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New Rules for Transferring GI Bill Benefits

June 30, 2009

by Patrick Campbell

Two major announcements regarding transferring of Post 9/11 GI Bill benefits were made last week. First, the President signed into law the war supplemental bill which extends Post 9/11 GI Bill benefits to the children of servicemembers killed on active duty. Second, the Department of Defense finally issued their final rules regarding transferring of education benefits.

The "Marine Gunnery Sergeant John David Fry" scholarship, included in the 2009 Supplemental Appropriations Bill, allows the children of servicemembers who were killed on active duty full use of the Post 9/11 GI Bill. There is no requirement for the death to be combat related. The child would receive the full 100% of benefits regardless of the amount of service completed by the servicemember. And unlike other transferred benefits, the child has 15 years after they turn 18 years old to use their benefits. Congressman Chet Edwards (TX), who was responsible for securing passage of the new provision, estimates that the Marine Gunnery Sergeant Fry Scholarship will effect at least 4000 children of our brave men and women in uniform who gave their last measure of devotion to this country.

The Department of Defense issued their final rules regarding the transferring of Post 9/11 GI Bill benefits. IAVA has updated our Frequently Asked Question (FAQ) on www.NewGIBill.org regarding all the new rules.

Can I transfer my education benefits to my spouse or dependent?

Chapter 33 (the new, post-9/11 GI Bill) allows the Secretary of Defense to provide currently serving troops the opportunity to transfer education benefits to a spouse or to one or more of the individual's children.

To qualify for transferability a servicemember must:

1. Qualify for the education benefits themselves
2. Served at least 6 years on Active Duty or in the National Guard or Select Reserves
3. Agree to commit to 4 more years of service starting Aug 2009.

EXCEPTION: If a veteran is retirement eligible, than no additional service will be required. If a veteran is less than 4 years to becoming retirement eligible than that veteran just needs to finish the years remaining to retirement eligibility (e.g, 18 years in the service, 2 more years are required).

4. Have a spouse or dependent(s) enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) to transfer benefits to.

The ability to transfer benefits will start being available August 2009. A servicemember must visit <https://www.dmdc.osd.mil/TEB> to fill out the application to transfer benefits (effective June 30th). The form will require a servicemember to designate who the benefits will be transferred to, the number of months to be transferred and the period of time the dependent has to use the benefits. This application must be completed while the member is still serving in the military.

A servicemember may transfer part or all of their remaining education benefits as they see fit between their family members. Family members will also benefit from any enlistment kickers the servicemember was entitled to.

There are different rules on how a spouse vs. a dependent can use this new benefit. A spouse will have up to 15 years after the servicemember discharges from the military to use their transferred benefits, while a child will have to the age of 26 to complete their education. A spouse can begin using the benefit immediately, while a dependent must wait till the servicemember has completed ten years of service and the dependent has completed high school or turned 18 years old. Lastly, a spouse using the GI Bill while the servicemember is still on active duty will not receive the monthly living allowance and a dependent will be entitled to the full benefit.

The VA recently announced that in order for a child to qualify for transferred benefits, they must be under the age of 23 and if they are over the age of 18 they must already be enrolled in college. IAVA is currently working diligently to expand eligibility to adult children.

A veteran may revoke or modify transferred benefits at anytime. After the servicemember retires or separates from the military a servicemember may not add new transferees, but can still modify transfers to dependents who are already receiving transferred benefits. A divorce will not automatically affect transferred benefits to a spouse or dependents, a servicemember must specifically request the benefits to be revoked or modified. Post 9/11 GI Bill benefits are not considered martial property upon divorce.

Failure to complete the additional 4 year requirement will mean any education benefits used by a spouse or dependent will be considered an overpayment and be charged to the servicemember. Exceptions to this are made for servicemembers who die while finishing the their service commitment, discharge due to a pre-existing medical conditions, hardship as determined by DoD or a physical or medical condition that was not caused by the servicemember's willful misconduct that interfered with the performance of duty.