

VAU.S. Department
of Veterans Affairs

Fact Sheet

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Veterans Access, Choice, and Accountability Act of 2014 **Section 701: Expansion of Marine Gunnery Sergeant John David Fry Scholarship**

On August 7, 2014, President Obama signed into law the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) ("Choice Act"). Technical revisions to the Choice Act were made on September 26, 2014, when the President signed into law the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113-175). The Department of Veterans Affairs' (VA) goal continues to be to provide timely, high-quality health care for Veterans.

Section 701 requires that VA allow certain surviving spouses to take advantage of educational benefits under the Post-9/11 GI Bill.

Background

VA educational benefits have been expanded under Section 701 of this Act. Specifically, this section extends the Marine Gunnery Sergeant John David Fry Scholarship to surviving spouses of military personnel who die in the line of duty after September 10, 2001. Prior to this Act, only children of those who died in the line of duty were eligible for this benefit.

Eligibility Changes

Eligible spouses will be entitled to up to 36 months of the full, 100% level, of the Post-9/11 GI Bill. This includes the tuition and fee payment, a monthly housing allowance, and a books and supplies stipend.

Timeline

These eligibility changes will be implemented effective January 1, 2015.

Frequently Asked Questions

Q: How will the expanded benefits under Public Law 113-146 affect eligible spouses?

A: The Veterans Access, Choice, and Accountability Act of 2014, includes a provision that allows certain surviving spouses to take advantage of educational benefits under the Post-9/11 GI Bill.

The provision extends the Marine Gunnery Sergeant John David Fry Scholarship to surviving spouses of military personnel who die in the line of duty after September 10,

2001. Prior to this legislation, only children of those who died in the line of duty were eligible for this benefit.

Eligible spouses will be entitled to up to 36 months of the full, 100% level, of the Post-9/11 GI Bill. This includes the tuition and fee payment, a monthly housing allowance, and a books and supplies stipend.

Q: How will this affect surviving spouses who previously used the Survivors' and Dependents' Educational Assistance Program (DEA)? Will they still get the full benefit? Can they switch to the Fry Scholarship if they have previously used any or all DEA benefits?

A: The Fry Scholarship provides 36 months of Post-9/11 GI Bill benefits to eligible surviving spouses. The DEA program provides 45 months of educational benefits. All surviving spouses eligible for DEA and the Fry Scholarship must make an irrevocable election for terms beginning on or after January 1, 2015. When a surviving spouse elects to convert to the Fry Scholarship, he or she loses all remaining DEA benefits. If a spouse elects to use DEA instead of the Fry Scholarship, he or she forfeits all future entitlement to the Fry Scholarship.

Q: Is a spouse that has never received education benefits required to make an election between DEA and Fry Scholarship benefits?

A: Yes. The law states that an individual who is eligible for both DEA and Fry Scholarship must make an irrevocable election of which benefit he or she wishes to receive. An election to receive DEA will forfeit the individual's right to receive Fry Scholarship in the future, and an election to receive Fry Scholarship will forfeit the individual's right to receive DEA in the future. The election cannot be changed once it has been submitted, so VA encourages individuals to carefully review eligibility and entitlement under both programs before making a decision.

Q: How will surviving spouses with both DEA and Fry Scholarship eligibility be notified on the requirement to make an election?

A: VA will identify surviving spouses receiving Dependency and Indemnity Compensation (DIC) who have eligibility for both programs and send them a letter with comparative information on the benefits available and the process for electing.

Q: Will spouses remain eligible to receive the DIC benefit while receiving benefits under the Fry Scholarship or DEA?

A: Yes. There is no statutory provision prohibiting concurrent receipt of DIC and Fry Scholarship or DEA benefits. Eligible spouses may receive both payments concurrently.

Q: What is the difference between DEA and Fry Scholarship benefits?

A: Please see the DEA and Fry Scholarship Benefit Education Comparison Chart below. More detailed information regarding DEA and the Fry Scholarship is available on our website at www.benefits.va.gov/gibill.

Comparison Chart for Surviving Spouses with both DEA and Fry Scholarship Eligibility

	DEA	Fry Scholarship
Benefit Payments	Monthly amount paid directly to the student. The current monthly payment for full-time training is \$1,018.	Tuition and Fee Benefit (Paid to School) – Full in-state tuition costs covered for training pursued at public institutions. Up to \$20,235.02 per year for training at private institutions
		Books and Supplies Stipend (Paid to Student) – Up to a \$1,000 a year for books and supplies. Paid to the student proportionately for each term.
		Monthly Housing Allowance (Paid to Student) – Stipend based on local BAH for E-5 with dependents and paid monthly. Online students receive half of the BAH national average.
Duration of Benefits	Surviving spouses of those who died in the line of duty may use benefits for up to 20 years from the Servicemember's date of death.	15 years from the Servicemember's date of death
Maximum Months of Benefits	45 months	36 months
Concurrent receipt of DIC and education benefit for spouse	Yes	Yes
Programs Covered	<ul style="list-style-type: none"> • College, Business Technical, or Vocational Programs • Certification tests • Apprenticeship/on the job training • Tutorial assistance • Work-study 	<ul style="list-style-type: none"> • College, Business Technical, or Vocational Programs • Certification tests • Apprenticeship/on the job training • Vocational flight training • Tutorial assistance • Work-study

Q: How will remarriage affect eligibility?

A: Remarriage will terminate a surviving spouse's eligibility to the Fry Scholarship. The law explicitly states that the benefit will expire on the date in which the spouse remarries. This new rule does not apply to surviving children. Children, as always, will not lose eligibility if they marry.

Q: Will it be retroactive similar to how the Fry Scholarship was for children?

A: The law does not grant retroactive benefits. Although eligibility will be established by the death of a spouse in line of duty on or after September 11, 2001, the law only allows VA to pay for training that the surviving spouse begins on or after January 1, 2015.

For example, if a Servicemember's spouse died on January 1, 2010, the surviving spouse is eligible for the Fry Scholarship but, as of January 1, 2015, the surviving spouse will only have 10 years remaining in which to use the benefits.

The surviving spouse can only receive Fry Scholarship benefits for training beginning on or after January 1, 2015. In this example, if the surviving spouse went to school between January 1, 2010, and January 1, 2015, the spouse cannot receive Fry Scholarship benefits for that training.

Q: When will the application be available and when will VA start accepting applications?

A: VA will begin accepting applications on November 3, 2014. Applications must be completed and forwarded to the appropriate regional processing office (as indicated on the form) via postal mail, fax, or email.

VA will post additional information as procedures are developed on how to apply for and use this benefit, as well as provide notice on VA's website as soon as the application is available.