

or fraction of month of service on active duty on or after February 1, 1955, but not in excess of 36 months. There will be excluded from the period of entitlement the periods specified in § 21.1040 (b) and (c).

(2) A veteran who has served a continuous period of not less than 18 months on active duty on or after February 1, 1955, and who has been released from such service under conditions that satisfied his active duty obligation, will be entitled to full-time educational assistance for a period of 36 months (or the equivalent in part-time educational assistance). The periods specified in § 21.1040(b) will be excluded in computing the 18-month period.

(3) The veteran may use his entitlement at any time during the 8-year period determined under § 21.1042. It is not required that the entitlement time will be used in consecutive months.

(4) The 36-month limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a).

(b) *Prior Veterans' Administration training.* The period of entitlement for educational assistance when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance, except as provided in paragraph (a)(4) of this section. A reduction in the period of entitlement by reason of prior training will be computed as provided in paragraph (c) of this section.

(d) *Extension.* The period of entitlement, including the 36-months period, may be extended, but not beyond the 8-year delimiting date specified in § 21.1042:

(1) To the end of a term, quarter or semester in a school regularly operated on a term, quarter or semester system, when the period of entitlement ends during the term, quarter or semester.

(2) To the end of the course or for 12 weeks, whichever is less, in all other schools, when the period of entitlement ends after more than half of the course has been completed. In a course consisting exclusively of flight training and in a course pursued exclusively by correspondence, the period of entitlement will be extended to the end of the course or for the total additional amount of instruction that \$364 will provide, whichever is less. (38 U.S.C. 1661; Pub. Law 90-631; 82 Stat. 1331.)

(3) No extension of the period of entitlement will be made where training is pursued in a training establishment as defined in § 21.4200(c).

4. In § 21.1045, paragraph (b) is amended to read as follows:

§ 21.1045 Entitlement charges.

(b) *Correspondence courses—chapter 34—(1) High school courses.* The provisions of paragraph (a)(1) of this section

are applicable to correspondence courses at a secondary school level.

(2) *Other courses.* Except as provided in subparagraph (1) of this paragraph, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each \$130 paid to the veteran as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly three-fourths, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1682(c) (2); Public Law 90-631; 82 Stat. 1331)

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1968.

Approved: January 14, 1969.

By direction of the Administrator.

[SEAL]

A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-726; Filed: Jan. 17, 1969; 8:49 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' and Widows' Educational Assistance Under 38 U.S.C. Chapter 35

MISCELLANEOUS AMENDMENTS

1. The title of Subpart C is amended to read as set forth above.

2. Immediately preceding paragraph (a) of § 21.3020, a new introduction is added and paragraph (a) is amended so that the added and amended material reads as follows:

§ 21.3020 Educational assistance.

The program of educational assistance under 38 U.S.C. chapter 35, captioned War Orphans' and Widows' Educational Assistance, may be referred to as Dependents' Educational Assistance.

(a) *General.* A program of education or special restorative training may be authorized for an eligible person who meets the definition contained in § 21.3021.

3. In § 21.3021, paragraphs (a), (b), (c), and (d) are amended to read as follows:

§ 21.3021 Definitions.

(a) Eligible person—child, wife and widow:

(i) "Eligible person" means (1) a child of a veteran who died of a service-connected disability or who has a total disability permanent in nature resulting from a service-connected disability, or who died while a disability so evaluated was in existence, or

(ii) The widow of any veteran who died of a service-connected disability, or

(iii) The wife of any veteran who has a total disability permanent in nature resulting from a service-connected disability, or the widow of a veteran who

died while a disability so evaluated was in existence, arising out of active military, naval, or air service after the beginning of the Spanish American War. See §§ 3.6(a) and 3.807 of this chapter.

(2) "Child" means a son or daughter of a veteran as defined in § 3.807(d) of this chapter. The term includes a child of a Philippine Commonwealth Army veteran and a Philippine Scout (designated as a "New" Philippine Scout under 38 U.S.C. 1766(b)), as defined in § 3.8 (b), (c), or (d) of this chapter, but educational assistance allowance may not be authorized based on such service for any period before September 30, 1966.

(3) "Wife" and "widow" mean an individual as defined in § 3.807(d) of this chapter. Educational assistance allowance may not be authorized for a wife or widow for any period before December 1, 1968.

(b) "Parent or guardian" means a natural or adoptive parent, a fiduciary legally appointed by a court of competent jurisdiction or any person who is determined to be otherwise legally vested with the care of the eligible person (38 U.S.C. 1701(a)(4)) or it may be the eligible person himself.

(1) The term includes the eligible person if he has attained his majority under laws applicable in his State of residence as shown on his application and is under no known legal disability (38 U.S.C. 1701(b)). Also the eligible person himself (child, wife, or widow) may be designated as the person by whom required actions may be taken even though he has not attained his majority, or having attained his majority, is under a legal disability, when it is determined that to do otherwise would not be in his best interest, would result in undue delay or would not be administratively feasible.

(2) Where necessary to protect his interest and there is reason why the eligible person should not act for himself, some other individual may be designated as the person by whom required actions should be taken. (38 U.S.C. 1701(c)).

(c) "Armed Forces," as to service by the eligible person, means the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, including the Reserve components of each, the National Guard of the United States and the Air National Guard of the United States. (38 U.S.C. 1701 (a) (3) and (d); 1712(a).)

(d) "Duty with the Armed Forces," as to service by the eligible person, means active duty, active duty for training for a period of 6 or more consecutive months, or an initial period of active duty for training of not less than 3 months or more than 6 months in the Ready Reserve. (38 U.S.C. 1701 (a) (3) and (d); 1712(a).) See §§ 21.3041 and 21.3042.

4. Section 21.3022 is revised to read as follows:

§ 21.3022 Nonduplication; 38 U.S.C. chapters 31, 34, and 35.

A person who is eligible for educational assistance under 38 U.S.C. chapter 35 and

is also eligible for vocational rehabilitation under 38 U.S.C. chapter 31 or educational assistance under chapter 34, must elect which benefit he will receive. The election is subject to the conditions specified in § 21.4022.

5. In § 21.3023(a), the headnote and introductory portion preceding subparagraph (1) and subparagraph (2) are amended; paragraph (b) and the headnote of paragraph (c) are amended; and paragraph (d) is added, so that the amended and added material reads as follows:

§ 21.3023 Nonduplication; pension, compensation and dependency and indemnity compensation.

(a) *Child; age 18.* A child who is eligible for educational assistance and who is also eligible for pension, compensation, or dependency and indemnity compensation based on school attendance must elect whether he will receive educational assistance or pension, compensation or dependency and indemnity compensation.

(2) Payment of pension, compensation or dependency and indemnity compensation to or on account of a child after his 18th birthday does not bar subsequent payments of educational assistance.

(b) *Child; under 18 or helpless.* Educational assistance allowance or special restorative training allowance may generally be paid concurrently with pension, compensation or dependency and indemnity compensation for a child under the age of 18 years or for a helpless child based on the service of one or more parents. Where, however, entitlement is based on the death of more than one parent in the same parental line, concurrent payments in two or more cases may not be authorized if the death of one such parent occurred on or after June 9, 1960. In the latter cases, an election of educational assistance and pension, compensation or dependency and indemnity compensation in one case does not preclude a reelection of benefits before attaining age 18 or while helpless based on the service of another parent in the same parental line.

(c) *Child; election.* The commencement of a program of education constitutes an election.

(d) *Wife, widow.* Educational assistance allowance may be paid for an eligible wife or widow concurrently with pension, compensation or dependency and indemnity compensation.

6. Immediately following § 21.3023, the cross references are amended to read as follows:

Cross REFERENCES: Discontinuance. See § 3.503(h) of this chapter.

Concurrent payments. See § 3.707 of this chapter.

Certification. See § 3.807 of this chapter.

7. Section 21.3024 is revised to read as follows:

§ 21.3024 Nonduplication; Bureau of Employees' Compensation.

The provisions of this section are applicable to cases where there is eligibility for benefits from the Bureau of Employees' Compensation based on the disability or death of the veteran from whom eligibility for educational assistance is derived.

(a) *Child, wife or widow.* A person who is eligible for educational assistance and is also eligible for Bureau of Employees' Compensation benefits must elect which benefit he will receive.

(b) *Veteran, wife and child; widow and child.* An eligible person may receive educational assistance notwithstanding that Bureau of Employees' Compensation benefits are being paid to a veteran or widow.

(c) *Election.* An election of Bureau of Employees' Compensation benefits by or for a child filed on or after July 4, 1966, is a bar to subsequent payments of Veterans Administration benefits during the period of concurrent eligibility. An election of Bureau of Employees' Compensation benefits by a widow filed on or after December 1, 1968, is a bar to subsequent payments of Veterans Administration benefits during the period of concurrent eligibility. (5 U.S.C. 8101(17), 8110(a), 8116, 8133(b); Public Law 90-631, 82 Stat. 1331.)

8. Sections 21.3030 and 21.3031 are revised to read as follows:

§ 21.3030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the wife, widow, or the parent of a child or guardian in order for educational assistance allowance or special restorative training allowance to be paid. (38 U.S.C. 1713)

§ 21.3031 Informal claims.

(a) Any communication from a wife, widow, parent of a child or guardian, an authorized representative or a Member of Congress indicating an intent to apply for educational assistance for an eligible person may be considered an informal claim. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the wife, widow, parent of a child or guardian for execution. If received within 1 year after the date it was sent to the wife, widow, parent of a child or guardian, it will be considered filed as of the date of receipt of the informal claim.

(b) The act of enrolling in an approved school does not, in itself, constitute an informal application.

9. In § 21.3032(a), subparagraphs (1) and (2) are amended to read as follows:

§ 21.3032 Time limits.

(a) *Completion of claim—(1) Processing time.* If, after filing application, the eligible child, for other than a reason determined by the Veterans Administration to have been beyond his control, fails to report for a scheduled counseling appointment or fails to submit an educational plan within 60 days after the date on which a counseling certificate is

executed, the application will be considered abandoned for the purpose of computing processing time. If the eligible child reports after the 60-day period but within 1 year of filing application, the date of reporting for counseling will be considered the appropriate date from which to compute processing time.

(2) *Claim or request for change.* When required counseling is delayed by an eligible person for 12 or more months, for other than a reason beyond his control, the application or request for change of program will be considered abandoned.

10. In § 21.3040, the heading is changed to read as follows:

§ 21.3040 Eligibility; child.

11. In § 21.3041, the heading and paragraph (e) are amended (footnotes 1 and 2 are now incorporated in the text) to read as follows:

§ 21.3041 Periods of eligibility; child.

(e) *Extensions to ending dates.* (1) Suspension of program due to conditions determined by the Veterans Administration to have been beyond the person's control (see § 21.3043): Extended for length of period of suspension, but not beyond age 31. See § 21.3040(d).

(2) *Processing time:* Extended by length of processing time, but not beyond age 31. See § 21.3040(d). "Processing time" means the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the Certificate for a Program of Education is signed by an authorized official, or would have been signed except that the expected date of enrollment is more than 60 days in the future.

(3) *Period of eligibility as specified in paragraph (c) or (d) of this section ends while enrolled during last half of quarter or semester, or during last half of course not operating on quarter or semester system:* Extended to end of quarter or semester for schools operating on quarter or semester system, or end of course or for 9 weeks, whichever is earlier, for schools not operating on quarter or semester system. Extension may be authorized beyond age 31, but may not exceed maximum entitlement. See § 21.3044(a).

(4) *Child is enrolled and eligibility ceases because veteran is no longer rated permanently and totally disabled:* Extended to date specified in subparagraph (3) of this paragraph without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(c).

12. In § 21.3042, paragraphs (a), (b), and (d) are amended to read as follows:

§ 21.3042 Service with Armed Forces.

(a) No educational assistance may be provided an otherwise eligible person during any period he is on duty with the Armed Forces. See § 21.3021 (c) and

(d). This does not apply to brief periods of active duty for training. See § 21.4135 (n). (38 U.S.C. 1701(d))

(b) If the eligible person served with the Armed Forces, his discharge or release from each period of service must have been under conditions other than dishonorable. (38 U.S.C. 1701(d))

(d) For the eligible child called to active duty after July 30, 1961, and before August 1, 1962, by (1) an order issued to him as a Reserve or (2) an extension of an enlistment, appointment or period of duty pursuant to section 2 of Public Law 87-117, 75 Stat. 242 ("Berlin Crisis"), the extended period under § 21.3041 will be further extended by the number of months and days served during such period.

13. In § 21.3043, the heading is amended to read as follows:

§ 21.3043 Suspension of program; child.

14. In § 21.3044, paragraph (a) is amended to read as follows:

§ 21.3044 Entitlement.

(a) Each eligible person is entitled to educational assistance for a period not in excess of 36 months, or the equivalent thereof in part-time training. The period of entitlement when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which subsistence allowance was paid after determination of employability following vocational rehabilitation. Where the period of entitlement is subject to reduction by reason of prior training the period of prior training will be converted to months and quarter fractions of a month before subtracting this period from the period of entitlement. In the conversion process a period of prior training less than a full month will be converted by using the table in § 21.1041(c).

15. Section 21.3046 is added to read as follows:

§ 21.3046 Periods of eligibility; wife or widow.

(a) *Beginning date.* Effective date of permanent-total rating of veteran or date of veteran's death, whichever is earlier. If the permanent-total rating was effective or the veteran's death occurred before December 1, 1968, the beginning date is December 1, 1968.

(b) *Ending date.* Whichever of the following is later:

(1) Eight years from the effective date of the permanent-total rating of veteran or date of the veteran's death or

(2) November 30, 1976.

(c) *Extension to ending date.* Wife is enrolled and eligibility ceases for a reason specified in subparagraph (1) or (2) of this paragraph: extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester sys-

tem, to end of course or for 9 weeks, whichever is earlier, but not to exceed maximum entitlement or beyond the 8-year delimiting date specified in paragraph (b) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached.

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife is divorced from veteran without fault on her part.

(38 U.S.C. 1711(b), 1712(b), sec. 2(f), Public Law 90-631, 82 Stat. 1331) (72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1968.

Approved: January 14, 1969.

By direction of the Administrator.

[SEAL]

A. W. STRATTON,
Deputy Administrator.

[P.R. Doc. 69-727; Filed, Jan. 17, 1969; 8:49 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

MISCELLANEOUS AMENDMENTS

1. A new § 21.4020 is added to read as follows:

§ 21.4020 Two or more programs.

The aggregate period for which any person may receive assistance under two or more of the laws listed below:

(a) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

(b) Title II of the Veterans' Readjustment Assistance Act of 1952;

(c) The War Orphans' Educational Assistance Act of 1956;

(d) 38 U.S.C. chapters 31, 34, and 35 and the former chapter 33, may not exceed 48 months (or the part-time equivalent thereof), but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone. (38 U.S.C. 1791)

2. Section 21.4022 is revised to read as follows:

§ 21.4022 Nonduplication; 38 U.S.C. chapters 31, 34, and 35.

(a) *Election.* A veteran or eligible person who is eligible for education or training under more than one program under 38 U.S.C. chapters 31, 34, and 35 based on his own service or based on the service of another person must elect which benefit he will receive. The person may recede at any time.

(b) *Prior training.* (1) If a veteran has pursued an educational or training program under chapters 33 (prior to its repeal), 34, or 35, the program of education or special restorative training previously pursued shall be utilized to the fullest extent practicable in determining the character and duration of vocational rehabilitation to be furnished him. (38 U.S.C. 1502(b))

(2) Where a veteran who is also an eligible person has received educational assistance under chapter 34 or chapter 35, the program of education previously pursued will be utilized to the fullest extent practicable in determining the character and duration of the course for which enrollment may be approved under the other chapter.

3. Section 21.4025 is revised to read as follows:

§ 21.4025 Nonduplication; Federal programs.

(a) *General.* Except where specifically permitted by law, neither educational assistance allowance nor special training allowance may be authorized for any period during which the veteran or eligible person is enrolled in and pursuing a course of education or training paid for by the United States in whole or in part under any other provision of law, where the educational assistance would constitute a duplication of benefits from the Federal Treasury. In programs subject to this prohibition, a duplication of benefits is barred where a payment is made from the Federal Treasury under any other Federal education program, either to the student or trainee or directly to a school or training establishment (as distinguished from a State agency) to provide an allowance for living expenses or tuition. (38 U.S.C. 1781).

(b) *Programs barred.* The bar to concurrent payments includes the following:

(1) An Atomic Energy Commission fellowship.

(2) A National Science Foundation fellowship.

(3) The U.S. Maritime Commission training program.

(4) The Financial Assistance program in the Senior Reserve Officers' Training Corps of the Air Force, Army or Navy (Public Law 88-647) (similar to the former regular Navy ROTC program, Holloway Plan).

(5) The program provided under the Universal Military Training and Service Act (Public Law 51, 82d Cong.).

(6) The Veterans Administration Career Residency program for full-time physicians and dentists, and the Veterans Administration Career Dental Internship program for full-time dentists, of the Veterans Administration Department of Medicine and Surgery.

(7) Tuition assistance paid by a service department to a person on active duty, and

(8) Educational assistance under the Manpower Development and Training Act (Public Law 87-415).

(c) *Programs not barred.* Educational assistance allowance or special training allowance is not barred solely because the veteran or eligible person is:

(1) Enrolled in a land-grant college which is receiving Morrill-Nelson and Bankhead-Jones funds.

(2) Enrolled in a vocational training course conducted under the Act of February 23, 1917, as amended or the Vocational Educational Act of 1946 (Public Law 586, 79th Cong.).

(3) Enrolled in a school and participating in the 2-year Senior Reserve Officers' Training Corps, or the 4-year Senior ROTC program of the Air Force, Army or Navy, other than the Financial Assistance program (see paragraph (b) (4) of this section),

(4) Participating in an on-the-job training program in a governmental establishment, such as a Navy Yard,

(5) Receiving benefits under Public Law 87-256 (Fulbright Act),

(6) Participating in the noncareer residency or internship program of the Veterans Administration Department of Medicine and Surgery,

(7) Participating in the Veterans Administration training program for clinical psychologists, social workers or similar programs and being paid for part-time work,

(8) Receiving assistance under the Higher Education Act of 1965 (section 506, Public Law 90-575),

(9) Receiving assistance under the Economic Opportunity Act of 1964 (section 506, Public Law 90-575),

(10) Receiving a grant or award under the National Defense Education Act of 1958 (section 506, Public Law 90-575),

(11) Receiving a grant or award under the National Foundation on the Arts and the Humanities Act of 1965 (section 506, Public Law 90-575),

(12) Receiving a grant or award under the International Education Act of 1966 (section 506, Public Law 90-575), or

(13) Receiving a grant or award under the Public Health Service Act (section 504, Public Law 90-574).

4. Section 21.4102 is revised to read as follows:

§ 21.4102 Requirement; 38 U.S.C. chapter 35.

(a) *Child.* Counseling is required for an eligible child before approval of an initial course, reentrance after discontinuance because of unsatisfactory conduct or progress, or a change of program. The counselor will assist in preparing an educational plan if requested by the eligible person, his parent or guardian. (38 U.S.C. 1720)

(b) *Wife or widow.* Counseling is not required for a wife or widow for approval of an initial course or for a change from such course unless the earlier course was discontinued because of unsatisfactory conduct or progress or the change constituted a second change. See § 21.4106.

5. In § 21.4106(a), subparagraph (2) is amended and subparagraph (3) is added so that the added and amended material reads as follows:

§ 21.4106 Counseling; change or reentrance.

(a) *When required.* * * *

(2) 38 U.S.C. chapter 35; child. For any change of program or for resumption of a course of education which had been

discontinued because of unsatisfactory conduct or progress under § 21.4277.

(3) 38 U.S.C. chapter 35; wife or widow. For a change from the initial program if interrupted or discontinued due to the eligible person's own misconduct, neglect, or lack of application, for any second change of program, or for resumption of a course of education which has been discontinued under § 21.4277 because of unsatisfactory conduct or progress.

6. In § 21.4130(b), subparagraph (3) is amended to read as follows:

§ 21.4130 Educational assistance allowance.

(b) The ending date will be the earliest of the following dates:

(3) The ending date of the eligible person's eligibility as determined under §§ 21.3041, 21.3042 and 21.3046.

7. In § 21.4135, paragraphs (c) and (o) are amended and paragraph (v) is added so that the added and amended material reads as follows:

§ 21.4135 Discontinuance dates.

* * *

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time.....	\$130.00	\$155.00	\$175.00	\$10.00
¾ time.....	95.00	115.00	135.00	7.00
½ time.....	60.00	75.00	85.00	5.00
Less than ½, but more than ¼ time.....	40.00	50.00	60.00	3.00
¼ time or less.....	20.00	30.00	40.00	1.00
Cooperative, other than farm cooperative (full time only).....	105.00	125.00	145.00	7.00
Apprentice or on-job (full time only):				
Payment designated training assistance allowance.				
1st 6 months.....	80.00	90.00	100.00	None
2d 6 months.....	60.00	70.00	80.00	None
3d 6 months.....	40.00	50.00	60.00	None
4th 6 months and succeeding periods.....	20.00	30.00	40.00	None
Correspondence.....	Established charge for number of lessons completed by veteran and serviced by school—Allowance paid quarterly.			
Flight training.....	60 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time.....	105.00	125.00	145.00	7.00
¾ time.....	75.00	90.00	105.00	5.00
½ time.....	50.00	60.00	70.00	3.00

* See paragraph (b) of this section.

9. In § 21.4153(c), a new subparagraph (3) is added and the former subparagraph (3) is redesignated (4) to read as follows:

§ 21.4153 Reimbursement of expenses.

(c) *Reimbursable expenses.* * * *

(3) *Administrative expenses.* An allowance for administrative expenses for

(c) *Divorce.* (1) Veteran, chapter 34: Last day of month in which divorce occurs.

(2) Wife, chapter 35: Date the decree became final, subject to extension under paragraph (o) of this section if divorce was without fault on part of the wife.

(o) *Veteran no longer rated permanent-total disabled, or wife (trainee) divorced from veteran without fault on her part; chapter 35 (§§ 21.3041 and 21.3046).* (1) End of quarter or semester if school is operated on quarter or semester system.

(2) End of course or 9 weeks whichever is earlier, if school is not operated on quarter or semester system.

(v) *Remarriage of widow.* (1) Remarriage: Last date of attendance before remarriage.

(2) Conduct of widow: Last day of month before inception of relationship.

8. In § 21.4136, paragraph (a) is amended to read as follows:

§ 21.4136 Rates: educational assistance allowance; 38 U.S.C. chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after October 1, 1967, at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time.....	\$130.00	\$155.00	\$175.00	\$10.00
¾ time.....	95.00	115.00	135.00	7.00
½ time.....	60.00	75.00	85.00	5.00
Less than ½, but more than ¼ time.....	40.00	50.00	60.00	3.00
¼ time or less.....	20.00	30.00	40.00	1.00
Cooperative, other than farm cooperative (full time only).....	105.00	125.00	145.00	7.00
Apprentice or on-job (full time only):				
Payment designated training assistance allowance.				
1st 6 months.....	80.00	90.00	100.00	None
2d 6 months.....	60.00	70.00	80.00	None
3d 6 months.....	40.00	50.00	60.00	None
4th 6 months and succeeding periods.....	20.00	30.00	40.00	None
Correspondence.....	Established charge for number of lessons completed by veteran and serviced by school—Allowance paid quarterly.			
Flight training.....	60 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time.....	105.00	125.00	145.00	7.00
¾ time.....	75.00	90.00	105.00	5.00
½ time.....	50.00	60.00	70.00	3.00

which payment may be authorized will be determined in accordance with the formula contained in this subparagraph. Salary cost includes basic salary plus fringe benefits such as Social Security, retirement, and health, accident or life insurance which is provided all similarly circumstanced State employees.

Total salary cost reimbursable	Allowance for Administrative expense
\$5,000 or less.....	\$250.
Over \$5,000 but not exceeding \$10,000.	\$450.
Over \$10,000 but not exceeding \$35,000.	\$450 for the first \$10,000 plus \$400 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000.	\$2,625.
Over \$40,000 but not exceeding \$75,000.	\$2,625 for the first \$40,000 plus \$350 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000.	\$5,225.
Over \$80,000.....	\$5,225 for the first \$80,000 plus \$300 for each additional \$5,000 or fraction thereof.

(4) *Committee assignments.* Reimbursement may also be authorized for the salary and travel of the employee of the State approving agency serving as a designated member of the field station Committee on Educational Allowances.

10. In § 21.4203(b), subparagraph (3) is added and paragraph (g) is amended so that the added and amended material reads as follows:

§ 21.4203 Reports by schools; requirements.

(b) *Entrance or reentrance.* * * *
(3) Where the veteran is enrolling in a farm cooperative course, the school's certification will include a report of the dates of the prescheduled classroom instruction.

(g) *Flight training courses.* Where the course consists exclusively of flight training, the school will report by an endorsement on the veteran's certification the type and number of hours of actual flight training received by, and the cost thereof to, the veteran. Such reports may be submitted monthly.

11. In § 21.4204, a new paragraph (e) is added to read as follows:

§ 21.4204 Periodic certifications.

(e) *Farm cooperative courses.* The monthly certification will cover only those periods of classroom instruction which are included in the prescheduled institutional portion of the course.

12. In § 21.4205(c), a new subparagraph (4) is added to read as follows:

§ 21.4205 Absences.

(c) *Reporting.* * * *
(4) For a farm cooperative course the absences to be reported by the veteran and verified by the school will be those days of nonattendance which occur during a period of the prescheduled classroom instruction.

13. In § 21.4230, paragraph (d) is amended and paragraph (e) is added so

that the added and amended material reads as follows:

§ 21.4230 Requirements.

(d) *Provisional; chapter 35; child.* When application for educational assistance under chapter 35 is approved provisionally the eligible child and, if a minor, the parent or guardian also will be informed of the need to develop a program of education consistent with paragraphs (a) and (b) of this section. (38 U.S.C. 1713, 1720.)

(e) *Selection; chapter 35; wife, widow.* A program of educational assistance under chapter 35 selected by an eligible wife or widow will be approved if it meets the requirements of paragraph (a) or (b) of this section and the individual is not already qualified for the objective for which the program of education is offered.

14. In § 21.4231, the heading is amended to read as follows:

§ 21.4231 Educational plan; 38 U.S.C. chapter 35; child.

15. In § 21.4232, paragraph (a) is amended to read as follows:

§ 21.4232 Specialized vocational training; 38 U.S.C. chapter 35.

(a) A program consisting of a specialized course of vocational training may be provided to an eligible person who is not in need of special restorative training and who requires such a program because of a mental or physical handicap. (38 U.S.C. 1737.) The Vocational Rehabilitation Board will determine whether such a course is in the best interest of the eligible person. If the determination is in the affirmative the board will assist in developing the program and a suitable educational plan. If it is determined that such a program is not in the best interest of the eligible person the application for the program will be denied. Specialized vocational training may be authorized for an eligible child only if the child has passed his 14th birthday.

16. In § 21.4233, paragraph (d) is amended to read as follows:

§ 21.4233 Combination.

(d) *Farm cooperative course.* A program of education consisting of institutional agricultural courses pursued by a veteran who is concurrently engaged in agricultural employment which is relevant to such institutional course may be approved if the course meets the requirements of § 21.4264.

17. In § 21.4234, paragraph (c) is amended, a new paragraph (d) is added and the former paragraph (d) is redesignated (e) so that the added, amended and redesignated material reads as follows:

§ 21.4234 Change of program.

(c) *Chapter 35; child.* After further counseling one change will be approved

and a second change may be approved, if the criteria of paragraphs (b) (1) and (2) of this paragraph are satisfied. The approval of such change will also be subject to the requirement that the educational plan for the new program must meet the criteria applicable to final approval of an original application. See §§ 21.4230 and 21.4231. (38 U.S.C. 1722.)

(d) *Chapter 35; wife, widow.* The eligible wife or widow may make one optional change of program if the previous course was not interrupted or discontinued due to her own misconduct, neglect or lack of application. A second change or an initial change after interruption or discontinuance due to her own misconduct, neglect or lack of application may be approved if it is found that:

(1) The program of education which the eligible wife or widow proposes to pursue is suitable to her aptitudes, interests, and abilities; and

(2) In any instance where the eligible wife or widow has interrupted, or failed to progress in, her program due to her own misconduct, neglect or lack of application, there exists a reasonable likelihood with respect to the program which she proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(e) *Adjustments; transfers.* A change in courses or places of training will not be considered a change of objective in the following instances:

(1) The pursuit of the first program is a prerequisite for entrance into and pursuit of a second program.

(2) A transfer from one school to another when the program at the second school leads to the same educational, professional or vocational objective, and does not involve a material loss of credit, or increase training time.

(3) Revision of a program which does not involve a change of objective or material loss of credit nor loss of time originally planned for completion of the veteran's or eligible person's program. For example, an eligible person enrolled for a bachelor of science degree may show a professional objective such as chemist, teacher or engineer. His objective for purposes of this paragraph shall be considered to be "bachelor degree" and any change of courses will be considered only an adjustment in the program, not a change, so long as the subjects he pursues lead to the bachelor degree and there is no extension of time in the attaining of that degree.

18. In § 21.4264, paragraphs (b) (2) and (c) (3) are amended to read as follows:

§ 21.4264 Farm cooperative courses; 38 U.S.C. chapter 34.

(b) *Application.* * * *

(2) That the agricultural course is offered concurrently with agricultural employment; and

(c) *Approval criteria.* * * *

(3) The institutional portion consists of courses prescheduled to fall within not less than 44 weeks of the year at a minimum of 6 clock hours per week. (38 U.S.C. 1682; Public Law 90-631, 82 Stat. 1331)

19. In § 21.4270, paragraph (h) and footnote 1 are amended to read as follows:

§ 21.4270 Measurement of courses.

Courses		Full time	$\frac{3}{4}$ time	$\frac{1}{2}$ time	Less than $\frac{1}{4}$, more than $\frac{1}{4}$ time	$\frac{1}{4}$ time or less
Kind of school	Kind of course					
(h) Agricultural...	Farm co-operative. ¹	12 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	9 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	6 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	No provision.	

¹ In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice, except for supervised instruction periods in school's shop in farm cooperative programs, and rest periods are excluded. High school diploma courses available only under chapter 34.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1968, with the following exceptions: § 21.4025(c) (8) through (12), October 16, 1968; § 21.4025(c) (13), October 15, 1968; § 21.4025—revocation of (b) (2), October 15, 1968; § 21.4025—revocation of (b) (9), October 16, 1968.

Approved: January 14, 1969.

By direction of the Administrator.

[SEAL]

A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 69-728; Filed, Jan. 17, 1969; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Organization Statement; Bureau of Research and Engineering

Section 822.8 is restated to show the current organization of the Bureau of Research and Engineering.

§ 822.8 Bureau of Research and Engineering.

(a) *Assistant Postmaster General.* (1) Provides leadership for and directs research, development and engineering activities of the Postal Service, using technical and professional skills and resources of other bureaus and offices as required.

(2) Provides (i) new concepts, systems and techniques for the processing, movement, and delivery of mail; and (ii) the related machinery and equipment to transform the concepts into efficient operating tools.

(3) Participates as follows in the postal facility program: (i) Assists the Bureau of Operations in development and analysis of basic planning data; (ii) designs the facility including utilities and mechanization; (iii) supervision of construction and installation of utilities and mechanization; (iv) provides technical guidance during phase-in of new facilities and mechanization; (v) conducts postinstallation audits to evaluate prior planning and plant and equipment design and arrangement.

(4) Directs the development and administration of the budget for the Bureau of Research and Engineering, in-

cluding the preparation for and presentation of information to the Congress.

(5) Furnishes staff assistance to the Postmaster General and Deputy Postmaster General on research, development, and engineering matters; represents the Department on such matters.

(6) Provides research and engineering advice and liaison with other bureaus and offices of the Department, with industry and university research centers, with other Government agencies, and in coordination with the Special Assistant for International Postal Affairs, with postal administrations of other countries.

(b) *Planning, Coordination, and Liaison—(1) Research and Engineering Advisory Council.* (i) Provides the Postmaster General and the Post Office Department advice, counsel, and recommendations from the scientific, engineering, academic, and business viewpoints in the Department's consideration of policies and methods to make more effective its research, development, and engineering programs.

(ii) Provides, through ad hoc panels of Council members, in-depth studies of specific areas requiring special and expert attention.

(2) *Director of Operations.* (i) Serves as advisor to the Assistant Postmaster General, and provides administrative assistance for flow of information relating to the broad programs required for management decisions of the Bureau.

(ii) Furnishes program continuity by informing the Directors of Research and Development, and Construction Engineering of special projects and policy actions impinging on their assigned functions. Coordinates actions and decisions affecting the two Directors. Formu-

lates the Bureau position on legislative proposals.

(iii) Participates in the formulation of: (a) Objectives and policies used in shaping the Department's multi-million-dollar engineering research, development, and construction engineering programs and in insuring their responsiveness to the needs and programs of the Postal Establishment. Provides advice and consultation on such policy matters to the Assistant Postmaster General; and (b) directs planning activities necessary to produce dynamic programs in appropriate time phases for accomplishment of engineering research, development, and construction engineering programs. Recommends revisions in planning activities to correspond with changes in policy or program emphasis prescribed by the Postmaster General. Interprets policy related to new programs or changes direction to existing programs.

(iv) Responsible for providing resources and services to accomplish assigned functions and activities of the Bureau.

(v) Prescribes broad guidance and directs the efforts of staff personnel responsible for budget and fiscal management, research contracting, planning, personnel management, and related activities, and public information.

(vi) Investigates and recommends appropriate action on major problem and controversial matters having policymaking implications.

(vii) Assists the Assistant Postmaster General in presenting and justifying plans and budget estimates to the Postmaster General, Bureau of the Budget, and Appropriation Committees of Congress.

(viii) Shares with the Assistant Postmaster General the function of informing the Bureau, Post Office Department top management, and the general public on trends, policies, and progress in Bureau activities.

(ix) Assists the Assistant Postmaster General in developing and sponsoring competitive research by outside governmental and private research facilities.

(x) Participates actively in the cultivation of mutually beneficial relationships between top level personnel in the industrial community and the Bureau of Research and Engineering.

(xi) Acts for the Assistant Postmaster General, Bureau of Research and Engineering during his absence or as directed.

(xii) Performs a wide variety of special and continuing work assignments designed to relieve the Assistant Postmaster General of day-to-day actions affecting the Bureau.

(3) *Office of Technical and Fiscal Planning—(1) Director.* (a) Develops and recommends technical planning policies and priorities to the Assistant Postmaster General, and provides principal staff support in developing advanced plans required for accomplishing Departmental research and engineering objectives.

(b) Serves as the focal point in the Bureau for liaison related to planning, programming, and budgeting activities;