



## ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES

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The Honorable Robert Wilkie  
Secretary of the Department of Veterans Affairs  
810 Vermont Ave NW  
Washington, DC 20571

Dear Mr. Secretary,

The Enlisted of the Association of the National Guard of the US (EANGUS) thanks you for your continued service to protect the interests and earned benefits of our nation's Veterans. Our members have raised serious concerns about current regulations that are hurting Student Veterans, prohibiting their access to their education benefits during the course of their studies, and halting their persistence to graduation. We request a formal discussion on the 85-15 Rule to update federal regulation so that new waiver pathways are made available for institutions.

Defined in 38 CFR § 21.4201, "The 85-15 Rule" prohibits paying VA education benefits to students enrolling in a program when more than 85 percent of the students enrolled in that program are having any portion of their tuition, fees, or other charges paid for them by the school or VA. In practice, this means that VA is shutting off the earned benefits of eligible Veterans who want to attend a program or curriculum with a high Student Veteran population. Further, at times the 85-15 Rule shuts off Veterans' benefits while they are in the middle of their program because a Non-Supported Student (civilian) dropped out. The Student Veteran is told they are no longer eligible for their GI Bill because of the imbalanced ratio, and must take out loans to stay in school. Consider this testimony from a currently deployed Special Forces operator risking his life for our country in Afghanistan,

"I was a recent casualty of [the 85-15 Rule]...About halfway through my graduate program I was told that I could no longer use my VA benefits for tuition due to the 85-15 Rule. I was told by several ranking school officials that they had reached their limit on VA students within my degree program and they could not let me continue receiving my VA benefits under that specific program. They said I could switch degree programs, which I thought was absolutely ridiculous. I wasn't able to complete my degree and just stopped attending because I couldn't afford the tuition without VA tuition assistance.

Why should I have to go to another school or switch degree programs and start all over again after completing several graduate level courses? Now, I am currently deployed to Afghanistan for my third combat tour with no degree and no hope of completing it while this rule is in effect.

The VA, like many other organizations in America, have lost sight of their principal and fundamental justification for existence which is providing exceptional service to the men and women of this nation that have served faithfully and in many cases have made the ultimate sacrifice."

In effect, the 85-15 Rule forces Student Veterans to be at the mercy of Non-Supported Students, and

seriously hurts Servicemembers' and Veterans' ability "to increase [their] earning potential and quality of life for [their] families."

It is time for the Department of Veterans Affairs to update federal regulation in order to provide commonsense waiver pathways for institutions that are serving Student Veterans well. The Enlisted Association of the National Guard of the US respectfully asks the Secretary to submit for public comment a much-needed update to federal regulation to provide waiver pathways for institutions so that the 85-15 Rule makes sense in the present-day, or else this rule will continue to hurt the Veterans it was intended to protect.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Yoakum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Frank Yoakum  
Sergeant Major  
US Army (Retired)  
Executive Director  
EANGUS