



## DoD INSTRUCTION 1322.16

### MONTGOMERY GI BILL PROGRAM

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Personnel and Readiness
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<b>Reissues and Cancels:</b>	DoD Directive 1322.16, "Montgomery GI Bill (MGIB) Program," June 18, 2002
<b>Approved by:</b>	Gilbert R. Cisneros, Jr., Under Secretary of Defense for Personnel and Readiness

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**Purpose:** In accordance with the authority in DoD Directive 5124.02, this issuance reissues the June 18, 2002 directive as a DoD instruction to:

- Establish policy, assign responsibilities, and provide procedures for implementation of the All-Volunteer Educational Assistance Program, also known and referred to in this issuance as the "Montgomery GI Bill (MGIB) Program," as established in Chapter 30 of Title 38, United States Code (U.S.C.).
- Implement Sections 1003 and 1004 of Public Law 116-315:
  - Section 1003 changes the period for election to receive benefits under the MGIB Program only during a 90-day period beginning on the day that is 180 days after the date on which the individual initially enters initial training. Additionally, Section 1003 changes the timeframe pay reductions will begin, to after the date that is 270 days after the individual initially enters initial training. These changes will take effect on January 5, 2023.
  - Section 1004 phases out the MGIB Program, beginning October 1, 2030.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

This issuance applies to:

- a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.
- b. The Commissioned Corps of the United States Public Health Service (USPHS), under agreement with the Department of Health and Human Services, and the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce.
- c. The MGIB Program is available to all members of the uniformed services. Any references specifically to “Service members” in this issuance apply only to individuals in the Military Services, while “member(s)” include those serving in the uniformed services as defined in the Glossary.

### 1.2. POLICY.

- a. Eligible individuals who do not decline the MGIB Program will be entitled to educational assistance, as determined and adjudicated by the Department of Veterans Affairs (VA) under Chapter 30 of Title 38, U.S.C.
- b. Supplemental educational assistance benefits, as defined in Section 3002 of Title 38, U.S.C., 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 Title 38, U.S.C.
- c. Individuals may not receive benefits of the Montgomery GI Bill-Selected Reserve under Chapter 1606 of Title 10, U.S.C. concurrently with benefits of the Montgomery GI Bill-Active Duty under Chapter 30 of Title 38, U.S.C.
- d. Beginning October 1, 2030, the All-Volunteer Educational Assistance Program will begin to phase out. Those who first become a member of the Armed Forces or first enter active duty on or after October 1, 2030 are ineligible from entering MGIB. However, those who became a member of the Armed Forces or first enter active duty on or before September 30, 2030 remain eligible for the program and maintain a 90-day election period to enroll, following 180 days after the date the individual enters initial training. Those enrolled in the program retain eligibility until 10 years after they leave active service, even if this date is past October 1, 2030, subject to and within other limitations provided for in applicable law and policy.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS.**

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Manpower and Reserve Affairs:

- a. Provides overall policy guidance for the implementation of the MGIB Program.
- b. Develops such implementing guidance as may be necessary with the VA to support the administration of the MGIB Program, in coordination with the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO).
- c. Provides oversight and coordination with the VA on all issues that arise under Chapter 30 of Title 38, U.S.C.
- d. Reviews and approves all plans for use of supplemental educational assistance benefits.
- e. Provides information and data (compiled by Defense Manpower Data Center (DMDC)) as required by Section 3035 of Title 38, U.S.C. to the DoD Educational Benefits Fund Board of Actuaries, in coordination with the USD(C)/CFO.
- f. Provides guidance for payroll reductions by members enrolled in the MGIB Program.

### **2.2. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY.**

Under the authority, direction, and control of the USD(P&R), and through the Director, DMDC, the Director, Department of Defense Human Resources Activity:

- a. Maintains personnel and Chapter 30 of Title 38, U.S.C. MGIB eligibility information needed by the VA to determine benefit entitlement.
- b. Provides personnel and Chapter 30 of Title 38, U.S.C. MGIB eligibility information to the VA as needed and specified in current agreements.

### **2.3. USD(C)/CFO.**

The USD(C)/CFO:

- a. Provides guidance on budgeting, accounting, and funding for the educational benefits program in support of policies established in this instruction and reviews the DoD Educational Benefits Fund.
- b. Reviews and approves, in coordination with the USD(P&R), the Military Department budget estimates for the MGIB Program.

**2.4. SECRETARIES OF THE MILITARY DEPARTMENTS; THE COMMANDANT, UNITED STATES COAST GUARD (USCG); THE SURGEON GENERAL USPHS; AND THE SECRETARY OF COMMERCE, NOAA.**

The Secretaries of the Military Departments; the Commandant, USCG; the Surgeon General USPHS; and the Secretary of Commerce, NOAA:

- a. Provide regulations, policies, and instructions governing the administration of the MGIB Program established under Chapter 30 of Title 38, U.S.C., consistent with this issuance and the requirements of each uniformed service.
- b. 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 includes 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.
- c. Prior to separation, provide active duty members with individual counseling on benefits under the MGIB Program. A notation that such counseling was provided is signed by the member and placed in each member's service record.
- d. Ensure active duty 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 active duty members understand the requirement to have a high school diploma or equivalency before applying to the VA for MGIB benefits.
- e. Provide data on the MGIB Program via secure electronic transmission extracts of Active Duty and Active Guard Reserve/Training and Administration of Reserve military personnel records submitted to the DMDC.

## SECTION 3: PROCEDURES

### 3.1. ENROLLMENT/DISENROLLMENT.

a. Eligible active duty members will be automatically enrolled for educational assistance under the MGIB Program, unless they disenroll in writing.

(1) Eligible active duty members who fail to disenroll in writing will have their “before tax” pay reduced by \$1,200 dollars (\$100 a month for 12 consecutive months).

(2) Eligible active duty members who elect to disenroll (not receive such benefits), in writing, except as otherwise provided under specific authority, such as transition benefit programs, will not have their pay reduced.

b. Before January 5, 2023, eligible active duty members will be counseled by their respective uniformed service and given the opportunity to disenroll from the MGIB Program within 2 weeks of entry on active duty. Each uniformed service will use the DD Form 2366, “Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment,” (located at: <https://www.esd.whs.mil/Directives/forms>) to document active duty member enrollment and disenrollment, and a copy will be provided to the member.

c. Effective January 5, 2023, eligible active duty members will be counseled on the MGIB Program at least once within 270 days of entry on active duty. Members must be given the opportunity to disenroll from the MGIB Program during the 90-day period beginning on the day that is 180 days after entering initial training. The use of DD Form 2366 is required to document active duty member enrollment and disenrollment and a copy will be provided to the member.

d. Effective January 5, 2023, for eligible active duty members who fail to disenroll in writing, the basic pay reductions under the MGIB Program will be for the first 12 months that begin after the date that is 270 days after entering initial training.

(1) Enrolled active duty members who elect not to fully use MGIB but use the last day (fully exhaust) of the Post-9/11 GI Bill may receive a refund of the \$1,200 (less taxes) from the VA.

(2) Enrolled active duty members who later do not qualify (e.g., do not have an honorable period of service) for MGIB may not recover the amount previously reduced from their pay.

(3) Active duty members who are erroneously enrolled into MGIB (i.e., signed DD Form 2366 showing disenrollment but are enrolled anyway) but have had all or a portion of the \$1,200 deducted from their pay may request a reimbursement from the Defense Finance and Accounting Service. Active duty members should provide the completed DD Form 2366 as proof of error.

### 3.2. PROCEDURES TO MAKE REDUCTIONS.

The Secretaries of the Military Departments; the Commandant, USCG; the Surgeon General USPHS; and the Secretary of Commerce, NOAA, in implementing the MGIB Program, will establish procedures to make reductions from active duty members' pay under this program. Specifically, implement procedures to make reductions from the active duty member's pay as described in this section and as required by Sections 3011(b) or 3012(c) of Title 38, U.S.C., whichever is applicable. Ensure all eligible active duty members are aware:

a. If they make an irrevocable decision to convert eligibility to the Post-9/11 GI Bill **after** attaining eligibility for that program and **before** their pay is reduced by the entire \$1,200, they may elect to have the pay reductions stopped effective the month following the change to the election. MGIB eligibility is lost. Members may be eligible for a refund of pay reductions **if** they exhaust entitlement under the Post-9/11 GI Bill.

b. If they make an irrevocable decision to convert eligibility to the Post-9/11 GI Bill **after** attaining eligibility for that program and **after** their pay is reduced by the entire \$1,200, they will be eligible to receive a refund of pay reductions **if** they exhaust entitlement under the Post-9/11 GI Bill.

c. Refunds of pay reduced under the provisions of Chapter 30 of Title 38, U.S.C. are administered by the VA and will be added to the monthly stipend allowance paid in the **last** month of eligibility under the Post-9/11 GI Bill and is subject to the following:

(1) A full refund for an individual who used no months of benefit under the MGIB Program; or

(2) A refund reduced by a proportion calculated by the number of months remaining at the time of election divided by 36 months.

d. They are eligible for an increased monthly benefit by contributing an additional amount, not to exceed \$600, while on active duty. Additional contributions cannot be made after separation. This benefit may only be used with the MGIB Program. If an active duty member converts to the Post-9/11 GI Bill, they will **not** receive a refund of the up to \$600 contribution. Each active duty will use the DD Form 2366-1, "Montgomery GI Bill Act of 1984 (MGIB) Increased Benefit Contribution Program," (located at: <https://www.esd.whs.mil/Directives/forms>) to document active duty members' option to increase their monthly MGIB Program benefit, and a copy will be provided to the member.

e. They are entitled to 36 months of benefits but must first meet MGIB Program eligibility requirements established under Chapter 30 of Title 38, U.S.C., including completing 36 months of active duty (24 months if enlistment is for less than 36 months) and an **honorable** discharge for service establishing entitlement to the MGIB (does **not** include "under honorable conditions"). Active duty members have 10 years from the date of last discharge from active duty to use MGIB benefits.

### **3.3. PROCEDURES SPECIFIC TO THE MILITARY DEPARTMENTS AND THE COMMANDANT, USCG.**

In addition to those procedures in Paragraph 3.2., the Secretaries of the Military Departments and the Commandant, USCG, in implementing the MGIB Program, will establish procedures to ensure the active duty Service member is counseled on the benefits associated with this program. Specifically:

a. Advise all officers without earlier established eligibility under Chapter 30 of Title 38, U.S.C. they are ineligible for benefits under Section 3012(a)(3) of Chapter 30 of Title 38, U.S.C. and Section 7 of Public Law 107-14 if they:

(1) Were commissioned through Military Service Academies;

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

(3) Were Senior Reserve Officers' Training Corps Scholarship Recipients after September 30, 1996 and received more than \$3,400 for any 1 year while in such scholarship program.

b. Ensure active duty Service members participating in the student loan repayment program under Chapter 109 of Title 10, U.S.C. receive counseling on the qualifications for the MGIB Program and that under Section 3033(b) of Title 38, U.S.C., understand they cannot receive MGIB benefits and payment to the student loan repayment program during the same period of service. There are other specific cases where an active duty member may qualify for the MGIB Program. These exceptions are managed on an individual basis by the Service member's individual Service.

c. Maintain records for active duty Service members who participate in supplemental educational assistance programs under the provision of Section 3021(b) of Title 38, U.S.C. Ensure that records regarding this participation are provided to the DMDC and the VA.

d. In accordance with Section 3018A of Title 38, U.S.C., provide an opportunity for certain Service members to enroll in the MGIB Program before being involuntarily separated from service under honorable conditions. Prior to separation, but no later than 120 days before final out-processing, notify eligible active duty Service members of this opportunity.

e. If voluntary separation incentive or special separation benefits programs are used in the future, the Services will provide an opportunity for active duty Service members who separate under those programs and who previously elected not to participate in the MGIB Program under Chapter 30 of Title 38, U.S.C. to enroll under Section 3018B of Title 38, U.S.C. before separation.



## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
DD	Department of Defense (forms)
DMDC	Defense Manpower Data Center
MGIB	Montgomery GI Bill
NOAA	National Oceanic and Atmospheric Administration
U.S.C.	United States Code
USCG	United States Coast Guard
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USPHS	United States Public Health Service
VA	Department of Veterans Affairs

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>Term</b>	<b>DEFINITION</b>
<b>active duty</b>	Defined in Section 3301 of Title 38, U.S.C.
<b>DMDC</b>	DoD agency which administers data systems combining personnel from all services. The center is located in Monterey, California.
<b>member(s)</b>	Refers to individuals in the uniformed services.
<b>Military Services</b>	The United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Space Force, and the USCG.
<b>Service members</b>	Refers only to individuals in the Military Services.
<b>supplemental educational assistance</b>	Defined in Section 3002 of Title 38, U.S.C.

<b>Term</b>	<b>DEFINITION</b>
<b>uniformed services</b>	Defined in Section 101(a)(5) of Title 10, U.S.C., this includes the Military Services, NOAA, and the USPHS Corps.

## **REFERENCES**

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

Public Law 107-14, Section 7, “Veterans’ Survivor Benefits Improvements Act of 2001,” June 5, 2001

Public Law 116-315, “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020,” January 5, 2021

United States Code, Title 10

United States Code, Title 38