

Department of Veterans Affairs

§ 21.7280

(4) Section 21.4254—Nonaccredited courses;

(5) Section 21.4255—Refund policy—nonaccredited courses;

(6) Section 21.4258—Notice of approval;

(7) Section 21.4259—Suspension or disapproval;

(8) Section 21.4260—Courses in foreign countries;

(9) Section 21.4265—Practical training approved as institutional training or on-job training;

(10) Section 21.4266—Courses offered at subsidiary branches or extensions;

(11) Section 21.4267—Approval of independent study; and

(12) Section 21.4268—Approval of licensing and certification tests.

(Authority: 38 U.S.C. 3034, 3476, 3672, 3675, 3676, 3678, 3679, 3680A, 3689)

(c) *Flight training.* VA and the State approving agencies shall apply the provisions of §21.4263 when approving flight training under 38 U.S.C. ch. 30.

(Authority: 38 U.S.C. 3034)

[53 FR 1757, Jan. 22, 1988, as amended at 55 FR 28392, July 11, 1990; 56 FR 20136, May 2, 1991; 57 FR 15026, Apr. 24, 1992; 61 FR 6790, Feb. 22, 1996; 63 FR 34131, June 23, 1998; 72 FR 16983, Apr. 5, 2007]

§ 21.7222 Courses and enrollments which may not be approved.

The Secretary may not approve an enrollment by a veteran or service-member in, and a State approving agency may not approve for training under 38 U.S.C. chapter 30—

(a) A bartending or personality development course;

(b) A flight training course unless the course meets the requirements of §21.4263.

(Authority: 38 U.S.C. 3034(d))

(c) A course offered by radio;

(d) A course, or a combination of courses consisting of institutional agricultural courses and concurrent agricultural employment commonly called a farm cooperative course; or

(e) Any independent study program except—

(1) An accredited independent study program (including open circuit tele-

vision) leading to a standard college degree;

(2) Enrollments in an independent study course after December 26, 2001, in a program leading to a certificate that reflects educational attainment offered by an institution of higher learning; or

(3) As provided for in §21.7120(d).

(Authority: 38 U.S.C. 3676, 3680A)

[53 FR 1757, Jan. 22, 1988, as amended at 55 FR 28392, July 11, 1990; 56 FR 20136, May 2, 1991; 56 FR 26035, June 6, 1991; 57 FR 15026, Apr. 24, 1992; 61 FR 6791, Feb. 22, 1996; 73 FR 2427, Jan. 15, 2008]

§ 21.7280 Death benefit.

(a) *Overview.* VA will pay a death benefit under 38 U.S.C. ch. 30 when an individual's death meets the criteria of this section; the individual is survived by someone described in this section; and the amount of educational assistance paid or payable to the individual is less than the amount reduced from the individual's basic pay.

(Authority: 38 U.S.C. 3017; Pub. L. 100-689) (July 1, 1985)

(b) *Necessary criteria for death benefit.* VA may pay a death benefit under 38 U.S.C. ch. 30 only if—

(1) The individual either—

(i) Dies while on active duty, or

(ii) Dies after October 28, 1992, and his or her date of death is within one year after the date of his or her last discharge or release from active duty; and

(2) The death of the individual is service connected. In determining if the death is service connected, VA will apply the provisions of §3.312 of this chapter; and

(3) Either—

(i) At the time of the individual's death he or she is entitled to basic educational assistance through having met the eligibility requirements of §21.7042, or

(ii) At the time of the individual's death he or she is on active duty with the Armed Forces and but for the minimum service requirements of §21.7042(a)(2) or §21.7042(b)(3) or (4) or the educational requirements of §21.7042(a)(3) or §21.7042(b)(2) or both would be entitled to basic educational