**Q:** What did this provision change?

**A:** Previously, VA education benefits weren't payable for licensing or certification tests needed for employment.

Because of this law, benefits under MGIB-Active Duty (chapter 30), Veterans Educational Assistance Program (VEAP, or chapter 32), and Dependents Educational Assistance (DEA, or chapter 35) are payable for licensing or certification tests. The tests are tests needed to enter, maintain, or advance into employment in a civilian

vocation or profession. The tests must be approved for VA benefits. The eligible veteran or family member receives payment of the fee charged for the test or \$2,000, whichever is less.

**Q:** What does this provision mean to me?

**A:** This provision applies to you if

- You want a civilian job that requires a license or certification, or
- You're presently employed, and need a license or certification to continue in your job, or
- You're presently employed, and need a license or certification to get a promotion.

**Caution:** This provision pays only the charges for the **test**, not for the related course, or other licensing and certification fees.

**And remember:** The test must be approved for VA benefits by the State Approving Agency.