



EDUCATION SERVICE

Non-Duplication of Eligibility and Benefit Payments

Lesson Plan

February 2016

Version 1.0

**Non-Duplication of Eligibility and Benefit Payments
Lesson Plan**

Lesson Overview	
Topic	Description
Time Estimate:	1.5 hrs
Purpose of the Lesson:	<p>The purpose of this lesson is to provide the information required to interpret the changes to section 3322 of title 38, United States Code, made by section 111 of Public Law 111-377.</p> <p>This interactive lesson includes demonstrations and scenarios that provide opportunities to practice the knowledge and skills presented in the lesson.</p>
Prerequisite Training Requirements:	None
Target Audience:	This lesson is intended for Education Specialists in any of the Regional Processing Offices (RPOs).
Lesson References:	<p>The following references support the content in this lesson:</p> <ul style="list-style-type: none"> • M22-4, Part 4, Chapter 3-3.02(e) • RPO Letter 22-04-20 • Policy Advisory dated November 8, 2004 – Same Period of Active Duty Service Chapter 30 and Chapter 1606 • RPO Letter 22-07-21, dated October 22, 2007 • RPO Letter 22-07-29, dated December 18, 2007 • RPO Letter 22-09-21, dated May 4, 2009 • Training Reminder: Bar to Duplication of Benefit Eligibility Based on the Same Period of Service – Questions & Answers dated December 6, 2013 • Circular • 28-15-01, dated October 1, 2014

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Topic	Description
Lesson Objectives:	At the conclusion of this lesson, you will be able to: <ul style="list-style-type: none">• Given references, identify PL 111-377 requirements.• Given references, differentiate the requirements for a period of qualifying service.• Given resources, identify the steps to adjudicate claims to prevent duplication of benefits.
Post Training Requirements:	Upon completion of the classroom portion of the lesson, participants are required to complete an online lesson assessment and survey in Talent Management System (TMS). To demonstrate successful completion of the lesson, participants must pass the assessment with a score of at least 80%. Participants must also complete the online survey to earn credit for completion of the lesson.

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Instructor Notes

The first 14 slides in this lesson contain knowledge-based instructional content. The remaining slides contain discussion and exercises to reinforce the information that has been presented. At your discretion, divide the students into groups to encourage group discussion (depending on the number of students attending the session).

PowerPoint Slides	Instructor Activities
Non-Duplication of Eligibility and Benefit Payments	<p>DISPLAY slide 1 " Non-Duplication of Eligibility and Benefit Payments"</p> <p>INTRODUCE yourself as the instructor and introduce any fellow instructors.</p> <p>INTRODUCE the lesson.</p>
Overview of Today's Training	<p>DISPLAY slide 2 "Overview of Today's Training"</p> <p>PROVIDE an overview of the day's schedule.</p> <p>EXPLAIN that students will be learning about Duplication of Benefits today.</p> <p>DISCUSS how the subject fits into the lesson purpose, goals, and importance.</p>
Introductions (Optional)	<p>If this activity is appropriate, ASK students to introduce themselves.</p> <p>Student introductions</p> <ul style="list-style-type: none"> • Name • Office location • Time in position with VA

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PowerPoint Slides	Instructor Activities
<p>Icebreaker Activity (Optional)</p>	<p>DISPLAY slide 3 "Icebreaker Activity"</p> <p>ASK the question: <i>How often do you think duplications of eligibility or benefit payments occur?</i></p> <p>ENCOURAGE students to think about their responses.</p> <p>RECORD student responses for review at the end of the lesson.</p> <p>TRANSITION to the next slide to tie the responses into the lesson objectives.</p>
<p>Lesson Objectives</p> <p>At the conclusion of this lesson, you will be able to:</p> <ul style="list-style-type: none"> • Identify PL 111-377 requirements. • Differentiate the requirements for a period of qualifying service. • Identify the steps to adjudicate claims to prevent duplication of eligibility. 	<p>DISPLAY slide 4 "Lesson Objectives"</p> <p>REVIEW the lesson objectives and assure students they will have opportunities to practice what they learn.</p> <p>EMPHASIZE that the post-lesson assessment will align with the content and these objectives.</p>

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<p>Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (PL 111- 377)</p> <ul style="list-style-type: none">• Section 111 amended 38 U.S.C. § 3322 by establishing the following additional bars to duplication of certain educational assistance benefits:• Concurrent receipt of Chapter 33 transferred benefits and Chapter 33 Fry.• Receipt of compensation and pension and Chapter 33 Fry.• Concurrent receipt of Chapter 33 transferred benefits under multiple transferors.• Duplication of eligibility based on a period of service.• Duplication of eligibility based on a single event.	<p>DISPLAY slide 5 "Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (PL 111-377)"</p> <p>EXPLAIN the Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (PL 111-377).</p>

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<p>What Changed?</p> <ul style="list-style-type: none">• A student may qualify for Chapter 33 transferred benefits and Chapter 33 Fry. However, these benefits may not be received <i>concurrently</i>.• A student may qualify for Chapter 33 transferred benefits under multiple transferors. However, these benefits may not be received <i>concurrently</i>.• A student may qualify for Chapter 33 Fry, however, receipt of this benefit <i>terminates</i> subsequent payments of Dependency and Indemnity Compensation (DIC).	<p>DISPLAY slide 6 "What Changed?"</p> <p>EXPLAIN the change Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (PL 111-377).</p> <p>STRESS that a student could individually be eligible for multiple benefits. However, the law does not allow concurrent receipt in some instances. In addition, the law states that receipt of CH33 Fry payment(s) terminates DIC payments.</p> <p>STRESS that any other situation (not listed here) potentially allows for concurrent payments. For example, concurrent payments under Chapter 33 transferred benefits and Ch33 benefits under a person's own service are allowed.</p>

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<p>What Else Changed?</p> <ul style="list-style-type: none"> • For Chapters 30, 1606, and 1607, there has always existed a bar to duplication of eligibility based on a single period of qualifying service. (Note: No bar has ever existed for using a single period of service to qualify for both Chapters 1606 and 1607). • However, Public Law 110-252, which created the Post-9/11 GI Bill, did not establish a bar between Chapter 33 and those other benefit programs. • Public Law 111-377 corrected this omission effective August 1, 2011. Now a bar to duplication exists for Chapter 33 for service and events beginning August 1, 2011, or later. 	<p>DISPLAY slide 7 "What Else Changed?"</p> <p>EXPLAIN that PL 111-377 puts Chapter 33 in line with other benefit programs.</p>
<p>Single Period of Service</p> <p>Effective August 1, 2011, a Servicemember or Veteran is barred from using the <i>same</i> period of service to qualify under <i>more than one</i> education benefit (specifically, Chapter 33 and Chapters 30, 32, 1606, and 1607).</p> <p>Any active duty service period beginning on or after August 1, 2011, falls under this bar.</p>	<p>DISPLAY slide 8 "Single Period of Service"</p> <p>DISCUSS single period of service.</p>

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<p>Periods of Active Duty Service</p> <p>A period of active duty service possesses an Entered on Duty (EOD) date.</p> <p>If period of service was completed, it will also include:</p> <ul style="list-style-type: none"> • Released from Active Duty (RAD) date • Character of Discharge • Separation Reason <p>Periods of reenlistments are considered separate periods of service.</p>	<p>DISPLAY slide 9 "Periods of Active Duty Service"</p> <p>DISCUSS periods of active duty service.</p>
<p>Application of Service</p> <p>A claimant with multiple periods of service may specify that one, more than one, or all periods of service should be (or should not be) applied toward establishing eligibility for a specific benefit program.</p> <p>If a claimant requests a specific benefit program but doesn't specify, in writing, periods of service that should be excluded, you should apply all available qualifying service periods toward that benefit program.</p>	<p>DISPLAY slide 10 "Application of Service"</p> <p>DISCUSS the requirements for application of service.</p>

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<p>Eligibility for Other Benefits</p> <p>If a Veteran requests <i>Chapter 33</i>, but is also eligible under</p> <ul style="list-style-type: none"> • <i>Chapter 30</i>, • <i>Chapter 1606</i>, or • <i>Chapter 1607</i>, <p>then he/she must still make an irrevocable election to relinquish one of those benefits in order to establish eligibility under Chapter 33. The requirement wasn't changed by PL 111-377.</p>	<p>DISPLAY slide 11 "Eligibility for Other Benefits".</p> <p>DISCUSS eligibility for other (non-Chapter 33) benefits and the requirement for an irrevocable election.</p>
<p>Delimiting Date</p> <p>A period of service that is not used to establish Chapter 33 eligibility may still be used to extend the Chapter 33 delimiting date. Do the following:</p> <ol style="list-style-type: none"> 1. Access the LTS 2. Select the "Service Screen" 3. Select "Add/Edit service" 4. Select "Reason, Used Other Benefit" 	<p>DISPLAY slide 12 "Delimiting Date"</p> <p>DISCUSS the steps required to extend a delimiting date for a period of service that is not used to establish Chapter 33 eligibility.</p> <p>PROCEED to the next slide 13 to display the LTS screenshot.</p> <p>DEMONSTRATE how to extend a delimiting date.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p>

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<p>Single Event Eligibility</p> <p>Effective August 1, 2011, an individual is barred from using the same "event" to qualify under more than one education benefit.</p> <ul style="list-style-type: none"> • This prohibition specifically applies to a child's eligibility for Chapter 33 Fry Scholarship and Chapter 35 (DEA), where the "event" is a Service member's death in the line of duty while serving on active duty. • Any event occurring on or after August 1, 2011, falls under this bar. 	<p>DISPLAY slide 14 "Single Event Eligibility"</p> <p>REVIEW single event eligibility.</p>
<p>Lesson Review</p> <p>We cannot pay benefits concurrently for recipients of multiple transfers of entitlement, or for transferred entitlement and the Fry Scholarship.</p> <p>We cannot pay benefits under two benefit programs for the same period of service. This brings Chapter 33 in line with other benefit programs.</p> <p>Multiple periods of service may be applied to the same benefit the claimant has chosen, unless the claimant requests in writing that specific service be used towards a different benefit that was not relinquished.</p>	<p>DISPLAY slide 15 "Lesson Review"</p>
Exercises and Scenarios	

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<p>This section contains scenarios and discussions that support the content that has been presented in this lesson. This information is contained in the Duplication of Benefits Exercise and Scenarios Presentation.</p>	
<p>Exercise- Single and Multiple Periods of Service</p> <p>Based on the information below, identify single and multiple periods of service.</p> <ol style="list-style-type: none"> 1. John’s Service – Air National Guard– 1/8/2012 – 3/13/2014, HON, ETS 2. Mike’s Service – Marines Corps– 8/2/2011 – 8/1/2021, HON, DIS Commissioned Officer, no reenlistments 3. Kate’s Service – Navy – 12/1/2011 – Present (Reenlisted on 12/02/2013) 	<p>DISPLAY slide 17 “Exercise: Single and Multiple Periods of Service”</p> <p>ASK the students if the dates shown for each Servicemember are an example of a single or multiple period of service.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p> <p>Responses:</p> <ol style="list-style-type: none"> 1. Single period of service 2. Single period of service 3. Multiple period of service

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<p>Scenario 1</p> <p>Shannon has one service period from January 1, 2007, to December 31, 2009.</p> <p>She requested Chapter 30, and this service period was used to establish eligibility. When Chapter 30 exhausted, she had used 38 months of entitlement (entitlement was extended until the end of the term), and she hasn't used any other VA education benefits.</p> <p>Shannon now wants to use the same period of service to establish eligibility for Chapter 33.</p>	<p>DISPLAY slide 18 "Scenario 1"</p> <p>READ the scenario on the slide.</p> <p>PROCEED to next slide.</p>
<p>Scenario 1 – Question</p> <p>Which statement accurately describes how you will adjudicate the claim?</p> <ul style="list-style-type: none"> A. Disallow Chapter 33 B. Establish eligibility under Chapter 33 C. Grant additional entitlement under Chapter 30 D. Develop to Shannon for relinquishment. 	<p>DISPLAY slide 19 "Scenario 1 – Question".</p> <p>ASK the question on the slide and allow students time to answer.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is B. "Establish eligibility under Chapter 33."</p> <p>STRESS that since the service period began <u>before</u> August 1, 2011, it may be used to establish eligibility for Chapter 30 <u>and</u> Chapter 33, for up to 48 months of combined entitlement. This student will receive 10 months (48 months minus the 38 months used under Chapter 30) of Chapter 33 benefits.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p>

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<p>Scenario 2</p> <p>Christine enlisted in the Marine Corps and served from August 5, 2008, to August 4, 2012. She signed up for Chapter 30 upon enlistment, and paid \$1,200 into the program, but has decided that she wants to use Chapter 33 benefits to get her degree.</p> <p>You receive an original application for Chapter 33 benefits but she didn't relinquish eligibility for Chapter 30.</p>	<p>DISPLAY slide 20 "Scenario 2"</p> <p>READ the scenario on the slide.</p> <p>PROCEED to the next slide.</p>
<p>Scenario 2 – Question</p> <p>Which statement accurately describes how you will adjudicate the claim?</p> <ul style="list-style-type: none"> A. Establish eligibility under Chapter 33 B. Disallow Chapter 33 C. Establish eligibility under Chapter 30 D. Develop to Christine for relinquishment 	<p>DISPLAY slide 21 "Scenario 2 – Question".</p> <p>ASK the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is D. "Develop to Christine for relinquishment."</p> <p>EXPLAIN that, since the service period began <u>before</u> August 1, 2011, it may be used to establish eligibility for Chapter 30 <u>and</u> Chapter 33. Consequently, because Christine is eligible for Chapter 30, she must relinquish that benefit in order to receive Chapter 33 benefits.</p> <p>STRESS that the election must be received <u>in writing</u>.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p>

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<p>Scenario 3</p> <p>Kelly was called up from the Navy Reserve from September 15, 2004, to March 28, 2005, and again from January 1, 2012, to June 30, 2012.</p> <p>She applied for Chapter 1607 in 2008 and began using benefits at the 40% rate. In 2012, she applied her second period of service to Chapter 1607 as well, and exhausted her 36 months of entitlement at the 60% rate. She hasn't used any other VA education benefits.</p> <p>Now, Kelly wants to use her service to establish eligibility for Chapter 33.</p>	<p>DISPLAY slide 22 "Scenario 3"</p> <p>READ the scenario on the slide.</p> <p>PROCEED to the next slide.</p>

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<p>Scenario 3 – Question</p> <p>Which statement accurately describes how you will adjudicate the claim?</p> <ul style="list-style-type: none"> A. Disallow Chapter 33 B. Grant additional entitlement under Chapter 1607 C. Establish eligibility under Chapter 33 D. Develop to Kelly for relinquishment 	<p>DISPLAY slide 23 "Scenario 3 – Question".</p> <p>ASK the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is C. "Establish eligibility under Chapter 33."</p> <p>EXPLAIN that since the first service period (from September 15, 2004, to March 28, 2005) began <u>before</u> August 1, 2011, it may be used to establish eligibility for Chapter 1607 <u>and</u> Chapter 33, for up to 48 months of combined entitlement. This student will receive 12 months (48 months available minus the 36 months used under Chapter 30) of Chapter 33 benefits. Benefits will be awarded at the 50% benefit level (based on qualifying service of at least 6 months but less than 1 year). The later service period (from January 1, 2012, to June 30, 2012) may not be used to establish eligibility under Chapter 33, as it began <u>after</u> August 1, 2011, and was previously credited toward Chapter 1607.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p>
<p>Scenario 4</p> <p>Marvin began serving in the Air Force on August 23, 2011. He signed up for Chapter 30 upon enlistment and paid \$1,200 into the program. Marvin applied for Chapter 30 benefits in September 2013, and received Tuition Assistance – Top Up benefits.</p> <p>Marvin was Honorably discharged on August 22, 2015, and has now applied for Chapter 33 and wants to relinquish his remaining Chapter 30 entitlement.</p>	<p>DISPLAY slide 24 "Scenario 4"</p> <p>READ the scenario on the screen.</p> <p>PROCEED to the next slide.</p>

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<p>Scenario 4 – Question</p> <p>Which statement accurately describes how you will adjudicate the claim?</p> <ul style="list-style-type: none"> A. Disallow Chapter 33 B. Establish eligibility under Chapter 33 C. Grant additional entitlement under Chapter 30 D. Develop to Marvin for relinquishment 	<p>DISPLAY slide 25 "Scenario 4 – Question".</p> <p>ASK the question on the slide</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is A. "Disallow Chapter 33".</p> <p>EXPLAIN that since Marvin has only one period of service, and the service period began <u>after</u> August 1, 2011, he cannot use that same period of service to establish eligibility for Chapter 33.</p> <p>ENSURE the students understand the information before progressing to the next slide.</p>
<p>Discussion</p> <p>Sandy served from May 1, 2012 to May 1, 2015. This service qualifies her for either Chapter 30 or Chapter 33. Sandy requests Chapter 33 on her application, but does not relinquish Chapter 30. The VCE must develop for relinquishment of Chapter 30.</p> <p>Question: Are relinquishment and an election date still required in cases where the Veteran is only eligible for one benefit for one period of service?</p>	<p>DISPLAY slide 26 "Discussion"</p> <p>READ the discussion excerpt on the slide.</p> <p>ASK the students the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>DISCUSS the correct response.</p> <p>Response: Yes, relinquishment and election date are still required. However, no payment is allowed (even prior to the election date) under the relinquished benefit.</p> <p>ENSURE the students understand the information before progressing to the next slide</p>

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<p>Discussion</p> <p>If a period of service began on or after August 1, 2011, and eligibility is established under a non-Chapter 33 benefit, it cannot be used to establish eligibility under Chapter 33.</p> <p>Question:</p> <p>Should the VCE input this service in LTS to at least extend the Chapter 33 delimiting date?</p>	<p>DISPLAY slide 27 "Discussion"</p> <p>READ the discussion excerpt on the slide.</p> <p>ASK the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: Yes. It should be input as "Non-Qualifying" service".</p>
<p>Scenario 5</p> <p>Nicholas is eligible for Chapter 33 Fry Scholarship and Chapter 35 (Dependents Educational Assistance or DEA) due to the death of a parent on June 1, 2010. Nicholas wants to use both benefits.</p> <p>What is the proper procedure?</p> <ul style="list-style-type: none"> A. Allow Nicholas to use both benefits (not concurrently) for up to 81 months. B. Only allow benefits under Chapter 35. C. Only allow benefits under Chapter 33 Fry. D. Develop to Nicholas for an irrevocable election. 	<p>DISPLAY slide 28 "Scenario 8"</p> <p>READ the scenario on the slide.</p> <p>ASK the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is A. "Allow Nicholas to use both benefits (not concurrently) for up to 81 months.</p> <p>STRESS that because the "event" occurred prior to August 1, 2011, it may be used to qualify under more than one benefit program.</p>

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<p>Scenario 6</p> <p>Marty is eligible for Chapter 33 Fry Scholarship and Chapter 35 (Dependents Educational Assistance or DEA) due to the death of a parent on December 15, 2014. Marty wants to use both benefits.</p> <p>What is the proper procedure?</p> <ul style="list-style-type: none"> A. Allow Marty to use both benefits (not concurrently) for up to 81 months B. Only allow benefits under Chapter 35 C. Only allow benefits under Chapter 33 Fry D. Develop to Marty for an irrevocable election 	<p>DISPLAY slide 29 "Scenario 9"</p> <p>READ the scenario on the slide.</p> <p>ASK the question on the slide.</p> <p>ALLOW students time to discuss the response.</p> <p>Response: The correct answer is D. "Develop to Marty for an irrevocable election."</p> <p>STRESS that because the "event" occurred on or after August 1, 2011; therefore, Marty must choose either Chapter 33 or Chapter 35.</p>
	<p>This completes the scenarios. Continue to conclude the training event.</p>
<p>Questions?</p>	<p>DISPLAY slide 30 "Questions?"</p> <p>ASK students if they have any questions about the day's lesson.</p> <p>RESPOND to all questions before tasking students to complete the assessment.</p>

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<p>Lesson Summary</p> <p>You have completed the Non-Duplication of Eligibility and Benefit Payments lesson. You should now be able to:</p> <ul style="list-style-type: none"> • Given references, identify PL 111-377 requirements, with 80% accuracy on the assessment. • Given reference, define the requirements for a period of qualifying service, with 80% accuracy on the assessment. • Given resources, perform the steps to adjudicate claims to prevent duplication of benefits, with 80% accuracy on the assessment. 	<p>DISPLAY slide 31 "Lesson Summary"</p>
<p>TMS Assessment and Survey</p> <ul style="list-style-type: none"> • The assessment and survey have been assigned to you in TMS. • The assessment is comprised of multiple choice questions. • The questions are based on the information you learned today. • You should be able to complete the assessment and survey within 30 minutes. • Be sure to complete both the assessment and the survey in TMS to receive credit for this training. 	<p>DISPLAY slide 32 "TMS Assessment and Survey"</p> <p>TELL students how to access the assessment and survey in TMS.</p> <p>EXPLAIN that the assessment is will cover what they learned in class today.</p> <p>REMIND them that they must complete both the assessment and the survey in order to receive credit in TMS for their training.</p> <p>TELL students that the survey provides them an opportunity to improve the training and that their feedback is welcome.</p>

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