

— FWD ASSIST HQ —

FIELD GUIDE

The Survivor Education Benefits Guide

Chapter 35 (DEA) and the Fry Scholarship:
find the time limits and choose with help.



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A FWD Assist HQ Field Guide

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This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures and no rating percentages on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

The Survivor Education Benefits Guide

Chapter 35 (DEA) and the Fry Scholarship: find the time limits and choose with help.

Companion to *What to Do When a Veteran Dies*.

BEFORE YOU READ ONE MORE LINE

If you or someone in your family is in crisis, stop and call the **Veterans Crisis Line: dial 988, then press 1**. You can also text 838255. It's free, confidential, and open 24 hours a day. You don't have to be a veteran to call. It serves families and friends too.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll know which survivor education program to ask about for the spouse and for each child. You'll know how much time each person has and how the choice affects DIC. And you'll apply on VA Form 22-5490 without signing a one-way choice in a hurry.

This guide prepares you for the task. It doesn't and can't promise an outcome. The facts in the file decide the result.

WHAT YOU NEED BEFORE YOU START

- ☐ The veteran's or service member's date of death and the DD214 or other service papers.
- ☐ Any VA letter that found the death service connected, or that rated the veteran permanently and totally disabled.
- ☐ Each child's birth date, and the date each finished or will finish high school.
- ☐ Your marriage certificate, and the date of any remarriage.
- ☐ Any DIC award letter for the spouse or a child.
- ☐ The school or training program each person is looking at, if one is chosen.

When to start: In the first year, well before any school deadline. Education sits at year one and beyond on the survivor's clock. Its deadlines are quiet and can sit years out, so the first job is finding them.

Start Here: The Basics

There are two survivor education programs. **Survivors' and Dependents' Educational Assistance**, called DEA or Chapter 35, is for the spouse and children of certain veterans. That includes a veteran who died of a service-connected disability, or while rated permanently and totally disabled from one, and a service member who died in the line of duty. **The Marine Gunnery Sergeant John David Fry Scholarship**, called Fry, runs under the Post-9/11 GI Bill. It's for the children and surviving spouse of a service member or Selected Reserve member who died on or after September 11, 2001, in certain line-of-duty or service-connected situations.

Some families qualify for one, some for both, some for neither. Where both apply, the law usually makes the person choose, and the choice on the form can't be changed. That's why this guide takes the choice slowly. If grief is too heavy today, the [Veterans Crisis Line](#) serves families too: dial 988, then press 1, or text 838255.

Where this is written down: 38 U.S.C. § 3501(a)(1); 38 U.S.C. § 3311(b)(8) through (10), (f).

The Steps

STEP 1

Write down the dates that set the windows.

On one page, write the date of death and the date of any VA letter finding the death service connected or the veteran permanently and totally disabled. Add each child's birth date and high school finish date, and the date of any remarriage. Every time limit below runs off these dates.

Done when the dates are on one page in your folder.

STEP 2

Figure out which program to ask about for each person.

Go person by person: the surviving spouse, then each child. Only the veteran's spouse and children can qualify. Grandchildren can't. A child can be married, and can be over 23, and still be an eligible child.

If the veteran died years after service of a service-connected condition, or while rated permanently and totally disabled, **then** ask about DEA. Fry generally won't apply. **If** a service member died in the line of duty on or after September 11, 2001, **then** ask about both DEA and Fry. **If** the death came from a service-connected disability within 120 days after leaving active duty or other military duty, or a Selected Reserve member died, **then** ask a free accredited representative whether Fry applies. The 120-day rule is temporary. It covers school terms that start from August 1, 2025 through September 30, 2027, unless Congress extends it.

Where this is written down: 38 U.S.C. § 3501(a)(1), (2); 38 U.S.C. § 3311(b)(8) through (10).

Done when you've written next to each name: DEA, Fry, both, or ask.

STEP 3

Find out how much time each person has.

The rules changed in 2023 and again in 2025, so check each person against today's rule, not an old article.

DEA, child: if the child first became eligible, turned 18, or finished high school on or after August 1, 2023, **then** there's no age or time limit. Otherwise the window is generally age 18 to 26, with exceptions, such as 8 years when the death or rating came between ages 18 and 26. **DEA, spouse:** if the qualifying event was on or after August 1, 2023, **then** there's no time limit. Before that, it's generally 10 years, or 20 years if the service member died on active duty. Remarriage usually ends a spouse's DEA, with exceptions, such as remarrying at 57 or older on or after January 1, 2004.

Fry, child: if the parent died on or after January 1, 2013, **then** there's no time limit. Otherwise it's generally until age 33, unless the child turned 18 or finished high school after January 1, 2013. **If** the parent was a Selected Reserve member who died in the line of duty or from a service-connected disability, **then** there's no time limit. **Fry, spouse:** if the spouse first became entitled on or after January 1, 2013, **then** there's no time limit. Before that, the limit was generally 15 years. Remarrying no longer ends Fry. **If** a spouse's Fry benefits expired, **then** VA may restore them for use after January 2, 2025. Apply again on VA Form 22-5490.

Where this is written down: 38 U.S.C. § 3512(a), (b), (g); 38 U.S.C. § 3321(b)(4), (5); Pub. L. 118-210, sec. 202.

Done when each person has a written time limit, or "no limit," checked against va.gov or by a representative.

STEP 4

Work out what each choice does to DIC.

A surviving spouse can get DIC and use DEA at the same time. A surviving spouse can also get DIC while using Fry. A child age 18 or older who gets DIC is different. Once the child starts using DEA or Fry, the child's DIC payments stop.

If a child 18 or older gets DIC, **then** ask your representative to compare the two before the child's first school term. Once the first education payment is made, the choice is generally final.

Where this is written down: 38 CFR § 21.3023(a), (c), (d).

Done when you know, for each person, whether starting school changes DIC.

STEP 5

If someone qualifies for both, make the choice with two people in the room.

A surviving spouse who qualifies for both Fry and DEA has to pick one, and the choice can't be undone. A child who qualifies for both through the same line-of-duty death on or after August 1, 2011, also has to pick one. VA Form 22-5490 marks that choice as irrevocable. Sit down with a free accredited representative and the school's VA certifying official. Ask each: "What does each program pay for this plan, how long does it last, and what happens to DIC?"

If the parent died in the line of duty before August 1, 2011, **then** the child may qualify for both and use one at a time. **If** the death was on or after that date, **then** the child can use both only if DEA comes from a different event.

Do not sign the election off a forum post, a recruiter's pitch, or a deadline someone else set. Applying is free, and so is the help.

Where this is written down: 38 U.S.C. § 3311(f)(2); 38 U.S.C. § 3322(h)(2).

Done when the choice is written down with the reason, after both conversations.

STEP 6

Apply on VA Form 22-5490.

Both DEA and Fry use VA Form 22-5490, Dependents' Application for VA Education Benefits. Apply online at va.gov, or mail the form to the regional processing office for the state where the school is. If no school is chosen yet, use the office for the state where you live. The choice between DEA and Fry is made on this form.

If the student is under 18, **then** a parent, guardian, or custodian completes and signs the parent section of the form.

Done when the application is filed and the confirmation or a dated copy is in your folder.

STEP 7

Hand the approval to the school and watch the dates.

Tell the school's VA certifying official you applied and ask them to submit the enrollment. When VA sends a Certificate of Eligibility, give the school a copy and keep one. If a VA letter names a delimiting date or an ending date, write it on your folder. That's the last date the benefit can be used.

If a letter's dates don't match what you worked out in Step 3, **then** take it to your representative before the next term.

Done when the school has the approval and every ending date is on your folder.

Recap Checklist

- ☐ Wrote down the dates that set the windows.
- ☐ Marked DEA, Fry, both, or ask next to each person's name.
- ☐ Found each person's time limit under today's rules.
- ☐ Know whether starting school changes anyone's DIC.
- ☐ Made any DEA or Fry choice with a representative and the school's certifying official.
- ☐ Applied on VA Form 22-5490.
- ☐ Gave the school the approval and wrote every ending date on my folder.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *What to Do When a Veteran Dies*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

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About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

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