

SECTION 4: VA EDUCATION BENEFITS

Survivors' and Dependents' Educational Assistance Program (DEA)

For more information on Dependents Education go to:

<http://www.gibill.va.gov/post-911/other-programs/dea.html>

The entire program is found in Chapter 35 of 38 CFR (Code of Federal Regulations). There are a few ins and outs here so we will try to highlight the most important. All education programs are handled by RO. Check with them for more information about your specific case.

For additional information on Chapter 35 benefits go to:

http://www.gibill.va.gov/pamphlets/CH35/CH35_Pamphlet_General.htm

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4-1 For Spouses

Eligibility:

- Spouse of any veteran who died of a service connected disability.
- Spouse of veteran who is totally and permanently disabled (from a service connected disability). **Normally, this is a 100% SC veteran.**
- Spouse of service member listed as missing in action.
- Spouse of veteran who died of a disability while the disability was being evaluated for service connection (and subsequently found SC).

Eligibility Window:

* Time: For the spouse there is a 10 year window based on the veteran becoming

100% Service Connected and permanently and totally disabled, or death due to a Service Connected condition. If the person became permanent and total in 1990 the window would extend 10 years from that date. It would not be extended by death from a Service Connected cause in 1995.

As of 2005 this 10 year window has been extended to 20 years for any spouse when the veteran's death occurs on active duty.

Entitlement:

* Training: College, Junior College, Normal school, Professional School, Technical Institute, and other institutions that function at the secondary school level or above. Receiving a high school diploma may be part of the education process (or a G.E.D.). Remedial or refresher training may also be included. Also, apprenticeship programs, for on the job training, apprenticeship and farm cooperative training may be approved. This scope was expanded in 2005. It is advisable to check with VA Vocational Rehab on individual programs.

Counseling can be provided and there is tutor assistance with stipulations.

Money, a person in college full time would draw a monthly stipend (check RO for current dollars per month). Even more significant is the fact that you can concurrently draw D.I.C. and other pension or compensation. This greatly enhances dollar amounts.

Finally, being 100% SC does not automatically guarantee this entitlement to spouses. Service connection for Paired Organs excludes this benefit.

Editor's Note: A person cannot just one day decide to go to college and use these benefits. They must make an appointment with RO and establish eligibility. Then they must present an education plan. The best approach is to make contact with RO early and go through the steps of developing and getting approval of an education plan.

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4-2 For Dependent Children

Eligibility:

* Children between 18 and 26 (remember the veteran must be eligible through SC for the Dependent Education entitlement). Younger than 18 may be allowed if high school is completed. The 26 may be waived also, but 31 is currently the absolute limit.

Entitlement:

* 45 months of schooling. Part time schooling may not count as a full month to month basis. Other VA schooling eligibility may affect this.

Schooling Possibilities: These are the same as for spouse except, obtaining a high school degree is not covered. Makes sense if you think about it.

Restorative training, for handicaps is allowed.

* Money: Check with RO for current amounts and conditions.

Other information:

Marriage, child's marriage does not curtail benefit.

Only 2 changes are allowed in program, or major.

Foreign schools must be approved prior to enrollment.

Use of the education benefit might have consequence in regards to future compensation or pension entitlement (of the dependent child). A veteran cannot draw dependent compensation while the child is drawing educational benefits. Even though Dependent Education is handled by RO, they depend on the veteran to notify them of the education status of the child. If this is not done the veteran may be overpaid. The VA will take this money back when they discover the error. This is a consideration that should be researched and resolved with RO prior to commencing an educational program.

The forms that are used to file for the education benefit:

VA Form 22 5490 for children

VA Form 22 5490W for spouses

To get these forms online go to: http://www.va.gov/vaforms/search_action.asp

Editor's Note: There is now a class of Service Connected children based on the veteran parent being exposed to Agent Orange. This is different than dependent children. These children draw VA compensation at a special rate due to their own disabilities, and are entitled to VA Health Care, and Vocational Rehabilitation Training.

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4-3 Chapter 33 Benefits

In July of 2008 the est form of GI Bill was enacted. It is referred to as Chapter 33, and is only available to those veterans who served after 9/11. It began paying benefits in August of 2009. It provides 36 months of benefits and many other allowances for the veteran. This is the first GI Bill which is transferable for use by the spouse or children (this was triggered when the

servicemember re-enlisted. The ability to transfer the benefit does not exist for a single enlistment). Not all of the entitlements are transferable. Portions such as the housing stipend are not provided if a dependent uses these benefits.

For those dependents who may be eligible for both Chapter 33 and Chapter 35 benefits there is still a ceiling on the total number of months of eligibility and provisions that must be followed to switch between plans. Check with RO for more details.

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The VA website for GI Bill

www.gibill.va.gov

1-888-GIBILL-1

(1-888-442-4551)