Education Service

Section 106 of

Public Law 115-48

Training Update



March 2018

Version 2.0

| Topic | Description |
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| Time Estimate: | 30 minutes |
| Purpose of the Lesson: | Provide guidance to the Regional Processing Offices (RPOs) to ensure proper handling and processing of Chapter 33 requests under Section 106 of PL 115-48, the Colmery Act, Forever GI Bill. |
| Prerequisite Training Requirements: | None |
| Target Audience: | Entry-level, intermediate, or journey-level Veterans Claims Examiners (VCE), Education Case Managers (ECM) and their supervisors. |
| Lesson References: | * Public Law 108-375 (Introduces REAP) * Public Law 110-252 (Introduces Post-9/11 GI Bill) * Public Law 111-377 (Establishes duplicate service bar) * Public Law 113-291 (Sunsets REAP) * Public Law 115-48 (Introduces 106) * M22-4, Chapter XII, 2.06 (106 processing procedures) * M22-4, Chapter III, 3.10 (Election types) |
| Lesson Objectives: | * Understand the content and parameters of Section 106 * Identify claims that meet the qualifications contained in Section 106 * Understand routing procedures for Section 106 claims |
| What You Need: | Section 106 Handout |
| 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. |

**Training Update: Section 106 of PL 115-48, Colmery Act (Forever GI Bill)**

**Purpose:** To provide Education Field Offices & Veteran Claims Examiner’s (VCE) with an overview of Section 106.

**Background:**Many individuals who previously established eligibility under the Reserve Educational Assistance Program (REAP) subsequently lost eligibility effective November 25, 2015, following the enactment of the National Defense Authorization Act (NDAA) of 2015.

Service used to establish eligibility under REAP was barred under Section 111 (h)(1) of Public Law 111-377 from being used to establish eligibility under more than one benefit program.

Section 106 of Public Law 115-48 amends the NDAA of 2015. The provisions of Section 106 allows individuals who lost their REAP eligibility due to the sunset of the REAP program in 2015, the opportunity to make an irrevocable election to have their eligible active duty service periods used to establish Post-9/11 GI Bill eligibility.

**Jurisdiction:** The Buffalo Regional Processing Office (RPO) will initially review, process, and track all requests for benefits made under Section 106. Normal processing and jurisdiction will resume to the appropriate RPOs following the processing of an election and establishment of eligibility for impacted individuals, with a few exceptions.

**Procedures**: A VCE will do the following:

1. When a “**Choice of Election**” enclosure is received by an RPO, the enclosure must be scanned into the claimant’s The Image Management System (TIMS) folder and indexed as “106Elect”.
2. Each RPO will use the *“****Section 106****”* queues already established at their RPO.
3. The Buffalo RPO will be responsible for processing claims routed to each station’s “Section 106” queue.
4. Also route to *“****Section 106****”* queue whenever Section 106 has not been reviewed and an “**Application for VA Education Benefits**” (VA Form 22-1990) is received through normal processing at any RPO **AND** the claimant has:
   * Applied for Chapter 33; and
   * A REAP master record established; and
   * REAP was used; and
   * REAP eligibility was not retained

**REAP Population:** As of November 25, 2015, we now have 4 categories of REAP participants.

1. Eligibility was established and never used
2. Eligibility was established, used, and not retained under the provisions of the NDAA of 2015(1)
3. Eligibility was established, used and retained
4. Eligibility was established, used, and lost due to something other than the NDAA 2015(2)

(1) Excludes those with REAP service prior to August 1, 2011

(2) Category 4 participants could not be identified due to inability to source data for this category

**Category 1 (Section 106 does not apply)**

1. Eligibility was established and never used. **(1693 cases identified)**

These individuals did not “use” REAP and may use same service to establish eligibility under Chapter 33. They are not barred from duplication.

**Category 2 (Section 106 applies)**

1. Eligibility was established, used, and **not** retained under the provisions of the NDAA of 2015, **(3197 cases identified)**, key points:
   * Service used to establish eligibility under REAP is on or after August 1, 2011; **and**
   * Individual received benefits after establishing eligibility; **and**
   * Individual did not retain REAP

**NOTE:** Individuals identified under this category were sent a Section 106 Notification Letter on January 10, 2018.

**Category 3 (Section 106 does not apply)**

1. Eligibility was established, used, and retained. **(1746 cases identified**)

**Category 4 (Section 106 does not apply)**

1. Eligibility was established, used, and lost due to something other than the NDAA 2015.

**Entitlement**

Eligible claimants will receive the following benefits:

* Post-9/11 GI Bill eligibility at the minimum benefit level of 60%; and
* Entitlement equal to the number of months and days the claimant had remaining under REAP as of November 25, 2015.

**LTS Processing**

The LTS may contain modifications to service in order to establish Chapter 33 for Section 106. RPO’s should not override these modifications.

**Bio Screen**

* + Stop automation box should be checked with the following reason inserted in the “note” box: “Section 106 claimant”
  + The Stop Automation box will be checked **only** if the below adjustments were made on the Service Data Screen.

**Service Data Screen:**

* + Under Section 106 of Public Law 115-48, claimants with less than 365 aggregate days of qualifying service are treated in the same manner as those individuals qualifying under section 3311(b)(6), meaning that anyone with service qualifying them at less than the 60% benefit level will be established using a workaround to qualify them at the 60% benefit level. The workaround requires the use of a Job Aid.
  + Whenever a claimant accrues additional qualifying service for Post-9/11 GI Bill or returns on active duty, VCE’s should first review the qualifying service periods entered into the LTS.
    - If the LTS qualifying service is 365 days, then **route to *Section 106* queue** for review and processing. *Explanation: Eligible members may be entitled at greater than the 60% benefit level, provided the member has served sufficient creditable service for the higher rate*. *Service entered solely as a workaround to enable the LTS to issue benefit payments at the 60% must be removed as additional creditable service is accrued until the workaround is no longer required.*
    - When the service data screen indicates more than 365 days of service, additional service may be entered in the LTS following normal procedures. *Explanation: Since a workaround is unnecessary once an eligible member accrues 365 or more days of creditable service, claims with more than 365 days do not require any additional adjustments to add additional later periods of service.*

**NOTE:** If the claimant has more than 365 days of qualifying service entered in the LTS and the Stop Automation box is checked, **route to *Section 106* queue**. *Explanation: When the member’s service exceeds 365 days, a workaround is no longer necessary and the claim should not be off-ramped.*

**Exception:** Service periods beginning prior to January 1, 2018, not previously included, **route to *Section 106* queue** for review and processing, regardless. *Explanation: The Buffalo RPO Team will review any service that was not considered with the original eligibility determination and make changes if necessary.*

**Entitlement and Kicker Screen:**

* REAP used and remaining will be identified as “MGIB - Chapter 30” entitlement; and
  + MGIB - Chapter 30 will be the relinquished benefit, this will ensure that LTS complies with the provision of section 106(c) and only awards REAP remaining entitlement to the claimant.
  + The relinquishment date will be August 16, 2017.

**Enrollment Screen:**

* Enrollment certifications with term begin dates on, or after August 16, 2017, are payable and can be processed using normal processing rules.
  + Enrollment certifications with term begin dates prior to August 16, 2017, must be denied. **Route to *Section 106* queue** for processing

**Transfer of Entitlement (TOE) – Effective Date**

* Section 106, Category 2 participant. Effective date for TOE in LTS may be no earlier than August 16, 2017.
* If LTS contains a date earlier than August 16, 2017, **route to *Section 106* queue** for processing.

**Letters**

When the Stop Automation box is checked, VCE’s will be required to edit every Award 1 & Award 3 letter to reflect the claimant’s correct service period(s). *Explanation: When the LTS contains only actual creditable service accrued by the member, the Buffalo Team will remove the Stop Automation box.*

**Summary:**

Initial Section 106 requests should be routed to through the Section 106 queue when you discover the following:

* An unworked “Choice of Election” enclosure for section 106 (Update the *Doctype* in TIMS to “106Elect” if necessary prior to routing.)
* VA Form 22-1990 is received through normal processing at any RPO **AND** the claimant has:
  + - Applied for Chapter 33; and
    - A REAP master record established; and
    - REAP was used; and
    - REAP eligibility was not retained

Supplemental 106 claims that have already been worked by Buffalo and identified as Section 106 should be worked as normal, with the following exceptions:

* Creditable service entered in the LTS is 365 days **and** the claimant has additional creditable service – route to Section 106 queue
* Creditable service entered in the LTS is greater than 365 days **and** the LTS Stop Automation box is checked – route to Section 106 queue
* Creditable service beginning prior to January 1, 2018 has not been included – route to Section 106 queue
* The LTS contains a TOE effective date earlier than August 16, 2017 – route to Section 106 queue
* Enrollment certifications contain term dates beginning prior to August 16, 2017 – route to Section 106 queue
* If none of the above, but Stop Automation box is checked (for example, claimant has exactly 365 days, but only a new enrollment is received, no additional service) – Remember to edit the service in the letter and work as normal, but do NOT route to Section 106 queue

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).