

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

FARRON R. ECKHOFF,
Petitioner,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,
Respondent.

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Vet. App. No. 22-3856

**SECRETARY’S RESPONSE TO PETITION
FOR EXTRAORDINARY RELIEF**

Pursuant to U.S. Vet. App. R. 21(b), and the Court’s July 18, 2022, order, Respondent, Secretary of Veterans Affairs (Secretary), hereby answers the petition for extraordinary relief filed on June 28, 2022 (the Petition). For the reasons below, the Court should deny the petition.

SUMMARY OF PERTINENT FACTS

Petitioner, Farron R. Eckhoff, seeks a writ of mandamus compelling the Department of Veterans Affairs (VA) to “adjudicate [] and revise” its May 2021 certificate of eligibility by changing the effective date for Survivors’ and Dependents’ Educational Assistance (DEA) benefits to January 18, 2020, and to pay retroactive compensation for January 18, 2020, until May 10, 2020. Petition at 14.

In September 2020, the VA regional office (RO) found basic eligibility to dependency and indemnity compensation (DIC) benefits for Halli Eckhoff was established based on cause of death of the Veteran, Mark Garrett Eckhoff. Exhibit

A. The decision explained that Halli Eckhoff and her dependents may be eligible for DEA and, to make a DEA claim, an applicant should complete and return a VA Form 22-5490. Exhibit A at 3.

The Petitioner later submitted VA Form 22-5490s. Exhibit B; Exhibit C.

In May 2021, the RO certified the Petitioner's eligibility for DEA benefits and issued a certificate of eligibility. Exhibit D. The RO outlined the Petitioner's options for selecting a beginning date and found that "we cannot pay you benefits prior to May 12, 2020." *Id.* at 2. Under the header "What You Should Do If You Disagree With Our Decision," the RO explained that "[i]f you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date." *Id.* at 3. The letter further explained that the available review options were supplemental claim, higher-level review, and appeal to the Board and outlined each appropriate decision review request form. *Id.* at 3-4. The RO also enclosed a VA Form 20-0998 explaining the options for additional review. *Id.*; Exhibit E.

In February 2022, Petitioner submitted a VA Form 20-0996 higher-level review request. Exhibit F.

In March 2022, the RO issued a decision under the higher-level review option. Exhibit G. The RO explained that, "based on the evidence of record at the time VA issued notice of the prior decision, we have determined the [e]ducation claim decision made on May 24, 2021 was correct." *Id.* at 1. Under the header "What You Should Do If You Disagree With Our Decision," the RO explained that

“[i]f you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date.” *Id.* The RO further explained, “[s]ince your AMA appeals decision was made under the HLR option, the review options are as follows:

- **Supplemental Claim**, complete **VA Form 20-0995**, *Decision Review Request: Supplemental Claim*.
- **Appeal to the Board**, complete **VA Form 10182**, *Decision Review Request: Board Appeal (Notice of Disagreement)*.”

Id. at 1-2 (emphasis in original). The RO also enclosed a VA Form 20-0998 explaining the options for additional review. Exhibit E; Exhibit G at 2.

RESPONSE TO PETITION

The Court has the authority to issue writs in aid of its potential jurisdiction pursuant to the All Writs Act, 28 U.S.C. § 1651(a). *See Ramsey v. Nicholson*, 20 Vet.App. 16, 21 (2006); *Cox v. West*, 149 F.3d 1360 (Fed. Cir. 1998). However, “[t]he remedy of mandamus is a drastic one, to be invoked only in extraordinary situations.” *Kerr v. U.S. Dist. Court*, 426 U.S. 394, 402 (1976). A writ should not be issued unless: (1) the petitioner has no other adequate means to attain the relief she desires, thus ensuring that the writ is not used as a substitute for the appeals process; (2) the petitioner must demonstrate a clear and indisputable right to the issuance of the writ; and (3) the court is convinced that the circumstances warrant issuance of the writ. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380-81 (2004). Where all the relief sought by a petition for extraordinary relief has been

afforded, the petition is moot. See *Thomas v. Brown*, 9 Vet.App. 269, 270 (1996) (per curiam order). In such a situation, the petition will be dismissed. See *id.*; see also *Chandler v. Brown*, 10 Vet.App. 175, 177-78 (1997).

While the Petitioner requests for VA to act on her claim and argues that there has been an undue delay, VA has adjudicated her claim, both initially and under the higher-level review option. Exhibit D; Exhibit G; see Petition. Petitioner has not, and does not argue in her Petition, that she has requested review of the higher-level review decision. See Petition at 3-4. Thus, there is no pending claim before the agency, and, even if there had previously been delay in VA's processing of her claim, such issue would now be moot, as the relief requested, adjudication of Petitioner's claim, has already been awarded. See Exhibit D; Exhibit G.

The Petitioner also argues that the effective date assigned by VA was incorrect, but a writ cannot be used to circumvent the traditional appeals process. *Lamb v. Principi*, 284 F.3d 1378, 1384 (Fed. Cir. 2002) (“[E]xtraordinary writs cannot be used as substitutes for appeals, even though hardship may result from delay and perhaps unnecessary trial.” (quoting *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 383 (1953))); see also *Wolfe v. McDonough*, 28 F.4th 1348 (Fed. Cir. 2022) (explaining that “a mandamus order could only compel action on the appeal” rather than “dictate a particular outcome”); Petition at 2, 14. The RO most recently decided the Petitioner's effective date for DEA benefits in a higher-level review decision in March 2022. Exhibit G. As the higher-level review decision explained, if the Petitioner disagrees with such decision, she may request review

before the agency by either requesting decision review through a supplemental claim or appeal to the Board. Exhibit E; Exhibit G at 1-2. However, at this time, there is currently no pending appeal on which the agency could act.

Further, the Court does not have jurisdiction to directly review a regional office decision. See, e.g., *Hayre v. Principi*, 15 Vet.App. 48, 51, 52 (2001) (“When the Board has not rendered a decision on a particular issue the Court has no jurisdiction.”); see also *Ledford v. West*, 136 F.3d 776, 779 (Fed. Cir. 1998). The All Writs Act is not an independent grant of jurisdictional authority, and the All Writs Act does not expand a court’s jurisdiction. *Clinton v. Goldsmith*, 526 U.S. 529, 534 (1999); *Cox v. West*, 149 F.3d 1360, 1363 (Fed. Cir. 1998). Rather, it is “a residual source of authority” that allows the Court to protect its statutorily prescribed jurisdiction. *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985). “A claimant seeking to appeal an issue to the Court must first obtain a final [Board] decision on that issue.” *Horowitz v. Brown*, 5 Vet.App. 217, 225 (1993); see 38 U.S.C. §§ 7266(a), 7252(a). Thus, to the extent the Petitioner requests that the Court review the findings contained in the May 2021 initial decision or the March 2022 higher-level review decision, a writ of mandamus cannot be granted for such purpose; the Petitioner would instead need to appeal such determination to the Board, then, if denied, appeal such Board decision to the Court. See, e.g., 38 U.S.C. §§ 7266(a), 7252(a); *Lamb*, 284 F.3d at 1384.

For the foregoing reasons, the Secretary contends that Petitioner has not demonstrated a clear and indisputable right to the writ, and the Petition should be denied. See *Cheney*, 542 U.S.at 380-81.

WHEREFORE, the Secretary responds to the petition for extraordinary relief and the Court's order and, for the foregoing reasons, respectfully requests that the Court deny the Petition.

Respectfully submitted,

CATHERINE C. MITRANO
Acting General Counsel

MARY ANN FLYNN
Chief Counsel

/s/ Anna Whited
ANNA WHITED
Deputy Chief Counsel

/s/ Jacqueline Kerin
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Counsel for the Secretary

EXHIBIT A



DEPARTMENT OF VETERANS AFFAIRS

September 26, 2020

HALLI ECKHOFF
9 AURORA CT
DOYLESTOWN, PA 18901

In Reply Refer To: 310/PMC/R4/WR

9593
ECKHOFF, Mark Garrett

Dear Mrs. ECKHOFF:

We made a decision on your claim for dependency and indemnity compensation (DIC), death pension and accrued received on July 13, 2020. We processed your claim under the Fully Developed Claim program.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$1,340.14	Feb 1, 2020	Original Award

We're paying you as a surviving spouse with no dependents. *Let us know right away if there is any change in your marital status.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings, in approximately 15 days. Payment will then be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

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Eckhoff, Mark Garrett

Favorable Findings

- Favorable Finding(s) applicable to the decision on your claim for benefits are listed below:

<u>Survivor's Pension</u>	<u>Language to populate</u>
Active Duty Service	The Veteran had the minimum active duty requirements in order to qualify for pension.
Wartime Service	The Veteran had wartime service.
Character of Service	The Veteran's character of service meets the requirements to qualify for pension.

What We Decided

We granted service connected death benefits, called dependency and indemnity compensation (DIC), effective January 1, 2020.

We have determined that you are entitled to both dependency and indemnity compensation (DIC) and death pension benefits. However, you can't receive both benefits at the same time. We're paying you DIC benefits as the greater benefit.

We couldn't approve your claim for accrued benefits.

For the elements not met that are required to grant benefits, please see the denial reasons below.

How Did We Make Our Decision?

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision on your claim for dependency and indemnity compensation benefits. Your Rating Decision and this letter constitute our decision based on your claim received on July 13, 2020. It represents all claims we understood to be specifically made, implied or inferred in that claim.

We granted dependency and indemnity compensation (DIC) benefits because the veteran died from a service connected disability.

An accrued benefit is any money we owe a veteran at the time of death. We can't approve your claim for accrued benefits because VA didn't owe the veteran any money.

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Eckhoff, Mark Garrett

Evidence Used to Decide Your Claim

In making our decision, in addition to the evidence in the attached rating, we used the following evidence:

- VA Form 534EZ (Application for DIC, Survivors Pension, and/or Accrued Benefits)

Are You Entitled to Additional Benefits?

We've enclosed VA Form 21-8765, "Service-Connected Death Award Attachment," which explains other benefits.

You and your dependent(s) may be eligible for Dependents' Educational Assistance. We are enclosing a VA pamphlet 22-73-3, "Summary of Education Benefits," which explains the program. To make a claim, complete and return the enclosed VA Form 22-5490.

You and your dependent(s) may be eligible for benefits under CHAMPVA. CHAMPVA is a health benefits program in which the Department of Veterans Affairs (VA) shares the cost of certain healthcare services and supplies with eligible beneficiaries. To be eligible for the CHAMPVA program a dependent must be the surviving spouse or child of a veteran who died as a result of a service connected disability, or who was permanently and totally disabled from a service connected disability at the time of death. The Health Administration Center in Denver, Colorado administers the CHAMPVA program. You should call 1-800-733-8387 if additional information is needed.

You may be eligible for Armed Forces Commissary and Exchange privileges if you are the recognized surviving spouse of an honorably discharged veteran who was evaluated as 100 percent disabled due to service-connected disability at the time of death; or, the surviving dependent of a person who died on active duty; or, the dependent of a military retiree.

You should contact your State office of Veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a Veteran (or surviving dependent of a Veteran). State offices of Veteran's affairs are available at <http://www.va.gov/statedva.htm>.

Surviving spouses and children of Service Members who die in the line of duty after September 10, 2001, may be eligible for the Fry Scholarship, which offers entitlement to the Post-9/11 GI Bill ®. Benefits include tuition and fee payments, a monthly housing allowance, and a books and supplies stipend. Please visit the GI Bill webpage at www.benefits.va.gov/gibill/index.asp for more information.

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Eckhoff, Mark Garrett

What You Should Do If You Disagree With Our Decision

If you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date. The review options and their proper applications are as follows, for a(n):

- **Supplemental Claim**, complete **VA Form 20-0995**, *Decision Review Request: Supplemental Claim*.
- **Higher-Level Review**, complete **VA Form 20-0996**, *Decision Review Request: Higher-Level Review*.
- **Appeal to the Board**, complete **VA Form 10182**, *Decision Review Request: Board Appeal (Notice of Disagreement)*.

Please see the enclosed VA Form 20-0998, *Your Rights To Seek Further Review Of Our Decision*. It explains your options for an additional review. You may obtain any of the required application by down loading them from www.va.gov/vaforms/ or by contacting us. You can also learn more about the disagreement process at www.va.gov/decision-reviews. If you would like to obtain or access evidence used in making this decision, please contact us as noted below. Some evidence may be obtained by signing in at www.va.gov.

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1- 800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at https://iris.va.gov .
Write	Put your full name and VA file number on the letter. Please use the enclosed "Where to Send Your Written Correspondence" chart.

In all cases, be sure to refer to your VA file number ██████████ 9593.

If you are looking for general information about benefits and eligibility, you should visit our website at <https://www.va.gov>, or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

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Eckhoff, Mark Garrett

We sent a copy of this letter to your representative, Harold H Hoffman-Logsdon III, whom you can also contact if you have questions or need assistance.

Sincerely yours,

RO Director
VA Regional

You can contact us in several ways....Email or visit our web site. For specific information about your claim, go to <https://iris.va.gov>. For general information about benefits, visit our web site at www.va.gov

Enclosure(s): Rating Decision
VA Form 21-8765
VA Pamphlet 22-73-3
VA Form 22-5490
VA Form 20-0998
Where to Send Your Written Correspondence
21P-10199 Legal Summary - Survivors Pension, Dependency and Indemnity
Compensation, and Accrued Benefits

cc: Harold H Hoffman-Logsdon III
2776 S. Arlington Mill Drive
Suite 804
Arlington, VA 22206



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office**

MARK ECKHOFF

VA File Number

9593

Represented By:

HAROLD H HOFFMAN-LOGSDON III

Rating Decision

09/25/2020

INTRODUCTION

The records reflect that MARK G. ECKHOFF was a Veteran of the Vietnam Era. The veteran served in the Army from March 9, 1970 to October 12, 1971. The veteran died on January 17, 2020 and an original death claim was received on July 13, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for the cause of death is granted.
2. Basic eligibility to Dependents' Educational Assistance is established.

EVIDENCE

- VA Form 21-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits, received July 13, 2020
- Section (§) 5103 Notice, dated July 13, 2020



MARK ECKHOFF

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- Rating Decision, dated September 25, 2020
- Veteran's Death Certificate, received February 3, 2020

REASONS FOR DECISION

1. Service connection for the cause of death.

The death of a Veteran will be considered as having been due to a service-connected disability when the evidence establishes that such disability was either the primary or contributory cause of death. Prior to death, the Veteran was service connected for myeloproliferative disorder, to include myelofibrosis and myeloid leukemia. The death certificate recorded the Veteran's cause of death as myeloid leukemia and myelofibrosis. Service connection for the cause of the Veteran's death is granted on a primary basis as the evidence shows that it was directly related to military service. (38 CFR 3.312)

2. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Ch. 35, 38 CFR 3.807)

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows the veteran died as a result of a service-connected disability. (38 USC Chapter 35, 38 CFR 3.807)

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our website, www.va.gov.





Department of Veterans Affairs

SERVICE-CONNECTED DEATH AWARD ATTACHMENT

Information concerning Department of Veterans Affairs, Federal, State or local benefits may be obtained from your nearest VA office or any national service organization representative. You may call VA toll-free at 1-800-827-1000 (Hearing Impaired TDD line 1-800-829-4833) or contact VA by Internet at <https://iris.va.gov>.

WHEN IS YOUR VA CHECK DELIVERED?

A check covering the initial amount due under this award will be mailed within 15 days. Thereafter, checks will be delivered at the beginning of each month for the prior month.

HOW CAN YOU RECEIVE ADDITIONAL BENEFITS FOR DEPENDENTS?

The veteran's surviving spouse may be entitled to additional benefits for the veteran's unmarried children if the children are under age 18 or under 23 if attending an approved school, or if, prior to age 18, the child has become permanently incapable of self-support because of mental or physical defect. Children who meet one of these criteria may receive Dependency and Indemnity Compensation (DIC) in their own right. You may contact VA as shown above for information on applying for this benefit.

HOW CAN YOU RECEIVE AID AND ATTENDANCE OR HOUSEBOUND BENEFITS?

VA may pay a higher rate of DIC to a surviving spouse who is blind, a patient in a nursing home, otherwise needs regular aid and attendance, or who is permanently confined to his or her home because of a disability. VA may pay a higher rate of DIC to a surviving parent who is blind, a patient in a nursing home, or otherwise needs regular aid and attendance. You may contact VA as shown above for information on applying for this benefit.

HOW CAN YOU RECEIVE HEALTH AND MEDICAL CARE BENEFITS?

Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) provides medical care coverage to an unmarried surviving spouse or child of a veteran who died of a service-connected disability, had a permanent and total service-connected disability at the time of death, or who died on active duty, if the spouse or child does not have entitlement to care under the Department of Defense's TRICARE Program. In some cases, a surviving spouse who is remarried may be entitled to CHAMPVA if the marriage occurs on or after age 55 or if the remarriage terminates as a result of death, divorce, or annulment. Application for this benefit may be made to the VA Health Administration Center, CHAMPVA Eligibility, P.O. Box 469028, Denver, CO 80246-9028. For more information on CHAMPVA, please access our website at <http://www.va.gov/hac/> or call the Health Administration Center at 1-800-733-8387.

HOW CAN YOU RECEIVE LOAN GUARANTY BENEFITS?

The unmarried surviving spouse of a veteran who died as a result of a service-connected disability may be eligible for a guaranteed loan made by a private lender. In some cases, a surviving spouse who is remarried may be entitled to this benefit if the marriage began on or after age 57. If eligible, the surviving spouse may use the guaranteed loan to purchase, construct or improve a home; to purchase a manufactured home and/or lot; or to refinance existing mortgages or other liens of record on a dwelling owned and occupied by the surviving spouse as his or her home. Application for this benefit may be made at the nearest VA regional office.

HOW CAN YOU RECEIVE EDUCATIONAL BENEFITS?

The unmarried surviving spouse of a veteran who died as a result of a service-connected disability may be eligible for Dependents' Educational Assistance (DEA). In some cases, a surviving spouse who is remarried may be entitled to this benefit if the marriage began on or after age 57. You may be entitled to education benefits for a period up to 45 months in addition to the DIC you are receiving. Education courses, including on-the-job, apprenticeship or education programs pursued exclusively by correspondence, must be completed within 10 years of the veteran's death, unless the veteran died while on active duty. If the veteran died while on active duty, education courses must be completed within 20 years of the veteran's death. Generally, a child who is age 18 and in school, (or his or her parent or guardian) may elect DEA benefits instead of the DIC payable on the child's behalf. DEA is a higher benefit than DIC, and the child's marital status is not a factor. This educational assistance generally will not be payable beyond the child's 26th birthday, although there are certain circumstances under which eligibility continues to a later date. You may obtain additional information or an application by visiting our website at <http://www.gibill.va.gov>, contacting the VA regional office where your records are located, or calling 1-888-GI BILL-1 (Hearing Impaired TDD line 1-888-442-4551).

ARE YOUR BENEFITS EXEMPT FROM CLAIMS OF CREDITORS?

VA compensation and pension payments are exempt from claims of creditors. With certain exceptions, the payments are not assignable and are not subject to attachment, levy, or seizure except as to claims of the United States.

HOW DO YOU REPORT A CHANGE OF ADDRESS?

Please notify this office immediately of any change of address.

WHAT CONDITIONS AFFECT RIGHT TO PAYMENTS?

1. Payment of benefits will be discontinued if the beneficiary dies. You must notify us of the death of any persons for whom you are receiving benefits, and your survivors must notify us upon your death. You must also notify us of any changes in the marital or dependency status of the surviving spouse, children, or parents. Parents' DIC may also be affected by any change in the amount of income received by the parent(s) or parent and his/her spouse. If a parent dies, payments to the surviving parent will be affected.

Surviving spouse: Generally, payments discontinue if you remarry or enter into a relationship with another person where you hold yourselves out to the public as being married. However, payments may continue provided you remarry on or after age 57. If, before age 57, you remarry or enter into a relationship where you hold yourself out as married, return to VA payments made payable to you as the veteran's surviving spouse with a statement showing the date your marital status changed. Entitlement to DIC, DEA, Loan Guaranty benefits, and CHAMPVA may again be established if a subsequent remarriage is terminated by death, divorce, annulment, or if you cease living with another person whom you held out to the public as your spouse. Discontinuance of benefits due to remarriage will be effective the last day of the month before marriage. Note: The law provides that entitlement to death pension benefits is permanently lost if the surviving spouse marries or enters into a relationship where the individuals hold themselves out to the public as being married.

Child: If a child marries, payment of DIC for a child will be terminated effective the last day of the month before marriage. If the marriage is annulled or declared void, entitlement may be reestablished.

Parents: You are required to report the total amounts and sources of all income for you and your spouse if you are living with your spouse. Some income is not countable. If you report such income, VA will exclude it when computing your income for VA purposes. Benefit rates and income limits change frequently; however, you can find out what the current income limitations and rates of benefits are by contacting VA. You must notify VA promptly of:

- any increase or decrease in your income, or if living with your spouse, the combined rate of your income,
- the date of death of a parent,
- the date of remarriage of a parent,
- the date when parents (or a parent and spouse) became separated, and
- the date when parents (or a parent and spouse) who have separated begin living together.

2. The concurrent payment of Survivor Benefit Plan (SBP) payments by the service department and service-connected death benefits by VA to a surviving spouse is prohibited. If you are currently receiving SBP or begin receiving SBP in the future, you must notify VA immediately. You should also notify the service department that you are receiving VA service-connected death benefits.

3. If your award includes aid and attendance benefits based on nursing home patient status, you must notify us immediately when you are no longer a nursing home patient.

4. Benefits for a surviving spouse, child, or parent will be discontinued effective the 61st day of incarceration in a Federal, State or local penal institution following conviction for a felony. If the surviving spouse is incarcerated, an apportionment of the spouse's DIC benefits may be made to the surviving children. If a child is incarcerated, all or part of the child's DIC benefits may be apportioned to the surviving spouse or other children.

5. Monthly payments of your award may be stopped if you fail to furnish evidence as requested or if you furnish VA, or cause to be furnished, any false or fraudulent evidence.

6. Information submitted, including income information, is subject to verification through computer matching programs with other agencies.

7. The law provides severe penalties which include fine or imprisonment, or both, for the fraudulent acceptance of any payment to which you are not entitled.

Important

Notify us immediately if there is a change in any condition affecting your right to continued payments. Failure to notify us of these changes immediately will result in an overpayment which is subject to recovery.



DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM (DEA)



Chapter 35 of Title 38
U.S. Code

VA Pamphlet
22-73-3, Revised
April 2010

Veterans Benefits
Administration
Washington, DC 20420

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Information in this pamphlet was current as of publication. Check www.GIBILL.VA.GOV for the most current information.

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INTRODUCTION

This pamphlet provides a general description of the Dependents' Educational Assistance program, or DEA (chapter 35 of title 38, U. S. Code). The DEA program provides education and training opportunities to eligible dependents and survivors of certain veterans.

We in the Department of Veterans Affairs (VA) who produce this pamphlet hope that it will be a helpful guide for you. The pamphlet doesn't cover every exception to the rules and regulations, but gives you a general summary of the benefits available under this program.

So please don't rely on this pamphlet to determine if you're eligible for education benefits. To receive a formal decision from VA, you must file a claim for benefits. (See How Do You Apply For Benefits?)

We try to cover the main questions you may have about DEA benefits, including:

- Eligibility rules (summarized)
- Types of training available under DEA
- How the program works, including:
 - Payment rates
 - How to apply
 - How you'll receive payments
 - What you need to know during your training, and
 - Where you can go for more help

PART 1: ELIGIBILITY

ARE YOU ELIGIBLE?

To be eligible, you must be a spouse, son, or daughter (including stepchild or adopted child), of a

- Veteran who is permanently and totally disabled as the result of, or dies of, a service-connected disability. The disability must arise out of or be aggravated by active duty.
- Veteran with a permanent and total service-connected disability who dies from any cause.
- Service member who is missing in action or is captured in the line of duty and is currently being held by a hostile force.
- Service member who is currently being forcibly detained or interned in the line of duty by a foreign government or power.
- Service member who VA determines has a service-connected permanent and total disability; and
 - at the time of VA's determination is member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment; and
 - is likely to be discharged or released from service for this service-connected disability.

HOW LONG CAN YOU RECEIVE BENEFITS?

Generally, you can receive benefits until your eligibility period ends or you use all your entitlement, whichever comes first. (We use the term entitlement to mean the number of months of benefits you can receive.) We'll discuss your eligibility and your entitlement separately. (See page 10 for information on entitlement.)

ELIGIBILITY PERIOD: SON OR DAUGHTER

How Long Are You Eligible?

As a son or daughter (including stepchild or adopted child), as long as you have entitlement left, you can generally receive benefits under this program from age 18 to 26 (eight years).

However, in certain instances, you can begin before age 18 and continue after age 26. In some instances, you can choose among possible beginning dates. If we find that you're eligible, we'll notify you of your possible beginning dates and ending dates based on your claim.

Effect of Your Active Duty on Your Eligibility



Following are the effects of active duty on your period of eligibility. See also [Effect of Active Duty on Your Available Months of Benefits](#) on page 10.

- You cannot receive DEA benefits while on active duty in the Armed Forces.
- To receive DEA benefits after military service, your discharge must not be under dishonorable conditions.
- We can generally extend your eligibility period for eight years from the date of your first unconditional release from active duty, if your service was between ages 18 and 26. But this extension can't go beyond your 31st birthday.

- If, on or after September 11, 2001, you were called to active duty under Title 10, U.S. Code, (Federal Authority) or if you were involuntarily ordered to full-time National Guard duty under Section 502(f) of Title 32, U.S. Code (State Authority), in most cases we can extend your eligibility period for DEA by the number of months and days you spent on active duty plus four months. This extension can go beyond your 31st birthday, depending on the facts in your claim.

Other Extensions of Your Eligibility Period

Circumstances Beyond Your Control

If you provide evidence that you had to stop training because of conditions beyond your control, in some cases we can extend your eligibility for the period you had to stop training.

Circumstances that may be considered beyond your control (if verified by evidence) include:

- Service in an official missionary capacity.
- Immediate family or financial obligations that require you to stop training, for example, to take employment.
- Unavoidable conditions of your employment that require you to stop training.
- Your illness, or death or illness in your immediate family.

While in Training

If you're enrolled in training when your eligibility period ends, in most cases we can extend your eligibility to the end of the semester or quarter, or to the end of 12 weeks if the course isn't operated on a semester or quarter basis.

If You Marry

As a son or daughter, marriage doesn't affect your period of eligibility.

Other Educational Benefits for Surviving Children

Fry Scholarship

Public Law 111-32, the Marine Gunner Sergeant John David Fry Scholarship, amends the Post-9/11 GI Bill (Chapter 33) to include the children of service members who die in the line of duty after Sept. 10, 2001. The benefit is effective August 1, 2009; the same day the Post-9/11 GI Bill takes effect. Eligible children attending school may receive up to the highest public, in-state undergraduate tuition and fees, plus a monthly living stipend and book allowance under this program. For more detailed and up to date information about the Fry Scholarship, please visit our website at www.gibill.va.gov.

ELIGIBILITY PERIOD: SPOUSE

Throughout this pamphlet, we use the term "spouse" to mean the spouse of a living veteran, and "surviving spouse" to mean the spouse of a deceased veteran. If you're the veteran's surviving spouse, see [Eligibility Period: Surviving Spouse](#) on page 8.

How Long Are You Eligible?

Veteran's Disability

If you're a spouse and you're eligible because the veteran has a permanent and total service-connected disability, benefits generally end 10 years from one of the following dates:

- Effective date of the veteran's permanent and total disability evaluation.
- Date VA notifies the veteran of the permanent and total disability evaluation.
- Beginning date you choose, between the date you become eligible and the date VA notifies the veteran of the permanent and total disability evaluation.

New Provision: Public Law 110-389 amended VA education benefits by providing a 20-year period of eligibility for spouses of veterans with a permanent and total rating effective within 3 years of release from active duty. The 20-year period of eligibility begins on the date the permanent and total rating decision was effective (not the date of the rating decision) but only if the eligible person remains the spouse of the disabled person throughout the period. This new 20-year period of eligibility applies to permanent and total disability effective dates that occurred before or after the date of enactment, October 10, 2008.

Service member Held Captive Or Missing

If you're a spouse and you're eligible because the service member is being held or is missing, as

- a prisoner of war
 - missing in action, or
 - forcibly held by a foreign government or power
- your 10-year period of eligibility begins on the 91st day after the date the service member was listed as a captive or missing.

If the veteran or service member is released from captivity, or is determined to be alive and no longer missing, your period of eligibility ends on that date. If you're enrolled in training, and have remaining entitlement on that date, your eligibility can be extended to the end of the term or course.

Effect of Divorce on Your Eligibility

If marriage to the veteran ends in divorce, your eligibility for DEA benefits ends on that date. But if you're in training, and the divorce occurs through no fault of yours, we can extend your eligibility as explained below under [While in Training](#).

Effect of Your Active Duty on Your Eligibility

Following are the effects of active duty on your eligibility period:

- You can not receive DEA benefits while on active duty in the Armed Forces.
- To receive DEA benefits after military service, your discharge must not be under dishonorable conditions.
- If, on or after September 11, 2001, you were called to active duty under title 10, U.S. Code (Federal Authority) or involuntarily ordered to full-time National Guard duty under section 502(f) of Title 32, U.S. Code (State Authority), in most cases we can extend your eligibility period for DEA by the number of months and days you spent on active duty plus four months.

Other Extensions of Your Eligibility Period

Disability

We can extend your eligibility period by the amount of time you were prevented from training during that period because of a disability you incurred.

While in Training

If you're enrolled in training when your eligibility ends, and you have remaining entitlement, in most cases we can extend your eligibility to the end of the semester or quarter, or to the end of 12 weeks if the course isn't operated on a semester or quarter basis.

ELIGIBILITY PERIOD: SURVIVING SPOUSE

How Long Are You Eligible?

Veteran Died of Service-Connected Disability

If you're an eligible surviving spouse and the veteran died of a service-connected disability, you can choose the beginning date for your 10-year period of eligibility. That date must be between the date of death and the date we determine that the death was due to service-connected disability.

Veteran Had Permanent and Total Service-Connected Disability at Time of Death

If you're an eligible surviving spouse and the veteran had a permanent and total service-connected disability at time of death, the beginning date of your 10-year period is the date of death.

Veteran Died on Active Duty

If you're an eligible surviving spouse and your spouse died on active duty, your eligibility period is 20 years from the date of death.

Note: This is a change in law that became effective December 10, 2004. If you were previously eligible based on your spouse's death on active duty, and your 10-year eligibility period expired before December 10, 2004, you now have a new eligibility period of 20 years from the date of your spouse's death. However, in those cases we can pay only for training that began on or after December 10, 2004.

Example: A Service member died on active duty on July 1, 1985. Until the change in law, the surviving spouse's 10-year eligibility period would have ended on July 1, 1995. Now, the surviving spouse has a new eligibility period ending on July 1, 2005. However, VA can pay only for training that began on or after December 10, 2004.

Other Extensions of Your Eligibility Period

Disability

We can extend your eligibility period by the amount of time you were prevented from training during that period because of a disability you incurred.

While in Training

If you're enrolled in training when your eligibility ends, and you have remaining entitlement, in most cases we can extend your eligibility to the end of the semester or quarter, or to the end of 12 weeks if the course isn't operated on a semester or quarter basis.

If You Remarry

The following explains the effects of remarriage on your DEA benefits.

Note: Remarriage will not extend your eligibility period.

Before Age 57

If you remarry before age 57, your eligibility ends on the date of remarriage.

Can benefits be reinstated? If you remarried after November 30, 1999, and your remarriage ends, we can reinstate your eligibility to DEA.

The remarriage must be ended by death, divorce, or because you stopped living with your spouse and stopped holding yourself out to the public as the person's spouse.

In most cases, we can reinstate your eligibility if you remarried before November 30, 1999; but, you must be within your eligibility period.

After Age 57

If you remarry on or after January 1, 2004, and you're 57 or older, you can still be eligible for DEA benefits.

If you remarried after age 57 and before December 16, 2003, you must have applied in writing before December 16, 2004, for eligibility to be reinstated.

Note: Remarrying after age 57 doesn't extend the period of eligibility that you established before you remarried.

Example: A surviving spouse established eligibility for a 10 year period ending on November 15, 2005, which is 10 years from the date of the veteran's death. She remarried in April 2004 at age 58.

She will keep her eligibility for DEA through November 15, 2005.

YOUR ENTITLEMENT: HOW MANY MONTHS OF BENEFITS CAN YOU RECEIVE?

The following applies to sons and daughters (including stepchildren and adopted children), spouses and surviving spouses.

You may be entitled to receive up to 45 months of DEA benefits. You can receive a maximum of 48 months of benefits combined if you're eligible under more than one VA education program.

For example, you could be eligible as a veteran yourself and also as a veteran's dependent. As a veteran, you already used 30 months of benefits under the Montgomery GI Bill - Active Duty (MGIB-AD) program. You could then have 18 months of benefits remaining under the DEA program.

Effect of Your Active Duty on Your Available Months of Benefits

If you're called up to active duty under title 10, U.S. Code (federal authority) or title 32, U.S. Code (state authority) while you're receiving benefits, and you have to drop out of school without receiving credit, we'll restore (give you back) the months of benefits you used for that period of training.

Example: You attend two months of fall term and have to drop out, receiving no credit. You can keep the benefits you received for that period. We'll add back two months of benefits that you can use at a later time.

How Do We Charge You for Use of Benefits?

You're charged one full day for each day of full-time benefits paid. Entitlement is charged in months and days. Each month is counted as 30 days. If you train part-time, we adjust the entitlement charge according to your training time.

For example, if you're attending college for 90 days (three months) at the full-time rate, you'll be charged three months of benefits. If you attend for 105 days at the full-time rate, your benefits charge will be 3.5 months.

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For correspondence courses, tests for licenses or certifications, preparatory tests for college or graduate school entrance exams, national admission exams, national exams for college or university credit, and apprenticeship and on-the-job training, we determine the entitlement charge by dividing the amount you were paid by the monthly rate for full-time training.

Example: If you receive \$456.50 for a test for a license, and your full-time rate is \$803, divide \$456.50 by \$803. Your entitlement charge is one-half month.



CAN YOU BE ELIGIBLE FOR MORE THAN ONE VA EDUCATION BENEFIT?

You can be eligible for more than one VA education benefit. If you are, you must elect which benefit to receive. You can't receive payment for more than one benefit at a time. Following are the other benefits and Web addresses where you can get more information.

OTHER VA EDUCATION BENEFITS

- For the following programs, go to www.GIBILL.VA.GOV:
 - Montgomery GI Bill – Active Duty Educational Assistance Program (MGIB – AD)
 - Montgomery GI Bill – Selected Reserve (MGIB – SR)
 - Post-Vietnam Era Veterans' Educational Assistance Program (VEAP)
 - Educational Assistance Test Program (Section 903 of Public Law 96-342)
 - Educational Assistance Pilot Program (Section 901 of Public Law 96-342)
 - Reserve Educational Assistance Program (Chapter 1607 of Title 10, U.S. Code)
 - National Call to Service Incentive (Section 531 of Public Law 107-314)
 - The Post 9/11 GI Bill (Chapter 33 of Title 38 U.S. Code)
- For Training and Rehabilitation for Veterans with Service-Connected Disabilities (Vocational Rehabilitation), go to www.va.gov. Click on **Benefits**, then **Vocational Rehab**.
- For the Omnibus Diplomatic Security and Antiterrorism Act of 1986, contact us to request the pamphlet, VA Pamphlet 22-90-4. See **How Do You Contact VA?**

IMPORTANT: If you're eligible for more than one benefit, we strongly suggest that you discuss your education plans with us. See **How Do You Contact VA?**

We can help you explore the options open to you and help plan your program for maximum use of your benefits.

WHAT IF YOU RECEIVE OTHER VA BENEFITS AS THE VETERAN'S DEPENDENT?

If you're a spouse or surviving spouse, your DEA benefits have no effect on your benefits as a dependent on the veteran's disability or death award. The disability benefit is called compensation or pension; the death benefit is called DIC (Dependency and Indemnity Compensation) or death pension.

If you're a son or daughter (including stepchildren or adopted children) of a veteran receiving a disability benefit, the veteran can generally receive an additional allowance for you as a dependent until you reach age 23 if you're attending school. However, if you elect DEA, the additional allowance to the veteran will stop when you begin receiving DEA benefits.

If you're a son or daughter (including stepchildren or adopted children) of a deceased veteran, you could be eligible to receive death benefits yourself from age 18 to age 23 if you continue attending school.

If you're also eligible for DEA, you must elect which benefit to receive. If you elect DEA, the death benefits will stop when you begin receiving DEA benefits.

IMPORTANT: If your program will last longer than 45 months, it can be to your advantage to defer DEA benefits. You could continue to receive death benefits while you attend school, as explained above.

If you believe a deferral is to your advantage, we recommend that you contact us to discuss the various options open to you. See **How Do You Contact VA?**

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PART 2: TRAINING

WHAT TRAINING CAN YOU TAKE?

Caution: A State Approving Agency (SAA) or VA, in certain cases, must approve each program offered by a school or company.

You can receive benefits for a wide variety of training, including:

- Degree programs, undergraduate and graduate, at colleges or universities, including cooperative training programs and accredited independent study programs that may be offered through distance education.

Cooperative training is a full-time program of alternating school instruction and training in a business or industrial establishment.



- Certificate programs, at colleges, universities, and other degree-granting institutions, including accredited independent study courses that can be offered through distance education.
- Certificate programs at business, technical, or vocational schools.

- Apprenticeships or on-the-job training (OJT) programs offered by companies or unions. Apprenticeships or OJT programs can offer an alternative to college or vocational school to help you gain experience in the field you choose.
- Correspondence courses, if you're a spouse or surviving spouse.
- Farm cooperative courses.
- Programs overseas that lead to college degrees.
- Preparatory courses for college or graduate school entrance examinations.
- High school programs, after age 18, if you aren't a high school graduate.

You can use your benefits for other types of programs, as described in the next few sections.

Can You Receive Special Restorative or Specialized Vocational Training?

If you're handicapped by a physical or mental disability, you can be eligible to receive Special Restorative Training or Specialized Vocational Training. The disability must prevent you from pursuing an educational program.

Special Restorative Training can involve speech and voice correction, language retraining, lip reading, auditory training, Braille reading and writing, or other training of this nature.

Specialized Vocational Training includes specialized courses leading to a vocational objective. The objective must be suitable for you, and required because of a physical or mental handicap.

As a son or daughter, you must be at least 14 to receive benefits for Specialized Vocational Training.

Can You Receive Benefits for a Test for a License or Certification?

You can receive benefits for the cost of a test to obtain a license or certification needed to get, keep, or advance in a job. You can't receive benefits for other fees relating to a license or certification. (However, many courses leading to a license or certification are also approved for benefits.)

You can take as many tests as you need. You don't have to pass the test to receive benefits. You can receive benefits to retake a test you failed, and to renew or update your license or certificate.

You can receive reimbursement for the cost of the test, up to \$2,000 per test. For more information, including the tests that are approved for VA benefits, check WWW.GIBILL.VA.GOV.

Can You Receive Benefits for Tests Required for Admissions to Certain Programs?

Effective December 10, 2004, you can receive benefits for national tests required for admission to various college and university programs. These tests include, but aren't limited to, the Scholastic Aptitude Test (SAT), Law School Admission Test (LSAT), Graduate Record Exam (GRE), and Graduate Management Admission Test (GMAT).

Can You Receive Benefits for Tests for Course Credit at Colleges and Universities?

Effective December 10, 2004, you can receive benefits for approved national tests that provide an opportunity for course credit at colleges and universities. These tests include, but aren't limited to, the Advanced Placement (AP) exam, and the College-Level Examination Program (CLEP).

Can You Receive Benefits for Remedial, Deficiency, or Refresher Training?

You can receive benefits for remedial or deficiency courses if you need them to assist you in overcoming a weakness in a particular area of study.

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You can take refresher training at the elementary or high school level to review or update material previously covered in a course that you satisfactorily completed.

The remedial, deficiency, or refresher course must be necessary to enable you to pursue an approved program of education.

No entitlement is charged for these courses for the first five months of training.

Can You Receive Tutorial Assistance?

You can receive a special allowance for individual tutoring if you train in school at one-half time or more. To qualify, you must have a deficiency in a subject, making the tutoring necessary. The school must certify the tutor's qualifications and the hours of tutoring.

If eligible, you can receive a maximum monthly payment of \$100. The maximum total benefit is \$1,200.

We don't charge your entitlement for tutorial assistance.

To apply, complete VA Form 22-1990t, Application and Enrollment Certification for Individualized Tutorial Assistance. See [How Do You Get and Submit the Application for Benefits?](#) The school's certifying official and your tutor must complete part of the form.

Can You Receive Work-Study Benefits?

While using your DEA benefits, you can be eligible for an additional allowance under a work-study program, if you're training at the three-quarter or full-time rate. (Work-study benefits are also payable under most other VA education benefit programs.)

Under the work-study program, you may assist in preparing VA paperwork at schools, training facilities or VA facilities as well as perform other duties as approved by Congress and the Secretary of Veterans Affairs. Please see [How to Contact Us](#) to receive more information.

The maximum number of hours you can work is 25 times the number of weeks in your enrollment period. Payments will be at the Federal minimum wage or minimum wage of your State, whichever is greater.

To apply, complete VA Form 22-8691, [Application for Work-Study Allowance](#). See [How Do You Get the Application for Benefits?](#) Send it to the VA Regional Processing Office that handles your DEA claim. (The addresses are on pages 27 & 28.)

WHAT ARE RESTRICTIONS ON TRAINING?

You can not receive benefits for the following courses:

Restrictions on Specific Courses

- Bartending
- Non-accredited independent study courses
- Any course given by radio
- Self-improvement courses such as personality development courses, reading, speaking, woodworking, basic seamanship, and English as a second language
- Any course that is avocational (not generally related to employment) or recreational in character
- Audited courses

General Restrictions

- Courses that don't lead to an educational, professional, or vocational objective
- Courses you've taken before and successfully completed
- Courses you take under the Government Employees' Training Act, if you're a Federal government employee

- A program at a proprietary school if you're an owner or official of the school
- Courses you take while you're receiving benefits for the same program from the Office of Workers' Compensation programs

Other Restrictions

If you seek a college degree, you cannot receive benefits beyond a second term if you haven't, by that time, been formally admitted into a degree program.

You cannot receive DEA benefits while serving on active duty in the Armed Forces.

We must reduce your benefits if you're in a Federal, State, or local prison after being convicted of a felony.

We must stop payment of your education benefits if Federal or State law enforcement has identified you, or the veteran (on whom your award is based), as a "fugitive felon." A person is considered a fugitive felon if he or she has an outstanding warrant for a felony, or has violated a condition of probation or parole for committing a felony.

CAN YOU RECEIVE COUNSELING?

Counseling is available inside the States, territories and possessions of the United States, the District of Columbia, and Puerto Rico. Upon request, we'll provide counseling services, including testing, to help you:

- Select an educational, vocational, or professional objective and develop a plan to achieve that goal, and
- Overcome any personal or academic problems that can interfere with the successful achievement of your goal.

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Professionally qualified personnel will provide these counseling services to you free of charge. You must pay the cost of any travel to and from the counseling appointment. We'll make every effort to arrange counseling appointments at times and places convenient to you.

Counseling is required if you're a disabled son or daughter who needs special services to pursue a program of education and for certain other sons or daughters.

VA requires and provides counseling for disabled spouses and those who need specialized programs of vocational training as a result of the handicapping effects of their disabilities.

See [How Do You Contact VA?](#) for more information or to schedule a counseling appointment.

CAN YOU GO PART-TIME?

If you're unable to attend full-time, consider going part-time. Benefit rates for part-time training are less than the full-time rate. However, the entitlement charge for part-time training is less than the charge for full-time training.

For example: If you receive full-time benefits for 12 months, the charge is 12 months. If you receive one-half time benefits for 12 months, the charge is six months.

CAN YOU CHANGE PROGRAMS?

The rules for changing your program are different, depending on whether you're a spouse, a surviving spouse, or a son or daughter (including stepchildren or adopted children).

If you're a spouse or surviving spouse, you can make one change of program without VA approval if your attendance, conduct, and progress in the last program were satisfactory. We can approve additional changes if the proposed program is suitable to your abilities, aptitudes, and interests.

If you're a son or daughter, you must receive VA approval for every change of program.

What does VA consider a change of program? If you change your educational or vocational objective, and this requires a change in the courses you're taking, we must assign a change of program.

Exception: If you successfully completed your last program, we won't assign a change of program when you enroll in a new program.

MUST YOU MAINTAIN SATISFACTORY ATTENDANCE, CONDUCT, AND PROGRESS?

To continue receiving benefits, you must maintain satisfactory attendance, conduct, and progress. If you don't meet your school's standards, the certifying official must notify us. We must stop your benefits if the school reports unsatisfactory attendance, conduct, or progress.

We can resume benefits if you reenter the same program at the same school, and your school certifies your enrollment to VA.

If you don't reenter the same program at the same school, we can resume benefits if the cause of your unsatisfactory attendance, conduct, or progress has been removed. We also must find that the program you intend to take is suitable to your abilities, aptitudes, and interests.

PART 3: RECEIVING PAYMENTS

HOW MUCH EDUCATIONAL ASSISTANCE WILL YOU RECEIVE?

This section explains the rates of benefits you can receive.

For the current rates for all types of training, check www.GIBILL.va.gov or contact us through phone or e-mail. See [How Do You Contact VA?](#)

The basic monthly rates increase October 1 every year with the Consumer Price Index (CPI) increase.

While you're in training, you'll receive a letter with the current rates when the increase goes into effect each year.

The rates can increase at other times by an act of Congress.

You receive the rates as described on the next page, up to the remaining amount of your entitlement for benefits, or up to the end of your eligibility period, whichever comes first. See [How Long Are You Eligible?](#) and [How Many Months of Benefits Can You Receive?](#)

Note: If your training is in the Philippines, you receive 50% of the regular rate.

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PAYMENT CHART

Type of Training	Frequency and Rate of Payment
College and Vocational School	Monthly payments based on your training time—Full time, three quarter time, half time. When you train at less than half time, you'll be paid tuition and fees. But if tuition and fees amount to more than you would be paid at the half-time rate (or the quarter-time rate if you're training at quarter-time or less), your payments will be limited to the half-time (or the quarter-time rate).
On-the-job training (OJT) and apprenticeship programs	Monthly payments based on your length of time in the program—Rates decrease three times (your wages should generally be increasing)—once after your first six months, again after your second six months, then again after your third six months.
Correspondence courses	Quarterly payments, at the rate of 55% of the approved charges for completed course, up to your remaining DEA entitlement.
Test for License or Certification	Single payment for each test, as reimbursement of 100% of the charges up to a maximum of \$2,000 per test, and up to your remaining DEA entitlement.
Cooperative Training	Monthly payments at fulltime school rate only.
Farm Cooperative Training	Monthly payments based on training time—Full time, three-quarter, and half time.

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HOW DO YOU APPLY FOR BENEFITS?

How you apply for benefits depends on whether or not you've decided on what program you want to take.

If You've Decided on the Program

If you've decided on a program, follow these steps:

1 Find out whether the program you want to take is approved for VA benefits—check with the school's Financial Aid Office or training facility employment office, or contact us (see [How Do You Contact VA?](#)).

If the facility hasn't requested approval before, ask an official to contact VA to request approval. We'll refer the official to the State Approving Agency (SAA).

If the program has been approved for VA benefits, check in with the school or training facility official who certifies enrollments for VA benefits.

At a school, this certifying official can be in one of the following offices: Financial Aid, Veterans Affairs, Registrar, Admissions, Counseling, or other office. At an OJT or an apprenticeship, the official may be in the Training, Finance, Human Resources, or other office.

Note: The certifying official is not a VA employee.

2 Complete the application (VA Form 22-5490, [Application for Survivors' and Dependents' Educational Assistance](#)) and submit it to the appropriate VA regional office. See [How Do You Get and Submit the Application for Benefits?](#) and [Where Do You Send Your Application?](#) on page 27.

3 Ask the school or training official to certify your enrollment to VA.

If You Haven't Decided on the Program

If you haven't decided on a program, or simply want a determination of your eligibility for DEA, just submit the application. See [How Do You Get and Submit the Application for Benefits?](#)

If you're eligible, you'll receive a [Certificate of Eligibility](#) showing how long you're eligible and how many months of benefits you can receive.

How Do You Get and Submit the Application for Benefits?

You can get and submit the application, VA Form 22-5490, [Application for Survivors' and Dependents' Educational Assistance](#) on-line, or submit a printed copy.

On-Line

Just go to www.GIBILL.va.gov and click [Apply for Benefits](#) to link to the online application. When you've completed the form, click on the Submit button and submit it electronically to VA.

Printed Form

If you prefer, you can obtain the printed application form and mail it to VA. You can get the printed form in several ways:

- Go to www.GIBILL.va.gov. Click on [Submit a Question](#) and then click the [Ask a Question](#) tab and ask for an application (VA Form 22-5490 for original and 22-5495 for supplemental) to be sent to you.
- You can pick up the application from the school or training facility you're attending.
- Call 1-888-GIBILL-1 (1-888-442-4551) to speak with a benefits counselor.

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Where Do You Send Your Application?

One of the following VA Regional Processing Offices will handle your claim. Check the list below to see which office has jurisdiction over the State where you'll train.

Eastern Region VA Regional Office PO Box 4616 Buffalo, NY 14240-4616	Connecticut Delaware District of Columbia Maine Maryland Massachusetts New Hampshire	New Jersey New York Ohio Pennsylvania Rhode Island Vermont Virginia West Virginia
Southern Region VA Regional Office PO Box 100022 Decatur, GA 30031-7022	Florida Georgia	North Carolina South Carolina
Central Region VA Regional Office PO Box 66830 St. Louis, MO 63166-6830	Colorado Illinois Indiana Iowa Kansas Kentucky Michigan Minnesota	Missouri Montana Nebraska N. Dakota S. Dakota Tennessee Wisconsin Wyoming
Western Region VA Regional Office PO Box 8888 Muskogee, OK 74402-8888	Alabama Alaska Arizona Arkansas California Hawaii Idaho Louisiana	Mississippi New Mexico Nevada Oklahoma Oregon Texas Utah Washington

Training Outside the 50 States and the District of Columbia

If you're training outside the 50 States and the District of Columbia, check the list below for the office that will handle your claim. See the list on page 27 for the mailing address.

Southern Region (Decatur, GA)
Puerto Rico, U.S. Virgin Islands

Western Region (Muskogee, OK)
American Samoa, Wake Island,
Guam, Federated States of Micronesia,
Midway of the Marshall Islands,
Republic of Palau.

Manila Regional Office
The Manila Regional Office processes DEA claims for claimants training in the Republic of the Philippines.

VA Regional Office
1131 Roxas Blvd., Ermita
0930 Manila, PI 96440

Eastern Region (Buffalo, NY)
Any other country or area outside the 50 States and the District of Columbia.

HOW DO YOU RECEIVE PAYMENTS?

After you've been approved for payments, receiving payments is basically a two-step process.

Certifying Your Enrollment

The first step: the school or training program official certifies to VA your enrollment in an approved program.

Verifying Your Continued Enrollment

The second step involves verifying your continued enrollment. The next two pages explain how your enrollment is verified for the type of training you're taking, and how you verify a test for a license or certification.

**Verifications of Continued Training:
The Last Step for Payment**

Degree Programs	Other School Courses (leading to certificate or diploma, including entrepreneurship training)
If you're in a degree program at a college or university, the school periodically verifies to VA your continued enrollment. You'll receive payment after the first of each month for your training during the preceding month.	You'll receive VA Form 22-8979, Student Verification of Enrollment , each month. You must use the form to verify your continued enrollment for the previous month. Complete the form and return it to us. (See the table under Where Do You Send Your Application?) We'll release a payment, if appropriate.

On-the-job Training or Apprenticeship	Correspondence Course
You'll receive a form to report the hours you worked each month. The certifying official must also complete the form and send it to the appropriate VA regional office.	You'll receive a form at the end of each quarter, i.e., at the end of March, June, September, and December. Show the number of lessons you completed that quarter, and send the form to the school. The school official will certify the number of lessons serviced, and send the form to the appropriate VA regional office. Payment is based on the number of lessons the school serviced during the quarter.

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Verification of a Test for a License or Certification: The Last Step for Payment

Test for License or Certification Send VA a copy of your test results. Attach a note or VA Form 21-4138, Statement in Support of Claim , requesting reimbursement. Include: <ul style="list-style-type: none"> <input type="checkbox"/> name of the test you took <input type="checkbox"/> name and address of the organization issuing the license or certificate (not necessarily the organization that administered the test) <input type="checkbox"/> the date you took the test <input type="checkbox"/> cost of the test <input type="checkbox"/> the signed statement: "I authorize release of my test information to VA."
--

What If You Don't Receive a Payment or Verification Form?

If you haven't received your payment or verification form within the times shown below, immediately call **1-888-GIBILL-1 (1-888-442-4551)**. If you're hearing impaired, call **1-800-829-4833**. Whenever you contact VA, have your VA file number: the veteran's claim number with a suffix consisting of a letter of the alphabet—for example, A, B, C, etc.

1 Type of Training Call Immediately If

Any Type of Training	Your claim was submitted more than six weeks ago, and you haven't received notice of VA's decision.
----------------------	---

2 Type of Training Call Immediately If VA Has Notified You of the Award, and

Degree Program	You don't receive your payment for each month by the fifth of the next month.
Other School Courses (Diploma or Certificate)	You don't receive your monthly verification form, VA Form 22-8979, Student Verification of Enrollment , for each month, by the fifth of the next month.
OJT or Apprenticeships	You haven't received a verification form by the end of the month.
Correspondence Courses	You haven't received a verification form by the end of the quarter (end of March, June, September, or December).

3 Type of Training Call Immediately If VA Has Notified You of the Award, and

Other School Courses (Diploma or Certificate)	You haven't received a payment at the end of two weeks after you verify your attendance.
OJT or Apprenticeships, and Correspondence Courses	You haven't received a payment at the end of two weeks after the training official has submitted verification of your attendance.

Should You Get an Advance Payment?

In some cases, you can get an advance payment to meet tuition expenses up front.

Example: You request an advance payment for enrollment from September 15-December 20. You receive the advanced payment September 15. The payment will cover September 15-October 31. Your next payment, covering the month of November, will not be received until the first week of December.

Caution: After receiving the advance payment, which covers the first month or partial month of your enrollment and the following month, you won't receive another payment until at least two months later.

How Can You Get an Advance Payment?

You can get an advance payment if:

- The school's break is at least 30 days between the term you're applying for and the preceding term, and you won't be paid for the break. VA can generally pay for a break between terms (with some exceptions) if the break is eight weeks or less, and both the term before and the term after the break aren't shorter than the break.
- You train at halftime or more;
- The school agrees to handle advance payments;
- You request an advance payment in writing and
- VA receives your enrollment certification at least 30 days before classes start.

We'll mail an advance payment check to the school, made out to you, for delivery to you at registration. We can't issue the check more than 30 days before classes start.

Your signed request for an advance payment must be included with your enrollment certification that the school submits.

If you reduce your enrollment or withdraw from all courses during the period covered by an advance payment, you'll have an overpayment that VA is required to collect from you if you cash the check. If you think the amount of a VA check is incorrect, contact us before cashing the check.



What Happens if You Drop One or More Courses?

If you drop one or more of your courses, you should always notify VA and your school's certifying official as soon as possible. If you drop after the end of the school's drop period, you'll need to let us

know the reasons for the change. We must reduce or stop your benefits from the beginning date of the term.

Unless you can show that the change was due to mitigating circumstances, you may have to repay all benefits for the course or courses. "Mitigating circumstances" are unavoidable and unexpected events that directly interfere with your pursuit of a course and are beyond your control.

If you can show mitigating circumstances, we can pay benefits up to the last date of your attendance.

Examples of reasons we can accept are extended illness and unscheduled changes in your employment. Examples of reasons we cannot accept are withdrawal to avoid a failing grade or dislike of the instructor.

We may ask you to furnish evidence to support your reasons for a change. If a serious illness or injury caused the change, obtain a statement from your doctor. If a change in employment caused the change in enrollment, obtain a statement from your employer.

The first time you drop from up to six credit hours, we'll "excuse" the drop and pay benefits for the period you attended. You won't have to explain the reasons for dropping the course(s). Remember, this only applies to your first drop.

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What Happens if You Receive a Grade That Doesn't Count?

If you receive a grade that doesn't count toward graduation, you may have to repay all benefits for the course or courses. (We refer to these grades as "non-punitive.")

Check your school's grading policy with the registrar or the office handling VA paperwork. A common example is a "W" grade for withdrawing.

If you receive a non-punitive grade, the school will notify us. We can reduce or stop benefits. You may not have to repay the benefits if you can show that the grades were due to mitigating circumstances.

(If you receive an "I" for "Incomplete," we won't require your reasons for one year from the date you received the grade, or by the end of the time period the school allows you to make up the grade, whichever comes first.)

Note: Receiving a failing grade won't effect your DEA benefits, as long as your school counts the grade toward graduation, and as long as you have continued to meet the school's requirements for satisfactory progress.

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PART 4: OTHER IMPORTANT INFORMATION

WHAT ARE YOUR RESPONSIBILITIES FOR NOTIFYING VA?

You're responsible for notifying VA of any changes discussed below. To notify us, see [How Do You Contact VA?](#)

Change in Your Enrollment

If you change your enrollment, immediately tell the certifying official at your school. Ask the certifying official to notify VA of the change.

Also notify us of the change yourself. If we don't receive prompt notice of a change, you could be liable for an overpayment of benefits. We'll tell you how to return your incorrect payment.

Note: School employees who process VA forms are not VA employees.

Change of Address

Promptly notify us of any change in your address. Send your complete address, including the ZIP Code.

Change in Marital Status

If you're a spouse or surviving spouse, you must report any of the following changes in marital status which may affect your eligibility:

- Separation from the veteran
- Divorce from the veteran
- Remarriage following the death of the veteran.

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WHAT SHOULD YOU DO IF YOU DISAGREE WITH A VA DECISION?

You can appeal VA decisions on education benefits. Each notice of decision we send you will contain your legal rights and appeal procedures.

If you disagree with our decision, simply write and tell us why. You can request a personal hearing on your claim. Don't wait too long to respond. We must receive your letter about your disagreement within one year of the date of our letter that notified you of a decision. We'll then give your claim a second review.

If you need assistance with your appeal, contact VA or a veterans service organization. See [How Do You Contact VA?](#)

HOW CAN YOU PREVENT AN OVERPAYMENT?

An overpayment is an incorrect benefit payment that is more than the amount to which you're entitled. If you promptly notify VA of changes affecting your benefits, you can prevent or reduce overpayments. See [How Do You Contact VA?](#)

In addition, use reasonable judgment when you accept and cash a check. Carefully read all letters from us about the monthly rates and effective dates of your benefits. If you think the amount of a check is wrong, contact us before cashing the check. We'll tell you how to return your incorrect payment. If you cash a check for the wrong amount, you'll be liable for repayment of any resulting overpayment.

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PART 5: WHERE DO YOU GO FOR HELP?

HOW DO YOU CONTACT VA?

If you need help with your VA education benefits, or if you need to notify us of any changes affecting your benefits, you can contact us in the following ways:

- Go to www.GIBILL.va.gov, for general or detailed information about education benefits. To send us an e-mail, click on [Submit A Question](#), then click the [Ask a Question](#) tab and complete the page with your inquiry. We will send you a reply via email.
- Call 1-888-GIBILL-1 (1-888-442-4551). If your hearing is impaired, call 1-800-829-4833. Toll-free telephone service is available in all 50 States, Puerto Rico, and the U.S. Virgin Islands.

Any of the following offices or representatives can also assist you:

- Any VA Regional Office, VA Medical Center or Vet Center (To locate the VA facility closest to you, go to www.va.gov and click on [Facility Locator](#) at the bottom).
- State or local representatives of veterans organizations.
- Education Service Officers or education counselors at military bases.
- American Embassies or consulates, if you're in a foreign country.

For help or information on other VA benefits, including home loans, disability, death benefits, health care, and life insurance, call 1-800-827-1000, or access the main VA Web site at www.va.gov. If your hearing is impaired, call 1-800-829-4833.

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HOW CAN YOU FIND OUT ABOUT OTHER FINANCIAL ASSISTANCE FOR EDUCATION?

For information on other sources of assistance, check with the Financial Aid office at your school.

Also check with the state office that handles Veterans Affairs for the state where your training facility is located. Your state may offer other education benefits based on military service or being a dependent of a veteran.

To locate the state office, go to www.va.gov. Click the About VA tab at the top of the page and then go to the Partners section for State [Veterans Affairs Offices listing or Veterans Service Organizations](#).

Here are some other useful Web sites:

- www.ed.gov, the Department of Education.
- www.collegeispossible.org, the Coalition of America's Colleges and Universities.
- www.doleta.gov, the Department of Labor's Employment and Training Administration (ETA) site.

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Department of Veterans Affairs
Washington DC 20420
OFFICIAL BUSINESS

Summary of Educational Benefits
Dependent's Educational
Assistance Program (DEA)
VA Pamphlet 22-73-3
Revised April 2010



Department of Veterans Affairs

VA DATE STAMP
(For VA Use Only)**DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS**
(Under Provisions of chapters 33 and 35, of title 38, U.S.C.)INTERNET VERSION AVAILABLE - You may complete and submit your application online at: www.benefits.va.gov/gibill.**Request to Opt-Out of Information Sharing With Educational Institutions**

☐ By checking the box, I **CERTIFY THAT THE DEPARTMENT OF VETERANS AFFAIRS (VA) does not** have my permission to share information about my veterans' education benefits with any educational institution. I understand that sharing my information with my school is intended to support the certification process and that "opting-out" may delay that process. See Information and Instructions on Page 7 for more information.

PART I - APPLICANT INFORMATION

1. SOCIAL SECURITY NUMBER

2. SEX OF APPLICANT

☐ MALE ☐ FEMALE

3. DATE OF BIRTH

4. NAME (First name, middle initial, last name)

5. CURRENT MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code)

6. TELEPHONE NUMBER(S) (Including Area Code)

PRIMARY

SECONDARY

7. E-MAIL ADDRESS

8. DIRECT DEPOSIT (Attach a voided personal check or provide the following information. See instructions for additional information.)

ROUTING OR TRANSIT NUMBER

ACCOUNT TYPE

ACCOUNT NUMBER

☐ CHECKING ☐ SAVINGS

9. PLEASE PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF SOMEONE WHO WILL ALWAYS KNOW WHERE YOU CAN BE REACHED

A. NAME

B. ADDRESS

C. TELEPHONE NUMBER (Include Area Code)

PART II - QUALIFYING INDIVIDUAL INFORMATION

10. NAME OF QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON WHOSE ACCOUNT BENEFITS ARE BEING CLAIMED (First name, middle initial, last name)

11. SOCIAL SECURITY NUMBER OR VA FILE NUMBER

12. BRANCH OF SERVICE

13. DATE OF BIRTH

14A. DID PARENT OR SPOUSE DIE WHILE SERVING ON ACTIVE DUTY?

14B. DATE OF DEATH

14C. DATE LISTED AS MISSING IN ACTION OR P.O.W.

☐ YES ☐ NO (If "Yes," is checked complete Item 14B) (If "No," is checked then you **do not** qualify for the Fry Scholarship)

15. IS QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON ACTIVE DUTY?

☐ YES ☐ NO

16. DO YOU (APPLICANT) OR THE QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) HAVE AN OUTSTANDING FELONY AND/OR WARRANT?

☐ YES ☐ NO**PART III - RELATIONSHIP AND BENEFIT INFORMATION**

17. YOUR RELATIONSHIP TO QUALIFYING INDIVIDUAL (Check only one)

☐ **SPOUSE/SURVIVING SPOUSE**
(Please complete only **Section I** on page 2, and then proceed to **Part V**)☐ **CHILD/STEPCHILD/ADOPTED CHILD**
(Please complete only **Section II** on page 2, and then proceed to **Part V**)**SECTION I - SPOUSE/SURVIVING SPOUSE**

18. IS A DIVORCE OR ANNULMENT PENDING TO THE QUALIFYING INDIVIDUAL?

☐ YES ☐ NO

19. IF YOU ARE THE SURVIVING SPOUSE, HAVE YOU REMARRIED?

☐ YES ☐ NO (If "Yes," please provide date of remarriage) _____

SECTION I - SPOUSE/SURVIVING SPOUSE (Continued)

20. SPOUSE/SURVIVING SPOUSE SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 5, ITEM 20 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

- ☐ **A.** AS A SPOUSE OR SURVIVING SPOUSE BASED ON 100% PERMANENT AND TOTAL DISABILITY, SERVICE CONNECTED OR LINE OF DUTY DEATH, I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

- ☐ **B.** AS A SURVIVING SPOUSE BASED ON LINE OF DUTY DEATH AFTER SEPTEMBER 10, 2001, I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

SECTION II - CHILD/STEPCHILD/ADOPTED CHILD

21. CHILD/STEPCHILD/ADOPTED CHILD SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 21 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

- ☐ **A.** I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

- ☐ **B.** I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 35 benefit first, check the box below.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 33 benefit first, check the box below.

☐ CHAPTER 35 - DEA

☐ CHAPTER 33 - FRY SCHOLARSHIP

IMPORTANT: If you are over the age of 18 once you receive either the DEA or FRY SCHOLARSHIP benefits, you will no longer receive payments of Dependency and Indemnity Compensation (DIC) or Pension and you may no longer be claimed as a dependent in a Compensation claim. If you are under the age of 18, on your 18th birthday you will lose eligibility for DIC or Pension payments and you will no longer be claimed as a dependent in a Compensation claim.

CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 22 BEFORE COMPLETING THE ELECTION BOX BELOW. YOU ARE STRONGLY ENCOURAGED TO DISCUSS YOUR ELECTION WITH A VA COUNSELOR.

22. I CERTIFY THAT I UNDERSTAND THE EFFECTS THAT THIS ELECTION TO RECEIVE DEA OR FRY SCHOLARSHIP BENEFITS WILL HAVE ON MY ELIGIBILITY TO RECEIVE **DIC OR PENSION** BENEFITS (*Please read Information and Instructions Page 6 for additional information*)

☐ YES ☐ NO

PART IV - BENEFIT AND TYPE OF EDUCATION OR TRAINING INFORMATION23A. DATE YOU WILL BEGIN SCHOOL OR TRAINING (*MM/DD/YYYY*)23B. TYPE OF EDUCATION OR TRAINING (*Check ONE box*)

- ☐ COLLEGE OR OTHER SCHOOL
- ☐ FARM COOPERATIVE
- ☐ LICENSING OR CERTIFICATION TEST
- ☐ APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING
- ☐ NATIONAL ADMISSION EXAMS OR NATIONAL EXAMS FOR CREDIT
- ☐ CORRESPONDENCE COURSE
- ☐ FLIGHT TRAINING (*Fry Scholarship only*)

23C. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL RESTORATIVE TRAINING? (*See Information and Instructions, Page 6, for details regarding restorative training*)

☐ YES

☐ NO

23D. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL VOCATIONAL TRAINING? (*See Information and Instructions, Page 6, for details regarding special vocational training*)

☐ YES

☐ NO

SOCIAL SECURITY NUMBER OF APPLICANT

24. NAME AND ADDRESS OF SCHOOL OR TRAINING FACILITY (Number and street or rural route, city or P.O., State and ZIP Code)

25. SPECIFY YOUR EDUCATION OR CAREER OBJECTIVE, IF KNOWN (e.g., Bachelor of Arts in Accounting, Welding Certificate, Police Officer)

26. WOULD YOU LIKE TO RECEIVE VOCATIONAL AND EDUCATIONAL COUNSELING? (See Information and Instructions, Item 26 for more information regarding vocational and educational counseling)

☐ YES ☐ NO**PART V - APPLICATION HISTORY**

27. PRIOR TO THIS APPLICATION, HAVE YOU EVER APPLIED FOR OR RECEIVED ANY OF THE FOLLOWING VA BENEFITS? (Check all appropriate boxes)

A. ☐ DISABILITY COMPENSATION OR PENSIONB. ☐ DEPENDENTS' INDEMNITY COMPENSATION (DIC)C. ☐ VOCATIONAL REHABILITATION BENEFITS (Chapter 31)D. ☐ VETERANS EDUCATION ASSISTANCE BASED ON YOUR OWN SERVICE (Specify benefit(s): _____)E. ☐ VETERANS EDUCATION ASSISTANCE BASED ON SOMEONE ELSE'S SERVICE
SPECIFY BENEFIT(S) BY CHECKING APPLICABLE BOX BELOW AND COMPLETE ITEMS 28 AND 29☐ TRANSFERRED ENTITLEMENT☐ CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM (DEA)☐ CHAPTER 33 - POST-9/11 GI BILL MARINE GUNNERY SERGEANT DAVID FRY SCHOLARSHIPF. ☐ NONEG. ☐ OTHER (Specify benefit(s): _____)**IMPORTANT:** Complete Items 28 and 29 *only* if you checked the box for Item 27E above.

28. NAME OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS (First, Middle, Last)

29. SOCIAL SECURITY NUMBER OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS

PART VI - APPLICANT'S MILITARY SERVICE INFORMATION**(NOTE: Chapter 35 benefits are not payable while an eligible person is on active duty)**

30. HAVE YOU EVER SERVED ON ACTIVE DUTY IN THE ARMED FORCES? (If "No," skip to Part VII)

☐ YES ☐ NO

31. INFORMATION ABOUT YOUR PERIOD(S) OF ACTIVE DUTY (If you need additional space use Item 37, Remarks)

A. DATE ENTERED ACTIVE DUTY	B. DATE SEPARATED FROM ACTIVE DUTY	C. BRANCH OF SERVICE OR RESERVE OR GUARD COMPONENT	D. CHARACTER OF DISCHARGE

PART VII - EDUCATION, TRAINING AND EMPLOYMENT**SECTION I - EDUCATION & TRAINING**

32. CHECK THE APPROPRIATE BOX AND ENTER THE DATE IN ITEM 33

☐ GRADUATED FROM HIGH SCHOOL☐ DISCONTINUED HIGH SCHOOL☐ NEVER ATTENDED HIGH SCHOOL☐ EXPECT TO GRADUATE FROM HIGH SCHOOL☐ AWARDED GED

33. DATE

34A. TYPE OF SCHOOL	34B. NAME AND LOCATION OF SCHOOL (City and State)	34C. DATES OF TRAINING		34D. NUMBER OF SEMESTER, QUARTER, OR CLOCK HOURS COMPLETED	34E. DEGREE, DIPLOMA OR CERTIFICATE RECEIVED	34F. MAJOR FIELD OR COURSE OF STUDY
		FROM	TO			
HIGH SCHOOL						
COLLEGE						
VOCATIONAL OR TRADE						
OTHER (Specify)						

SECTION II - EMPLOYMENT

35. CURRENT AND PAST EMPLOYMENT

NOTE: Complete Items 36A and 36B *only* if you are a civilian employee of the U.S. Government.

36B. SOURCE OF EDUCATIONAL ASSISTANCE FROM GOVERNMENT EMPLOYMENT

SECTION I - REMARKS

37. REMARKS (If more space is needed, please attach a separate sheet of paper. Be sure to include name and social security number on each sheet)

SECTION II - REMINDERS

DID YOU REMEMBER TO:

- WRITE YOUR SOCIAL SECURITY NUMBER ON EACH PAGE
- WRITE YOUR COMPLETE MAILING ADDRESS
- ATTACH SUPPORTING DOCUMENTS (e.g., birth certificate, marriage license, DD214, etc.)

SECTION III - VA EDUCATION BENEFITS PAMPHLET

38. THE MOST CURRENT INFORMATION ON VA EDUCATION BENEFITS IS AVAILABLE ONLINE AT www.benefits.va.gov/gibill. IF YOU WOULD LIKE A COPY OF THE VA EDUCATION BENEFITS PAMPHLET PLEASE CHECK THE BOX. ☐

PART IX - CERTIFICATION AND SIGNATURE OF APPLICANT

I CERTIFY THAT all statements in my application are true and correct to the best of my knowledge and belief.

39A. SIGNATURE OF APPLICANT (*DO NOT PRINT*)

SIGN HERE ►

IN INK

39B. DATE SIGNED

PENALTY: Willfully false statements as to a material fact in a claim for education benefits is a punishable offense and may result in the forfeiture of these or other benefits and in criminal penalties.

PART X - SIGNATURE OF PARENT, GUARDIAN OR CUSTODIAN

(This section must be completed by the parent, guardian, or custodian if the applicant is a minor)

40. NAME OF PARENT, GUARDIAN, OR CUSTODIAN (First, Middle Initial, Last) (Type or print)

[illegible]

41. MAILING ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN

Number and Street

[illegible]

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City, State, ZIP Code

[illegible]

42A. TELEPHONE NUMBER(S) OF PARENT, GUARDIAN, OR CUSTODIAN (Include Area Code)

Primary:

--	--	--

--	--	--

--	--	--	--

Secondary:

--	--	--

--	--	--

--	--	--	--

42B. E-MAIL ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN (If applicable)

[illegible]43A. SIGNATURE OF: *(Check one)*

SIGN HERE ►
IN INK
(DO NOT PRINT)

43B. DATE SIGNED

**INFORMATION AND INSTRUCTIONS FOR COMPLETING THE
DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS
(VA FORM 22-5490)**

Do **not** use this form to apply for Veterans' education assistance based on your own service (chapters 30, 32, 33, 1606, or 1607) or vocational rehabilitation benefits (chapter 31). To apply for veterans' education assistance based on your own service, use VA Form 22-1990. To apply for vocational rehabilitation benefits, use VA Form 28-1900. VA forms are available at www.va.gov/vaforms.

INTERNET VERSION AVAILABLE - You may complete and submit this application on-line at www.benefits.va.gov/gibill. Click on "GI Bill: Apply for Benefits."

NOTE: The numbers on these Information and Instructions pages match the item numbers on this application. Items not mentioned are self-explanatory.

ITEM 8. The Department of Treasury requires all Federal benefit payments be made by electronic funds transfer (EFT), also called direct deposit. Please attach a voided personal check or deposit slip or provide the information requested below to enroll in direct deposit. If you do not have a bank account, you must receive your payment through Direct Express Debit MasterCard. To request a Direct Express Debit MasterCard, you must apply at www.usdirectexpress.com or by telephone at 1-800-333-1795. If you elect not to enroll, you must contact representatives handling waiver requests for the Department of Treasury at 1-888-224-2950. They will address any questions or concerns you may have and encourage your participation in EFT.

ITEM 16. You will not be eligible to receive benefits for any period for which you or the qualifying individual on whose account you are claiming benefits has an outstanding felony warrant. Any benefits paid to you for such period will result in an overpayment and be subject to collection.

ITEM 17. If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(3)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>.

ITEM 20. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 20A OR 20B REGARDING THE BENEFIT YOU ARE APPLYING FOR.

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the surviving spouse of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The spouse of a veteran who is permanently and totally disabled as a result of a service-connected disability, **OR**
 - (2) The spouse of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days, **OR**
 - (3) The surviving spouse **or** child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature, **OR**
 - (4) The surviving spouse of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

NOTE: If you are eligible for both Chapter 35 Survivors' and Dependents' Educational Assistance Program (DEA) and Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) benefits, you must relinquish/give up entitlement to one or the other benefit for which you are eligible, even if entitlement arises from separate events. In other words, you must forfeit eligibility to the other benefit even if your eligibility is due to:

- A separate Period of Service (POS) other than the one for which the death of the spouse is associated; **OR**
- A separate POS other than the one for which your spouse has a total disability permanent in nature resulting from a service-connected disability; **OR**
- A separate POS based on any other criteria as listed in 38 U.S.C. § 3501(a)(1); **OR**
- Death of any other individual identified in Item 10 of this application.

IMPORTANT: You cannot retain eligibility for both programs simultaneously. Therefore, by checking either box "A" or box "B" in Item 20, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

Note: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at: https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at: <https://benefits.va.gov/gibill/> and using the comparison tool.

INFORMATION AND INSTRUCTIONS (Continued)**ITEM 21. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 21A OR 21B REGARDING THE BENEFIT YOU ARE APPLYING FOR.**

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the dependent child of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The child of a veteran who is permanently and totally disabled as a result of a service-connected disability; **OR**
 - (2) The child of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days, **OR**
 - (3) The child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature, **OR**
 - (4) The child of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

PARENT'S DEATH PRIOR TO AUGUST 1, 2011 -

- The election you choose in Item 21 **does not** eliminate your eligibility for the alternate education benefit (either Survivor's and Dependents' Educational Assistance (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship)) based on the same event (i.e., your parent's line of duty death that occurred prior to August 1, 2011).

PARENT'S DEATH ON OR AFTER AUGUST 1, 2011 -

- The election you choose in Item 21 **does** eliminate your eligibility for the alternate education benefit (either Survivors' and Dependents' Educational Assistance Program (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Sergeant John David Fry Scholarship (Fry Scholarship)), based on the same event (i.e., your parent's line of duty death that occurred on or after August 1, 2011). Therefore, you must relinquish/give up eligibility entitlement to the benefit that you are **not** applying for **but only with regard to the entitlement arising from the same event** (i.e., your parent's line of duty death that occurred on or after August 1, 2011). By checking either box "A" or box "B" in Item 21, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Unlike spouses, children may be able to retain eligibility for both programs simultaneously if they qualify under different events and individuals (i.e., a separate parent's line of duty death that occurred on or after August 1, 2011).

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

NOTE: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at: https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at <https://benefits.va.gov/gibill/> and using the comparison tool.

ITEM 22. Your election to receive Survivors' and Dependents' Education Assistance (DEA) or Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) in lieu of payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) is final and cannot be changed. This means that if you are 18 years old, payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) will be terminated upon issuance of a DEA or Fry Scholarship benefit payment. If you are under the age of 18, these benefits will be terminated on your 18th birthday. If you are planning to pursue a program of education for more than 36 months, you should consider deferring receipt of DEA or Fry Scholarship benefits. We strongly recommend that you discuss your education or training plans with a VA counselor before making a decision.

ITEM 23B. Types of education or training programs are self-explanatory, except for the following:

"Licensing or Certification Test" - A "licensing test" is a test offered by a state, local, or federal agency that is required by law to practice an occupation. A "certification test" is a test designed to provide affirmation of an individual's qualifications in a specific occupation.

"National Admission Exams or National Exams for Credit" - You may be reimbursed for the cost of approved tests for admission to or credit at institutions of higher learning.

"Correspondence Course" - You may receive benefits for correspondence training. Payments for correspondence courses are made quarterly after VA receives a certification showing the number of lessons completed. For more information on correspondence courses, you can go to the VA website at: https://www.benefits.va.gov/gibill/correspondence_training.asp.

"Flight Training" - You must already have a private pilot's license. If you are taking an Airline Transport Pilot course, you must have a valid first-class medical certificate on the date that you enter training. For all other flight courses, you must have a valid second-class medical certificate on the date that you enter training.

ITEMS 23C AND 23D - Any individual eligible under the Survivors' and Dependents' Educational Assistance program may receive Special Restorative Training or Specialized Vocational Training if a VA counselor determines that a specialized program is needed to overcome the effects of a physical or mental handicap. To be eligible for receipt of specialized training, the disability must prevent you from pursuing an educational program. Examples of Special Restorative Training include speech and voice correction, language retraining, lip reading, and Braille reading and writing. Specialized Vocational Training consists of specialized courses leading to a suitable vocational objective.

ITEM 26 - VA VOCATIONAL AND EDUCATIONAL COUNSELING HELP AVAILABLE: VA offers a wide range of services to assist you in planning your educational and/or career goals. Services include educational and vocational guidance and testing to develop a greater understanding of your skills, talents and interests. For more information on VA counseling, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551) or if you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711.

HOW TO FILE YOUR CLAIM

You may complete and submit your application online at www.benefits.va.gov/gibill or be sure to do the following:

(A) If you have selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of that school's physical address. See page 8 for addresses of the VA Regional Processing Offices.

Step 2: Tell the veterans certifying official at your school or training establishment that you have applied for VA education benefits. Ask him or her to submit your enrollment information using VA Form 22-1999, Enrollment Certification, or its electronic version.

Step 3: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

(B) If you have not selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of your home address. Check page 8 for addresses of the VA Regional Processing Offices.

Step 2: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

REQUEST TO OPT-OUT OF INFORMATION SHARING WITH EDUCATIONAL INSTITUTIONS

The Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48), also known as the "Forever GI Bill," requires the Department of Veterans Affairs (VA) to make available to educational institutions information about the amount of educational assistance to which a veteran or other individual is entitled. However, you may elect to "opt-out" of these disclosures and have VA withhold this information instead.

ADDITIONAL HELP COMPLETING APPLICATION

If you need additional help completing this application or you want information about the work-study program, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551). If you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711. You can also get more information about education assistance from our education Internet site at www.benefits.va.gov/gibill.

CONTACT VA FROM OVERSEAS

Students and School Certifying Officials calling from outside the United States can contact VA by phone at: 001-918-781-5678 during business hours, 7 a.m. - 6 p.m. CST, Monday - Friday. This is not a toll-free number but the caller will be routed to the next available customer service representative. Non-overseas customers should call the toll-free number shown in "Additional Help Completing Application".

Eastern Region: VA Regional Office P. O. Box 4616 Buffalo, NY 14240-4616			
SERVES THE FOLLOWING STATES			
CT	DE	DC	MA
MD	ME	NC	NH
NJ	NY	PA	RI
VA	VT	US Virgin Islands	Foreign Schools
APO/FPO AA			

Western Region: VA Regional Office P. O. Box 8888 Muskogee, OK 74402-8888			
SERVES THE FOLLOWING STATES			
AK	AL	AR	AZ
CA	FL	GA	HI
ID	LA	MS	NM
NV	OK	OR	PR
SC	TX	UT	WA
Guam	Philippines	APO/FPO AP	

Central Region: VA Regional Office P. O. Box 32432 St. Louis, MO 63132-0832			
SERVES THE FOLLOWING STATES			
CO	IA	IL	IN
KS	KY	MI	MN
MO	MT	NE	ND
OH	SD	TN	WV
WI	WY		

PRIVACY ACT INFORMATION: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., awards of benefits) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain education benefits. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by a Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine the maximum benefits allowable under the law. While you do not have to respond, VA cannot process your claim for benefits unless the information is furnished as required by existing law (38 U.S.C. 3513). The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We need this information to determine your eligibility for education benefits (38 U.S.C. 3513). Title 38 U.S.C. allows us to ask for this information. We estimate that you will need an average of 45 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <http://www.reginfo.gov/public/do/PRAMain>. If desired, you can call 1-888-GI-BILL-1 (1-888-442-4551) to get information on where to send comments or suggestions about this form.



YOUR RIGHTS TO SEEK FURTHER REVIEW OF OUR DECISION

After careful and compassionate consideration of the matter(s) before VA, we have reached a decision. This document outlines your rights to seek further review of our decision on any issue with which you are dissatisfied or disagree. This document does not apply to decisions issued by the Board of Veterans' Appeals (Board), which have a separate rights notice. For **most VA benefits**, you must elect one of the review options discussed below within **one year** of the date on your decision notice letter to preserve your right to receive the maximum possible benefit. **Consult your decision notice letter for specific filing time limits.** If you are a party to a **contested claim**, you must file an appeal to the Board within **60 days** of the date on your decision notice letter in order to seek review. All parties to a contested claim will have received notice of the decision. See the section below regarding filing an appeal to the Board. You may select different review options for each issue decided by VA. The options are as follows:

Review Options	VA Benefit Claim	Parties to a Contested Claim	Insurance Claim	Fiduciary Decision
Supplemental Claim	✓	Not Available	✓	Not Available
Higher-Level Review	✓	Not Available	✓	✓
Appeal to the Board	✓	✓	✓	✓
U.S. District Court Complaint	Not Available	Not Available	✓	Not Available

VA benefits include Compensation, Pension/Survivors Benefits, Education, Loan Guaranty, Vocational Rehabilitation & Employment, Veterans Health Administration, or National Cemetery Administration.

You **MAY NOT** concurrently file for review of any single issue using more than one option at a time. The following is an overview of each option to help you select the most appropriate course of action. You can also find detailed information on all of the available review options and apply at www.vets.gov.

Descriptions of Review Options

Supplemental Claim	Higher-Level Review	Appeal to the Board	U. S. District Court
<p>Use this option when you have additional evidence that is NEW AND RELEVANT to support granting the benefit(s) sought or you can identify existing relevant records that you would like VA to obtain. (NEW evidence means information not previously submitted to VA, and RELEVANT evidence means information that tends to prove or disprove a matter at issue.)</p> <p>VA will assist you in gathering new and relevant evidence to support a Supplemental Claim.</p>	<p>Use this option when you have NO additional evidence to submit, or that you would like VA to obtain, in support of a previously decided issue.</p> <p>You may not request a Higher-Level Review of a Higher-Level Review decision or a Board decision.</p> <p>The designated reviewer will conduct a brand new review of the issue(s) based on the evidence that was before VA at the time of the prior decision(s). An informal conference is available to you and/or your representative, if you choose to exercise this option. The purpose of this telephonic contact is to point out specific errors in the case. VA will not consider any new evidence.</p>	<p>Use this option to appeal to the Board for consideration by a Veterans Law Judge. You may appeal to the Board from a Supplemental Claim decision or a Higher-Level Review decision.</p> <p>When appealing to the Board, you may request a hearing with a Veterans Law Judge and/or the opportunity to submit additional evidence. You may also choose for the Board to review your claim without any additional evidence or a hearing, which may result in a faster decision. By selecting one of these options, the Board will place your appeal onto a list for consideration in the order it was received.</p> <p>The Board does not have a duty to assist you in obtaining additional evidence, but may review whether VA properly fulfilled its duty to assist you in the original claim process and may remand your claim on that basis.</p>	<p>(INSURANCE CLAIMS ONLY)</p> <p>You may challenge VA's decision on your insurance application or claim by filing a complaint with a United States district court in the jurisdiction in which you reside within six years from when the right of action first accrues.</p> <p>To find a district court, use the map at: www.uscourts.gov/court_locator.aspx.</p>

How do I request review by VA of my decision?

To select a review option, you must submit the appropriate form to the appropriate office for review.

For a **Supplemental Claim**, consult your decision notice letter for the required forms and ways to submit the request.

For a **Higher-Level Review**, complete **VA Form 20-0996, Decision Review Request: Higher-Level Review** (available at www.va.gov/vaforms/), and consult your decision notice letter for the required ways to submit the request.

To **Appeal to the Board**, complete **VA Form 10182 - Decision Review Request: Board Appeal (Notice of Disagreement)** (available at www.va.gov/vaforms/), and send the form to:

Board of Veterans' Appeals
P.O. Box 27063
Washington, DC 20038
Fax: 844-678-8979

Can someone help me with my request for review?

Yes, VA recognizes and accredits attorneys, claims agents, and Veterans Service Organizations (VSOs) representatives to assist VA claimants with their benefits claims. VSOs and their representatives are not permitted to charge fees or accept gifts for their services. Only VA-accredited attorneys and claims agents may charge you fees for assisting in a claim for VA benefits, and only after VA has issued an initial decision on the claim and the attorney or claims agent has complied with the power-of-attorney and the fee agreement requirements. For more information on the types of representatives available, see www.va.gov/ogc/accreditation.asp.

If you have not already selected a representative, or if you want to change your representative, a searchable database of VA-recognized VSOs and VA-accredited attorneys, claims agents, and VSO representatives is available at www.va.gov/ogc/apps/accreditation/index.asp. Contact your local VA office for assistance with appointing a representative or visit www.ebenefits.va.gov.

What happens if I do not submit my request for review on time?

If you do not request a review option within the required time limit, you may only seek review through the following options:

- File a request for revision of the decision based on a clear and unmistakable error in the decision;
- File a Supplemental Claim along with new and relevant evidence to support your issue(s). Where a Supplemental Claim is filed after the time limit to seek review of a decision, the effective date for any resulting award of benefits generally will be tied to the date that VA receives the Supplemental Claim.

For more information on all the available review options visit: www.va.gov, or www.vets.gov or contact us at 1-800-827-1000.

NOTE: This form supersedes VA Forms 4107, 4107C, 4107VHA, 4107VRE, 4107INS for VA decisions after the publication in the Federal Register of the applicability date on which the *Veterans Appeals Improvement and Modernization Act of 2017* goes into effect.

Department of Veterans Affairs

Where to Send Your Written Correspondence


In order to properly determine where to send your written correspondence, please first identify your benefit type (Compensation, Veterans Pension, or Survivor Benefits); then, locate the corresponding address based on your location of residence.

For Correspondence relating to all **Compensation** claims:

Location of Residence	Address
<p>All United States and Foreign Locations</p> <p>*Note: For foreign Veterans Pension and Survivor Benefits please refer to the below addresses.</p>	<p>Department Of Veterans Affairs Evidence Intake Center P.O. BOX 4444 Janesville, WI 53547-4444</p> <p>Or fax your information to: Toll Free: 844-531-7818 Local: 248-524-4260</p>

For Correspondence relating to all **Veterans Pension** and **Survivor Benefit** claims:

Location of Residence	Address
<p>Alabama Kentucky Missouri Arkansas Louisiana Ohio Illinois Michigan Tennessee Indiana Mississippi Wisconsin</p>	<p>Department Of Veterans Affairs Claims Intake Center Attention: Milwaukee Pension Center P.O. BOX 5192 Janesville, WI 53547-5192 Or fax your information to: Toll Free: (844) 655-1604</p>
<p>Alaska Montana Texas Arizona Nebraska Utah California Nevada Washington Colorado New Mexico Wyoming Hawaii North Dakota Mexico Idaho Oklahoma Central America Iowa Oregon South America Kansas South Dakota Caribbean Minnesota</p>	<p>Department Of Veterans Affairs Claims Intake Center Attention: St. Paul Pension Center P.O. BOX 5365 Janesville, WI 53547-5365 Or fax your information to: Toll Free: (844) 655-1604</p>
<p>Connecticut New Hampshire South Carolina Delaware New Jersey Vermont Florida New York Virginia Georgia North Carolina West Virginia Maine Pennsylvania District of Maryland Rhode Island Columbia Massachusetts Puerto Rico Canada</p>	<p>Department Of Veterans Affairs Claims Intake Center Attention: Philadelphia Pension Center P.O. BOX 5206 Janesville, WI 53547-5206 Or fax your information to: Toll Free: (844) 655-1604</p>
Countries outside of North, Central or South America	

 Department of Veterans Affairs		LEGAL SUMMARY SURVIVORS PENSION, DEPENDENCY AND INDEMNITY COMPENSATION, AND ACCRUED BENEFITS
SURVIVORS PENSION		
UNITED STATES CODE (U.S.C.)	38 CFR §	TITLE
38 U.S.C. § § 501, 103, 105, 512, 5110, 101	3.1	Definitions
38 U.S.C. § 101	3.2	Periods of war
38 U.S.C. § § 1541, 1543	3.3	Pension
38 U.S.C. § § 5110, 501, 5101	3.4	General
38 U.S.C. § 501	3.5	Spouse and surviving spouse
38 U.S.C. § § 101, 106	3.6	Duty periods
38 U.S.C. § § 5303, 1152, 1504, 106	3.7	Individuals and groups considered to have performed active military, naval, or air service
38 U.S.C. § § 5303, 501	3.12	Character of discharge
38 U.S.C. § 501	3.12a	Minimum active-duty service requirement
38 U.S.C. § 501	3.16	Service pension
38 U.S.C. § § 5310, 5111	3.20	Surviving spouse's benefit for month of veteran's death
38 U.S.C. § § 1541, 501	3.23	Improved pension rates - Veterans and surviving spouses
38 U.S.C. § § 103(a)	3.52	Marriages deemed valid
38 U.S.C. § 501	3.53	Continuous Cohabitation
38 U.S.C. § § 1532, 1534, 1536, 1541, 103(b)	3.54	Marriage dates
38 U.S.C. § § 101, 104, 501, 1541	3.57	Child
38 U.S.C. § 1521(h)(2)	3.60	Definition of "living with"
38 U.S.C. § § 5112, 5110	3.66	Dependency, income and estate
38 U.S.C. § § 501(a), 501, 1506, 5104	3.103	Procedural due process and other rights
38 U.S.C. § 501	3.109	Time limit
38 U.S.C. § § 501, 5101	3.152	Claims for death benefits
38 U.S.C. § 501	3.155	How to file a claim
38 U.S.C. § 501	3.155	How to file a claim
38 U.S.C. § § 5103 and 5103A	3.159	Department of Veterans Affairs assistance in developing claims
38 U.S.C. § 501	3.160	Status of claims
38 U.S.C. § 501	3.205	Marriage
38 U.S.C. § § 501, 1315, 1503, 1506	3.211	Death
38 U.S.C. § § 501, 501(a)	3.271	Computation of income
38 U.S.C. § § 501, 1503	3.272	Exclusions from income

UNITED STATES CODE (U.S.C.)	38 CFR §	TITLE
38 U.S.C. § 501	3.272	Exclusions from income
38 U.S.C. § 501	3.273	Rate computation
38 U.S.C. §§ 1543, 5110, 5112	3.274	Net worth and VA pension
38 U.S.C. § 1543	3.275	How VA determines the asset amount for pension net worth determinations
38 U.S.C. §§ 1543, 1506	3.276	Asset transfers and penalty periods
38 U.S.C. §§ 501, 1315, 1503, 1506	3.278	Deductible medical expenses
38 U.S.C. §§ 1502(b), 1541	3.351	Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings
38 U.S.C. §§ 1501, 512, 1541	3.356	Conditions which determine permanent incapacity for self-support
38 U.S.C. §§ 501, 5110	3.402	Surviving spouse
38 U.S.C. § 5503	3.551	Reduction because of hospitalization
38 U.S.C. §§ 501(a), 5313, 5313B	3.666	Incarcerated beneficiaries and fugitive felons - pension
DEPENDENCY AND INDEMNITY COMPENSATION		
UNITED STATES CODE (U.S.C.)	38 CFR §	TITLE
38 U.S.C. §§ 501, 103, 105, 512, 5110, 101	3.1	Definitions
38 U.S.C. § 1310	3.5	Dependency and indemnity compensation
38 U.S.C. §§ 101, 106	3.6	Duty periods
38 U.S.C. §§ 5303, 1152, 1504, 106	3.7	Individuals and groups considered to have performed active military, naval, or air space
38 U.S.C. §§ 501, 1311, 1314, 1321	3.10	Dependency and indemnity compensation rate for a surviving spouse
38 U.S.C. §§ 5303, 501	3.12	Character of discharge
38 U.S.C. § 501	3.12a	Minimum active-duty service requirement
38 U.S.C. §§ 5301, 5111	3.20	Surviving spouse's benefit for month of veteran's death
38 U.S.C. §§ 1318, 501	3.22	DIC benefits for survivors of certain veterans rated totally disabled at time of death
38 U.S.C. § 501	3.50	Spouse and surviving spouse
38 U.S.C. § 103(a)	3.52	Marriages deemed valid
38 U.S.C. § 501	3.53	Continuous cohabitation
38 U.S.C. §§ 1532, 1534, 1536, 1541, 103(b)	3.54	Marriage dates
38 U.S.C. §§ 1532, 1534, 1536, 1541, 103(b)	3.55	Reinstatement of benefits eligibility based upon terminated marital relationships
38 U.S.C. §§ 101, 104, 1536, 501, 1541	3.57	Child
38 U.S.C. § 1521(h)(2)	3.60	Definition of "living with"
38 U.S.C. §§ 501(a), 501, 1506, 5104	3.103	Procedural due process and other rights

DEPENDENCY AND INDEMNITY COMPENSATION (Continued)

UNITED STATES CODE (U.S.C.)	38 CFR §	TITLE
38 U.S.C. § 501	3.109	Time limit
38 U.S.C. § § 501, 5101	3.152	Claims for death benefits
38 U.S.C. § 501	3.155	How to file a claim
38 U.S.C. § § 5103, 5103A	3.159	Department of Veterans Affairs assistance in developing claims
38 U.S.C. § 501	3.160	Status of claims
38 U.S.C. § 501	3.205	Marriage
38 U.S.C. § 501	3.211	Death
38 U.S.C. § 501	3.309	Diseases subject to presumptive service connection
38 U.S.C. § § 1502(b), 1541	3.351	Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings
38 U.S.C. § 1151	3.361	Benefits under 38 U.S.C. 1151(a) for additional disability or death due to hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy program
38 U.S.C. § § 5110, 501, 5101	3.400	General
38 U.S.C. § § 501, 5110	3.402	Surviving spouse
38 U.S.C. § § 501(a), 5313, 5313B	3.665	Incarcerated beneficiaries and fugitive felons - compensation
38 U.S.C. § Chapter 35	3.807	Dependents' educational assistance; certification

ACCRUED BENEFITS

UNITED STATES CODE (U.S.C.)	38 CFR §	TITLE
38 U.S.C. § 103(c)	3.1(j)	Definitions
38 U.S.C. § 501	3.50	Spouse and surviving spouse
38 U.S.C. § 103(a)	3.52	Marriages deemed valid
38 U.S.C. § 501	3.53	Continuous cohabitation
38 U.S.C. § § 1532, 1534, 1536, 1541, 103(b)	3.54	Marriage dates
38 U.S.C. § § 101, 104, 501, 1521, 1541	3.57	Child
38 U.S.C. § § 1521(h)(2)	3.60	Definition of "living with"
38 U.S.C. § § 501, 5101	3.152	Claims for death benefits
38 U.S.C. § § 5103, 5103A	3.159	Department of Veterans Affairs assistance in developing claims
38 U.S.C. § 501	3.160	Status of claims
38 U.S.C. § 501	3.211	Death
38 U.S.C. § 5121	3.1000	Entitlement under 38 U.S.C. § 5121 to benefits due and unpaid upon death of a beneficiary
38 U.S.C. § § 5121, 5121A	3.1010	Substitution under 38 U.S.C. § 5121A following death of a claimant

EXHIBIT B

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

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02/03/2021 6:07 PM

OMB Approved No. 2900-0098
Respondent Burden: 45 minutes
Expiration Date: 10/31/2021

Department of Veterans Affairs

VA DATE STAMP
(For VA Use Only)**DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS**

(Under Provisions of chapters 33 and 35, of title 38, U.S.C.)

INTERNET VERSION AVAILABLE - You may complete and submit your application online at: www.benefits.va.gov/gibill**PART I - APPLICANT INFORMATION**

1. SOCIAL SECURITY NUMBER [REDACTED] 5827		2. SEX OF APPLICANT <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		3. DATE OF BIRTH [REDACTED] 1998	
4. NAME (First name, middle initial, last name) Farron R. Eckhoff					
5. CURRENT MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code) 2109 Redbud Lane Furlong, PA 18925					
6. TELEPHONE NUMBER(S) (Including Area Code)					
HOME			CELL 267-566-3802		
7. E-MAIL ADDRESS (If applicable) farroneckhoff@gmail.com					
8. DIRECT DEPOSIT (Attach a voided personal check <u>or</u> deposit slip to match the information entered below. See Instructions for additional information.)					
ROUTING OR TRANSIT NUMBER [REDACTED] 0503		ACCOUNT TYPE <input checked="" type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS		ACCOUNT NUMBER [REDACTED] 4839	
9. PLEASE PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF SOMEONE WHO WILL ALWAYS KNOW WHERE YOU CAN BE REACHED					
A. NAME Halli Eckhoff		B. ADDRESS 2109 Redbud Lane Furlong, PA 18925		C. TELEPHONE NUMBER (Include Area Code) (215) 534-6555	

PART II - QUALIFYING INDIVIDUAL INFORMATION

10. NAME OF QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON WHOSE ACCOUNT BENEFITS ARE BEING CLAIMED (First name, middle initial, last name) Mark G. Eckhoff					
11. SOCIAL SECURITY NUMBER OR VA FILE NUMBER [REDACTED] 9593		12. BRANCH OF SERVICE Army		13. DATE OF BIRTH [REDACTED] 1950	
14A. DID PARENT OR SPOUSE DIE WHILE SERVING ON ACTIVE DUTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," is checked complete Item 14B) (If "No," is checked then you do not qualify for the Fry Scholarship)			14B. DATE OF DEATH 01/17/2020		14C. DATE LISTED AS MISSING IN ACTION OR P.O.W.
15. IS QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON ACTIVE DUTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
16. DO YOU (APPLICANT) OR THE QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) HAVE AN OUTSTANDING FELONY AND/OR WARRANT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

PART III - RELATIONSHIP AND BENEFIT INFORMATION

17. YOUR RELATIONSHIP TO QUALIFYING INDIVIDUAL (Check only one) <input type="checkbox"/> SPOUSE/SURVIVING SPOUSE (Please complete only Section I on page 2, and then proceed to Part V) <input checked="" type="checkbox"/> CHILD/STEPCHILD/ADOPTED CHILD (Please complete only Section II on page 2, and then proceed to Part V)	
SECTION I - SPOUSE/SURVIVING SPOUSE	
18. IS A DIVORCE OR ANNULMENT PENDING TO THE QUALIFYING INDIVIDUAL? <input type="checkbox"/> YES <input type="checkbox"/> NO	19. IF YOU ARE THE SURVIVING SPOUSE, HAVE YOU REMARRIED? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "Yes," please provide date of remarriage) _____

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SOCIAL SECURITY NUMBER OF APPLICANT

SECTION I - SPOUSE/SURVIVING SPOUSE (Continued)

20. SPOUSE/SURVIVING SPOUSE SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 5, ITEM 20 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

☐ A. AS A SPOUSE OR SURVIVING SPOUSE BASED ON 100% PERMANENT AND TOTAL DISABILITY, SERVICE CONNECTED OR LINE OF DUTY DEATH, I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

☐ B. AS A SURVIVING SPOUSE BASED ON LINE OF DUTY DEATH AFTER SEPTEMBER 10, 2001, I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

SECTION II - CHILD/STEPCHILD/ADOPTED CHILD

21. CHILD/STEPCHILD/ADOPTED CHILD SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 21 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

☒ A. I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 35 benefit first, check the box below.

☐ CHAPTER 35 - DEA

☐ B. I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 33 benefit first, check the box below.

☐ CHAPTER 33 - FRY SCHOLARSHIP

IMPORTANT: If you are over the age of 18 once you receive either the DEA or FRY SCHOLARSHIP benefits, you will no longer receive payments of Dependency and Indemnity Compensation (DIC) or Pension and you may no longer be claimed as a dependent in a Compensation claim. If you are under the age of 18, on your 18th birthday you will lose eligibility for DIC or Pension payments and you will no longer be claimed as a dependent in a Compensation claim.

CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 22 BEFORE COMPLETING THE ELECTION BOX BELOW. YOU ARE STRONGLY ENCOURAGED TO DISCUSS YOUR ELECTION WITH A VA COUNSELOR.

22. I CERTIFY THAT I UNDERSTAND THE EFFECTS THAT THIS ELECTION TO RECEIVE DEA OR FRY SCHOLARSHIP BENEFITS WILL HAVE ON MY ELIGIBILITY TO RECEIVE **DIC OR PENSION** BENEFITS (*Please read Information and Instructions Page 6 for additional information*)

☒ YES ☐ NO

PART IV - BENEFIT AND TYPE OF EDUCATION OR TRAINING INFORMATION

23A. DATE YOU WILL BEGIN SCHOOL OR TRAINING (MM/DD/YYYY)

23B. TYPE OF EDUCATION OR TRAINING (*Check ONE box*)

- ☐ COLLEGE OR OTHER SCHOOL
- ☐ FARM COOPERATIVE
- ☐ LICENSING OR CERTIFICATION TEST
- ☐ APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING
- ☐ NATIONAL ADMISSION EXAMS OR NATIONAL EXAMS FOR CREDIT
- ☐ CORRESPONDENCE COURSE
- ☐ FLIGHT TRAINING (*Fry Scholarship only*)

23C. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL RESTORATIVE TRAINING? (*See Information and Instructions, Page 6, for details regarding restorative training*)

☐ YES

☐ NO

23D. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL VOCATIONAL TRAINING? (*See Information and Instructions, Page 6, for details regarding special vocational training*)

☐ YES

☐ NO

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24. NAME AND ADDRESS OF SCHOOL OR TRAINING FACILITY (Number and street or rural route, city or P.O., State and ZIP Code)

25. SPECIFY YOUR EDUCATION OR CAREER OBJECTIVE, IF KNOWN (e.g., Bachelor of Arts in Accounting, Welding Certificate, Police Officer)

26. WOULD YOU LIKE TO RECEIVE VOCATIONAL AND EDUCATIONAL COUNSELING? (See Information and Instructions, Item 26 for more information regarding vocational and educational counseling)

☐ YES ☐ NO

PART V - APPLICATION HISTORY

27. PRIOR TO THIS APPLICATION, HAVE YOU EVER APPLIED FOR OR RECEIVED ANY OF THE FOLLOWING VA BENEFITS? (Check all appropriate boxes)

A. ☐ DISABILITY COMPENSATION OR PENSIONB. ☐ DEPENDENTS' INDEMNITY COMPENSATION (DIC)C. ☐ VOCATIONAL REHABILITATION AND EMPLOYMENT BENEFITS (Chapter 31)D. ☐ VETERANS EDUCATION ASSISTANCE BASED ON YOUR OWN SERVICE (Specify benefit(s): _____)E. ☐ VETERANS EDUCATION ASSISTANCE BASED ON SOMEONE ELSE'S SERVICE

SPECIFY BENEFIT(S) BY CHECKING APPLICABLE BOX BELOW AND COMPLETE ITEMS 28 AND 29

☐ TRANSFERRED ENTITLEMENT☐ CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM (DEA)☐ CHAPTER 33 - POST-9/11 GI BILL MARINE GUNNERY SERGEANT DAVID FRY SCHOLARSHIPF. ☒ NONEG. ☐ OTHER (Specify benefit(s): _____)**IMPORTANT:** Complete Items 28 and 29 *only* if you checked the box for Item 27E above.

28. NAME OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS (First, Middle, Last)

29. SOCIAL SECURITY NUMBER OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS

PART VI - APPLICANT'S MILITARY SERVICE INFORMATION

(NOTE: Chapter 35 benefits are not payable while an eligible person is on active duty)

30. HAVE YOU EVER SERVED ON ACTIVE DUTY IN THE ARMED FORCES? (If "No," skip to Part VII)

☐ YES ☒ NO

31. INFORMATION ABOUT YOUR PERIOD(S) OF ACTIVE DUTY (If you need additional space use Item 37, Remarks)

A. DATE ENTERED ACTIVE DUTY	B. DATE SEPARATED FROM ACTIVE DUTY	C. BRANCH OF SERVICE OR RESERVE OR GUARD COMPONENT	D. CHARACTER OF DISCHARGE

PART VII - EDUCATION, TRAINING AND EMPLOYMENT

SECTION I - EDUCATION & TRAINING

32. CHECK THE APPROPRIATE BOX AND ENTER THE DATE IN ITEM 33

☒ GRADUATED FROM HIGH SCHOOL☐ DISCONTINUED HIGH SCHOOL☐ NEVER ATTENDED HIGH SCHOOL☐ EXPECT TO GRADUATE FROM HIGH SCHOOL☐ AWARDED GED

33. DATE

06/15/2016

34A. TYPE OF SCHOOL	34B. NAME AND LOCATION OF SCHOOL (City and State)	34C. DATES OF TRAINING		34D. NUMBER OF SEMESTER, QUARTER, OR CLOCK HOURS COMPLETED	34E. DEGREE, DIPLOMA OR CERTIFICATE RECEIVED	34F. MAJOR FIELD OR COURSE OF STUDY
		FROM	TO			
HIGH SCHOOL	C.B. East Doylestown, PA	08/2012	06/2016		H.S. Diploma	
COLLEGE	American University, DC	08/2016	05/2020	120 hours	Bachelor of Arts	Law & Society
VOCATIONAL OR TRADE						
OTHER (Specify)						

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PART VII - EDUCATION, TRAINING AND EMPLOYMENT (Continued)**SECTION II - EMPLOYMENT****35. CURRENT AND PAST EMPLOYMENT**

A. EMPLOYER	B. JOB TITLE	C. NUMBER OF MONTHS EMPLOYED	D. LICENSE OR RATING
Veterans Legal Advocacy Group	Legal Assistant	4	

NOTE: Complete Items 36A and 36B *only* if you are a civilian employee of the U.S. Government.

36A. DO YOU EXPECT TO RECEIVE FUNDS FROM YOUR AGENCY OR DEPARTMENT FOR THE SAME COURSES FOR WHICH YOU EXPECT TO RECEIVE VA EDUCATIONAL ASSISTANCE? (If "Yes," complete Item 36B)

☐ YES ☐ NO

36B. SOURCE OF EDUCATIONAL ASSISTANCE FROM GOVERNMENT EMPLOYMENT

PART VIII - REMARKS, REMINDERS AND VA EDUCATION BENEFITS PAMPHLET**SECTION I - REMARKS**

37. REMARKS (If more space is needed, please attach a separate sheet of paper. Be sure to include name and social security number on each sheet)

SECTION II - REMINDERS**DID YOU REMEMBER TO:**

- WRITE YOUR SOCIAL SECURITY NUMBER ON EACH PAGE
- WRITE YOUR COMPLETE MAILING AND EMAIL ADDRESS
- ATTACH SUPPORTING DOCUMENTS (e.g., birth certificate, marriage license, DD214, etc.)

SECTION III - VA EDUCATION BENEFITS PAMPHLET38. THE MOST CURRENT INFORMATION ON VA EDUCATION BENEFITS IS AVAILABLE ONLINE AT www.benefits.va.gov/gibill. IF YOU WOULD LIKE A COPY OF THE VA EDUCATION BENEFITS PAMPHLET PLEASE CHECK THE BOX. ☐**PART IX - CERTIFICATION AND SIGNATURE OF APPLICANT****I CERTIFY THAT** all statements in my application are true and correct to the best of my knowledge and belief.39A. SIGNATURE OF APPLICANT (**DO NOT PRINT**)SIGN HERE ►
IN INK

39B. DATE SIGNED

01/25/2021

PENALTY: Willfully false statements as to a material fact in a claim for education benefits is a punishable offense and may result in the forfeiture of these or other benefits and in criminal penalties.**PART X - SIGNATURE OF PARENT, GUARDIAN OR CUSTODIAN**

(This section must be completed by the parent, guardian, or custodian if the applicant is a minor)

40. NAME OF PARENT, GUARDIAN, OR CUSTODIAN (First, Middle Initial, Last) (Type or print)

41. MAILING ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN

Number and Street

Apt./Unit Number

City, State, ZIP Code

42A. TELEPHONE NUMBER(S) OF PARENT, GUARDIAN, OR CUSTODIAN (Include Area Code)

HOME:

CELL:

42B. E-MAIL ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN (If applicable)

43A. SIGNATURE OF: (Check one)

☐ PARENT ☐ GUARDIAN ☐ CUSTODIANSIGN HERE ►
IN INK

(DO NOT PRINT)

43B. DATE SIGNED

(Please retain these Information and Instructions Pages for future reference)

**INFORMATION AND INSTRUCTIONS FOR COMPLETING THE
DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS
(VA FORM 22-5490)**

Do **not** use this form to apply for Veterans' education assistance based on your own service (chapters 30, 32, 33, or 1606) or Vocational Rehabilitation and Employment benefits (chapter 31). To apply for veterans' education assistance based on your own service, use VA Form 22-1990. To apply for Vocational Rehabilitation and Employment benefits, use VA Form 28-1900. VA forms are available at www.va.gov/vaforms.

INTERNET VERSION AVAILABLE - You may complete and submit this application on-line at www.benefits.va.gov/gibill. Click on "GI Bill: Apply for Benefits."

NOTE: The numbers on these Information and Instructions pages match the item numbers on this application. Items not mentioned are self-explanatory.

ITEM 8. The Department of the Treasury requires all Federal benefit payments be made by electronic funds transfer (EFT), also called direct deposit. To enroll in direct deposit, please attach a voided personal check **or** deposit slip, **and** provide the information requested in Item 8. If you **do not** have a bank account, please visit <https://www.benefits.va.gov/benefits/banking.asp>. This website provides information about the Veterans Benefits Banking Program (VBBP), and a link to banks and credit unions that may fit your needs. You may also call 1-800-827-1000. If you elect not to enroll, you must contact representatives handling waiver requests for the Department of the Treasury at 1-888-224-2950. They will encourage your participation in EFT and address any questions or concerns you may have.

ITEM 16. You will not be eligible to receive benefits for any period for which you or the qualifying individual on whose account you are claiming benefits has an outstanding felony warrant. Any benefits paid to you for such period will result in an overpayment and be subject to collection.

ITEM 17. If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(3)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage>.

ITEM 20. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 20A OR 20B REGARDING THE BENEFIT YOU ARE APPLYING FOR.

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the surviving spouse of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The spouse of a veteran who is permanently and totally disabled as a result of a service-connected disability, **OR**
 - (2) The spouse of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days, **OR**
 - (3) The surviving spouse **or** child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature, **OR**
 - (4) The surviving spouse of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

NOTE: If you are eligible for both Chapter 35 Survivors' and Dependents' Educational Assistance Program (DEA) and Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) benefits, you must relinquish/give up entitlement to one or the other benefit for which you are eligible, even if entitlement arises from separate events. In other words, you must forfeit eligibility to the other benefit even if your eligibility is due to:

- A separate Period of Service (POS) other than the one for which the death of the spouse is associated; **OR**
- A separate POS other than the one for which your spouse has a total disability permanent in nature resulting from a service-connected disability; **OR**
- A separate POS based on any other criteria as listed in 38 U.S.C. § 3501(a)(1); **OR**
- Death of any other individual identified in Item 10 of this application.

IMPORTANT: You cannot retain eligibility for both programs simultaneously. Therefore, by checking either box "A" or box "B" in Item 20, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

Note: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at:

https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at: <https://benefits.va.gov/gibill> and using the comparison tool.

INFORMATION AND INSTRUCTIONS (Continued)**ITEM 21. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 21A OR 21B REGARDING THE BENEFIT YOU ARE APPLYING FOR.**

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the dependent child of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The child of a veteran who is permanently and totally disabled as a result of a service-connected disability; **OR**
 - (2) The child of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days; **OR**
 - (3) The child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature; **OR**
 - (4) The child of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

PARENT'S DEATH PRIOR TO AUGUST 1, 2011 -

- The election you choose in Item 21 **does not** eliminate your eligibility for the alternate education benefit (either Survivor's and Dependents' Educational Assistance (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship)) based on the same event (i.e., your parent's line of duty death that occurred prior to August 1, 2011).

PARENT'S DEATH ON OR AFTER AUGUST 1, 2011 -

- The election you choose in Item 21 **does** eliminate your eligibility for the alternate education benefit (either Survivors' and Dependents' Educational Assistance Program (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Sergeant John David Fry Scholarship (Fry Scholarship)), based on the same event (i.e., your parent's line of duty death that occurred on or after August 1, 2011). Therefore, you must relinquish/give up eligibility entitlement to the benefit that you are **not** applying for **but only with regard to the entitlement arising from the same event** (i.e., your parent's line of duty death that occurred on or after August 1, 2011). By checking either box "A" or box "B" in Item 21, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Unlike spouses, children may be able to retain eligibility for both programs simultaneously if they qualify under different events and individuals (i.e., a separate parent's line of duty death that occurred on or after August 1, 2011).

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

NOTE: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at:

https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at <https://benefits.va.gov/gibill/> and using the comparison tool.

ITEM 22. Your election to receive Survivors' and Dependents' Education Assistance (DEA) or Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) in lieu of payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) is final and cannot be changed. This means that if you are 18 years old, payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) will be terminated upon issuance of a DEA or Fry Scholarship benefit payment. If you are under the age of 18, these benefits will be terminated on your 18th birthday. If you are planning to pursue a program of education for more than 36 months, you should consider deferring receipt of DEA or Fry Scholarship benefits. We strongly recommend that you discuss your education or training plans with a VA counselor before making a decision.

ITEM 23B. Types of education or training programs are self-explanatory, except for the following:

"Licensing or Certification Test" - A "licensing test" is a test offered by a state, local, or federal agency that is required by law to practice an occupation. A "certification test" is a test designed to provide affirmation of an individual's qualifications in a specific occupation.

"National Admission Exams or National Exams for Credit" - You may be reimbursed for the cost of approved tests for admission to or credit at institutions of higher learning.

"Correspondence Course" - You may receive benefits for correspondence training. Payments for correspondence courses are made quarterly after VA receives a certification showing the number of lessons completed. For more information on correspondence courses, you can go to the VA website at: https://www.benefits.va.gov/gibill/correspondence_training.asp.

"Flight Training" - You must already have a private pilot's license. If you are taking an Airline Transport Pilot course, you must have a valid first-class medical certificate on the date that you enter training. For all other flight courses, you must have a valid second-class medical certificate on the date that you enter training.

ITEMS 23C AND 23D - Any individual eligible under the Survivors' and Dependents' Educational Assistance program may receive Special Restorative Training or Specialized Vocational Training if a VA counselor determines that a specialized program is needed to overcome the effects of a physical or mental handicap. To be eligible for receipt of specialized training, the disability must prevent you from pursuing an educational program. Examples of Special Restorative Training include speech and voice correction, language retraining, lip reading, and Braille reading and writing. Specialized Vocational Training consists of specialized courses leading to a suitable vocational objective.

ITEM 26 - VA VOCATIONAL AND EDUCATIONAL COUNSELING HELP AVAILABLE: VA offers a wide range of services to assist you in planning your educational and/or career goals. Services include educational and vocational guidance and testing to develop a greater understanding of your skills, talents and interests. For more information on VA counseling, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551) or if you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711.

HOW TO FILE YOUR CLAIM

You may complete and submit your application online at www.benefits.va.gov/gibill or be sure to do the following:

(A) If you have selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of that school's physical address. See page 8 for addresses of the VA Regional Processing Offices.

Step 2: Tell the veterans certifying official at your school or training establishment that you have applied for VA education benefits. Ask him or her to submit your enrollment information using VA Form 22-1999, Enrollment Certification, or its electronic version.

Step 3: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

(B) If you have not selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of your home address. Check page 8 for addresses of the VA Regional Processing Offices.

Step 2: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

ADDITIONAL HELP COMPLETING APPLICATION

If you need additional help completing this application or you want information about the work-study program, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551). If you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711. You can also get more information about education assistance from our education Internet site at www.benefits.va.gov/gibill.

CONTACT VA FROM OVERSEAS

Students and School Certifying Officials calling from outside the United States can contact VA by phone at: 001-918-781-5678 during business hours, 7 a.m. - 6 p.m. CST, Monday - Friday. This is not a toll-free number but the caller will be routed to the next available customer service representative. Non-overseas customers should call the toll-free number shown in "Additional Help Completing Application".

From: Harold Hoffman

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To:

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Eastern Region: VA Regional Office P.O. Box 4616 Buffalo, NY 14240-4616									
SERVES THE FOLLOWING STATES									
CO	CT	DC	DE	IA	IL	IN	KS	KY	MA
MD	ME	MI	MN	MO	MT	NC	ND	NE	NH
NJ	NY	OH	PA	RI	SD	TN	VA	VT	WI
WV	WY	APO / FPO AA		FOREIGN SCHOOLS			US VIRGIN ISLANDS		

Western Region: VA Regional Office P.O. Box 8888 Muskogee, OK 74402-8888									
SERVES THE FOLLOWING STATES									
AK	AL	AR	AZ	CA	FL	GA	HI	ID	LA
MS	NM	NV	OK	OR	PR	SC	TX	UT	WA
APO / FPO AP			GUAM			PHILIPPINES			

REQUEST TO OPT OUT OF INFORMATION SHARING WITH EDUCATIONAL INSTITUTIONS

The Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48), also known as the "Forever GI Bill," requires the Department of Veterans Affairs (VA) to make available to educational institutions information about the amount of educational assistance to which a veteran or other eligible individual is entitled. If you are eligible for the Post-9/11 GI Bill (Chapter 33), Montgomery GI Bill-Active Duty (Chapter 30), Montgomery GI Bill - Selected Reserve (Chapter 1606), or the Survivors' and Dependents Educational Assistance Program (DEA) (Chapter 35), you may elect to "opt-out" of these disclosures and have VA withhold this information instead. To request an opt-out, or for information about how to opt-out, please refer to our website at va.gov, or click <https://www.va.gov/find-forms/> to complete the VA Form 22-0993, *Request to Opt-Out of Information Sharing with Educational Institutions*.

PRIVACY ACT INFORMATION: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., awards of benefits) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain education benefits. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by a Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine the maximum benefits allowable under the law. While you do not have to respond, VA cannot process your claim for benefits unless the information is furnished as required by existing law (38 U.S.C. 3513). The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We need this information to determine your eligibility for education benefits (38 U.S.C. 3513). Title 38 U.S.C. allows us to ask for this information. We estimate that you will need an average of 45 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <http://www.reginfo.gov/public/do/PRAMain>. If desired, you can call 1-888-GI-BILL-1 (1-888-442-4551) to get information on where to send comments or suggestions about this form.

EXHIBIT C

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 1 of 10

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FAX**Date:** 05/12/2021

Pages including cover sheet: 10

To:	
Phone	
Fax Phone	(844) 531-7818

From:	Harold Hoffman
	Veterans Legal Advocacy Group
	2776 S. Arlington Mill Drive
	Arlington
	VA 22206
Phone	(877) 208-6601 * 101
Fax Phone	18772086601

NOTE:

Farron Eckhoff

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 2 of 10

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VETERANS

LEGAL ADVOCACY GROUP

2776 S. Arlington Mill Dr., Ste. 804 ★ Arlington, VA 22206

Faxed to: 844-531-7818

May 12, 2021

Re: ECKHOFF, Farron
ECKHOFF, Mark
██████ 9593

Dear Sir or Madam:

I represent Farron Eckhoff in her claim for veterans' disability benefits. I am checking in regarding Ms. Eckhoff's application for DEA benefits. She applied for DEA benefits on February 3, 2021. Her sister, Ava Eckhoff, applied for DEA benefits on the same day. The VA granted Ava's claim a couple months ago. But Farron has not received any correspondence from the VA.

I have attached Farron's DEA application again, but the fax shows that it went through on February 3, 2021.

If there are any questions, please contact me at 202-677-0303 or via e-mail at haroldhoffman@vetlag.org. Thank you.

Respectfully Submitted,

Harold H. Hoffman
VetLAG Counsel

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 3 of 10

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OMB Approved No. 2900-0098
Respondent Burden: 45 minutes
Expiration Date: 10/31/2021

Department of Veterans Affairs

VA DATE STAMP
(For VA Use Only)**DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS**

(Under Provisions of chapters 33 and 35, of title 38, U.S.C.)

INTERNET VERSION AVAILABLE - You may complete and submit your application online at: www.benefits.va.gov/gibill.**PART I - APPLICANT INFORMATION**

1. SOCIAL SECURITY NUMBER

5827

2. SEX OF APPLICANT

☐

MALE

☒

FEMALE

3. DATE OF BIRTH

1998

4. NAME (First name, middle initial, last name)

Farron R. Eckhoff

5. CURRENT MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code)

2109 Redbud Lane
Furlong, PA 18925

6. TELEPHONE NUMBER(S) (Including Area Code)

HOME

CELL

267-566-3802

7. E-MAIL ADDRESS (If applicable)

farroneckhoff@gmail.com

8. DIRECT DEPOSIT (Attach a voided personal check or deposit slip to match the information entered below. See Instructions for additional information.)

ROUTING OR TRANSIT NUMBER

0503

ACCOUNT TYPE

☒

CHECKING

☐

SAVINGS

ACCOUNT NUMBER

4839

9. PLEASE PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF SOMEONE WHO WILL ALWAYS KNOW WHERE YOU CAN BE REACHED

A. NAME

Halli Eckhoff

B. ADDRESS

2109 Redbud Lane
Furlong, PA 18925

C. TELEPHONE NUMBER (Include Area Code)

(215) 534-6555

PART II - QUALIFYING INDIVIDUAL INFORMATION

10. NAME OF QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON WHOSE ACCOUNT BENEFITS ARE BEING CLAIMED (First name, middle initial, last name)

Mark G. Eckhoff

11. SOCIAL SECURITY NUMBER OR VA FILE NUMBER

9593

12. BRANCH OF SERVICE

Army

13. DATE OF BIRTH

1950

14A. DID PARENT OR SPOUSE DIE WHILE SERVING ON ACTIVE DUTY?

☐

YES

☒

NO

(If "Yes," is checked complete
Item 14B)(If "No," is checked then you **do not** qualify
for the Fry Scholarship)

14B. DATE OF DEATH

01/17/2020

14C. DATE LISTED AS MISSING IN ACTION
OR P.O.W.

15. IS QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) ON ACTIVE DUTY?

☐

YES

☒

NO

16. DO YOU (APPLICANT) OR THE QUALIFYING INDIVIDUAL (PARENT OR SPOUSE) HAVE AN OUTSTANDING FELONY AND/OR WARRANT?

☐

YES

☒

NO

PART III - RELATIONSHIP AND BENEFIT INFORMATION

17. YOUR RELATIONSHIP TO QUALIFYING INDIVIDUAL (Check only one)

☐

SPOUSE/SURVIVING SPOUSE

(Please complete only Section I on page 2, and then proceed to Part V)

☒

CHILD/STEPCHILD/ADOPTED CHILD

(Please complete only Section II on page 2, and then proceed to Part V)

SECTION I - SPOUSE/SURVIVING SPOUSE18. IS A DIVORCE OR ANNULMENT PENDING TO THE
QUALIFYING INDIVIDUAL?☐

YES

☐

NO

19. IF YOU ARE THE SURVIVING SPOUSE, HAVE YOU REMARRIED?

☐

YES

☐

NO

(If "Yes," please provide date of remarriage)

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

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SOCIAL SECURITY NUMBER OF APPLICANT

SECTION I - SPOUSE/SURVIVING SPOUSE (Continued)

20. SPOUSE/SURVIVING SPOUSE SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 5, ITEM 20 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

- ☐ A. AS A SPOUSE OR SURVIVING SPOUSE BASED ON 100% PERMANENT AND TOTAL DISABILITY, SERVICE CONNECTED OR LINE OF DUTY DEATH, I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

- ☐ B. AS A SURVIVING SPOUSE BASED ON LINE OF DUTY DEATH AFTER SEPTEMBER 10, 2001, I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

SECTION II - CHILD/STEPCHILD/ADOPTED CHILD

21. CHILD/STEPCHILD/ADOPTED CHILD SELECT THE BENEFIT THAT YOU ARE APPLYING FOR BELOW:

IMPORTANT ►

PLEASE CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 21 BEFORE SELECTING BOX "A" OR "B" BELOW REGARDING THE BENEFIT YOU ARE APPLYING FOR. THE INFORMATION AND INSTRUCTIONS ON PAGE 5 ALSO PROVIDE LINKS TO VA WEBSITES WHERE YOU WILL BE ABLE TO COMPARE "DEA" AND "FRY" BENEFITS. YOU WILL ALSO FIND OTHER ELIGIBILITY RELATED INFORMATION THERE.

- ☒ A. I AM APPLYING FOR CHAPTER 35 - DEA BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 35 benefit first, check the box below.

- ☐ CHAPTER 35 - DEA

- ☐ B. I AM APPLYING FOR CHAPTER 33 - FRY SCHOLARSHIP BENEFITS.

NOTE - BY CHECKING THIS BOX I ACKNOWLEDGE THAT I UNDERSTAND THIS ELECTION IS **IRREVOCABLE** AND MAY NOT BE CHANGED.

Important - If your parent died in the line of duty prior to August 1, 2011, you may apply for **both** DEA and Fry Scholarship benefits. If you are eligible for both Chapter 35 (DEA) and Chapter 33 (Fry Scholarship) benefits and you would like to use the Chapter 33 benefit first, check the box below.

- ☐ CHAPTER 33 - FRY SCHOLARSHIP

IMPORTANT: If you are over the age of 18 once you receive either the DEA or FRY SCHOLARSHIP benefits, you will no longer receive payments of Dependency and Indemnity Compensation (DIC) or Pension and you may no longer be claimed as a dependent in a Compensation claim. If you are under the age of 18, on your 18th birthday you will lose eligibility for DIC or Pension payments and you will no longer be claimed as a dependent in a Compensation claim.

CAREFULLY READ THE INFORMATION AND INSTRUCTIONS ON PAGE 6, ITEM 22 BEFORE COMPLETING THE ELECTION BOX BELOW. YOU ARE STRONGLY ENCOURAGED TO DISCUSS YOUR ELECTION WITH A VA COUNSELOR.

22. I CERTIFY THAT I UNDERSTAND THE EFFECTS THAT THIS ELECTION TO RECEIVE DEA OR FRY SCHOLARSHIP BENEFITS WILL HAVE ON MY ELIGIBILITY TO RECEIVE **DIC OR PENSION** BENEFITS (*Please read Information and Instructions Page 6 for additional information*)

☒ YES ☐ NO

PART IV - BENEFIT AND TYPE OF EDUCATION OR TRAINING INFORMATION

23A. DATE YOU WILL BEGIN SCHOOL OR TRAINING (MM/DD/YYYY)

23B. TYPE OF EDUCATION OR TRAINING (*Check ONE box*)

- ☐ COLLEGE OR OTHER SCHOOL
- ☐ FARM COOPERATIVE
- ☐ LICENSING OR CERTIFICATION TEST
- ☐ APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING
- ☐ NATIONAL ADMISSION EXAMS OR NATIONAL EXAMS FOR CREDIT
- ☐ CORRESPONDENCE COURSE
- ☐ FLIGHT TRAINING (*Fry Scholarship only*)

23C. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL RESTORATIVE TRAINING?
(*See Information and Instructions, Page 6, for details regarding restorative training*)

- ☐ YES
- ☐ NO

23D. [**DEA ONLY**] DO YOU HAVE A MENTAL OR PHYSICAL DISABILITY FOR WHICH YOU ARE SEEKING SPECIAL VOCATIONAL TRAINING? (*See Information and Instructions, Page 6, for details regarding special vocational training*)

- ☐ YES
- ☐ NO

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

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SOCIAL SECURITY NUMBER OF APPLICANT

24. NAME AND ADDRESS OF SCHOOL OR TRAINING FACILITY (Number and street or rural route, city or P.O., State and ZIP Code)

25. SPECIFY YOUR EDUCATION OR CAREER OBJECTIVE, IF KNOWN (e.g., Bachelor of Arts in Accounting, Welding Certificate, Police Officer)

26. WOULD YOU LIKE TO RECEIVE VOCATIONAL AND EDUCATIONAL COUNSELING? (See Information and Instructions, Item 26 for more information regarding vocational and educational counseling)

☐ YES ☐ NO

PART V - APPLICATION HISTORY

27. PRIOR TO THIS APPLICATION, HAVE YOU EVER APPLIED FOR OR RECEIVED ANY OF THE FOLLOWING VA BENEFITS? (Check all appropriate boxes)

A. ☐ DISABILITY COMPENSATION OR PENSIONB. ☐ DEPENDENTS' INDEMNITY COMPENSATION (DIC)C. ☐ VOCATIONAL REHABILITATION AND EMPLOYMENT BENEFITS (Chapter 31)D. ☐ VETERANS EDUCATION ASSISTANCE BASED ON YOUR OWN SERVICE (Specify benefit(s): _____)E. ☐ VETERANS EDUCATION ASSISTANCE BASED ON SOMEONE ELSE'S SERVICE

SPECIFY BENEFIT(S) BY CHECKING APPLICABLE BOX BELOW AND COMPLETE ITEMS 28 AND 29

☐ TRANSFERRED ENTITLEMENT☐ CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM (DEA)☐ CHAPTER 33 - POST-9/11 GI BILL MARINE GUNNERY SERGEANT DAVID FRY SCHOLARSHIPF. ☒ NONEG. ☐ OTHER (Specify benefit(s): _____)**IMPORTANT:** Complete Items 28 and 29 *only* if you checked the box for Item 27E above.

28. NAME OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS (First, Middle, Last)

29. SOCIAL SECURITY NUMBER OF INDIVIDUAL ON WHOSE ACCOUNT YOU PREVIOUSLY CLAIMED BENEFITS

PART VI - APPLICANT'S MILITARY SERVICE INFORMATION
(NOTE: Chapter 35 benefits are not payable while an eligible person is on active duty)

30. HAVE YOU EVER SERVED ON ACTIVE DUTY IN THE ARMED FORCES? (If "No," skip to Part VII)

☐ YES ☒ NO

31. INFORMATION ABOUT YOUR PERIOD(S) OF ACTIVE DUTY (If you need additional space use Item 37, Remarks)

A. DATE ENTERED ACTIVE DUTY	B. DATE SEPARATED FROM ACTIVE DUTY	C. BRANCH OF SERVICE OR RESERVE OR GUARD COMPONENT	D. CHARACTER OF DISCHARGE

PART VII - EDUCATION, TRAINING AND EMPLOYMENT

SECTION I - EDUCATION & TRAINING

32. CHECK THE APPROPRIATE BOX AND ENTER THE DATE IN ITEM 33

☒ GRADUATED FROM HIGH SCHOOL☐ DISCONTINUED HIGH SCHOOL☐ NEVER ATTENDED HIGH SCHOOL☐ EXPECT TO GRADUATE FROM HIGH SCHOOL☐ AWARDED GED

33. DATE

06/15/2016

34A. TYPE OF SCHOOL	34B. NAME AND LOCATION OF SCHOOL (City and State)	34C. DATES OF TRAINING		34D. NUMBER OF SEMESTER, QUARTER, OR CLOCK HOURS COMPLETED	34E. DEGREE, DIPLOMA OR CERTIFICATE RECEIVED	34F. MAJOR FIELD OR COURSE OF STUDY
		FROM	TO			
HIGH SCHOOL	C.B. East Doylestown, PA	08/2012	06/2016		H.S. Diploma	
COLLEGE	American University, DC	08/2016	05/2020	120 hours	Bachelor of Arts	Law & Society
VOCATIONAL OR TRADE						
OTHER (Specify)						

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 6 of 10

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SOCIAL SECURITY NUMBER OF APPLICANT

PART VII - EDUCATION, TRAINING AND EMPLOYMENT (Continued)

SECTION II - EMPLOYMENT

35. CURRENT AND PAST EMPLOYMENT

A. EMPLOYER	B. JOB TITLE	C. NUMBER OF MONTHS EMPLOYED	D. LICENSE OR RATING
Veterans Legal Advocacy Group	Legal Assistant	4	

NOTE: Complete Items 36A and 36B *only* if you are a civilian employee of the U.S. Government.

36A. DO YOU EXPECT TO RECEIVE FUNDS FROM YOUR AGENCY OR DEPARTMENT FOR THE SAME COURSES FOR WHICH YOU EXPECT TO RECEIVE VA EDUCATIONAL ASSISTANCE? (If "Yes," complete Item 36B)

☐ YES ☐ NO

36B. SOURCE OF EDUCATIONAL ASSISTANCE FROM GOVERNMENT EMPLOYMENT

PART VIII - REMARKS, REMINDERS AND VA EDUCATION BENEFITS PAMPHLET

SECTION I - REMARKS

37. REMARKS (If more space is needed, please attach a separate sheet of paper. Be sure to include name and social security number on each sheet)

SECTION II - REMINDERS

DID YOU REMEMBER TO:

- WRITE YOUR SOCIAL SECURITY NUMBER ON EACH PAGE
- WRITE YOUR COMPLETE MAILING AND EMAIL ADDRESS
- ATTACH SUPPORTING DOCUMENTS (e.g., birth certificate, marriage license, DD214, etc.)

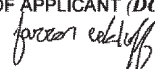
SECTION III - VA EDUCATION BENEFITS PAMPHLET

38. THE MOST CURRENT INFORMATION ON VA EDUCATION BENEFITS IS AVAILABLE ONLINE AT www.benefits.va.gov/gibill. IF YOU WOULD LIKE A COPY OF THE VA EDUCATION BENEFITS PAMPHLET PLEASE CHECK THE BOX. ☐

PART IX - CERTIFICATION AND SIGNATURE OF APPLICANT

I CERTIFY THAT all statements in my application are true and correct to the best of my knowledge and belief.

39A. SIGNATURE OF APPLICANT (DO NOT PRINT)

SIGN HERE ►
IN INK

39B. DATE SIGNED

01/25/2021

PENALTY: Willfully false statements as to a material fact in a claim for education benefits is a punishable offense and may result in the forfeiture of these or other benefits and in criminal penalties.

PART X - SIGNATURE OF PARENT, GUARDIAN OR CUSTODIAN

(This section must be completed by the parent, guardian, or custodian if the applicant is a minor)

40. NAME OF PARENT, GUARDIAN, OR CUSTODIAN (First, Middle Initial, Last) (Type or print)

41. MAILING ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN

Number and Street

Apt./Unit Number

City, State, ZIP Code

42A. TELEPHONE NUMBER(S) OF PARENT, GUARDIAN, OR CUSTODIAN (Include Area Code)

HOME:

CELL:

42B. E-MAIL ADDRESS OF PARENT, GUARDIAN, OR CUSTODIAN (If applicable)

43A. SIGNATURE OF: (Check one)

☐ PARENT ☐ GUARDIAN ☐ CUSTODIANSIGN HERE ►
IN INK

(DO NOT PRINT)

43B. DATE SIGNED

(Please retain these Information and Instructions Pages for future reference)

**INFORMATION AND INSTRUCTIONS FOR COMPLETING THE
DEPENDENTS' APPLICATION FOR VA EDUCATION BENEFITS
(VA FORM 22-5490)**

Do **not** use this form to apply for Veterans' education assistance based on your own service (chapters 30, 32, 33, or 1606) or Vocational Rehabilitation and Employment benefits (chapter 31). To apply for veterans' education assistance based on your own service, use VA Form 22-1990. To apply for Vocational Rehabilitation and Employment benefits, use VA Form 28-1900. VA forms are available at www.va.gov/vaforms.

INTERNET VERSION AVAILABLE - You may complete and submit this application on-line at www.benefits.va.gov/gibill. Click on "GI Bill: Apply for Benefits."

NOTE: The numbers on these Information and Instructions pages match the item numbers on this application. Items not mentioned are self-explanatory.

ITEM 8. The Department of the Treasury requires all Federal benefit payments be made by electronic funds transfer (EFT), also called direct deposit. To enroll in direct deposit, please attach a voided personal check or deposit slip, and provide the information requested in Item 8. If you **do not** have a bank account, please visit <https://www.benefits.va.gov/benefits/banking.asp>. This website provides information about the Veterans Benefits Banking Program (VBBP), and a link to banks and credit unions that may fit your needs. You may also call 1-800-827-1000. If you elect not to enroll, you must contact representatives handling waiver requests for the Department of the Treasury at 1-888-224-2950. They will encourage your participation in EFT and address any questions or concerns you may have.

ITEM 16. You will not be eligible to receive benefits for any period for which you or the qualifying individual on whose account you are claiming benefits has an outstanding felony warrant. Any benefits paid to you for such period will result in an overpayment and be subject to collection.

ITEM 17. If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(3)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>.

ITEM 20. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 20A OR 20B REGARDING THE BENEFIT YOU ARE APPLYING FOR.

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the surviving spouse of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The spouse of a veteran who is permanently and totally disabled as a result of a service-connected disability, **OR**
 - (2) The spouse of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days, **OR**
 - (3) The surviving spouse or child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature, **OR**
 - (4) The surviving spouse of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

NOTE: If you are eligible for both Chapter 35 Survivors' and Dependents' Educational Assistance Program (DEA) and Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) benefits, you must relinquish/give up entitlement to one or the other benefit for which you are eligible, even if entitlement arises from separate events. In other words, you must forfeit eligibility to the other benefit even if your eligibility is due to:

- A separate Period of Service (POS) other than the one for which the death of the spouse is associated; **OR**
- A separate POS other than the one for which your spouse has a total disability permanent in nature resulting from a service-connected disability; **OR**
- A separate POS based on any other criteria as listed in 38 U.S.C. § 3501(a)(1); **OR**
- Death of any other individual identified in Item 10 of this application.

IMPORTANT: You cannot retain eligibility for both programs simultaneously. Therefore, by checking either box "A" or box "B" in Item 20, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

Note: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at: https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at: <https://benefits.va.gov/gibill/> and using the comparison tool.

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 8 of 10

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INFORMATION AND INSTRUCTIONS (Continued)**ITEM 21. IMPORTANT - PLEASE READ THE INFORMATION BELOW BEFORE MAKING YOUR SELECTION IN ITEM 21A OR 21B REGARDING THE BENEFIT YOU ARE APPLYING FOR.**

- To qualify for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship, you must be the dependent child of an individual who died in the line of duty while serving on active duty as a member of the Armed Forces after September 10, 2001.
- To qualify for Survivor's and Dependents' Educational Assistance (DEA) you must be either:
 - (1) The child of a veteran who is permanently and totally disabled as a result of a service-connected disability; **OR**
 - (2) The child of an individual on active duty who has been listed as missing in action, captured in the line of duty by hostile force, forcibly detained or interned in the line of duty by hostile force, or forcibly detained or interned in the line of duty by a foreign government or power for more than 90 days; **OR**
 - (3) The child of a veteran who died of a service-connected disability or who dies while a service-connected disability was rated permanent and total in nature; **OR**
 - (4) The child of an individual on active duty for which the evidence shows that the individual is hospitalized for receiving outpatient medical care services or treatment; has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and the service person is likely to be discharged or released from such service for such disability.

PARENT'S DEATH PRIOR TO AUGUST 1, 2011 -

- The election you choose in Item 21 **does not** eliminate your eligibility for the alternate education benefit (either Survivor's and Dependents' Educational Assistance (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship)) based on the same event (i.e., your parent's line of duty death that occurred prior to August 1, 2011).

PARENT'S DEATH ON OR AFTER AUGUST 1, 2011 -

- The election you choose in Item 21 **does** eliminate your eligibility for the alternate education benefit (either Survivors' and Dependents' Educational Assistance Program (DEA) and the Chapter 33 Post-9/11 GI Bill Marine Sergeant John David Fry Scholarship (Fry Scholarship)), based on the same event (i.e., your parent's line of duty death that occurred on or after August 1, 2011). Therefore, you must relinquish/give up eligibility entitlement to the benefit that you are **not** applying for **but only with regard to the entitlement arising from the same event** (i.e., your parent's line of duty death that occurred on or after August 1, 2011). By checking either box "A" or box "B" in Item 21, you agree and understand that you are making an **irrevocable** election to receive the selected benefit and your election may not be changed.

IMPORTANT: Unlike spouses, children may be able to retain eligibility for both programs simultaneously if they qualify under different events and individuals (i.e., a separate parent's line of duty death that occurred on or after August 1, 2011).

IMPORTANT: Eligibility for (DEA) will be terminated in the event that VA determines that the individual on whose account benefits are claimed is no longer totally disabled or VA is notified that the individual is no longer listed as captured, missing in action, or forcibly detained.

NOTE: Before making your election selection, you can compare the differences between (DEA) and (FRY), and the benefits each provide in order to help you make the best choice that suits your needs. This benefit comparison information can be found on the VA website at: https://www.benefits.va.gov/gibill/docs/factsheets/fry_scholarship.pdf. You can also find additional information about each program by visiting the GI Bill website at <https://benefits.va.gov/gibill/>, and using the comparison tool.

ITEM 22. Your election to receive Survivors' and Dependents' Education Assistance (DEA) or Chapter 33 Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) in lieu of payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) is final and cannot be changed. This means that if you are 18 years old, payments of compensation, pension, and Dependents' Indemnity Compensation (DIC) will be terminated upon issuance of a DEA or Fry Scholarship benefit payment. If you are under the age of 18, these benefits will be terminated on your 18th birthday. If you are planning to pursue a program of education for more than 36 months, you should consider deferring receipt of DEA or Fry Scholarship benefits. We strongly recommend that you discuss your education or training plans with a VA counselor before making a decision.

ITEM 23B. Types of education or training programs are self-explanatory, except for the following:

"Licensing or Certification Test" - A "licensing test" is a test offered by a state, local, or federal agency that is required by law to practice an occupation. A "certification test" is a test designed to provide affirmation of an individual's qualifications in a specific occupation.

"National Admission Exams or National Exams for Credit" - You may be reimbursed for the cost of approved tests for admission to or credit at institutions of higher learning.

"Correspondence Course" - You may receive benefits for correspondence training. Payments for correspondence courses are made quarterly after VA receives a certification showing the number of lessons completed. For more information on correspondence courses, you can go to the VA website at: https://www.benefits.va.gov/gibill/correspondence_training.asp.

"Flight Training" - You must already have a private pilot's license. If you are taking an Airline Transport Pilot course, you must have a valid first-class medical certificate on the date that you enter training. For all other flight courses, you must have a valid second-class medical certificate on the date that you enter training.

ITEMS 23C AND 23D - Any individual eligible under the Survivors' and Dependents' Educational Assistance program may receive Special Restorative Training or Specialized Vocational Training if a VA counselor determines that a specialized program is needed to overcome the effects of a physical or mental handicap. To be eligible for receipt of specialized training, the disability must prevent you from pursuing an educational program. Examples of Special Restorative Training include speech and voice correction, language retraining, lip reading, and Braille reading and writing. Specialized Vocational Training consists of specialized courses leading to a suitable vocational objective.

ITEM 26 - VA VOCATIONAL AND EDUCATIONAL COUNSELING HELP AVAILABLE: VA offers a wide range of services to assist you in planning your educational and/or career goals. Services include educational and vocational guidance and testing to develop a greater understanding of your skills, talents and interests. For more information on VA counseling, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551) or if you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711.

HOW TO FILE YOUR CLAIM

You may complete and submit your application online at www.benefits.va.gov/gibill or be sure to do the following:

(A) If you have selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of that school's physical address. See page 8 for addresses of the VA Regional Processing Offices.

Step 2: Tell the veterans certifying official at your school or training establishment that you have applied for VA education benefits. Ask him or her to submit your enrollment information using VA Form 22-1999, Enrollment Certification, or its electronic version.

Step 3: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

(B) If you have not selected a school or training establishment:

Step 1: Mail the completed application to the VA Regional Processing Office for the region of your home address. Check page 8 for addresses of the VA Regional Processing Offices.

Step 2: Wait for VA to process your application and notify you of its decision concerning your eligibility for education benefits.

ADDITIONAL HELP COMPLETING APPLICATION

If you need additional help completing this application or you want information about the work-study program, call VA toll-free at 1-888-GIBILL-1 (1-888-442-4551). If you use the Telecommunications Device for the Deaf (TDD), the Federal Relay number is 711. You can also get more information about education assistance from our education Internet site at www.benefits.va.gov/gibill.

CONTACT VA FROM OVERSEAS

Students and School Certifying Officials calling from outside the United States can contact VA by phone at: 001-918-781-5678 during business hours, 7 a.m. - 6 p.m. CST, Monday - Friday. This is not a toll-free number but the caller will be routed to the next available customer service representative. Non-overseas customers should call the toll-free number shown in "Additional Help Completing Application".

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 10 of 10

05/12/2021 12:26 PM

Eastern Region: VA Regional Office P.O. Box 4616 Buffalo, NY 14240-4616									
SERVES THE FOLLOWING STATES									
CO	CT	DC	DE	IA	IL	IN	KS	KY	MA
MD	ME	MI	MN	MO	MT	NC	ND	NE	NH
NJ	NY	OH	PA	RI	SD	TN	VA	VT	WI
WV	WY	APO / FPO AA		FOREIGN SCHOOLS			US VIRGIN ISLANDS		

Western Region: VA Regional Office P.O. Box 8888 Muskogee, OK 74402-8888									
SERVES THE FOLLOWING STATES									
AK	AL	AR	AZ	CA	FL	GA	HI	ID	LA
MS	NM	NV	OK	OR	PR	SC	TX	UT	WA
APO / FPO AP			GUAM			PHILIPPINES			

REQUEST TO OPT OUT OF INFORMATION SHARING WITH EDUCATIONAL INSTITUTIONS

The Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48), also known as the "Forever GI Bill," requires the Department of Veterans Affairs (VA) to make available to educational institutions information about the amount of educational assistance to which a veteran or other eligible individual is entitled. If you are eligible for the Post-9/11 GI Bill (Chapter 33), Montgomery GI Bill-Active Duty (Chapter 30), Montgomery GI Bill - Selected Reserve (Chapter 1606), or the Survivors' and Dependents Educational Assistance Program (DEA) (Chapter 35), you may elect to "opt-out" of these disclosures and have VA withhold this information instead. To request an opt-out, or for information about how to opt-out, please refer to our website at va.gov, or click <https://www.va.gov/find-forms/> to complete the VA Form 22-0993, *Request to Opt-Out of Information Sharing with Educational Institutions*.

PRIVACY ACT INFORMATION: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., awards of benefits) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain education benefits. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by a Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine the maximum benefits allowable under the law. While you do not have to respond, VA cannot process your claim for benefits unless the information is furnished as required by existing law (38 U.S.C. 3513). The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We need this information to determine your eligibility for education benefits (38 U.S.C. 3513). Title 38 U.S.C. allows us to ask for this information. We estimate that you will need an average of 45 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <http://www.reginfo.gov/public/do/PRAMain>. If desired, you can call 1-888-GI-BILL-1 (1-888-442-4551) to get information on where to send comments or suggestions about this form.

EXHIBIT D

DEPARTMENT OF VETERANS AFFAIRS

Buffalo Regional Office
PO Box 4616
Buffalo, NY 14240-4616

May 24, 2021

FARRON R ECKHOFF
2109 REDBUD LANE
FURLONG PA 18925

In Reply Refer To: 307/22/MDL
M G Eckho
XSS XXX-XX-9593 B

Dear Ms. Eckhoff:

We have received your application for education benefits under Dependents' Educational Assistance Program (DEA/Chapter 35) and determined that you are eligible.

What We Did

We have issued a Certificate of Eligibility using September 25, 2020 as your beginning date. Although we have taken this action, **you must still elect a beginning date.** Please sign the statement below and send it to the office shown at the top of this letter. **We must receive your reply within 60 days from the date of this letter.**

Certificate of Eligibility

This certifies that you are entitled to benefits for an approved program of education or training under the Dependents' Educational Assistance (DEA) program.

You must take this letter to your school. Your school must certify your enrollment before you can get paid.

Please note: The Harry W. Colmery Veterans Educational Assistance Act of 2017 (Colmery Act), which was passed on August 16, 2017, amended the duration for use of Chapter 35.

You have 36 months and 0 days of full-time benefits (38 CFR § 21.3041, 38 CFR § 21.3046, & 38 CFR § 21.3511).

CAUTION: Per current regulations, we must receive notice of your choice within 60 days from the date of this letter. If we do not receive it by then, we will assign September 25, 2020 as your start date, which is the date the veteran's rating was determined.

The child of a veteran who died from service-connected causes can choose the date to begin benefits. You can choose:

- January 18, 2020, the date after the veteran died, **OR**

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XSS XXX-XX-9593 B
Eckho, M G

- September 24, 2020, the day before VA's decision that the veteran died from a service-connected cause, **OR**
- Any date between those two dates.

Although you can choose your beginning date as indicated above, we cannot pay you benefits prior to May 12, 2020. VA regulations prevent our paying for training you took more than one year before we received your claim for your current program. We received your claim on **May 12, 2021**.

Since benefits cannot be paid before May 12, 2020, it appears that it would be to your advantage to choose September 25, 2020 as your beginning date.

The ending date for using your benefits is eight years after the date you choose. Generally, you can't use any remaining benefits for training on or after your ending date.

What You Should Do

You have been provided two copies of this letter; you should do the following with these letters:

- 1) Take one copy of this letter to your school or training facility's veterans certifying official and ask them to send us an Enrollment Certification, VA Form 22-1999. Please be sure that the VA file number indicated above is shown on all correspondence submitted in regard to your education benefits.
- 2) On the second copy of this letter, you will need to elect a date you would like your Chapter 35 benefits to start. Please elect a date, sign the statement below and send it to the office shown at the top of this letter **within 60 days from the date of this letter**. Please visit the GI Bill web site at <https://www.benefits.va.gov/gibill>. Click on "Contact Us" on the top right corner of the screen, then click on "Ask Us a GI Bill Question". You can then send VA a message with the necessary election information by clicking the "Ask a Question" tab and creating an account.

"I choose _____ as the beginning date for my DEA benefits."

Signature

FARRON ECKHOFF

XSS XXX XX 9593 B

Date

3

XSS XXX-XX-9593 B
Eckho, M G

To Receive Advance Payment

You may receive an advance payment for the first month (or part of a month) and second month of enrollment if all of the following conditions are met:

- You're enrolled for at least 1/2-time training, **and**
- Your school has agreed to receive and process advance payments, **and**
- You request advance payment by signing the request block on the enrollment certification your school sends to us, **and**
- VA receives your enrollment certification at least 30 days before classes start.

Note: If we don't pay an advance payment, we'll pay you after each month you attend school.

Career Counseling

The receipt of this Certificate of Eligibility (COE) means that you are eligible for VA-professional career counseling services at any time during your eligibility period. When considering school(s), we recommend using the GI Bill Comparison Tool, and the "*Factors to Consider When Choosing a School*." A guide before using the GI Bill®. See links to access these resources:

- GI Bill Comparison Tool: www.vets.gov/gi-bill-comparison-tool
- Factors to Consider When Choosing a School. A guide before using the GI Bill®: www.benefits.va.gov/gibill/docs/factsheets/choosing_a_school.pdf

Verify that your prospective school(s) has articulation agreements; what the agreement involves, and how it applies to credit transferability for future transfer options to other schools. For questions, additional information about career counseling services, or if you are six months from discharge, call 1-800-827-1000 and speak with a VA customer service representative.

Students receiving VA benefits at the three-quarter-time or full-time rate may participate in the VA work-study program. If you are interested, see your school's veterans coordinator.

What You Should Do If You Disagree With Our Decision

If you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date. The review options and their proper applications are as follows, for a(n):

- **Supplemental Claim**, complete VA Form 20-0995, *Decision Review Request: Supplemental Claim*.
- **Higher-Level Review**, complete VA Form 20-0996, *Decision Review Request: Higher-Level Review*.

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XSS XXX-XX-9593 B
Eckho, M G

- **Appeal to the Board**, complete **VA Form 10182**, *Decision Review Request: Board Appeal (Notice of Disagreement)*.

Please see the enclosed **VA Form 20-0998**, *Your Rights to Seek Further Review of Our Decision*. It explains your options for an additional review. You may obtain any of the required applications by downloading them from www.va.gov/vaforms/ or by contacting us at 1 (888) GI BILL 1 (1-888-442-4551). You can also learn more about the disagreement process at www.va.gov/decision-reviews. If you would like to obtain or access evidence used in making this decision, please contact us. Some evidence may be obtained by signing in at www.va.gov.

If You Have Questions or Need Assistance

Website	www.va.gov
VA Forms	www.va.gov/vaforms
Frequently Asked Questions	https://gibill.custhelp.va.gov/app/answers/list
Submit a Question: <i>Include your full name and VA file number</i>	https://gibill.custhelp.va.gov/app/
Mailing Address: <i>Include your full name and VA file number on the inside of mailed correspondence (not on envelope)</i>	See address at the top of this letters
Education Call Center	1-888-GI-BILL-1 (1-888-442-4551) (inside the U.S.) 001-918-781-5678 (outside the U.S.)
TTY, Federal Relay	711
Veterans Crisis Line	1-800-273-8255 and press 1
VA Regional Office Location	www.va.gov/find locations
GI BILL® Comparison Tool: <i>This tool allows you to get information on a school's value and, affordability; and to compare estimated benefits by school.</i>	www.vets.gov/gi-bill-comparison-tool

Sincerely yours,

Education Officer

Enclosure: VA Form 20-0998

cc: HAROLD H HOFFMAN – VETLAG COUNSEL




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XSS XXX-XX-9593 B
Eckho, M G

EXHIBIT E

YOUR RIGHT TO SEEK REVIEW OF OUR DECISION

This document outlines your right to seek review of our decision on any issue with which you disagree. You may generally select one of three different review options for each issue decided by VA. However, you may not request review of the same issue using more than one option at the same time. Below is information on the three different review options.

			
What Is This?	Supplemental Claim <p>A reviewer will determine whether new and relevant evidence changes the prior decision.</p>	Higher-Level Review <p>An experienced claims adjudicator will review your decision using the same evidence VA considered in the prior decision.</p>	Board Appeal <p>A Veterans Law Judge at the Board of Veterans' Appeals (Board) will review your decision.</p>
By Selecting This Option	<p>You are adding or identifying new and relevant evidence to support your claim that we did not previously consider.</p> <p>VA will assist you in gathering new and relevant evidence that you identify to support your claim.</p>	<p>You have no additional evidence to submit to support your claim, but you believe there was an error in the prior decision.</p> <p>You can request an optional, one-time, informal conference with a Higher-Level Reviewer to identify specific errors in the case, although requesting this conference may delay the review.</p>	<p>You must choose a docket:</p> <p>Direct Review - You do not want to submit evidence or have a hearing.</p> <p>Evidence Submission - You choose to submit additional evidence without a hearing.</p> <p>Hearing - You choose to have a hearing with a Veterans Law Judge.</p>
Goal To Complete	125 days on average	125 days on average	365 days on average for Direct Review (longer for the other options)
Form To File To Select This Option*	VA Form 20-0995, <i>Decision Review Request: Supplemental Claim</i>	VA Form 20-0996, <i>Decision Review Request: Higher-Level Review</i>	VA Form 10182, <i>Decision Review Request: Board Appeal (Notice of Disagreement)</i>
Further Options After This Decision Review	You may request another Supplemental Claim, a Higher-Level Review, or a Board Appeal.	You may request a Supplemental Claim or a Board Appeal.	You may request a Supplemental Claim or appeal to the U.S. Court of Appeals for Veterans Claims.

* All forms listed above are available at www.va.gov/vaforms/.



For most VA benefits, **you have 1 year from the date on your decision notice to request a decision review to ensure the earliest possible effective date.** Consult your decision notice for specific limitations.

If you do not submit a decision review request within the required time, you may only seek review through the following:

- A request to revise the decision based on a clear and unmistakable error, or
- A Supplemental Claim. If you file a Supplemental Claim after the **1-year** time limit, the effective date for any resulting award of benefits generally will be tied to the date VA receives the Supplemental Claim.

While most decision review options are available to you, there are limitations based on the type of decision you received.

- If you are a party to a **contested claim** - such as claims for apportionment, attorney fee disagreement, or multiple parties filing for survivor's benefits - your *only* option for disagreeing with your decision is to file a Board Appeal within **60 days** of the date on your decision notice.
- If you are seeking review of an **insurance decision** you have an *additional* option to challenge VA's decision by filing a complaint with a United States district court in the jurisdiction in which you reside within 6 years from when the right of action first accrues. Consult your decision notice for details on what options are available and where to send the request.

Get Help with Your Review Request:

For more information on all the available review options, contact us at 1-800-827-1000 or visit www.va.gov/decision-reviews/. If you need help filing a decision review, you may want to work with an accredited attorney, claims agent, or a Veterans Service Organization (VSO) representative. Additional information about working with an accredited attorney, claims agent, or VSO representative is available at www.va.gov/decision-reviews/get-help-with-review-request/. You may also find a directory of accredited representatives at www.va.gov/vso.

EXHIBIT F

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 1 of 4

02/16/2022 10:08 AM

FAX**Date:** 02/16/2022**Pages including cover sheet:** 4

To:	
Phone	
Fax Phone	(844) 531-7818

From:	Harold Hoffman
	Veterans Legal Advocacy Group
	2776 S Arlington Mill Dr Ste 804
	Arlington
	VA 22206
Phone	(877) 208-6601 * 101
Fax Phone	18772086601

NOTE:

Farron Eckhoff

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 2 of 4

02/16/2022 10:08 AM

OMB Control No. 2900-0862
Respondent Burden: 15 minutes
Expiration Date: 4/30/2024

Department of Veterans Affairs

VA DATE STAMP
DO NOT WRITE IN THIS SPACE**DECISION REVIEW REQUEST: HIGHER-LEVEL REVIEW**

INSTRUCTIONS: Before completing this form, read the Privacy Act and Respondent Burden on page 5. Use this form to request a Higher-Level Review of a decision you received. A Higher-Level Review is a new review of an issue(s) previously decided by VA based on the evidence of record at the time of the prior decision. For more information call us toll-free at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal relay number is 711. VA forms are available at www.va.gov/vaforms.

SECTION I - VETERAN'S IDENTIFICATION INFORMATION

NOTE: You may complete the form online or by hand. If completed by hand, print the information requested in ink, neatly and legibly, insert one letter per box, and completely fill in each applicable circle to help expedite processing of the form.

1. VETERAN'S NAME (First, Middle Initial, Last)

M a r k

G E c k h o f f

2. SOCIAL SECURITY NUMBER

9 5 9 3

3. VA FILE NUMBER (If applicable)

4. DATE OF BIRTH (MM/DD/YYYY)

1 9 5 0

5. VA INSURANCE POLICY NUMBER (If applicable)

6. CURRENT MAILING ADDRESS (Number, street or rural route, City or P.O. Box, State and ZIP Code and Country)

No. &
Street

Apt./Unit Number

City

State/Province

Country

ZIP Code/Postal Code

☐ I AM HOMELESS OR AT RISK OF HOMELESSNESS

7. TELEPHONE NUMBER (Include Area Code)

Enter International Phone Number (If applicable)

8. E-MAIL ADDRESS (Optional)

SECTION II - CLAIMANT'S IDENTIFICATION INFORMATION (If other than veteran)

9. CLAIMANT'S NAME (First, Middle Initial, Last)

F a r r o n

R E c k h o f f

10. SOCIAL SECURITY NUMBER (If applicable)

5 8 2 7

11. DATE OF BIRTH (MM/DD/YYYY) (If applicable)

1 9 9 8

12. CURRENT MAILING ADDRESS (Number, street or rural route, City or P.O. Box, State and ZIP Code and Country)

No. &
Street

2 1 0 9 R e d b u d L a n e

Apt./Unit Number

City

F u r l o n g

State/Province

P A

Country

U S

ZIP Code/Postal Code

1 8 9 2 5

13. TELEPHONE NUMBER (Include Area Code)

2 6 7 - 5 6 6 - 3 8 0 2

Enter International Phone Number (If applicable)

14. E-MAIL ADDRESS (Optional)

SECTION III - BENEFIT TYPE15. **SELECT ONLY ONE** (If you file for multiple benefit types, you must complete a separate VA Form 20-0996 for each benefit type.)

- ☐ COMPENSATION ☐ PENSION/SURVIVORS BENEFITS ☐ FIDUCIARY ☒ EDUCATION ☐ VETERANS HEALTH ADMINISTRATION
☐ VETERAN READINESS AND EMPLOYMENT ☐ LOAN GUARANTY ☐ LIFE INSURANCE ☐ NATIONAL CEMETERY ADMINISTRATION

From: Harold Hoffman

Fax: 18772086601

To:

Tel: (844) 531-7818

Page: 3 of 4

02/16/2022 10:08 AM

SECTION IV - OPTIONAL INFORMAL CONFERENCE

16. YOU OR YOUR AUTHORIZED REPRESENTATIVE MAY REQUEST AN INFORMAL CONFERENCE WITH THE HIGHER-LEVEL REVIEWER FOR THE SOLE PURPOSE OF POINTING OUT ERRORS OF FACT OR LAW IN THE PRIOR DECISION. (VA will only conduct one informal conference by telephonic communication associated with this request for Higher-Level Review.)

☐ 16A. I WOULD LIKE AN INFORMAL CONFERENCE. I understand electing an informal conference is optional and may delay a decision.

16B. IF YOU SELECTED THE BOX ABOVE, VA will make two attempts to contact you OR your representative to schedule the informal conference. Contact attempts will be between the hours of 8:00 a.m. and 4:30 p.m. Eastern Time. INDICATE ONE PREFERENCE:

☐ Call me between 8:00 a.m. - 12:00 p.m. ET

☐ Call me between 12:00 p.m. - 4:30 p.m. ET

☐ Call my representative between 8:00 a.m. - 12:00 p.m. ET

☐ Call my representative between 12:00 p.m. - 4:30 p.m. ET

17. IF YOU WOULD LIKE VA TO CONTACT YOUR REPRESENTATIVE, YOU MUST PROVIDE YOUR REPRESENTATIVE'S CONTACT INFORMATION BELOW.

17A. REPRESENTATIVE'S NAME (First, Last)

17B. REPRESENTATIVE'S TELEPHONE NUMBER (Include Area Code)

- -

17C. REPRESENTATIVE'S E-MAIL ADDRESS

SECTION V - SOC/SSOC OPT-IN FROM LEGACY APPEALS SYSTEM

18. By marking the circle below, I ELECT TO PARTICIPATE IN THE MODERNIZED REVIEW SYSTEM for the following issues decided in a Statement of the Case (SOC) or Supplemental Statement of the Case (SSOC). I am withdrawing the eligible appeal issues listed in 19A in their entirety, and any associated hearing requests, from the legacy appeals system. I understand I cannot return to the legacy appeals system for the issue(s) withdrawn. TO OPT-IN, THE CIRCLE BELOW MUST BE MARKED.

☐ OPT-IN FROM SOC/SSOC

NOTE: Add the date of the SOC or SSOC in block 19B for all appeal issues being withdrawn.

SECTION VI - ISSUES FOR HIGHER-LEVEL REVIEW

19. INDICATE EACH ISSUE DECIDED BY VA FOR WHICH YOU ARE REQUESTING A HIGHER-LEVEL REVIEW. Refer to your decision notice(s) for a list of adjudicated issues. For each issue, identify the date of VA's most recent decision on the issue. You may attach additional sheets, if necessary - include your name and file number on each additional sheet. **IMPORTANT:** You **may only** list issues for the benefit type selected in Section III. A separate form is required for each benefit type.

19A. SPECIFIC ISSUE(S) OF DISAGREEMENT (REQUIRED)	19B. DATE OF VA DECISION NOTIFICATION LETTER (REQUIRED)
Example 1: Service connection for left knee Example 2: Earlier effective date for hearing loss Example 3: Reimbursement for non-VA emergency care Example 4: Denial of entitlement to VR&E benefits and services Example 5: Entitlement to Service-Disabled Veterans Insurance	MM/DD/YYYY MM/DD/YYYY MM/DD/YYYY MM/DD/YYYY MM/DD/YYYY
Earlier effective date for entitlement to DEA benefits. Ms. Eckhoff's starting date for her DEA benefits should be January 18, 2020—the day after Mark Eckhoff died.	<div>05</div> - <div>24</div> - <div>2021</div>
	<div></div> - <div></div> - <div></div>
	<div></div> - <div></div> - <div></div>
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	<div></div> - <div></div> - <div></div>

From: Harold Hoffman

Fax: 18772086601

To:

Fax: (844) 531-7818

Page: 4 of 4

02/16/2022 10:08 AM

SECTION VI - ISSUES FOR HIGHER-LEVEL REVIEW (Continued)

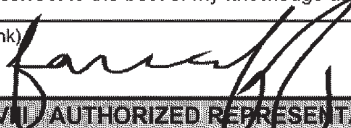
19A. SPECIFIC ISSUE(S) OF DISAGREEMENT (REQUIRED)	19B. DATE OF VA DECISION NOTIFICATION LETTER (REQUIRED)
	<input type="text"/> - <input type="text"/> - <input type="text"/>
	<input type="text"/> - <input type="text"/> - <input type="text"/>
	<input type="text"/> - <input type="text"/> - <input type="text"/>
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	<input type="text"/> - <input type="text"/> - <input type="text"/>
	<input type="text"/> - <input type="text"/> - <input type="text"/>

SECTION VII - CERTIFICATION AND SIGNATURE

NOTE: This section is **MANDATORY** and completion is required to process your claim unless accompanied by VA Form 21-0972, *Alternate Signer Certification* or Section VIII is completed.

I CERTIFY the statements on this form are true and correct to the best of my knowledge and belief.

20A. SIGNATURE OF VETERAN OR CLAIMANT (Sign in ink)



20B. DATE SIGNED

0 1 - 1 3 - 2 0 2 2

SECTION VIII - AUTHORIZED REPRESENTATIVE SIGNATURE

I CERTIFY the statements on this form are true and correct to the best of my knowledge and belief.

NOTE: A representative's signature will not be accepted unless at the time of submission of this request a valid VA Form 21-22, *Appointment of Veterans Service Organization as Claimant's Representative*, or VA Form 21-22a, *Appointment of Individual as Claimant's Representative*, indicating the appropriate representative is of record with VA or included with this application.

21A. NAME OF VA AUTHORIZED REPRESENTATIVE (First, Last)

H a r o l d

H o f f m a n

21B. SIGNATURE OF VA AUTHORIZED REPRESENTATIVE (Sign in ink)



21C. DATE SIGNED

0 1 - 1 3 - 2 0 2 2

PENALTY: The law provides severe penalties which include a fine, imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.

PRIVACY ACT NOTICE: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. Your obligation to respond is voluntary.

RESPONDENT BURDEN: We need this information to determine entitlement to benefits (38 U.S.C. 501). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete the form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at www.reginfo.gov/public/do/PRAMain.

EXHIBIT G

**DEPARTMENT OF VETERANS AFFAIRS
BUFFALO REGIONAL OFFICE
PO BOX 4616
BUFFALO NEW YORK 14240-4616**

March 1, 2022

In Reply Refer To: 307/22/JD

FARRON R ECKHOFF
2109 REDBUD LN
FURLONG PA 18925

M G Eckho
XXX-XX-9593B

Dear Ms. Eckhoff:

We regret that we can't approve your request regarding your Education claim decision dated May 24, 2021 under the Higher-Level Review option.

Why We Can't Approve Your Claim Decision

Under the Veterans Appeals Improvement and Modernization Act (AMA) of 2017, the HLR option is a new review of an issue(s) previously decided by the Department of Veterans Affairs (VA) based on the evidence of record at the time VA issued notice of the prior decision. VA will not consider any evidence received after the notification date of the prior decision.

Therefore, based on the evidence of record at the time VA issued notice of the prior decision, we have determined the Education claim decision made on May 24, 2021 was correct.

On May 24, 2021 a Certificate of Eligibility was sent advising that you must choose a beginning date of eligibility within 60 days from the date of the letter. Your choices were:

- January 18, 2020, the date after the veteran died, OR
- September 24, 2020, the day before VA's decision that the veteran died from a service- connected cause, OR
- Any date between those two dates

Per current regulations, until a beginning date of eligibility is elected, or if a date is not elected within 60 days of the letter, the date of rating establishing service-connection death will be assigned.

What You Should Do If You Disagree With Our Decision

If you do not agree with this decision, you have one year from the date of this letter to select a review option to preserve your earliest effective benefit date. Since your AMA appeals decision was made under the HLR option, the review options are as follows:

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CSS XXX-XX-9593B

Eckho, M G

- **Supplemental Claim**, complete **VA Form 20-0995**, *Decision Review Request: Supplemental Claim*.
- **Appeal to the Board**, complete **VA Form 10182**, *Decision Review Request: Board Appeal (Notice of Disagreement)*.

Please see the enclosed **VA Form 20-0998**, *Your Rights to Seek Further Review of Our Decision*. It explains your options for an additional review. You may obtain any of the required applications by downloading them from www.va.gov/vaforms/ or by contacting us. You can also learn more about the disagreement process at www.va.gov/decision-reviews. If you would like to obtain or access evidence used in making this decision, please contact us. Some evidence may be obtained by signing in at www.va.gov.

If You Have Questions or Need Assistance

Website	www.va.gov/
VA Forms	www.va.gov/vaforms
Ask VA online: <i>Include your full name and VA file number</i>	https://ask.va.gov/
Mailing Address: <i>Include your full name and VA file number on the inside of mailed correspondence (not on envelope)</i>	See address at the top of this letters
Education Call Center	1-888-GI-BILL-1 (1-888-442-4551) (inside the U.S.) 001-918-781-5678 (outside the U.S.)
TTY, Federal Relay	711
Veterans Crisis Line	1-800-273-8255 and press 1
VA Regional Office Location	www.va.gov/find-locations
GI BILL® Comparison Tool: <i>This tool allows you to get information on a school's value and, affordability; and to compare estimated benefits by school.</i>	www.va.gov/gi-bill-comparison-tool

Sincerely yours,

Education Officer

Enclosure(s): VA Form 20-0998