

INFORMATION PAPER

AHRC-PDE-I
4 December 2015

SUBJECT: Post 9/11 GI Bill Education Benefits-Bar to Duplication of Eligibility Based on a Single Event or Period of Service Beginning On/After 1 August 2011

1. Purpose: To provide information to Service Members (SM) interested in utilizing Post 9/11 GI Bill based on a single event or period of service beginning on/after 1 August 2011

2. Facts.

a. The National Defense Authorization Act of 2008 (Public Law 110-252, 30 June 2008) amended Title 38, U.S. Code by adding the Post 9/11 GI Bill program, also known as Chapter 33. The effective date of the change was 1 August 2009. Later, the Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (Public Law 111-377, 4 January 2011), Section 111, amended Title 38, U.S. Code, by adding section 3322(h), "*Bar to Duplication of Eligibility Based on a Single Event or Period of Service*," which does not allow the Department of Veterans Affairs to use the same period of service or same event that occurred on/after 1 August 2011 to establish eligibility for a Service Member under more than one education benefit (concurrently or not). VA considers a Soldier has elected a GI Bill upon submission of VA Form 22-1990, Application for VA Education Benefits (elect G.I. Bill in Part II, Block 9), and VA approves and issues a Certificate of Eligibility.

b. Enlisted. This change to the Post 9/11 GI Bill law will affect Enlisted Soldiers with only one honorable enlistment period or one honorable qualifying active duty period on/after 1 August 2011.

c. Officer/Warrant Officer (WO). This change to the Post 9/11 GI Bill law will affect Officers/WO whose honorable qualifying active duty begins on/after 1 August 2011. Officers/WO should not use MGIB-AD or another non-Post 9/11 GI Bill if they want to later use Post 9/11 GI Bill or the Transfer of Education Benefits (TEB) option to their dependents.

d. Soldiers are responsible for contacting the Department of Veterans Affairs (VA) to determine their GI Bill eligibility for their use (VA has final say so Soldiers must contact VA). Soldiers must first be eligible for the Post 9/11 GI Bill to be eligible also for TEB.

e. Recommend Education Counselors refer Soldiers to the VA to determine their GI Bill eligibility since multiple scenarios result from this change to the Post 9/11 GI Bill. Below are some common scenarios:

Example #1

- Soldier enlists in the U.S. Army 1 January 2012 to 31 December 2015.
- The period is honorable service.
- Since service begins on/after 1 August 2011, Soldier may use this service for only one benefit.
- Soldier uses this one period of service to qualify for 36 entitlement months of MGIB-AD (if eligible) OR 36 entitlement months of Post 9/11 GI Bill.

Example #2

- Soldier enlists in the U.S. Army 1 January 2012 to 31 December 2015.
- Soldier reenlists 1 January 2016 to 31 December 2019.
- Both periods are honorable service.
- Service begins on/after 1 August 2011.
- Soldier uses first period of service (2012-2015) to qualify for 36 months of MGIB-AD.
- Soldier uses second period of service (2016-2019) to qualify for 12 months of Post 9/11 GI Bill, for a total of 48 months.
- If Soldier extends or reenlists a second time to commit to the TEB service obligation, the Soldier is eligible for TEB.
- If Soldier uses the first period of service (2012-2015) to qualify for 36 months of Post 9/11 GI Bill, the Soldier cannot revert to MGIB-AD for the additional 12 months.

Example #3

- Soldier enlists in the U.S. Army 1 May 2011 to 1 May 2015.
- Since service begins before 1 August 2011, Soldier may use this service for Post 9/11 GI Bill and another benefit (if eligible).
- Soldier uses this period of service (2011-2015) to qualify for 36 months of MGIB-AD (if eligible) and later to qualify for 12 months of Post 9/11, for a total of 48 months.

Example #4

- Soldier enlists in the U.S. Army Reserve 1 May 2008 and is called to active duty for Operation Enduring Freedom (OEF) from 1 December 2009 to 30 November 2011.
- Soldier is found to be eligible for MGIB-AD, Post 9/11 GI Bill, and Reserve Education Assistance Program (REAP).
- Soldier uses the OEF service to qualify for MGIB-AD for 36 months.
- Soldier then wants to convert to REAP for the additional 12 months.
- Soldier cannot use the same period of service to qualify under a second non-Post 9/11 GI Bill benefit like REAP since the "1 August 2011" exception is between the Post 9/11 GI Bill and another benefit, not between two non-Post 9/11 GI Bill benefits.

Example #5

- Officer signed an Oath of Office on 1 August 2011.
- Since service begins on/after 1 August 2011, the Officer may use this service for only one benefit.
- Officer uses this one period of service to qualify for MGIB-AD TA Top-up.
- Officer is ineligible to convert to Post 9/11 GI Bill and is ineligible for TEB.

Example #6

- Officer signed an Oath of Office on 31 July 2011.
- Since service begins before 1 August 2011, the Officer may use this service for Post 9/11 GI Bill and another benefit (if eligible).
- Officer uses this one period of service to qualify for 36 months of MGIB-AD (if eligible) and later to qualify for 12 months of Post 9/11, for a total of 48 months.
- Officer is eligible for Post 9/11 GI Bill and TEB.