

ATTENTION VETERANS RECEIVING CHAPTER 30 & HAZELWOOD BENEFITS



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TO: Veterans Affairs Officers
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From: Dan Weaver

A handwritten signature in black ink, appearing to read "Dan Weaver", written over a horizontal line.

Subject: Stacking Hazelwood with Federal Benefits

We have received guidance from our Legal Counsel regarding the issue of whether a veteran eligible for Chapter 33 benefits is required to apply for such benefits in order to prove eligibility for the Hazelwood exemption. Based on a review of the statute, we have concluded that the language in TEC 54.341 (e) (previously codified as 54.203(b)), does not allow us to leave the choice of applying for Chapter 33 benefits in the hands of the veteran. This is the relevant language:

(e) The exemption from tuition, fees, and other charges provided for by this section does not apply to a person who at the time of registration is entitled to receive educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of those benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term.

If *both* Chapter 30 and Chapter 33 benefits were entitlements limited to the use of paying tuition and fees, and the veteran could only use one of these programs at a time (which is currently the case under federal law), we would agree that the veteran should be allowed to choose between the two benefits.

However, of these two benefits, only Chapter 33 is the entitlement that is relevant to Hazelwood, so the statutory language mandates that Chapter 33 benefits be considered in determining Hazelwood eligibility.

As a result, we must conclude that at present, veterans eligible to receive both Chapter 30 and Chapter 33 benefits have the following options:

- Use Chapter 30 benefits without Hazelwood;
- Apply for Chapter 33 benefits and combine Chapter 33 and Hazelwood to the extent allowed by law.

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Veterans can only use Chapter 33 or Post 9/11 and Hazelwood together if their Post 9/11 eligibility is less than 100%.

A black arrow originates from the second bullet point in the list above and points diagonally down and to the left towards the red text.