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DEC 3 1984

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Mr. Frank D. Wilkes
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Veterans Affairs - Veterans
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Universities

A child cannot receive
additional educational benefits
under Code of Alabama 1975,
§31-6-4, even if he or she
qualifies under more than one
parent.

Dear Mr. Wilkes:

You have requested an opinion of this office concerning whether a person qualified to receive educational benefits under Code of Alabama 1975, §31-6-4, may under certain circumstances be entitled to more than the benefits enumerated in the cited code section. Specifically you have asked if it is possible for a claimant to receive "duplicate benefits" if they meet eligibility requirements under "both his/her deceased father and step-father".

Code of Alabama 1975, §31-6-4 provides for 36 months of financial assistance to a qualified applicant attending a college, university, or trade school. The assistance waives

Mr. Frank D. Wilkes
Page Two

the payment of any tuition, fees or textbooks at any Alabama institution for higher education and Alabama trade schools.

In making these provisions, the legislature was attempting to help the children of prisoners of war; veterans killed in the line of action; veterans who subsequently died of disabilities incurred as a result of military service; and/or veterans permanently disabled to a significant degree as established by the United States Veterans Administration. The legislature rightfully recognized the need to assist the children of those who have given their lives, health or freedom for the protection of their country.

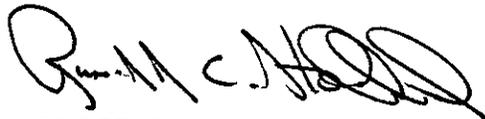
The legislature did not, however, contemplate the possibility that one claimant could get more than the 36 months of assistance as provided for in the statute. In establishing the criteria and limits of assistance, the legislature apparently intended that the benefits be allotted to a qualified claimant on a one-time-only basis.

Based upon these facts, it is the opinion of this office that an otherwise qualified beneficiary of educational assistance under Code of Alabama 1975, §31-6-4, may only receive those benefits within the limits of the statute and may not claim eligibility under more than one parent.

Sincerely yours,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By-



RUSSELL C. STODDARD
ASSISTANT ATTORNEY GENERAL

CAG:RCS:jd