

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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March 17, 2009 Incorporating Change 2, February 1, 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
ASSISTANT SECRETARIES OF DEFENSE
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ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-Type Memorandum (DTM) 08-040 – Revised Program of Educational Assistance Authorized by Chapter 1607 of Title 10, United States Code

References: See Attachment 1

<u>Purpose</u>. Under the authority in DoD Directive 5124.02 (Reference (a)), this DTM:

- Implements chapter 1607 of title 10, United States Code (U.S.C.); section 527 of Public Law (PL) 108-375; sections 539-540 of PL 109-163; and sections 528-530 of PL 110-181 (References (b) through (e)) and cancels Assistant Secretary of Defense Memorandum (Reference (f)).
- Updates policy, responsibilities, and guidance for the Reserve Educational Assistance Program (REAP).
- Is effective immediately and shall be converted to a new DoD Instruction. This DTM shall expire January 17, 2012 September 30, 2012.

Applicability. This DTM applies to:

• OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by

agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to as the "DoD Components").

• Reserve Component (RC) members who on or after September 11, 2001, served in the Ready Reserve on active duty for 90 days or more in support of a contingency operation, or members of the Army National Guard of the United States or Air National Guard of the United States who performed full time National Guard duty in accordance with section 502(f) of title 32, U.S.C. (Reference (g)) for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

<u>Policy</u>. It is DoD policy pursuant to chapter 1607 of Reference (b) that the Department of Defense shall provide REAP voluntary educational opportunities to recognize and reward RC service in support of contingency operations.

Responsibilities. See Attachment 2.

<u>Program Guidelines</u>. Attachment 3 provides program guidelines for implementing REAP. Attachment 4 shows a sample REAP notification of entitlement. Attachment 5 contains the statement of election for members who are eligible for the educational assistance under more than one program.

Reporting Requirements. The reporting requirement in this DTM has been assigned Report Control Symbol DD-RA(M)1147.

Releasability. UNLIMITED. This DTM is approved for public release and is available on the Internet from the DoD Issuances Web Site at http://www.dtic.mil/whs/directives.

T. F. Hall

Performing the Duties of the Under Secretary of Defense (Personnel and Readiness)

Attachments: As stated

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) Chapters 1606 and 1607 and sections 101, 123, 2006, 2107, 12301, 12302, 12304, and 12406 of title 10, United States Code
- (c) Public Law 108-375, "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005," October 28, 2004
- (d) Public Law 109-163, "National Defense Authorization Act for Fiscal Year 2006," January 6, 2006
- (e) Public Law 110-181, "National Defense Authorization Act for Fiscal Year 2008," January 28, 2008
- (f) Assistant Secretary of Defense for Reserve Affairs Memorandum, "Interim Procedures for Implementing the Program of Educational Assistance Authorized Under the Provisions of Chapter 1607 of Title 10, United States Code," March 7, 2006 (hereby canceled)
- (g) Section 502 of title 32, United States Code
- (h) Chapter 30 and section 3695 of title 38, United States Code
- (i) DoD Instruction 7730.54, "Reserve Components Common Personnel Data System (RCCPDS)," March 31, 2008
- (j) DoD Instruction 1322.17, "Montgomery GI Bill-Selected Reserve (MGIB-SR)," November 29, 1999

RESPONSIBILITIES

- 1. <u>UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS</u> (<u>USD(P&R)</u>). The USD(P&R) shall establish DoD policy and provide information and compliance guidance for the administration of REAP.
- 2. <u>ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS</u> (ASD(RA)). The ASD(RA), under the authority, direction, and control of the USD(P&R), shall:
- a. Provide policy guidance for the administration of REAP in accordance with chapter 1607 of Reference (b).
- b. Coordinate administrative procedures with the Department of Veterans Affairs (DVA), as applicable.
- c. Establish reporting requirements for the Secretaries of the Military Departments and the Commandant of the United States Coast Guard and ensure all reports and data are submitted as directed.
- 3. <u>DIRECTOR, DEFENSE MANPOWER DATA CENTER (DMDC)</u>. The Director, DMDC, under the authority, direction, and control of the Deputy Under Secretary of Defense for Program Integration (DUSD(PI)), shall:
- a. Maintain a composite database record of Service-provided data regarding REAP eligibility along with DVA REAP payment data.
- b. Replicate REAP eligibility data via the Veterans Affairs/DoD Identity Repository database to the DVA on a monthly basis.
- 4. <u>UNDER SECRETARY OF DEFENSE (COMPTROLLER) (USD(C))/CHIEF FINANCIAL OFFICER (CFO)</u>. The USD(C)/CFO, through the Director, Defense Finance and Accounting Service (DFAS), shall provide guidance for the collection process for the REAP Buy-Up Program.
- 5. <u>SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDANT OF THE UNITED STATES COAST GUARD</u>. The Secretaries of the Military Departments and the Commandant of the United States Coast Guard shall:

- a. Establish procedures to identify and notify RC members who have achieved eligibility for REAP in accordance with this DTM.
- b. Ensure that members whose eligibility for the programs of educational assistance established by chapters 30 of Reference (h) and chapter 1607 of Reference (b), based in whole or in part on the same period of active service, make an irrevocable election in writing, as to the program to which such service is to be credited and maintain a record of it.
- c. Publish guidance implementing the policies and procedures in this DTM for their respective Services.
 - d. Maintain records for RC members as prescribed in this DTM.

PROGRAM GUIDELINES

1. ELIGIBILITY

- a. A member of an RC is entitled to educational assistance under this DTM if the member meets one of the following conditions.
- (1) Performed service in support of a contingency operation beginning on or after September 11, 2001, for 90 consecutive days or more.
- (2) For a member of the Army National Guard or Air National Guard, performed service under section 502(f) of Reference (g) for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.
- (3) For a member serving in the Active Guard and Reserve program, as defined in section 101(d)(6)(A) of Reference (b), meets both of the following conditions.
- (a) Was mobilized or deployed for 90 consecutive days or more with a unit and the mobilization or deployment order reflects the member was part of a unit activation supporting a contingency operation, or for a member of the Army National Guard or Air National Guard, that responded to a national emergency declared by the President and supported by Federal funds and was authorized to perform full-time National Guard duty by the President or the Secretary of Defense.
- (b) Was listed by name on a by-name order of unit personnel mobilized or deployed to support a contingency operation.
- b. Eligibility for REAP benefits shall not begin until the RC member has completed a minimum of 90 days of service as described in paragraph 1.a. of this attachment. Exception: If a member ordered to active service as described in paragraph 1.a.(1) or 1.a.(2) is released from duty before completing 90 consecutive days because of an injury, illness, or disease determined to be incurred or aggravated in the line of duty, such member shall be entitled to REAP at the rate prescribed in paragraph 4.a.(1) of this attachment.
- c. The period of service that establishes eligibility for the REAP-chapter 1607 benefit shall concurrently satisfy an equal period of the 6-year Selected Reserve obligation for eligibility for educational benefits pursuant to chapter 1606 of Reference (b), if applicable.

d. <u>Reclamas</u>. Reclamas concerning REAP eligibility shall be submitted by the individual concerned and adjudicated at the Service level in accordance with guidance provided by the respective Service. Determinations of eligibility shall be made using the eligibility parameters described in Reference (b) and this DTM until the governing DoD Instruction is published.

2. ELIGIBILITY DURATION

- a. Subject to section 3695 of Reference (h), the maximum number of months of REAP assistance that may be provided to any member is 36 months (or the equivalent in part-time educational assistance).
 - b. A member remains entitled to REAP while serving:
- (1) In the Selected Reserve if the member was called or ordered to active service while serving in the Selected Reserve.
- (2) In the Ready Reserve if the member was called or ordered to active service while a member of the Ready Reserve, other than the Selected Reserve.
- c. <u>Disabled member</u>. A member who was ordered to active service as prescribed in paragraph 1.a. of this attachment but is released from duty before completing 90 consecutive days because of an injury, illness, or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under REAP at the rate prescribed in paragraph 4.a. (1) of this attachment.
- d. <u>Effect of Separation and/or Transfer to the Individual Ready Reserve (IRR)</u>. Except for a member of the Selected Reserve who remains entitled to receive the REAP benefit under paragraph 2.e. of this attachment, when an eligible member of the Selected Reserve transfers to the IRR, no REAP payments may be made while the member is in the IRR. Payments may recommence upon re-affiliation with the Selected Reserve.

e. Effect of Separation or Discharge from the Selected Reserve

- (1) A member of the Selected Reserve who is entitled to REAP and is separated (transferred or discharged) from the Selected Reserve remains eligible for the REAP benefit during the 10-year period beginning on the date on which the member was separated from the Selected Reserve if the member meets all of the following conditions.
- (a) Completed a period of active service as described in paragraph 1.a. of this attachment.
- (b) Successfully completed a service contract (any contract under which a characterization of service is provided; e.g., enlistment, reenlistment).

- (c) Was separated under a characterization of service of:
- $\underline{1}$. Other than dishonorable, if separated between October 28, 2004, and January 27, 2008.
- $\underline{2}$. Honorable or general under honorable conditions, if separated on or after January 28, 2008, and has not used any of the entitlement for chapter 1607.
- (2) This entitlement is retroactive to the date of separation from the Selected Reserve on or after September 11, 2001.
- f. <u>Disabled Member</u>. A person who is separated from the Ready Reserve who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period because of a physical or mental disability that was not the result of the individual's own willful misconduct, and who applies for an extension of the 10-year period within 1 year after (1) the last day of such period, or (2) the last day on which the individual was prevented from pursuing the program, whichever is later. The 10-year period shall not run during the period of time the individual was prevented from pursuing a program of education and the 10-year period will again be running on the first day following such individual's recovery from the disability, as determined under regulations issued by the Secretary of Veterans Affairs, for the individual to initiate or resume pursuit of a program of education as provided in subsections (d) and (f) of section 3031 of Reference (h).

3. TERMINATION OF ELIGIBILITY AND BENEFIT PAYMENTS

- a. Educational assistance shall not be provided, or if being provided shall be terminated, in the following circumstances:
- (1) If a member is receiving financial assistance under section 2107 of Reference (b) as a member of the Senior Reserve Officers' Training Corps program. Termination is not applicable to members of the Army Reserve Officers' Training Corps receiving educational assistance under section 2107a of Reference (b).
- (2) When a member who was called or ordered to active service while serving in the IRR separates from the Ready Reserve.
- (3) At the end of the 10-year period described in paragraphs 2.d. and 2.e. of this attachment.
- (4) When a member of the Selected Reserve of the Ready Reserve who has not completed a Service obligation (as described in paragraph 2.e.(1)(b) of this attachment) has a remaining obligation to serve in the Selected Reserve, 90 days after separating from

the Selected Reserve. A member who does not have a Selected Reserve service obligation shall remain eligible to receive, but may not be paid, benefit payment while remaining in the Ready Reserve (other than the Selected Reserve). Once such member transfers back to the Selected Reserve, benefit payments may be made.

- (5) Subject to section 3695 of Reference (h), the maximum number of months of REAP assistance that may be provided to any member is 36 months (or the equivalent in part-time educational assistance).
- b. Except in cases of error, which shall be adjudicated by the Secretary concerned, termination of assistance is final. Eligibility may be regained as a result of additional or separate periods of qualifying service, but may not be regained for periods of service for which eligibility was terminated.
- c. Appropriate measures shall be taken to properly document a member's termination by using the procedures specified in DoD Instruction 7730.54 (Reference (i)).
- 4. <u>BENEFIT LEVELS</u>. REAP benefit levels are tied to the rate prescribed by chapter 30 of Reference (h).
 - a. The amount of educational assistance provided shall be:
- (1) Forty percent for an RC member who performed active service for 90 consecutive days but less than 1 continuous year.
- (2) Forty percent for an individual separated before completing 90 consecutive days because of an injury, illness, or disease incurred or aggravated in the line of duty.
- (3) Sixty percent for an RC member who performed active service for 1 continuous year but less than 2 continuous years.
- (4) Eighty percent for an RC member who performed active service for either of the following periods.
 - (a) Two continuous years or more.
 - (b) An aggregate of 3 years or more.
- $\underline{1}$. All qualifying service, including that prior to January 28, 2008, can be aggregated.
- <u>2</u>. Payment, if applicable, based upon an aggregate of 3 years or more of active service, cannot commence prior to January 28, 2008.

5. ACCELERATED PAYMENTS

- a. In accordance with regulations prescribed by the Secretary of Veterans Affairs, upon election of an eligible member, educational assistance may be paid on an accelerated basis to an eligible member who meets all of the following conditions.
- (1) Is enrolled in an approved program of education not exceeding 2 years in duration and not leading to an associate, bachelors, masters, or other degree.
- (2) Tuition and fees for the program of education, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable to the member.
- b. Accelerated payment is only available for initial enrollments in approved programs beginning after October 1, 2008, and is subject to the availability of funds.

6. <u>ELIGIBILITY FOR INCREASED BENEFIT – BUY-UP</u>

- a. <u>Amounts</u>. An individual who is eligible for REAP educational assistance may contribute amounts for purposes of receiving an increased amount of educational assistance. The total amount of contributions may not exceed \$600 and shall be made in multiples of \$20. Contributions shall be made to the Secretary concerned and deposited in the treasury as miscellaneous receipts.
- (1) <u>Full-Time</u>. For each \$20 contributed by the individual, the monthly amount received by the individual is increased by \$5 when enrolled in an approved program of education on a full-time basis.
- (2) <u>Less Than Full-Time</u>. For an approved program of education pursued on less than a full-time basis, the monthly amount shall be a reduced amount based on the amount contributed as determined under DVA regulations.
- b. <u>Frequency</u>. An eligible RC member may make contributions at any time while a member of a RC but not more frequently than monthly.

7. ADDITIONAL BENEFITS

a. The "kicker" described in section 16131(i) of chapter 1606 of Reference (b) may be paid as REAP assistance under chapter 1607 of Reference (b) using the procedures outlined in DoD Instruction 1322.17 (Reference (j)).

b. REAP may be used for licensing or certification tests. Such amount shall be the lesser of the actual fee charged for the test or \$2,000, but shall not exceed the available remaining educational assistance entitlement.

8. IDENTIFICATION, NOTIFICATION, AND DOCUMENTATION OF ELIGIBLES

a. <u>Identification</u>. Pursuant to paragraph 5.a. of Attachment 2 of this DTM, each eligible member shall be notified of REAP eligibility.

b. Notification

- (1) Each individual shall be notified of entitlement, in writing, immediately upon attaining initial eligibility. A written record of notification shall be maintained for each member. Immediate notification is required for:
- (a) Each RC member who served or serves a minimum of 90 consecutive days under the authorities identified in paragraph 1.a.(1), 1.a.(2), and 1.a.(3) of this attachment.
- (b) Each member released from active service before completing 90 consecutive days because of an injury, illness, or disease incurred or aggravated in the line of duty and who is eligible per paragraph 1.b. of this attachment.
- (2) Service-specific forms may be used for notification if they include all of the elements described in Attachment 4.
- (3) Each member whose release is due to injury, illness, or disease shall be notified not later than the date of release from active service.
- c. <u>Validation</u>. A member whose eligibility for the programs of educational assistance established by chapter 30 of Reference (h) and chapter 1607 of Reference (b) is based, in whole or in part, on the same period of active service, shall make an irrevocable election, in writing, as to the program to which such service is to be credited by using the statement of election at Attachment 5.
 - (1) This election shall be validated by the Service before it is submitted to DVA.
- (2) If a member makes an election for chapter 30 of Reference (h), the Service shall document this selection through RCCPDS (Reference (i)) and verify that the \$1,200 contribution has been made prior to validation of the member's election and submission to DVA. Upon validation, the Service shall record the member's election, provide a copy to the member, and retain a copy of the document.

- d. <u>Documentation</u>. The Services shall maintain and provide accurate and updated information as provided in Reference (i) to reflect the most current data as this impacts an entitlement.
- 9. TRUST FUND AND INTERAGENCY AGREEMENTS. The amounts of payments for educational assistance under chapter 1607 of Reference (b) and this DTM shall be derived from the Department of Defense Education Benefits Fund under section 2006 of Reference (b). Educational assistance shall be provided through the Department of Veterans Affairs under agreements to be entered into by the Secretary of Defense, and by the Secretary of Homeland Security, with the Secretary of Veterans Affairs.

STATEMENT OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN NATIONAL EMERGENCY RESPONSE OPERATIONS

STATEMENT OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN NATIONAL EMERGENCY RESPONSE OPERATIONS				
PRIVACY ACT STATEMENT				
AUTHORITY: 10 U.S.C. Chapter 1607; 38 U.S.C. Chapter 30; and EO 9397 (SSN).				
PRINCIPAL PURPOSE(S): To document a military member's notification of entitlement to the Reserve Educational Assistance Program (REAP).				
ROUTINE USE(S): None.				
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in an inability to verify the member's notification.				
1. MEMBER'S INFORMATION				
a. NAME (Last, First, Middle Initial)		b. RANK	c. SSN	
d. SERVICE	e. COMPONENT (National Guard or Reserve)	f. CATEGORY (Reserve A	Affiliation) (V one)	
d. SERVICE	e. COMPONENT (National Guard of Reserve)	SELECTED	INDIVIDUAL READY	
		RESERVE	RESERVE (IRR)	
consecutive days or more in support of a contingency operation, or, as a member of the Army National Guard of the United States or Air National Guard of the United States, I have performed full-time National Guard duty in accordance with Section 502(f) of Title 32, U.S.C., for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds and that I have been notified that: (<i>X applicable box</i>) (1) By serving at least 90 consecutive days and less than 1 continuous year, I am entitled to educational assistance pursuant to Chapter 1607 of Title 10, United States Code (U.S.C.), equal to 40 percent of the Montgomery GI Bill assistance authorized by Section 3015 of Title 38, U.S.C. (2) By serving at least 1 continuous year but less than 2 continuous years, I am entitled to 60 percent of the referenced benefit. (3) By serving at least 2 continuous years or an aggregate of 3 years or more, I am entitled to 80 percent of the referenced benefit. (4) If released from active service before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty, I shall be entitled to educational assistance at the 40 percent rate.				
completion of a period of active service described in section 16163 of Title 10, U.S.C., Reserve Educational Assistance Program (REAP), and completion of a service contract (any Service contract under which a characterization of service is provided; e.g., enlistment, reenlistment, reenlistment, reenlistment with a characterization of other than dishonorable - if separated between October 28, 2004 and January 27, 2008; or with a characterization of honorable or general under honorable conditions - if separated on or after January 28, 2008, I will remain entitled to educational assistance benefits pursuant to Chapter 1607 of Title 10, U.S.C., during the 10-year period beginning on the date on which I separate from the Selected Reserve. c. If after becoming entitled to educational assistance I am separated from the Ready Reserve because of a disability not due to my own willful misconduct, my entitlement will expire at the end of the 10-year period beginning on the date on which I became entitled to educational assistance. d. If I am separated from the Ready Reserve and prevented from pursuing a chosen program of education before the expiration of the 10-year period because of a physical or mental disability that was not the result of my own willful misconduct, and who applies for an extension of the 10-year period within one year after (1) the last day of such period, or (2) the last day on which the individual was prevented from pursuing the program, whichever is later, the 10-year period shall not run during the period of time I was prevented from pursuing a program of education and the 10-year period will again be running on the first day following my recovery from the disability, as determined under regulations issued by the Secretary of Veterans Affairs, for me to initiate or resume pursuit of a program of education as provided in subsections (d) and (f) of Section 3031 of Title 38.				

Change 2, 02/01/2012

DD FORM 2940, JAN 2009

STATEMENT OF IRREVOCABLE ELECTION OF EDUCATIONAL ASSISTANCE BENEFITS BASED ON QUALIFYING FOR EDUCATIONAL ASSISTANCE

STATEMENT OF IRREVOCABLE ELECTION OF EDUCATIONAL ASSISTANCE BENEFITS BASED ON QUALIFYING FOR EDUCATIONAL ASSISTANCE				
PRIVACY ACT STATEMENT				
AUTHORITY: 10 U.S.C. Chapter 1607; 38 U.S.C. Chapter 30; and EO 9397 (SSN).				
PRINCIPAL PURPOSE(S): To record a member's selection of educational assistance program.				
ROUTINE USE(S): To the Department of Veterans Affairs to report payment information for members who participated in making contributions to the Reserve Educational Assistance Program (REAP).				
DISCLOSURE: Voluntary. However, failure to provide the requested information may preclude processing of the Reserve Educational Assistance Program eligibility documentation and could prevent participation in the selected program.				
1. MEMBER'S INFORMATION				
a. NAME (Last, First, Middle Initial)		b. RANK	c. SSN	
d. SERVICE e.	COMPONENT (National Guard or Reserve)	f. CATEGORY (Reserve Af SELECTED RESERVE	filiation) (X one) INDIVIDUAL READY RESERVE (IRR)	
Based upon my continuous performance of active service from (YYYYMMDD)				
3. MEMBER a. SIGNATURE			b. DATE (YYYYMMDD)	
4. AUTHORIZED SERVICE POINT OF CONTACT				
a. NAME (Last, First, Middle Initial)	b. SIGNATURE		c. DATE (YYYYMMDD)	
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