Education Service

**Harry W. Colmery Veterans Educational Assistance Act**

**Section 202 of PL 115-48**

Survivors’ and Dependents’ Educational Assistance Program (CH35)

Months of Entitlement

Lesson Plan



May 2018

Version 1.0

Lesson Overview

| Topic | Description |
| --- | --- |
| Time Estimate: | 1.5 hours for lesson and assessment |
| Purpose of the Lesson: | Provide guidance to the Regional Processing Offices (RPOs) to ensure proper handling and processing of Chapter 35 original entitlement under Section 202 of PL 115-48, the Colmery Act. |
| Prerequisite Training Requirements: | The following prerequisite training is required:  None |
| Target Audience: | Entry-level, intermediate, or journey-level Veterans Claims Examiners (VCE), Education Case Managers (ECM) and their supervisors. |
| Lesson References: | The following references support the lesson content:   * [38 USC 3511: Duration of educational assistance under Chapter 35](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section3511&num=0&edition=prelim) * [Harry W Colmery Veterans Educational Assistance Act of 2017](https://www.congress.gov/bill/115th-congress/house-bill/3218/text/pl?overview=closed) * [H.R. 1627- Public Law 112-154 Section 401](https://www.congress.gov/bill/112th-congress/house-bill/1627/text/pl?overview=closed) * [38 CFR 21.3044 Entitlement](https://www.law.cornell.edu/cfr/text/38/21.3044) * [M22-4 Part 7- Chapter 35 BDN Processing](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001048/content/554400000073682/Part%207:%20Chapter%202%20-%20BDN%20Processing) * [311 Chapter 35 Eligibility Screen](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001048/content/554400000073682/Part%207:%20Chapter%202%20-%20BDN%20Processing%20-%20202) * [38 USC 3695](http://uscode.house.gov/view.xhtml?req=(title:38%20section:3695%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section3695)&f=treesort&edition=prelim&num=0&jumpTo=true%20%3chttp://uscode.house.gov/view.xhtml?req=(title:38%20section:3695%20edition:prelim)%20OR%20(granuleid:USC-prelim-title38-section3695)&f=treesort&edition=prelim&num=0&jumpTo=true%3e) * [Procedural Advisory : Implementing the 81 Month Rule for Survivors’ and Dependents’ Educational Assistance Program Beneficiaries](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001048/content/554400000062143/Procedural-Advisory-Implementing-the-81-Month-Rule-for-Survivors-and-Dependents-Educational-Assistance-Program-Beneficiaries) * 81-Month Rule Job Aid |
| Lesson Objectives: | * Identify when a student is eligible for 36 months vs 45 months of entitlement * Determine if any adjustments should be made in the Benefits Delivery Network (BDN) and create (or adjust) as needed * Modify the Certificates of Eligibility (COEs) or send additional letters |
| What You Need: | The Section 202 PowerPoint and the March 5, 2018, Procedural Advisory-Amending Certificates of Eligibility (COEs) for Educational Assistance under the Survivors’ and Dependents’ Educational Assistance Program (Chapter 35, CH35) |
| Post Training Requirements: | Upon reviewing the included Training Update, 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 100%.  Participants must also complete the online survey to earn credit for completion of the lesson. |

Instructor Notes

The lesson will to provide instruction for proper processing of Chapter 35 original entitlement under Section 202 of PL 115-48, the Colmery Actl. The lesson identifies who is considered eligible for 36 months versus 45 months by law and the proper procedures for the processing of these claims. There are scenarios used and opportunities for comprehension checks throughout the lesson.

| PowerPoint Slides | Instructor Activities |
| --- | --- |
|  | **DISPLAY** slide **1**  **INTRODUCE** yourself as the instructor and introduce any fellow instructors.  **INTRODUCE** the lesson. |
|  | **DISPLAY** slide **2**  **READ** the lesson Objectives |
|  | **DISPLAY** slide **3**  **DEFINE** the Legislation as “Section 202 of the Colmery Act, changes the current amount of original entitlement received under CH35 from 45 months to 36 months for those 1st enrolling after August 1, 2018.” |
|  | **DISPLAY** slide **4**  **DIFFERENTIATE 36 Months after August 1, 2018, and 45 months prior to August 1, 2018.** |
|  | **DISPLAY** slide **5**  **DISCUSS** |
|  | **DISPLAY** slide **6**  **STRESS** the items that do NOT apply to the 81 month rule. |
|  | **DISPLAY** slide **7**  **DISCUSS** that those called to active duty under Title 10 and 32, will have their entitlement restored and could possible go beyond the original entitlement.  **STRESS** that the restoration does not amend the amount of original entitlement for those first enrolling after 8/1/18. |
|  | **DISPLAY** slide **8**  **DISCUSS** that the 5 months free aspect of CH35 is unchanged and unaffected. |
|  | **DISPLAY** slide **9**  **SHOW** a sample of a Five Months Free Entitlement Worksheet  Make sure to stress, entering "equivalent hours" with non-standard terms in the LP |
|  | **DISPLAY** slide **10**  **EXPLAIN** that anyone who has never used CH35 benefits prior to August 1, 2018, will be eligible for up to 36 months of entitlement. If the student has used at least 1 day prior to August 1st, they will remain eligible for up to 45 months. They must have applied, been approved and the term began before 8/1.  **First bullet, third sub-bullet - It is possible to have less than 45 months and have not used entitlement - the key is having been paid under Chapter 35, consuming entitlement. (ROE might be another example that actually even defies this rule) - Good content for discussions in the LP.** |
|  | **DISPLAY** slide **11**  **DISCUSS** why one day is important  Answer: used entitlement is the key along with August 1st. If you have used at least 1 day prior to 8/1, you retain 45 months. ALL else, receive 36 months. |
|  | **DISPLAY** slide **12**  **INFORM** that for students first using CH35 after August 1, 2018, the Benefits Delivery Network (BDN) will have to be adjusted via the 311 screen to reflect 36 months original entitlement. The following slides will explain how to make the adjustment. |
|  | **DISPLAY** slide **13**  **RECOGNIZE** When creating a CH35 record, the original entitlement will be 45 months. After 8/1/18, anyone who has never used entitlement under CH35 will have to be adjusted to 36 months. |
|  | **DISPLAY** slide **14**  **UNDERSTAND** For claimants who have never used any education benefit or used less than 12 months of a benefit, enter 09 months 00 days next to “Chap 35” under Prior VA Training. This will reduce the original entitlement to 36 months. |
|  | **DISPLAY** slide **15**  **EXPLAIN** If the claimant has used more than 12 months of any education benefit other than CH31, enter the 09-00 as described in the previous slide, then use the 81 month Job Aid to determine what to enter next to “Other” under Prior VA Training. This will properly calculate the 81/72 month rule and provide the correct original entitlement for CH35. |
|  | **DISPLAY** slide **16**  **EXPRESS** The 81-Month Rule Job Aid is used for calculations of CH35 entitlement for the following:   * Used entitlement prior to August 1, 2018, therefore eligible for 45 months * Eligible for 36 months after August 1, 2018, and used over 45 months of combined entitlement (other than CH 31)   Eligible for 36 months after August 1, 2018, and used over 12 months of CH31. |
|  | **DISPLAY** slide **17**  **DISTINGUISH** For claimants who have used more than 12 months of Ch31, enter the total amount used next to “Other” under Prior VA Training. This will properly calculate the 48 month rule and provide the correct original entitlement for CH35. |
|  | **DISPLAY** slide **18**  **EXPLAIN** For claimants who have used more than 12 months of Ch31, enter the total amount used next to “Other” under Prior VA Training. This will properly calculate the 48 month rule and provide the correct original entitlement for CH35. |
|  | **DISPLAY** slide **19** |
|  | **DISPLAY** slide **20**  **INDICATE** For COEs created outside BDN like those seeking election development, replace the sentence – “*read the slide verbiage”*. |
|  | **DISPLAY** slide **21**  **RECOGNIZE** when a COE has previously been sent to the claimant stating they have 45 months of entitlement but their term did not begin before August 1, 2018, send the letter attached to the March 5, 2018, Policy Advisory. |
|  | **DISPLAY** slide **22**  **CONCLUDE** If a COE and a 1999 are being processed at the same, there is nothing to do. Let BDN process and no need to send the advisory attachment since they were never notified of 45 months. |
|  | **DISPLAY** slide **23**  **INFORM** participants of lesson references. |
|  | **DISPLAY slide 24**  **REVIEW the Summary of the lesson.** |
|  | **DISPLAY slide 25**  **ASK for questions on the topics discussed in this training and entertain responses. (If trainees are reluctant, propose questions yourself to begin the dialog.)**  **CLARIFY responses as needed and paraphrase question clearly for all to hear before providing a “correct” responses.**  **NOTE: Limit questions to scope of topic. Do not guess. Unless information is covered in the training, make note of question and provide a follow-up response to all trainees as soon as possible.** |
|  | **DISPLAY slide 26**  **CONFIRM** that thestudents know how to access the assessment and survey in TMS.  **EXPLAIN** that the assessment is TMS# and will cover what they learned in class today.  **REMIND** them that they must complete both the assessment and the survey in order to receive credit in TMS for their training.  **TELL** students that the survey provides them an opportunity to improve the training and that their feedback is welcome. |

Questions about this training should be directed through your supervisor and management or Training Coordinator to the [National Training Team](mailto:225A.VBACO@va.gov).