



Department of Defense

DIRECTIVE

NUMBER 1322.16

June 18, 2002

USD(P&R)

SUBJECT: Montgomery GI Bill (MGIB) Program

- References: (a) DoD Directive 1322.16, "Montgomery GI Bill (MGIB) Program," May 11, 1994 (hereby canceled)
- (b) Public Law 106-419, "Veterans' Benefits and Health Care Improvement Act of 2000" November 1, 2000
 - (c) Public Law 107-107, "National Defense Authorization Act for 2002," December 28, 2001
 - (d) DoD Instruction 1322.ff, "Montgomery GI Bill (MGIB) Program Procedures,"
 - (e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update policy and assign responsibilities for the Montgomery GI Bill (MGIB) Program.

1.2. Provides guidance concerning references (b) and (c).

2. APPLICABILITY AND SCOPE

2.1. The Office of the Secretary of Defense, the Military Departments (including the Coast Guard when, by agreement with the Department of Transportation (DOT), it is not operating as a Military Service of the Department of the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Command, 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 collectively as "the DoD Components").

2.2. The Commissioned Corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) under agreement with the Department of Health and Human Services and the Department of Commerce, respectively.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2 of DoD Instruction 1322.ff (reference (d)).

4. POLICY

It is DoD policy that:

4.1. Eligible individuals who do not decline the MGIB Program shall be entitled to educational assistance, as determined and adjudicated by the Department of Veterans' Affairs (DVA) under Chapter 30 of 38 U.S.C. (reference (e)).

4.2. Supplemental educational assistance benefits as defined in reference (e) may be used only to assist in overcoming manning problems and are subject to the approval of the Secretary of Defense under Section 3021 of reference (e).

4.3. No individual may receive benefits under reference (e) concurrently with benefits under Chapter 1606 of 10 U.S.C. (reference (f)).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness shall:

5.1.1. Provide overall policy guidance for the implementation of the MGIB Program, reference (d), as amended by references (b) and (c), including, but not limited to the issuance of DoD Directives and Instructions.

5.1.2. Develop such implementing guidance as may be necessary with the DVA to support the administration of the MGIB program, in coordination with the Under Secretary of Defense (Comptroller) (USD(C)).

5.1.3. Provide oversight and coordinate with the DVA on all issues that arise under reference (e).

5.1.4. Provide a biennial report to Congress about the active duty (Chapter 30) MGIB Program, in compliance with Section 3036 of 38 U.S.C. (reference (e)).

5.1.5. Review and approve all plans for use of supplemental educational assistance benefits.

5.1.6. Provide information and data (compiled by Defense Manpower Data Center (DMDC)) as required by Section 3035 of reference (e) to the DoD Educational Benefits Fund Board of Actuaries, in coordination with the USD(C).

5.1.7. Provide guidance for payroll reductions by Service members enrolled in the MGIB Program.

5.2. The Under Secretary of Defense (Comptroller) shall:

5.2.1. Provide guidance on budgeting, accounting, and funding for the educational benefits program in support of policies established in this Directive and reviewing the DoD Educational Benefits Fund.

5.2.2. In coordination with the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)), review and approve the Military Department budget estimates for the MGIB Program.

5.3. The Secretaries of the Military Departments shall:

5.3.1. Provide regulations, policies, and instructions governing the administration of the MGIB Program established under reference (e), consistent with this Directive and the requirements of each Service.

5.3.2. Ensure all eligible active duty enlisted Service members are aware they are automatically eligible for educational assistance under the MGIB Program, and will have their pay reduced by 1,200 dollars (\$100 a month for the first 12 months of service) unless they elect not to receive such benefits, except as otherwise provided under specific authority, such as transition benefit programs. Enrolled Service members who elect not to use the benefit or who fail to qualify for the benefit may not recover the amount previously reduced from their pay.

5.3.3. Ensure all eligible active duty Service members are counseled and given the opportunity to disenroll from the MGIB Program within 2 weeks of entry on active duty. The DD Form 2366, "Montgomery GI Bill Act of 1984 (MGIB)," shall be used for enrollment or disenrollment.

5.3.4. Implement procedures to make reductions from the Service member's pay, as required by Sections 3011(b) or 3012(c) of reference (e), whichever is applicable. The DD Form 2366 shall be used for this purpose; the Service member shall be provided a copy of such form.

5.3.5. Advise all officers without earlier established eligibility (reference (e)) that they are ineligible for benefits under Chapter 30, Section 3012(a)(3) of reference (e) and Public Law 107-14 (reference (g)) if they:

5.3.5.1. Were commissioned through Service academies; or

5.3.5.2. Were Reserve Officers' Training Corps (ROTC) Scholarship Recipients who entered on active duty before October 1, 1996; or

5.3.5.3. Were ROTC Scholarship Recipients after September 30, 1996, and received more than 3,400 dollars for any one year while in such scholarship program.

5.3.6. Determine the need for supplemental educational assistance benefits and transferability of MGIB benefits to family members and submit plans regarding such matters to the USD(P&R) for approval. Each submission shall include a justification and the types of skills for which benefits may be offered, other special incentives offered in those skills, estimated number of participants, costs, eligibility requirements, management, and evaluation plans.

5.3.7. Provide active duty participants with individual pre-separation counseling on benefits under the MGIB Program (reference (e)). A notation that such counseling was provided shall be signed by the participant and placed in each participant's service record.

5.3.8. Ensure Service members participating in the student loan repayment program under Chapter 109 of 10 U.S.C. (reference (h)) receive counseling on the qualifications for the MGIB Program upon filling out the DD Form 2366 and that under Subsection 3033(b) of reference (e), understand they cannot receive MGIB benefits and payment to the student loan repayment program during the same period of service. The Service member may qualify for the MGIB Program during another period of service.

5.3.9. Ensure regulations reflecting changes to the MGIB Program in reference (b) are issued. Ensure Service members are aware of changes and have an opportunity to participate in the educational assistance program. Ensure Service members know they can use any period of active duty for establishing eligibility for MGIB benefits, as long as such benefits have not been previously declined. Ensure Service members understand the requirement to have a high school diploma or equivalency before applying to the DVA for MGIB benefits.

5.3.10. Maintain records for individuals who participate in supplemental educational assistance program under the provision of Section 3021(b) of reference (e). Ensure that records regarding this participation are provided to the DMDC and the DVA.


5.3.11. Provide data on the MGIB Program through the magnetic tape extracts of active duty and Active Guard Reserve/Training and Administration of Reserve military personnel records submitted to the DMDC.

5.3.12. In accordance with Section 3018A of reference (e), provide an opportunity for certain Service members to enroll in the MGIB Program before being involuntarily separated from service under honorable conditions. Ensure Service members are notified of this opportunity at the latest during the pre-separation period of transition assistance (DoD Instruction 1332.36 (reference (i))).

5.3.13. If voluntary separation incentive or special separation benefits programs are used in the future, the Services shall provide an opportunity for Service members who separate under those programs and who previously elected not to participate in the MGIB Program under reference (e) to enroll under Section 3018(B) of 38 U.S.C. before separation.

6. EFFECTIVE DATE

This Directive is effective immediately.


Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Chapter 30 of title 38, United States Code
- (f) Chapter 1606 of title 10, United States Code
- (g) Public Law 107-14, "Veterans' Survivor Benefit Improvements Act of 2001,"
June 5, 2001
- (h) Chapter 109 of title 10, United States Code
- (i) DoD Instruction 1332.36, "Pre-separation Counseling for Military Personnel,"
February 14, 1994