

Mitigating Circumstances: What are they and why you need to know?

If you've dropped classes after the drop/add period or had to stop attending class and received a grade that isn't factored into your Grade Point Average, chances are the term "*mitigating circumstances*" was mentioned in a letter we sent you. So what is it and why should you care?

If you drop classes or drop out altogether, VA is required by law to retroactively stop payments to the beginning of the term - just as if you never attended - unless you give us a reason that caused you to drop one or more classes that was outside of your control (*mitigating circumstance*).

If you do provide us with a reasonable explanation, then benefits may be paid until the day you stopped attending. If you have already been paid (and in most cases you have) and provide us with acceptable *mitigating circumstances*, you'll only be responsible for paying back any money paid for the period of time after you stopped attending...rather than paying back all the benefits VA paid for the dropped class(es).

The good news is that the first time you drop six credits or less, VA won't require that you provide a reason. VA calls this the "[six credit hour exclusion](#)" For any reductions after the exclusion is granted, VA must ask for any *mitigating circumstances* causing the drop. This is a one-time use exclusion; once it is used, it doesn't reset for the next term, year, etc. Also, it cannot be "saved" for another time.

What does VA consider to be acceptable "mitigating circumstances"?

In general, they are events that are unavoidable or beyond the student's control. Some examples from our [FAQ](#) on the subject include the following: illness or injury (either the student's own or a family member's), a change in work schedule, unforeseen financial obligations, military service, and discontinuance of a course by the school are all examples of acceptable reasons.

If you need to submit *mitigating circumstances*, the easiest way to do it is to tell your School Certifying Official (SCO). Your SCO is the person who tells us about your change in hours, and he or she can also send us your *mitigating circumstances* at the same time. By doing this, a student can avoid the creation of a larger debt and the need to submit additional documentation to VA.

If you choose not to tell the reasons for your drop to your SCO, you'll receive a letter explaining that we were notified about your change in hours and asking you to submit any *mitigating circumstances* that led to the drop. In response, you need to write up the reason(s) for the drop and mail them to your Regional Processing Office or send them

using the “Submit a Question” button on our website. VA will notify you by letter if your reasons are accepted and the amount of any benefit debt.

The best advice is to make sure your SCO is in the know about any changes you make to your schedule - the faster VA finds out about changes and the reasons behind them, the less likely you’ll be hit with an unexpected overpayment.

What are mitigating circumstances?

If a student drops a course or withdraws from school after the drop period and receives a non-punitive grade, VA will reduce benefits effective the first day of the term unless **mitigating circumstances** are found. **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.

Examples are:

- *An illness or injury afflicting the student during the enrollment period.*
- *An illness or death in the student’s immediate family.*
- *An unavoidable change in the student’s conditions of employment.*
- *An unavoidable geographical transfer resulting from the student’s employment.*
- *Immediate family or financial obligations beyond the control of the claimant that require him or her to suspend pursuit of the program of education to obtain employment.*
- *Discontinuance of the course by the school.*
- *Unanticipated active military service, including active duty for training.*
- *Unanticipated difficulties with childcare arrangements the student has made for the period during which he or she is attending classes.*

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 of **mitigating circumstances** is not received with the Notice of Change in Student Status; VA will not pay for the course or courses in question.

If the student has already been paid for the course or courses, VA will create an overpayment ([subject to the 6-credit hour exclusion](#)) from the beginning of the term,

quarter, or semester. If you know what the student's **mitigating circumstance** is, concisely describe the **circumstance** in remarks.

For example, you might enter: "Student withdrew 5/6/11 following Father's death on 4/30/11." Submitting the reason for the reduction or withdrawal at the time the change is reported will help the student avoid or reduce an overpayment if the change is for an acceptable reason.

What is the 6 credit hour exclusion?

VA automatically grants [mitigating circumstances](#) for up to 6 credits the first time a student reduces or terminates and *mitigating circumstances* must be considered. This automatic grant is called the 6-Credit Hour Exclusion. The 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.

- If the student withdraws from 3 credits, the exclusion will be granted for 3 credits and the student's one time exclusion is used.
 - If the student withdraws from 12 credits, the exclusion will be granted for 6 credits, the student's one time exclusion is used, and the student must provide *mitigating circumstances* for the other 6 credits.
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Reporting a drop after the drop/add period.

- If a student withdraws after the drop period, report the adjustment or termination as "After Drop Period–Non punitive Grades Assigned" or "After Drop Period–Punitive Grades Assigned" as appropriate. Accurately identify whether the grade assigned is non-punitive or punitive. The action VA takes differs for non-punitive and punitive grades. If the grade is non-punitive, *mitigating circumstances* are an issue. Check "Yes", "No", or "Unknown" in the *mitigating circumstances* box.