

## **Procedural Advisory: Processing Requests for Post-9/11 GI Bill (Chapter 33) Benefits in lieu of Reserve Educational Assistance Program (REAP).**

January 14, 2016

**Background:** Section 555 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (FY16) amended chapter 1607 of title 10, United States Code, by inserting a new section (16167) to sunset the Reserve Educational Assistance Program (REAP), also known as Chapter 1607. The NDAA for FY16 was enacted on November 25, 2015.

**Issue:** Claims involving an election to receive Chapter 33 benefits in lieu of Chapter 1607 require a determination that the claimant was (or is) eligible for Chapter 1607 on the effective date of the election.

**Procedures:** Veterans Claims Examiners (VCEs) will use the following procedures in order to determine if an individual was (or is) eligible for REAP on the requested effective date of the election.

- a. If the requested effective date of the election to receive Chapter 33 benefits in lieu of REAP is on or before November 24, 2015, confirm that the individual was eligible for REAP (per the eligibility information provided by DoD) on that date and process the claim using existing procedures for relinquishing REAP.

**Note:** If the application was received on or after 11/25, and the claimant never applied for REAP previously and uses an effective date on or before November 24, 2015 it is an invalid election. The Veteran is relinquishing a benefit they are not eligible for. If there was no previous REAP claim, and the application is received on or after 11/25, it's an invalid election.

Regardless of the effective date, the benefit the individual is relinquishing is not available for relinquishment. The claim may be paid under Chapter 33 (assuming there is no other benefit to relinquish) and the entire fall semester may be paid under Chapter 33.

- b.
  1. If the effective date of the election to receive Chapter 33 benefits in lieu of REAP is on or after November 25, 2015, use the rules for determining retention of REAP eligibility to determine whether the election is valid on the effective date. If it is valid (i.e., the claimant has retained REAP eligibility beyond November 24, 2015) then continue processing using existing procedures. If it is invalid (i.e., the claimant has not retained eligibility beyond November 24, 2015), then do the following: If the claimant is eligible for benefits under Chapter 1606 or Chapter 30 on the date elected, then you should develop for a valid election (see c);

2. If the claimant is not eligible for benefits under Chapter 1606 or Chapter 30 on the date requested, then you should process the claim using existing procedures as there is no benefit to be relinquished.
  - c. When developing for a relinquishment, a VCE should send the development letter, and make an attempt to phone the claimant to request a valid election in writing via the GI Bill website using the “Submit a Question” feature.
- **Additional Points to Keep in Mind:** Elections to receive Chapter 33 benefits in lieu of REAP are irrevocable.
  - Individuals can only establish eligibility under both Chapter 33 and REAP using the same period of service if the service period begins prior to August 1, 2011.
  - Service periods that begin on or after August 1, 2011, can only be used to establish eligibility for one benefit.

**Questions:** If you have any questions, please direct them to the Training Team via email at [VAVBAWAS/CO/225A](mailto:VAVBAWAS/CO/225A).

/s/

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