



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

In Reply Refer To: 223C

May 11, 2020

L.G. Corder, Esq., Director, Veterans Education and Training
West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

Dear Mr. Corder:

This letter is in response to the letter you submitted on May 8, 2020, to request confirmation pertinent to Post 9/11 GI Bill benefits and HB-4412, which amended W.Va. Code §15-1B-21.

The law states that if a member of the Army National Guard or Air National Guard uses education benefits that are administered by the U.S. Department of Affairs, an institution of higher education shall first assess the U.S. Department of Veterans Affairs for payment of tuition and fees payable by those programs, with the remaining tuition and fees, if any, then being paid in accordance with WV's Educational Encouragement Program (WVEEP).

VA's Office of General Counsel has previously opined "To the extent that a State by legislative enactment has clearly limited or conditioned the application of a State-sponsored educational assistance benefit as being available for use only after the exhaustion of, or solely as a supplement to, Federal benefits (e.g., chapter 33 benefits), the Federal benefits must be applied to defray applicable charges for tuition and fees for each individual student without regard to consideration of the potential State benefit."

VA agrees that the potential availability of grant funds to a student under WVEEP should not operate to reduce the Post 9/11 GI Bill benefits payable by the Department of Veterans Affairs and reached similar conclusions for other states. I hope this information will be of assistance to you as we work together on behalf of our Nation's Veterans.

Respectfully,

THOMAS J
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Thomas Alphonso
Assistant Director, Policy & Procedures