

## Military Waiver - Recently Separated Military Personnel

**1.Q.** Can a student who is not verified to be lawfully present in the United States be eligible to receive the Recently Separated Military Personnel waiver?

**A.** No, per BOR Policy 7.3.4.1, Out-of-State Tuition Waivers, only those students verified to be lawfully present using one of the approved methods provided on the USG Lawful Presence Verification Methods Chart may be awarded the Recently Separated Military Personnel waiver or any other USG out-of-state tuition waiver.

**2.Q.** Can a noncitizen qualify for the Recently Separated Military Personnel waiver?

**A.** U.S. citizens and noncitizens who meet the Recently Separated waiver requirements are eligible provided they are verified to be lawfully present in the United States using one of the approved methods provided on the USG Lawful Presence Verification Methods Chart.

**3.Q.** Following the separation of the service member from the military, how long does the student have to enroll in an institution in Georgia in order to be eligible for the Recently Separated Military Personnel waiver?

**A.** Any student using VA educational benefits and physically residing in the state is eligible for the Recently Separated Military Personnel waiver. Any separated service member not using VA educational benefits is eligible provided they enroll in an academic program within thirty-six months of separation and demonstrate their intent to establish and maintain domicile in Georgia. Their spouses and dependent children are also eligible under this provision.

**4.Q.** In addition to the separated service member, his/her spouse, and his/her dependent children (under the age of 24), are there others who may be eligible for the Recently Separated Military Personnel waiver?

**A.** In addition to the separated service member, his/her spouse, and his/her dependent children (under the age of 24), any individual using VA educational benefits transferred to them from the separated service member may also be eligible.

**5.Q.** Can an ex-spouse qualify for the Recently Separated Military Personnel waiver?

**A.** Yes, an ex-spouse is eligible for the Recently Separated Military Personnel waiver if he/she is using transferred VA educational benefits and is physically residing in Georgia.

**6.Q.** What documentation should be required as evidence that VA educational benefits will be utilized?

**A.** A VA Certificate of Eligibility or VA letter of eligibility will indicate that the student is eligible to use VA educational benefits. The Veteran Certifying Official at the institution must confirm that the student is using the benefit the term the waiver is initially requested.

**7.Q.** Must a student use VA educational benefits in order to qualify for the Recently Separated Military Personnel waiver?

**A.** No, recently separated service members, their spouses and dependent children (under the age of 24) may be eligible for the Recently Separated Military Personnel waiver even if they are not utilizing VA educational benefits, provided they meet the following: 1) they enroll within 36 months of the veteran's separation/retirement from active duty; and, 2) they have taken steps to establish domicile in Georgia (evidence they have made Georgia their permanent home).

Any student using VA educational benefits is also eligible for the Recently Separated Military Personnel waiver provided they meet they are physically residing in Georgia.

**8.Q.** If a recently separated service member's ex-spouse will not use VA educational benefits, can he/she qualify for the Recently Separated Military Personnel waiver?

**A.** No, an ex-spouse can only be considered for the Recently Separated Military Personnel waiver if he/she will use transferred VA educational benefits.

**9.Q.** If a recently separated service member's child is 24 years of age or older and will not use VA educational benefits, can he/she qualify for the Recently Separated Military Personnel waiver?

**A.** No, a child 24 years of age or older can only be considered for the Recently Separated waiver if he/she will use transferred VA educational benefits.

**10.Q.** If the veteran has transferred VA educational benefits to his or her dependent child (under the age of 24), must the veteran move to Georgia with that child in order for the child to qualify for the Recently Separated Military Personnel waiver?

**A.** No, if the dependent child is using transferred VA educational benefits and meets the other requirements of the waiver, the waiver may be awarded even if the recently separated service member does not also move to the state.

**11.Q.** If the separated service member has transferred his/her VA educational benefits to his or her ex-spouse, must the veteran move to Georgia with his/her ex-spouse in order for the ex-spouse to qualify for the Recently Separated Military Personnel waiver?

**A.** No, if the ex-spouse moves to Georgia, is using transferred VA educational benefits, and meets the other requirements of the waiver, the waiver may be awarded even if the recently separated service member providing the transferred benefits does not also move to the state.

**12.Q.** If a dependent student (under the age of 24) is not using VA educational benefits, must the student provide evidence that his or her recently separated parent or U.S. court-appointed legal guardian has moved to the state with the intent of establishing domicile?

**A.** Yes, the Recently Separated Military Service Personnel waiver policy requires that there be evidence of intent to establish domicile in Georgia if the waiver is not based on the student using transferred VA educational benefits. Since the domicile of a dependent student is always based on the domicile of his or her parent(s) or U.S. court-appointed legal guardian, there must be evidence that their parent or guardian has established domicile in the state.

**13.Q.** Can a recently separated service member living in another state qualify for the Recently Separated Military Personnel waiver if he or she is using VA educational benefits to attend a USG institution?

**A.** No, a student must be physically residing in Georgia in order to be considered for the Recently Separated Military Personnel waiver based on using VA educational benefits.

**14.Q.** Can a student qualify for the Recently Separated Military Personnel waiver if the service member will officially retire from the military prior to the first day of classes but will have an official retirement and separation date that will be after the first day of classes?

**A.** Yes, it is not uncommon for a retiring military service member to leave the military for all intents and purposes on one date but to technically separate a few days or weeks later due to accrued leave time they want to use before officially separating. Provided there is documentation of the impending separation and clear evidence that Georgia domicile has been established, then the student may qualify for the Recently Separated Military Personnel waiver.

**15.Q.** Is the “physically residing” requirement provided in condition “b” of the Recently Separated Military Personnel waiver the same as domicile?

**A.** No, domicile is an individual’s present and permanent home while “physically residing” is where an individual is currently living. A student can physically reside somewhere without making it their permanent home. The “physically residing” requirement provided in condition “b” of the Recently Separated waiver pertains only to students utilizing VA educational benefits. Students who are not utilizing VA educational benefits must show evidence of intent to establish Georgia domicile.

**16.Q.** What type of documentation can be accepted as evidence of “physically residing” in the state?

**A.** Examples of documentation that can be accepted as proof of physical residence in the state include:

- A copy of a utility bill in the student’s name and showing a Georgia address
- A lease or rental agreement for a property in Georgia in the student’s name
- A Georgia driver’s license; or,
- Georgia vehicle registration

**17.Q.** Does living on campus satisfy the “physically residing” requirement provided in condition “b” of the Recently Separated Military Personnel waiver?

**A.** A student who is living on campus is considered “physically residing” in Georgia.

**18.Q.** If a student initially qualifies for the Recently Separated Military Personnel waiver based on using VA educational benefits, can the student continue to receive the waiver if he/she stops using VA educational benefits?

**A.** Yes, all students initially qualifying for the Recently Separated Military Personnel waiver are eligible to continue to receive the waiver provided they remain continuously enrolled.

**19.Q.** Can a student who was initially awarded the waiver based on his or her parent/U.S. court appointed legal guardian continue to receive the waiver upon turning 24?

**A.** Yes, a student initially qualifying for the Recently Separated Military Personnel waiver based on his/her parent/U.S. court-appointed legal guardian is eligible to continue to receive the waiver provided he/she remains continuously enrolled.

**20.Q.** Can a student who was initially awarded the Recently Separated Military Personnel waiver based on his/her service member spouse continue to receive the waiver if student and service member divorce after the waiver is initially awarded?

**A.** A student who was initially granted the Recently Separated Military Personnel waiver based on his/her service member spouse may continue to receive the waiver if they divorce after the initial award provided the student remains continuously enrolled