

This information is posted for Guidance Only

Election of alternate subsistence allowance under Public Law 111-377

As an informational addendum to this form letter, the following subsistence allowance option has been included. The law implementing this allowance option became effective in late fiscal year 2011, and is included here for use in comparing options for subsistence which may be open to the Veteran participant.

Public Law 111-377, Section 205 amended Title 38 of the United States Code, Section 3108(b), effective August 1, 2011. This change in the law authorizes VA to allow a Veteran, entitled to both a Chapter 31 subsistence allowance and Post 9/11 GI Bill Chapter 33 educational assistance, to elect to receive a payment in an alternate amount instead of the regular Chapter 31 subsistence allowance. The alternate payment will be based on the military BAH for an E-5 with dependents residing in the zip code of the training facility. Training in foreign institutions and training that is solely on-line or in-home will be based on the national average BAH.

The Department of Defense (DoD) sets BAH rates each calendar year, therefore, new BAH rates are effective January 1st each year, not October 1st. This option will be first applied on February 1st checks. BAH for full-time may be calculated at the DoD website:

- <https://www.defensetravel.dod.mil/site/bahCalc.cfm>
- Enter **year** (“2016”), **zip code** of the training facility (school, employer for OJT programs, or agency approved for work experience programs), and **“E-5”**
- Click “calculate”
- Use rate for E-5 with dependents

For training at a facility within a United States (U.S.) Territory (not solely online) identify the appropriate locality code (similar to a U.S. zip code) where the Veteran is enrolled in training.

Verify that the site is located in one of the U.S. Territories under which the Monthly Housing Allowance under the Post-9/11 Chapter 33 is payable: American Samoa, Northern Mariana Islands, Puerto Rico, Virgin Islands, Guam, Philippines.

Go to the Department of Defense website:

- <https://www.defensetravel.dod.mil/site/ohaCalc.cfm>
- Identify the designated locality code for the Territory using the locality code query: <https://www.defensetravel.dod.mil/site/locCodeCalc.cfm>
- Follow the steps above using Overseas Housing Allowance (OHA) rate of

locality code instead of BAH rate of zip code.

The following table specifies payment of the alternate subsistence allowance that VA is calling the Post-9/11 subsistence allowance:

Payment of <u>Post-9/11 subsistence allowance</u> in Accordance with Public Law 111-377 (effective August 1, 2011) ¹	
Type of Program	BAH Payment Increments
Institutional: ²	
Full-time	Entire <u>BAH</u> of institution ZIP code
3/4 time	$\frac{3}{4}$ <u>BAH</u> of institution ZIP code
1/2 time	$\frac{1}{2}$ <u>BAH</u> of institution ZIP code
Nonpay or nominal pay on-job training in a Federal, State, local, or federally recognized Indian tribe agency; vocational course in a rehabilitation facility or sheltered workshop; institutional non-farm cooperative:	
Full-time only	Entire <u>BAH</u> of agency or institution ZIP code
Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency:	
Full-time	Entire <u>BAH</u> of agency ZIP code
3/4 time	$\frac{3}{4}$ <u>BAH</u> of agency ZIP code
1/2 time	$\frac{1}{2}$ <u>BAH</u> of agency ZIP code
Farm cooperative, apprenticeship, or other on-job training (OJT): ³	
Full-time only	Entire <u>BAH</u> of employer ZIP code
Combination of institutional and OJT (Full-time only):	
Institutional greater than 1/2 time	Entire <u>BAH</u> of institution ZIP code
OJT greater than $\frac{1}{2}$ time ³	Entire <u>BAH</u> of employer ZIP code
Non-farm cooperative (Full-time only):	
Institutional	Entire <u>BAH</u> of institution ZIP code
On-job ³	Entire <u>BAH</u> of employer ZIP code
Improvement of rehabilitation potential:	
Full-time	Entire <u>BAH</u> of institution ZIP code

3/4 time	$\frac{3}{4}$ <u>BAH</u> of institution ZIP code
1/2 time	$\frac{1}{2}$ <u>BAH</u> of institution ZIP code
1/4 time ⁴	$\frac{1}{4}$ <u>BAH</u> of institution ZIP code
Training consisting of solely distance learning: ⁵	
Full-time	$\frac{1}{2}$ <u>BAH National Average</u>
$\frac{3}{4}$ time	$\frac{3}{8}$ <u>BAH National Average</u>
$\frac{1}{2}$ time	$\frac{1}{4}$ <u>BAH National Average</u>
Training in the home, including independent instructor:	
Full-time only	$\frac{1}{2}$ <u>BAH National Average</u>
Training in an institution not assigned a ZIP code, including foreign institutions	
Full-time	Entire <u>BAH National Average</u>
$\frac{3}{4}$ time	$\frac{3}{4}$ <u>BAH National Average</u>
$\frac{1}{2}$ time	$\frac{1}{2}$ <u>BAH National Average</u>

¹ Effective August 1, 2011, the Post-9/11 subsistence allowance may be paid in lieu of subsistence allowance authorized in § 21.260(b), and is not adjusted to include dependents.

² For measurement of rate of pursuit, see §§ 21.4270 through 21.4275. Payments for courses being taken simultaneously at more than one institution are based on the BAH of the ZIP code assigned to the parent institution.

³ For on-job training, payment of the P911SA may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.

⁴ The quarter-time rate may be paid only during extended evaluation.

⁵ Payment for training consisting of both distance learning and courses taken at a local institution is based on the BAH of the ZIP code assigned to the local institution.

⁶ Payment for training or OJT in an institution outside the US, but identified as a U.S. Territory, is based on the OHA rate for the locality code assigned to the institution.