This handout provides applicable regulations that may be used to justify various Administrative Error decisions. The list is intended as a guide and tool to assist a Veterans Claims Examiner. Be sure to review the language of any regulations cited and do not rely on this document alone. Specific facts in every decision will vary and these examples may not apply exactly to every case.

* Chapter 33 benefit level, service periods: CFR 21.9635(r)(1), CFR 21.9570(a) (k), CFR 21.9640(a), and CFR 21.9695(b)(1)(ii)
* Chapter 33 benefit level, initial entry and skill level training: CFR 21.9635(r)(1), CFR 21.9520, CFR 21.9640(a), and CFR 21.9695(b)(1)(ii)
* Chapter 33 benefit level, initial entry and skill level training and kicker paid in error: CFR 21.9635(r)(1), CFR 21.9520(a), CFR 21.9640(a), CFR 21.7136(d), CFR 21.7020(b)(12), and CFR 21.9695(b)(1)(ii)
* Chapter 33 benefit level, 12301H service included: CFR 21.9520, CFR 21.9570, CFR 21.9640(a), CFR 21.9695(b)(1)(ii) , and CFR 21.9635(r)(1)
* Chapter 33, benefit level, erroneous Title 10 service: CFR 21.9520, CFR 21.9640(a), CFR 21.9695(b)(1)(ii), and CFR 21.9635(r)(1)
* Chapter 33, benefit level, erroneous service dates: CFR 21.9520, CFR 21.9640(a), CFR 21.9695(b)(1)(ii), and CFR 21.9635(r)(1)
* Chapter 33 benefit level, not service connected disability: CFR 21.9520 and CFR 21.9635(r)(1)
* Chapter 33 benefit level, included Title 32 ADSW (non-creditable) service: CFR 21.9635(r)(1), CFR 21.9520, Public Law 111-377 Section 101 (b)(i)(ii), and CFR 21.9695(b)(1)(ii)
* Chapter 33, rate of pay for housing (RoP): CFR 21. 9640(C)(ii) and CFR 21.9635(r)(1)
* Chapter 33, non-creditable service included due to character of service: CFR 21.9520(a)(2) and CFR 21.9520(a)(5)(i)(ii)(iii)
* Chapter 33, non-creditable service included due to character of service and entry skill level training not identified: CFR 21.9635(r)(1), CFR 21.9520(a), CFR 21.9640(a), and CFR 21.9695(b)(1)(ii)
* Chapter 33, not eligible but eligible for Chapter 30: CFR 21.9520(a), CFR 21.9640(a), and CFR 21.9635(r)(1)
* Chapter 33, not eligible but eligible for Chapter 1606: CFR 21.9520(a), CFR 21.9640(a), and CFR 21.9635(r)(1)
* Chapter 33, over 48 months: CFR 21.9635(r)(1), CFR 21.4020(a)(b), and CFR 21.9695(b)(1)(ii)
* Chapter 33, rate of payment: CFR 21. 9640(C)(ii) and CFR 21.9635(r)(1)
* Chapter 33, paid beyond entitlement exhaust date: CFR 21.9550, CFR 21.9560, CFR 21.4135(p)(2), and CFR 21.4020(a)(b)
* Chapter 33 (TOE) excessive entitlement: CFR 21.7135(v)(2), CFR 21.7042(a)(4)(ii) , CFR 21.9520(a)(2) and CFR 21.9520(a)(5)(i)(ii)(iii)
* Chapter 33 (TOE) benefit level, loan repayment exclusion: CFR 21.9520, CFR 21.9570, CFR 21.9640(a), CFR 21.9695(b)(1)(ii) , and CFR 21.9635(r)(1)
* Chapter 33 (TOE) benefit level, erroneous period: , CFR 21.9635(r)(1), CFR 21.9520(a), CFR 21.9570, CFR 21.9640(a), CFR 21.9635(r)(1) and CFR 21.9695(b)(1)(ii)
* Chapter 33 (TOE) benefit level, 12301(h) service included: CFR 21.9520, CFR 21.9570, CFR 21.9640(a), CFR 21.9695(b)(1)(ii) , and CFR 21.9635(r)(1)
* Chapter 33 (TOE) benefit level, entry level and skill training: CFR 21.9520, CFR 21.9570, CFR 21.9640(a), CFR 21.9695(b)(1)(ii) , and CFR 21.9635(r)(1)
* Chapter 33 (TOE) child paid before 10 years of service: CFR 21.5743, CFR 21.9570, CFR 21.9635(r)(1), CFR 21.9695(b)(1)(ii) and DoDI 1341.13
* Chapter 33 (TOE) effective date changed: CFR 21.9635(r)(1), CFR 21.9570(a)(e), CFR 21.9550(c), CFR 21.4020 (a)(b)and CFR 21.9695(b)(1)(ii)
* Chapter 1607, paid over 36 months of kicker: CFR 21.7570 , CFR 21.7135(v)(2), CFR 21.7635(q)(2) and CFR 21.4135(p)(2)
* Chapter 1607: benefit level: CFR 21.7570, CFR 21.7135(v)(2), CFR 21.7635(q)(2) and CFR 21.4135(p)(2)
* Chapter 1606, not eligible, did not complete IADT: CFR 21.7635(q)(2) and CFR 21.7540(a)
* Chapter 1606, paid after separated from service: CFR 21.7635(q)(2), CFR 21.7550(a)(2)(ii), 38 USC 5302 (a)(b)(c), and 38 CFR 1.965, (a)(3)
* Chapter 1606, wrong kicker: CFR 21.7635(q)(2), CFR 21.7136(d), and CFR 21.7020(b)(12)
* Chapter 30, period of eligibility extended using IRR service period: CFR 21.7135(v)(2) and CFR 21.7050(a)(1)(i)
* Chapter 30, not eligible due to no honorable service: CFR 21.7135(v)(2) and CFR 21.7042(a)(4)(ii)
* Chapter 30, not eligible due to loan repayment program and declined MGIB: CFR 21.7135(v)(2) and CFR 21.7072(e)
* Chapter 30 and 33, not eligible due to no honorable service: CFR 21.7135(v)(2), CFR 21.7042(a)(4)(ii) , CFR 21.9520(a)(2) and CFR 21.9520(a)(5)(i)(ii)(iii)
* Chapter 30, rate of training (Strayer): CFR 21. 7135(v)(2) and CFR 21.4270(c)
* Chapter 30, used over 48 months (1606 & CH30): CFR 21.7135(v)(2), CFR 21.7072(a)(f), and CFR 21.4020(a)(b)
* Chapter 30, paid 3 year rate when eligible for 2 year rate: CFR 21.7135(v)(2) and CFR 21.7136(c)
* Chapter 30, flight medical certificate: CFR 21.7135(v)(2) and CFR 21.4235(a)(2)
* Chapter 35, course not approved: CFR 21.4135(p)(2) and CFR 21.7122(a)
* Chapter 35, remarried: CFR 21.4135(p)(2), CFR 21.3021(a)(2) and 38 CFR 3.53
* Chapter 35, SRT not approved: CFR 21.3300, CFR 21.4135(p)(2) ,CFR 21.3021(a)(1) , Circular 22-02-01 par.10 and RPO letter 22-03-04
* Chapter 35, eligibility, extended over 31: CFR 21.4135(p)(2) and CFR 21.3041(e)(1)
* Chapter 35, eligibility, lost 100% rating: CFR 21.4135(p)(2) and CFR 21.3021(a)(1)