

APPLICATION FOR VA EDUCATION BENEFITS

VA FORM 22-1990 – OMB #2900-0154

NON-SUBSTANTIVE REVISION REQUEST

Purpose:

The purpose for the revisions to the Application for VA Education Benefits, VA Form 22-1990 is to remove all questions and instructions that require the applicant to revoke a benefit in lieu of the election of another.

Background:

Pursuant to the recent United States Supreme Court Decision, *Rudisill v. McDonough*, Secretary of Veterans Affairs, dated April 16, 2024, the Veterans Benefits Administration, Education Service is required to specifically, revise the Application for Education Benefits, VA Form 22-1990, by—

1. Revising question #9A by removing only the parenthetical.
2. Removing question #9E and its related instruction.
3. Removing question #14.

These questions are simply just removing an option that is no longer allowed. So just the three questions indicated above are being deleted from the form. These changes do not result in any change in burden.

The ruling provided that Veterans who separately accrue benefits under both the Montgomery and Post-9/11 GI Bills are entitled to both benefits. In that case, it has been held that neither title 38 U.S. Codes §3322(d) nor §3327 restrict Veterans with two separate entitlements, who simply seek to use either one, in any order, are disallowed to do so up to their 48-month aggregate-benefit cap. Therefore, these eligible Veterans do not have to relinquish one benefit to elect another.

The *Rudisill* decision applies to individuals with initial claims that were still open on direct review as of August 16, 2019, and individuals who submitted original or supplemental claims after that date, in which the individual qualified for both Chapter 30 and Chapter 33 benefits based on multiple periods of service, and elected to receive Chapter 33 benefits in lieu of Chapter 30 benefits. Because the Court determined VA cannot require Veteran applicants with more than one qualifying period of service to elect one benefit in lieu of the other, VA Form 22-1990 must be revised to remove those questions mentioned above, that pertain to the election process. The *Rudisill v. McDonough* decision was immediately effective for new applicants.

V/r,
Rodney Hopkins
Education Service, PCO