

GI Bill Benefits

Fact Sheet for NATCA Members

The receipt of GI Bill benefits for training to become an Air Traffic Controller is now a reality. We started over two years ago with a determination from the FAA Office of General Counsel that “It is illegal as it constitutes a conflict of interest, and constitutes dual compensation. Further, there shall be no further processing of applications for this benefit in the future.” We have now come full circle and in just two weeks, FAA certifying Officials across the country will receive their training from the VA via satellite. This training is currently scheduled to be conducted first on March 26, 2008, and then again on March 27, 2008. This training will be archived in the FAA video library should any manager not be available during the initial training, or should a new Certifying Official need to be trained in the future.

Veterans are eligible under multiple programs that are all covered by the Montgomery GI Bill. Because the MGIB coverage varies across a full spectrum of rules and applicability, the pay rates for each applicant will vary as well. All of the published pay scales are in general terms, and it is important to note that each person’s application will be reviewed independently by the VA. Because of these variances, the facts stated about the program for Air Traffic Controllers are generalities as well. Individual concerns need to be addressed by the applicant directly with the VA.

FAA Involvement:

The FAA’s role in the entire process is extremely limited. The Certifying Official for each facility is responsible for certifying training enrollment. This will include the trainee’s start date (Generally the Academy start date.) and their projected certification date. They will be required to maintain all records, for at least three years after training is complete. They will notify VA of any wage increases, and they will report monthly training hours to the VA. (Currently, the definition of “training hours” is being worked by NATCA and the VA. There will be a further announcement on this determination at a later date. For now there are legal restrictions on what can and can’t be paid. For example, the VA can’t pay benefits when the trainee is on vacation or some other form of leave. This is just one example of a limiting factor that could affect the computation of pay for benefits.)

The FAA Certifying Official for each facility will have to complete the training listed above prior to being able to enroll applicants in the program.

It is not recommended that you discuss or attempt to involve the FAA in any dispute over amount paid by VA or over eligibility issues. These issues should be addressed directly to and by the VA. You should use the formal process that is established by the VA for reviewing pay computations, eligibility, or appealing determinations.

Qualifying Categories from VA:

Montgomery GI Bill (MGIB)

Basic program for active duty members (Chapter 30)

Basic Program for Reservists (Chapter 1606)

Reserve Education Assistance Program (REAP, Chapter 1607)

Program for Reservists called to active duty in response to a war or national emergency.

Dependents Educational Assistance (DEA, Chapter 35)

Spouses & Children of Veteran Who:

Died While on Active Duty

Permanently & Totally Disabled

Died from S/C Disability

Is Still on Active Duty, But Likely to be Discharged P&T

Award Process:

Basically, there are four steps in the Award Process and the process works as follows:

- The applicant submits the original application to begin the process.
- This application is then reviewed against eligibility data received directly from the Department of Defense.
- Once eligibility has been established, the applicant must get the Certifying Official from their facility to submit the required enrollment data. This includes all of the enrollment contracts and the certification of the trainee's enrollment in the FAA training program. VA will then process all of this information to compute the eligible award.
- Last, the Certifying Official is responsible for verification of monthly attendance/training certification. Monthly benefits stipends are paid according to the documentation received from the Certifying Official, and

consistent with the main computations (generated above) for that individual applicant.

OJT/Apprenticeship Training Wages:

The VA (generally) pays the following, to supplement the employer wages during the training period.

- First 6 Months of Training- 75% of full time training rate
- Second 6 Months of Training- 55% of full time training rate
- Remaining pursuit of Training- 35% of full time training rate

Back pay:

After the computation of eligibility is complete, the VA will apply the training dates supplied by the Certifying Official to the applicable program that the applicant qualified under. This will include a computation for any eligible back pay. Back pay is computed from a variety of dates ranging from the program certification date, to the applicants original application date, to a VA determined date that pre-dates the program certification date by up to one (1) year. In each case, the award letter from the VA should clarify the payments received. It will also include a description of the VA appeal process, should you believe that the computation is in error.

When filing an appeal, it is important to follow the instructions provided by the VA closely. The most important step is the required notification of the applicant's intention to dispute the award. This initial notification will initiate the appeal process and protect the applicant's rights for the appeal process. Ultimately, the VA claims department will review the appeal and make the appropriate final determination. Again, it is important to note that the FAA plays no part in the process of the appeal, and you should deal with the VA directly on issues of payment and eligibility.

Training Hours:

As indicated in the "FAA Involvement" section above, the FAA Certifying Official at each facility will be responsible for submitting a monthly verification of attendance/training. It is illegal for the VA to pay an award subsidy if the applicant was not in a work status covered by the program. For example, if the applicant used a total of 14 days of various types of leave during the month and was only "on duty" for a total of 7 days (the remaining being RDO's), then they would only be eligible to receive a benefit commensurate with the work performed during those 7 days.

In order to receive the full benefit from the VA you must put in 120 hours in the month. These hours are defined as hours in a paid duty status. Accordingly, the limitations above would apply. So if you took 2 days of Sick leave this month, those 16 hours would not qualify. All of your other hours at work as a developmental would qualify. Additionally, you can not record any hours outside a duty status. This means that you can not count 6 hours of “self study” after work. Because this section is so critical to receiving your benefit, it is important that you understand the intent behind the program. The intent is to provide a supplement to the employer’s pay for hours worked while you are coded as a developmental/trainee and are receiving an employer pay level below that of journeyman.

Questions:

If you have individual questions about your claim or payment amounts you should direct these to the VA for clarification as described above. If there are items in this briefing document that are unclear, you may submit questions to the following email address GIBill@natca.net.

We will be collecting these questions and putting out clarification through the NEB at one time. This will preclude having to answer 1,000 email questions each day. Please try and limit your questions to the issues in this briefing and not your specific situation. We will not be able to answer any individual application questions because we do not know how the VA will apply their rules specific to your individual eligibility.