



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON
JUN 26 2019

Sergeant Major Frank Yoakum, USA (Retired)
Executive Director
Enlisted Association of the National Guard of the United States
1 Massachusetts Avenue NW, Suite 880
Washington, DC 20001

Dear Sergeant Major Yoakum:

Thank you for your April 11, 2019, letter concerning the 85-15 rule and your request to update the associated Federal regulations. I would like to take this opportunity to address your concerns.

Congress established the 85-15 rule (codified in 38 United States Code § 3680A(d)) to protect our Nation's Veterans. You are correct that the requirement was put into place in the 1950s after lessons learned from the original GI Bill. Many still view the requirement as important for ensuring that only quality providers are approved for VA educational assistance benefits. While the majority of 85-15 waiver requests are denied, VA does grant waivers, and has done so within the past year.

Based on the limited information submitted, it appears that the educational institution that SFC Allen is attending may not be applying the 85-15 rule correctly. 38 Code of Federal Regulations § 21.4201(a) states that "[e]xcept as otherwise provided in this section the Department of Veterans Affairs shall not approve an enrollment in any course for an eligible veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees or other charges paid for them by the educational institution or by the Department of Veterans Affairs pursuant to Title 38 U.S.C." Consequently, if SFC Allen was already receiving GI Bill benefits for enrollment in the program, he would not be prevented from reenrolling because of the subsequent failure to meet the requirements of the 85-15 rule. The provision prohibits the approval of benefits for the enrollment of new students, not the reenrollment of existing GI Bill beneficiaries.

Because the school name (and branch, if applicable) was not provided, we cannot determine whether the school's actions were made in error. You may provide the school information to VA's Education Service by email at 222.VBAVACO@va.gov. The student information should only include reference to this letter, the school name, school branch/location, and the term(s) in which SFC Allen was not permitted to reenroll. With the school information, we can determine if corrective action is required.

Thank you for your service and for your support of our Nation's Veterans.

Sincerely,

A handwritten signature in black ink, reading "Robert L. Wilkie", is positioned below the "Sincerely," text.

Robert L. Wilkie