

6 CREDIT HOUR EXCLUSION & MITIGATING CIRCUMSTANCES

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6 Credit Hour Exclusion & Mitigating Circumstances

Overview

- 6 Credit Hour Exclusion-What is it?
- Mitigating Circumstances
- How To Report Mitigating Circumstances
- VAOnce and Mitigating Circumstances
- Student Responsibility

6 Credit Hour Exclusion

Definition:

6 Credit Hour Exclusion is a one-time grant made the first time mitigating circumstances must be considered for the student. Up to 6 credits can be excluded if the student has been awarded benefits for the credit.

The 6-Credit Hour Exclusion **cannot be** granted if the student **completes** the term and receives non-punitive grades.

6 Credit Hour Exclusion

38 CFR 21.7020 (b)(19)(ii)

(ii) In the first instance of a withdrawal after May 31, 1989, from a course or courses for which the veteran received educational assistance under title 38, U.S. Code, VA will consider that mitigating circumstances exist with respect to courses totaling not more than six semester hours or the equivalent.

6 Credit Hour Exclusion

Examples:

If a student drops a course worth 3 credit hours, the exclusion will be granted for 3 credit hours and the student's one time exclusion is used. Any subsequent reductions or withdrawals of a non-punitive nature will require the student to supply mitigating circumstances.

If a student drops 12 credit hours, the exclusion will be granted for 6 credit hours and the student's one time exclusion is used. The student must provide mitigating circumstances for the remaining 6 credit hours. Any subsequent reductions or withdrawals of a non-punitive nature will require the student to supply mitigating circumstances also.

6 Credit Hour Exclusion & Mitigating Circumstances

QUESTION:

What is the difference between a punitive & a non-punitive grade?

Mitigating Circumstances

Definition:

Mitigating Circumstances are circumstances beyond the student's control that prevent the student from continuing in school or that cause the student to reduce credits.

When a student terminates or reduces after the drop period and a non-punitive grade is assigned, mitigating circumstances are an issue. If mitigating circumstances are needed and adequate evidence is not received, VA will not pay for the course(s) in question. If the student has already been paid for the course, VA will create an overpayment (subject to the 6 credit hour exclusion) from the beginning of the term.

Mitigating Circumstances

- Additionally the school may act as an agent for the student. Schools are required to submit a description of the mitigating circumstances when reporting the reduction or termination. If the school reports the reason for the reduction or withdrawal, the VCE should consider it as the claimant's statement. If additional corroborative documentation is needed to substantiate the reason for the withdrawal or reduction, the VCE will contact the claimant.

VCEs must be able to ascertain if the reported mitigating circumstances meet these three criteria:

- 1. What occurred? Essentially what and when was the event which caused the student to withdraw or reduce training time?
- 2. Was it unavoidable? The nexus is on the student to prove the event was unforeseen and unavoidable.
- 3. What was the impact of the event? Was the withdrawal or reduction in training time the only option due to the event?

Mitigating Circumstances

38 CFR 21.7139 Conditions which result in reduced rates or no payment.

The monthly rates established in § § 21.7136, 21.7137 and 21.7138 shall be reduced as stated in this section whenever the circumstances described in this section arise.

(a) Withdrawals and nonpunitive grades. Withdrawal from a course or receipt of a nonpunitive grade affects payments to a veteran or servicemember. VA will not pay benefits to a veteran or servicemember for pursuit of a course from which the veteran or servicemember withdraws or receives a nonpunitive grade which is not used in computing requirements for graduation unless the provisions of this paragraph are met.

(1) The veteran withdraws because he or she is ordered to active duty; or

(2) All of the following exist.

(i) There are mitigating circumstances; and

(ii) The veteran or servicemember submits a description of the mitigating circumstances in writing to VA within one year from the date VA notifies the veteran or servicemember that he or she must submit a description of the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(iii) The veteran or servicemember submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

Mitigating Circumstances

QUESTION:

What are some examples of mitigating circumstances?

Reporting Mitigating Circumstances

In VAOnce, the mitigating circumstances box will become available when:

- a Reduction or Termination with NON-Punitive grades is selected.
- Or Reduction (non-college)
- Or Student Completed Term but Non-Punitive Grades Assigned

If reporting on a paper 1999b, you will fill in Section 11 and write in the mitigating circumstances in the remarks box.

Reporting Mitigating Circumstances

If mitigating circumstances are an issue for the adjustment or termination reason you select, VAONCE will display a Mitigating Circumstances box. If you know the circumstance and it's clearly one of the circumstances listed, then select that circumstance.

If you don't have documentation of the student's circumstance, then leave the mitigating circumstance box blank. If you leave the mitigating circumstance box blank, VA will ask the student to provide evidence of a mitigating circumstance.

Documentation of mitigating circumstances provided by the student should be retained within the student's file. *When a compliance survey is held at the educational institution, the compliance specialist will verify documentation is on file to support the mitigating circumstances the school reported.*

Name: STUDENT, JANE
SSN: [REDACTED]
File/Payee: [REDACTED] 0

Certs

Program: PROJ MNGT
Chapter: 33
Training Type: Undergraduate

2

Bio

Certs

VA Data

Log

History



All All All to Filter

TermName	Status	Facility Code	Begin Date Range	End Date Range	Res	Dist	R/D	Clock	LDA/Eff Date	Facility Code	Cert ID
5E SPRING 17			01/06/2017	05/10/2017	3	6	0	0		11111125	35924863
2 SPRING 17			01/06/2017	05/10/2017	3	6	0	0	01/26/2017	11111125	
5E SPRING 17			01/06/2017	05/10/2017	3	6	0	0	01/26/2017	11111125	36059985
5E SPRING 17			01/06/2017	05/10/2017	6	6	0	0		11111125	35924863

Edit Termination

Save Cancel

Facility: 11111125 Trng Type: IHL_UNDERGRAD Prgrm: PROJ MNGT Prior Credit: 2

SPRING 17 01/06/2017 05/10/2017 0 0 0 0 3000.00

TermName Begin Date* End Date* Res Dist* R/D Clock T & F*

Advance Pay Accelerated Pay (high-tech courses only)

Withdrawal After Drop Period - Non-Punitive Grades Assigned

Reason for Termination

01/26/2017

LDA/EFF Date

Mitigating Circumstances

Remarks [Modify Remarks List](#)



Reporting Mitigating Circumstances

The choices listed under the Mitigating Circumstances drop down box are:

- An illness or death in the student's immediate family
- An illness or injury afflicting the student during the enrollment period
- An unavoidable change in the student's condition of employment
- An unavoidable geographical transfer resulting during the student's enrollment
- Immediate family or financial obligation beyond the control of the claimant
- Unanticipated active military service, including active duty training
- Discontinuance of the course by the school

Evidence Required For Mitigating Circumstances

As a general rule, students are expected to document their claimed mitigating circumstances with evidence that substantiates the seriousness or the unavoidable nature of the situations that interfered with their enrollments.

The statement from the student has to include:

- What occurred?
- Was it unavoidable?
- What was the impact?

Student should also provide evidence to back up their statement.

Evidence for Mitigating Circumstances

QUESTION:

Where does the student send evidence of mitigating circumstances?



QUESTIONS?