

Department of Veterans Affairs

§ 21.3333

potential right to a program of education.

(Authority: 38 U.S.C. 3501, 3543(b))

(c) *Effect of discontinuance.* An eligible person who has been placed in *discontinued* status is precluded from any further pursuit of special restorative training until a Department of Veterans Affairs counseling psychologist or vocational rehabilitation counselor in the Vocational Rehabilitation and Employment Division determines that the cause of the discontinuance has been removed.

(Authority: 38 U.S.C. 3543(b))

[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42726, Oct. 24, 1984; 73 FR 2426, Jan. 15, 2008]

PAYMENTS; SPECIAL RESTORATIVE TRAINING

§ 21.3330 Payments.

(a) Payments will be made to the person designated to receive the payments under the provisions of § 21.3133(b).

(b) VA will pay special training allowance only for the period of the eligible person's approved enrollment as certified by the counseling psychologist or vocational rehabilitation counselor. In no event, however, will VA pay such allowance for any period during which:

(1) The eligible person is not pursuing the prescribed course of special restorative training that has been determined to be full-time training with respect to his or her capacities; or

(2) An educational assistance allowance is paid.

(Authority: 38 U.S.C. 3542)

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rates, except as provided in paragraph (c) of this section.

(1) For special restorative training pursued after June 30, 2004, and before October 1, 2004:

(c) The provisions of § 21.3133(e) apply to the payment of special restorative training allowance.

(Authority: 38 U.S.C. 3562)

[30 FR 15646, Dec. 18, 1965, as amended at 31 FR 6774, May 6, 1966; 50 FR 21606, May 28, 1985; 61 FR 26112, May 24, 1996; 73 FR 2426, Jan. 15, 2008]

§ 21.3331 Commencing date.

The commencing date of an authorization of a special training allowance will be the date of entrance or re-entrance into the prescribed course of special restorative training, or the date the counseling psychologist or vocational rehabilitation counselor approved the course for the eligible person whichever is later. See also § 21.4131.

(Authority: 38 U.S.C. 3542)

[49 FR 42726, Oct. 24, 1984, as amended at 61 FR 26112, May 24, 1996; 73 FR 2426, Jan. 15, 2008]

§ 21.3332 Discontinuance dates.

VA will discontinue special training allowance as provided in this section on the earliest date of the following:

(a) The ending date of the course.

(b) The ending date of the period of enrollment as certified by the counseling psychologist or vocational rehabilitation counselor.

(c) The ending date of the period of eligibility.

(d) The expiration of the eligible person's entitlement.

(e) Date of interruption of course as determined by the counseling psychologist or vocational rehabilitation counselor under § 21.3305.

(f) Date of discontinuance under the applicable provisions of § 21.4135.

(Authority: 38 U.S.C. 3543(b))

[50 FR 21606, May 28, 1985, as amended at 61 FR 26112, May 24, 1996; 73 FR 2426, Jan. 15, 2008]

§ 21.3333

38 CFR Ch. I (7–1–13 Edition)

Course	Monthly rate	Accelerated charges
Special restorative training	\$788.00	If costs for tuition and fees average in excess of \$247.00 per month, rate may be increased by such amount in excess of \$247.00.

(Authority: 38 U.S.C. 3542)

(2) For special restorative training pursued after September 30, 2004, and before October 1, 2005:

Course	Monthly rate	Accelerated charges
Special restorative training	\$803.00	If costs for tuition and fees average in excess of \$251.00 per month, rate may be increased by such amount in excess of \$251.00.

(Authority: 38 U.S.C. 3542)

(3) For special restorative training pursued after September 30, 2005, and before October 1, 2006:

Course	Monthly rate	Accelerated charges
Special restorative training	\$827.00	If costs for tuition and fees average in excess of \$258.00 per month, rate may be increased by such amount in excess of \$258.00.

(Authority: 38 U.S.C. 3542)

(4) For special restorative training pursued after September 30, 2006, and before October 1, 2007:

Course	Monthly rate	Accelerated charges
Special restorative training	\$860.00	If costs for tuition and fees average in excess of \$268.00 per month, rate may be increased by such amount in excess of \$268.00.

(Authority: 38 U.S.C. 3542)

(5) For special restorative training pursued after September 30, 2007, and before October 1, 2008:

Course	Monthly rate	Accelerated charges
Special restorative training	\$881.00	If costs for tuition and fees average in excess of \$274.00 per month, rate may be increased by such amount in excess of \$274.00.

(Authority: 38 U.S.C. 3542)

(6) For special restorative training pursued after September 30, 2008:

Course	Monthly rate	Accelerated charges
Special restorative training	\$915.00	If costs for tuition and fees average in excess of \$284.00 per month, rate may be increased by such amount in excess of \$284.00.

(Authority: 38 U.S.C. 3542)

(b) *Accelerated charges.* (1) VA may pay the additional monthly rate if the eligible person, or his or her parent or guardian (see § 21.3021(d)) if the eligible person has a guardian or has not attained majority under laws applicable in his or her State of residence, concurs in having his or her period of entitlement reduced by 1 day for each—

(i) \$26.27 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period July 1, 2004, through September 30, 2004;

(ii) \$26.77 that the special training allowance exceeds the basic monthly rate of \$803.00 for the period October 1, 2004, through September 30, 2005;

(iii) \$27.57 that the special training allowance exceeds the basic monthly rate of \$827.00 for the period October 1, 2005, through September 30, 2006;

(iv) \$28.67 that the special training allowance exceeds the basic monthly rate of \$860.00 for the period October 1, 2006, through September 30, 2007;

(v) \$29.37 that the special restorative training allowance exceeds the basic monthly rate of \$881.00 for the period October 1, 2007, through September 30, 2008; and

(vi) \$30.50 that the special restorative training allowance exceeds the basic monthly rate of \$915.00 for months after September 30, 2008.

(2) VA will:

(i) Charge fractions of more than one-half day as 1 day;

(ii) Disregard fractions of one-half or less; and

(iii) Record charges when the eligible child is entered into training.

(Authority: 38 U.S.C. 3542)

(c) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child's entitlement is based on the service of a

veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.40(b), (c), or (d) of this chapter, payments of special training allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized.

(Authority: 38 U.S.C. 3532(d), 3542, 3565)

[35 FR 9814, June 16, 1970, as amended at 48 FR 37975, Aug. 22, 1983; 50 FR 19934, May 13, 1985; 57 FR 29799, July 7, 1992; 61 FR 29295, June 10, 1996; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003; 68 FR 37206, June 23, 2003; 69 FR 62209, Oct. 25, 2004; 73 FR 2426, Jan. 15, 2008; 73 FR 79651, Dec. 30, 2008; 74 FR 3436, Jan. 21, 2009]

SPECIAL ASSISTANCE AND TRAINING

§ 21.3344 Special assistance for the educationally disadvantaged.

(a) *Enrollment.* VA may approve the enrollment of an eligible person in an appropriate course or courses at the secondary school level. This approval may be made only if the eligible person—

(1) Has not received a secondary school diploma (or an equivalency certificate);

(2) Needs additional secondary school education, remedial, refresher, or deficiency courses, to qualify for admission to an appropriate educational institution in a State in order to pursue a program of education; and

(3) Is to pursue the course or courses in a State.

(Authority: 38 U.S.C. 3491(a), 3533)

(b) *Measurement.* VA will measure remedial, deficiency, or refresher courses offered at the secondary school level as provided in §§ 21.4270(a)(2) and 21.4272(k).

(Authority: 38 U.S.C. 3533)