

ELIGIBILITY REQUIREMENTS

1. REASON FOR ISSUE: To update National Cemetery Administration (NCA) eligibility requirements policy and incorporate changes made by section 401 of Public Law 109-461, Veterans Benefits, Health Care, and Information Technology Act of 2006.

2. SUMMARY OF MAJOR CHANGES: The following changes have been made and are noted by a line in the left margin:

Section - Paragraph Number	Page Number	Change
I – 3.b.(1)	2	- Expanded information regarding Headstone or Marker eligibility
I – 3.b.(3)	2	- Updated eligibility criteria based on new Public Law 110-157
II – Note. Veterans Eligible for Burial and Government-Furnished Headstone or Marker	4	- Added eligibility criteria for veteran regarding capital crime convictions
II – b.(1) and (2) Members of Reserve Components	6	- Updated eligibility criteria to include active duty by Executive Order and added United States Code citations
II – d. Members of the National Guard	8	- Updated eligibility criteria to include active duty by Executive Order and added United States Code citations
II – m.(1) Eligibility of Others	20	- Added clarification regarding Headstones and Markers
II – m.(8) Aliens	21	- Expanded information regarding eligibility and added the United States Code definition of Armed Forces
III – Note. Non-Veterans Eligible for Burial and Government-Furnished Headstone or Marker	23	- Clarified information regarding inscription to the Headstone or Marker
III – a.(2) Spouse under Common Law Marriage (Whether Wife or Husband)	23	- Relocated to Section III a.

III – a. Note. Spouses and Surviving Spouses	23	- Added eligibility criteria for surviving spouse regarding capital crime convictions
III – b. Note. Unmarried Minor Children of Veterans	24	- Added eligibility criteria for unmarried minor children of veterans regarding capital crime convictions
III – c. Note. Unmarried Adult Children of Veterans	24	- Added eligibility criteria for unmarried adult children of veterans regarding capital crime convictions
III – d. Eligibility of Others	24	- Added clarification regarding Headstones and Markers
IV – Introductory paragraph and (3) Dependent Children	25	- Updated eligibility criteria based on new Public Law 109-461
VI – b. An individual who is convicted of any offense listed in 38 U.S.C. 6105(b)	28	- Expanded information regarding ineligibility
VI – d.(3) Civilian Service	32	- Added four new categories of service determined to be ineligible in subparagraphs (16) & (18-20)
VII – (3) Dependent Children	38	- Updated eligibility criteria based on new Public Law 109-461
VIII – (2) An individual who is convicted of any offense listed in 38 U.S.C. 6105(b)	39	- Expanded information regarding ineligibility
Appendix A – Common Law Marriages by State	A-2	- Updated common law marriage eligibility requirements for the State of Oklahoma
Appendix A – Common Law Marriages by State	A-3	- Updated statute citations

3. RESPONSIBLE OFFICE: National Cemetery Administration, Office of Field Programs and Memorial Programs Service, 810 Vermont Avenue, NW, Washington, DC 20420, are responsible for the material contained in this directive.

4. RELATED HANDBOOK: None.

5. RESCISSIONS: NCA Directive 3210 – Eligibility Requirements (December 1, 2006), Table of Contents pages *i* and *ii*; pages 2, 4, 6, 8, 20-25, 28, 32-38; and Appendix A, pages A-2 and A-3.

6. RECERTIFICATION: This publication is scheduled for recertification in May 2011.

/s/
William F. Tuerk
Under Secretary
for Memorial Affairs

Distribution: Electronic

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ELIGIBILITY REQUIREMENTS**SECTION I – INTRODUCTION****1. PURPOSE AND SCOPE**

This directive contains Department of Veterans Affairs (VA) National Cemetery Administration (NCA) eligibility criteria for:

- a. Burial in a VA national cemetery as authorized under the provisions of Title 38, United States Code (U.S.C.), Chapter 24, Section 2402;
- b. Receipt of a Government-furnished headstone or marker as authorized under the provisions of Title 38, U.S.C., Chapter 23, Section 2306; and
- c. Receipt of a Presidential Memorial Certificate as authorized under provisions of Title 38, U.S.C., Chapter 1, Section 112.

***Note:** Additional information related to service benefits administered by the Veterans Benefits Administration (VBA) regarding burial allowance, burial flag, and allowance for the private purchase of an Outer Burial Receptacle (OBR) can be obtained on-line at <http://www.va.gov>.*

The statutory authorities for this directive are stated in Title 38, U.S.C., Sections 112, 307, 512(a), 2306, 2400, 2402, 2403, 2404(a), 2404(b) and 2411.

2. POLICY

Eligibility for interment in a VA national cemetery or receipt of a headstone, marker or Presidential Memorial Certificate (PMC) is based upon laws passed by Congress and incorporated into the United States Code at Title 38, Veterans' Benefits (Sections 112, 2306, 2402, and 2411). Interment in a VA national cemetery, or provision of a headstone, marker or PMC, will be permitted only after eligibility has been conclusively determined in accordance with the requirements reflected in this directive and handbook currently being developed.

3. BACKGROUND

This directive lists criteria for those eligible and ineligible for burial in a VA national cemetery, for receipt of a Government-furnished headstone or marker, and for receipt of Presidential Memorial Certificates. There are additional requirements related to:

- a. Character of Discharge:

- (1) For burial in a VA national cemetery the veteran's character of discharge or separation from active military, naval, or air service must be under "other than dishonorable" conditions. (See 38 U.S.C. 101(2))

- (2) For receipt of a Government-furnished headstone or marker, the veteran's character of discharge or separation from active military, naval, or air service must be under "other than dishonorable" conditions. (See 38 U.S.C. 101(2))

(3) For receipt of a PMC in memory of the veteran, the veteran's character of discharge or separation from active military, naval, or air service must be "under honorable conditions." (See 38 U.S.C. 112(a))

(4) Decisions about individuals with multiple periods of service may need adjudication if the nature of the discharges varies in character. For example, an individual who was discharged with a period of service under conditions other than dishonorable, and had a subsequent period of service resulting in a dishonorable discharge, may be eligible for burial in a national cemetery. Eligibility would be based on the period of service under conditions other than dishonorable.

(5) Individuals and groups certified to have active military service under section 401 of Public Law 95-202, certified by the Secretary of Defense as active military service with a discharge under honorable conditions issued by the Secretary, are eligible upon completing such service. Individuals and groups qualifying under section 401 of Public Law 95-202 are cited under title 38, Code of Federal Regulations (CFR), section 3.7(x).

b. A Government-furnished headstone or marker may be provided for:

(1) The unmarked grave of any veteran eligible for burial in a national cemetery who is buried in any cemetery in accordance with State or local law.

(2) The unmarked grave of any individual buried in a national cemetery or in a military post cemetery.

(3) The grave of a veteran eligible for burial in a national cemetery who is buried in a private cemetery in a grave already marked by a private marker, when the veteran's death occurred on or after November 1, 1990.

(4) The unmarked grave of a spouse or dependent buried in a national, military post, or State veterans cemetery.

(5) Soldiers of the Union and Confederate Armies of the Civil War.

4. RESPONSIBILITIES

Cemetery Directors are responsible for national cemetery burial eligibility determinations (with oversight and advice from Memorial Service Network Directors, and Office of Field Programs Director and staff). Memorial Programs Service staff is responsible for eligibility determinations for Government-furnished headstones or markers and PMCs.

5. REFERENCES

a. Terms related to VA benefits and programs are defined in title 38, U.S.C., section 101, and at the beginning of some parts of title 38, CFR. Specific and useful title 38 CFR references relating to eligibility for NCA-administered benefits and PMCs are:

(1) Active Duty (38 CFR 3.6(b)).

(2) Active Duty for Training (38 CFR 3.6(c)).

- (3) Active Military, Naval, and Air Service (38 CFR 3.6(a)).
 - (4) Armed Forces (38 CFR 3.1(a)).
 - (5) Character of Discharge (38 CFR 3.12).
 - (6) Discharge or Release (38 CFR 3.1(h)).
 - (7) Discharge to Change Status (Conditional Discharge) (38 CFR 3.13).
 - (8) Duty Periods (38 CFR 3.6).
 - (9) Group Memorial Monuments (38 CFR 38.633).
 - (10) Inactive Duty Training (38 CFR 3.6(d)).
 - (11) Individuals and Groups Considered to have Performed Active Military, Naval, or Air Service (38 CFR 3.7).
 - (12) Marriage (38 CFR 3.1(j)).
 - (13) Marriages Deemed Valid (38 CFR 3.52).
 - (14) Minimum Active-Duty Service Requirement (38 CFR 3.12a).
 - (15) Philippine Veterans (38 CFR 3.40).
 - (16) Reserve Component (38 CFR 3.1(b)).
 - (17) Spouse and Surviving Spouse (38 CFR 3.50).
 - (18) Veteran (38 CFR 3.1(d)).
- b. Refer to 10 U.S.C., Chapter 1223, for eligibility criteria for members of Reserve Components, Reserve Officers' Training Corps, Army National Guard of the United States, and Air National Guard of the United States.
 - c. Refer to 38 U.S.C., section 2402, for persons eligible for interment in national cemeteries.
 - d. Refer to 38 U.S.C. 2306 for persons eligible for Government-furnished headstone or marker.
 - e. Refer to 38 U.S.C., section 2411, for prohibition against interment or memorialization of persons committing Federal or State capital crimes. (38 CFR, sections 38.617 and 38.618 and Public Law 109-163, National Defense Authorization Act for Fiscal Year 2006, section 662, enacted January 6, 2006).
 - f. Refer to 38 U.S.C., section 112, for prohibition against furnishing PMCs to persons committing Federal or State capital crimes. (Public Law 107-330, section 201, enacted December 6, 2002).

SECTION II – VETERANS ELIGIBLE FOR BURIAL AND GOVERNMENT-FURNISHED HEADSTONE OR MARKER

Citations for United States Code (U.S.C.) are taken from the May 15, 2002, version of the U.S.C. Citations for the Code of Federal Regulations (CFR) are taken from the July 1, 2005, version of the CFR. Citations of Public Law 95-202 refer to authorization given to the Secretary of the Air Force, establishing the Civilian/Military Service Review Board to make decisions on active military service applications.

Note: A veteran retains eligibility for burial in a VA national cemetery and for a headstone or marker even if his or her spouse or dependent is denied burial under 38 U.S.C. 2411 (see Section VI, paragraph c., Capital Crime Convictions).

a. Veterans and members of the United States Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard):

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard)	Whose death occurred while on active duty. NOTE: Applies to any individual, citizen or non-citizen, serving on active duty as a member of the U.S. Armed Forces.	38 U.S.C. 2402(1) 38 CFR 38.620(a)
(2) Active duty in the Armed Forces of the United States	Any person who entered as (a) an enlisted person on or before September 7, 1980, or (b) as an officer commissioned or entered into active duty on or before October 16, 1981; and was discharged or separated from active duty under "other than dishonorable conditions." (Discharges characterized as bad conduct or classified as "other than honorable" are subject to adjudication). Note 1: There is no minimum service requirement for these individuals. Note 2: Multiple periods of service. An individual who was discharged with a period(s) of service under conditions other than dishonorable, and had a subsequent period(s) of service resulting in a dishonorable discharge, may be eligible for burial in a national cemetery. Eligibility would be based on the period(s) of service under conditions other than dishonorable.	38 U.S.C. 101(2) 38 U.S.C. 2402(1) 38 CFR 38.620(a) 38 CFR 3.12a

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(3) Active duty in the Armed Forces of the United States	<p>Any person who entered as (a) an enlisted person after September 7, 1980, or (b) as an officer commissioned or entered into active duty after October 16, 1981;</p> <p>and was discharged or separated from active duty under "other than dishonorable conditions,"</p> <p>and completed a continuous period of active duty of at least 24 months or the full period for which called/ordered to active duty.</p> <p>Exclusions: These requirements are not applicable to any person: (a) who was discharged or released under 10 U.S.C. 1171 or 1173 (early out or hardship discharge), or (b) who was discharged or released for a disability adjudged service-connected, or (c) with a compensable service-connected disability.</p> <p>Note: <i>Multiple periods of service. An individual who was discharged with a period(s) of service under conditions other than dishonorable, and had a subsequent period(s) of service resulting in a dishonorable discharge, may be eligible for burial in a national cemetery. Eligibility would be based on the period(s) of service under conditions other than dishonorable.</i></p>	38 U.S.C. 101(2) 38 U.S.C. 2402(1) 38 U.S.C. 5303A 38 CFR 38.620(a) 38 CFR 3.12a 38 CFR 3.12a(d)(1) 38 CFR 3.12a(d)(2) 38 CFR 3.12a(d)(3)
(4) Active duty in the Armed Forces of the United States	Whose death occurred while on authorized travel to or from such duty or service.	38 CFR 3.6(b)(6)
(5) Active duty in the Armed Forces of the United States	Any person who was discharged or released from a period of active duty, shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him or her to proceed to his or her home by the most direct route, and, in all instances, until midnight of the date of such discharge or release.	38 CFR 3.6(b)(7)

b. Members of Reserve Components:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
<p>(1) Reserve components of the Armed Forces of the United States</p>	<p>Any member</p> <ul style="list-style-type: none"> - Who at the time of death was entitled to retired pay under 10 U.S.C. Chapter 1223, or would have been entitled to retired pay under that chapter, but for the fact that the person was under 60 years of age, or - Whose death occurred under honorable conditions while hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States, or - Who died from an injury or covered disease (as defined in 38 U.S.C. 106(d)(4)) incurred while proceeding directly to or returning directly from active duty for training or inactive duty training (eligibility will be adjudged on the basis of specific circumstances surrounding such travel), or - Who received "veteran status" as a result of being called to active duty by Executive Order and who served the full period for which called to active duty. <p>Note: For any member who served as a result of being called to active duty by Executive Order, refer to the Executive Orders Disposition Tables Index at http://www.archives.gov/federal-register/executive-orders/.</p>	<p>38 U.S.C. 106(d)</p> <p>38 U.S.C. 2402(2)</p> <p>38 U.S.C. 2402(7)</p> <p>50 U.S.C. 1601 & 1631</p> <p>38 CFR 38.620(b)</p> <p>38 CFR 38.620(g)</p> <p>38 CFR 3.6(e)</p>
<p>(2) Reserve components of the Armed Forces of the United States</p>	<p>Any member</p> <ul style="list-style-type: none"> - Whose death occurred during any period of active duty for training under honorable conditions during which the individual became disabled or died from a disease or injury incurred or aggravated in line of duty, or - Whose death occurred during any period of inactive duty training under honorable conditions during which the individual became disabled or died from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training, or - Who received "veteran status" as a result of being called to active duty by Executive Order and who served the full period for which called to active duty. <p>Note: For any member who served as a result of being called to active duty by Executive Order, refer to the Executive Orders Disposition Tables Index at http://www.archives.gov/federal-register/executive-orders/.</p>	<p>38 U.S.C. 101(2) & (24)</p> <p>38 U.S.C. 2402(1)</p> <p>50 U.S.C. 1601 & 1631</p> <p>38 CFR 3.6(a)</p>

c. Reserve Officers Training Corps (ROTC) and U.S. Military Academy Cadets:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Reserve Officers Training Corps (ROTC) of the Army, Navy or Air Force	Whose death occurred under honorable conditions while - attending an authorized training camp or on an authorized practice cruise, or - performing authorized travel to or from that camp or cruise, or - hospitalized or undergoing treatment, at the expense of the U.S., for injury or disease contracted or incurred under honorable conditions while: (a) attending that camp or on that cruise, or (b) performing authorized travel to or from that camp or cruise, or (c) undergoing that hospitalization or treatment at the expense of the U.S.	38 U.S.C. 2402(3) 38 CFR 38.620(c)
(2) Cadets at the U.S. Military, Air Force, or Coast Guard Academy; or midshipmen at the U.S. Naval Academy	Whose death occurred while - attending a service academy as a cadet at the U.S. Military, Air Force, or Coast Guard Academy, or midshipman at the U.S. Naval Academy; or - on authorized travel to or from such duty or service.	38 U.S.C. 101(21) (D) & (E) 38 CFR 3.6(b)(4) & (6) 38 CFR 3.7(f)
(3) Cadets attending the preparatory schools of the U.S. Air Force Academy, the U.S. Military Academy, or the U.S. Naval Academy for enlisted active-duty members who are reassigned to a preparatory school without release from active duty	Whose death occurred while on authorized travel to or from such duty or service.	38 CFR 3.6(b)(5)

d. Members of the National Guard:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
<p>(1) Army National Guard of the United States; and Air National Guard of the United States</p>	<p>Any member</p> <ul style="list-style-type: none"> - Who at the time of death was entitled to retired pay under 10 U. S.C. Chapter 1223, or would have been entitled to retired pay under that chapter, but for the fact that the person was under 60 years of age, or - Whose death occurred under honorable conditions while hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States, or - Who died from an injury or covered disease (as defined in 38 U.S.C. 106(d)(4)) incurred while proceeding directly to or returning directly from active duty for training or inactive duty training (eligibility will be adjudged on the basis of specific circumstances surrounding such travel), or - Whose death occurred during any period of active duty for training under honorable conditions during which the individual became disabled or died from a disease or injury incurred or aggravated in line of duty, or - Whose death occurred during any period of inactive duty training under honorable conditions during which the individual became disabled or died from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training, or - Who received "veteran status" as a result of being called to active duty by Executive Order and who served the full period for which called to active duty. <p>Note: For any member who served as a result of being called to active duty by Executive Order, refer to the Executive Orders Disposition Tables Index at http://www.archives.gov/federal-register/executive-orders/.</p>	<p>38 U.S.C. 101(2) & (24)</p> <p>38 U.S.C. 106(d)</p> <p>38 U.S.C. 2402(1) & (2)</p> <p>38 U.S.C. 2402(7)</p> <p>38 U.S.C. 5303A</p> <p>50 U.S.C. 1601 & 1631</p> <p>38 CFR 3.6(a) & (e)</p> <p>38 CFR 3.7(m) & (o)</p> <p>38 CFR 3.12a</p> <p>38 CFR 38.620(b)</p> <p>38 CFR 38.620(g)</p>

e. Commissioned Officers of the National Oceanic and Atmospheric Administration (NOAA):

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Commissioned Officers of the Coast and Geodetic Survey, and its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration	With full time active duty on or after July 29, 1945, or Before that date: - while in time of war or national emergency declared by the President, and assigned to duty on a project for one of the Armed Forces, in an area determined by the Secretary of Defense to be of immediate military hazard, or - in the Philippine Islands on December 7, 1941, and continuously in the islands thereafter; or - while on transfer to one of the U.S. Armed Forces.	38 U.S.C. 101(21)(C) 38 CFR 3.6(b)(3)(i) & (ii) 38 CFR 3.7(g)
(2) Commissioned Officers of the Coast and Geodetic Survey, and its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration	Whose death occurred while on authorized travel to or from such duty or service.	38 U.S.C. 101(21)(C) 38 CFR 3.6(b)(6) 38 CFR 3.7(g)

f. Commissioned Officers of the Public Health Service:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Commissioned Officers of the Regular or Reserve Corps of the Public Health Service	Who served on full-time duty (other than for training purposes) on or after July 29, 1945. Note: <i>If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in 38 U.S.C. 101(22)(B), he or she must have died from a disease or injury incurred or aggravated in the line of duty.</i>	38 U.S.C. 101(21)(B) 38 U.S.C. 101(22)(B) 38 U.S.C. 101(24)(B) 38 CFR 3.6(a) & (b)2 38 CFR 3.7(q)
(2) Commissioned Officers of the Regular or Reserve Corps of the Public Health Service	Who performed full-time duty prior to July 29, 1945, under circumstances affording entitlement to "full military benefits." Note: <i>If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in 38 U.S.C. 101(22)(B), he or she must have died from a disease or injury incurred or aggravated in the line of duty.</i>	38 U.S.C. 101(21)(B) 38 U.S.C. 101(22)(B) 38 U.S.C. 101(24)(B) 38 CFR 3.6(b) 38 CFR 3.7(q)

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(3) Commissioned Officers of the Regular or Reserve Corps of the Public Health Service	Whose death occurred while on authorized travel to or from such duty or service.	38 CFR 3.6(b)(6) 38 CFR 3.7(q)
(4) Commissioned Officers serving on inactive duty training as defined in 38 U.S.C. 101(23)(B)	Whose death resulted from an injury incurred or aggravated in the line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during training.	38 U.S.C. 101(23)(B) 38 U.S.C. 101(24)(C) 38 CFR 3.6(a) & (b) 38 CFR 3.7(q)

g. Merchant Marine:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) U.S. Merchant Marine (merchant seamen) in oceangoing service	<p>During the period of armed conflict, December 7, 1941, to August 15, 1945</p> <p>- Who were employed:</p> <p>(a) By the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman, documented by the U.S. Coast Guard or Department of Commerce (Merchant Mariner's Document/Certificate of Service), or</p> <p>(b) As a civil servant employed by the U.S. Army Transport Service (redesignated as U.S. Army Transportation Corps, Water Division) or the Naval Transportation Service,</p> <p>and</p> <p>- served satisfactorily as a crewmember during the period of armed conflict aboard:</p> <p>(a) Merchant vessels in oceangoing (i.e., foreign, intercoastal, or coastwise service) (46 U.S.C.A 10301 and 10501) and further to include 'near foreign' voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or</p> <p>(b) Public vessels in oceangoing service or foreign waters.</p>	<p>38 CFR 3.7(x)(15)</p> <p>PLaw 95-202, §401, Determination date January 19, 1988, as published in 53 FR 2775</p>
(2) U.S. Merchant Seamen	Who served on blockships in support of Operation Mulberry during WWII.	<p>38 CFR 3.7(x)(14)</p> <p>PLaw 95-202, §401, Determination date October 18, 1985, as published in 50 FR 46332</p>

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(3) U.S. Merchant Marine	<p>Who served between August 16, 1945, and December 31, 1946, who died on or after November 11, 1998, and who were members of the U.S. Merchant Marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was:</p> <ul style="list-style-type: none"> - Operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office); or - Operated in waters other than inland waters, including the Great Lakes, and other lakes, bays and harbors of the U.S.; or - Under contract or charter to, or property of, the Government of the U.S.; and - Serving the Armed Forces; and - While so serving was licensed or otherwise documented for service as a crewmember of such vessel by an officer or employee of the United States authorized to license or document the person for such service. <p><i>Note: Persons must have received an honorable service certificate under 46 U.S.C. 11203; and are not eligible under any other provisions of law for benefits under laws administered by the Secretary of Veterans Affairs.</i></p>	<p>46 U.S.C. 11203</p> <p>PLaw 105-368, §402(a), dated November 11, 1998</p>

h. Philippine Service During World War II:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Regular "Old" Philippine Scouts	Who entered service prior to the enactment of Public Law 79-190 (October 6, 1945).	38 U.S.C. 2402(1)
(2) Any person with service before July 1, 1946, in the organized military forces of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, South Pacific Area, or other competent authority in the Army of the United States	<p>The individual's death must have occurred on or after November 1, 2000, and at the time of death the individual must have been:</p> <ul style="list-style-type: none"> - a citizen of the U.S. or an alien lawfully admitted for permanent residence in the U.S.; and - residing in the United States. 	<p>38 U.S.C. 2402(8)</p> <p>38 CFR 38.620(h)</p> <p>PLaw 106-419, §331, dated November 1, 2000</p>

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(3) New Philippine Scouts who enlisted in the U.S. Armed Forces with the consent of the Philippine government between October 6, 1945, and June 30, 1947, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945	The individual's death must have occurred on or after December 16, 2003, and at the time of death the individual must have been: - a citizen of the U.S. or an alien lawfully admitted for permanent residence in the U.S.; and - residing in the United States.	38 U.S.C. 107 and 2402(8) 38 CFR 38.620(h) PLaw 108-183, §212, dated December 16, 2003

i. Women's Service Branches:

Note: The Women's Armed Services Integration Act, signed into law on June 12, 1948, enabled women to serve as permanent, regular members of the Army, Navy, Marine Corps, and Air Force.

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Army Nurse Corps, Navy Nurse Corps, and female dietetic and physical therapy personnel	Any member who served as a - Army and Navy nurse (female) on active service under order of the service department, or - Dietetic and physical therapy (female) personnel, excluding students and apprentices, appointed with relative rank on or after December 22, 1942, or commissioned on or after June 22, 1944.	38 CFR 3.7(d)
(2) Women's Army Corps (WAC)	Who served on or after July 1, 1943.	38 CFR 3.7(u)
(3) Women's Reserve of Navy, Marine Corps, and Coast Guard	Any member who served in the Women's Reserve of Navy, Marine Corps, and Coast Guard shall have the same benefits as members of the Officers Reserve Corps or enlisted men of the United States Navy, Marine Corps, or Coast Guard.	38 CFR 3.7(v)
(4) Women's Air Forces Service Pilots (WASP)	Whose period of service encompassed the period September 10, 1942, through December 20, 1944.	38 CFR 3.7(x)(1) PLaw 95-202, §401, Determination date November 23, 1977, as published in 44 FR 15756
(5) Signal Corps Female Telephone Operators Unit of WWI	Whose service encompassed the period November 28, 1917, through June 30, 1919.	38 CFR 3.7(x)(2) PLaw 95-202, §401, Determination date May 15, 1979, as published in 44 FR 32019

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(6) Women's Army Auxiliary Corps (WAAC)	Any member who served 90 days or more and was discharged under conditions other than dishonorable before October 1, 1943, for disability incurred or aggravated in the line of duty which rendered her physically unfit to perform further service in the WAAC.	38 U.S.C. 106(a)(1) 38 CFR 3.7(x)(4) PLaw 95-202, §401, Determination date March 18, 1980, as published in 45 FR 23716 and amended by 45 FR 26115
(7) Quartermaster Corps Female Clerical Employees	Who served with the American Expeditionary Forces (AEF) in WWI.	38 CFR 3.7(x)(5) PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(8) U.S. Civilian Female Employees of the U.S. Army Nurse Corps	Who served in the Defense of Bataan and Corregidor during the period January 2, 1942, to February 3, 1945: Must prove: (a) Employment as U.S. civilian female employee of the U.S. Army Nurse Corps (ANC) during the period January 2, 1942, to February 3, 1945, and (b) When their employment began with the ANC, and (c) Continuous employment prior to surrender of Corregidor to the Japanese on May 6, 1942, to gain recognition for the time spent in the civilian internment camps, and (d) Date of release/escape from a civilian internment camp or termination date prior to Japanese internment.	38 CFR 3.7(x)(28) PLaw 95-202, §401, Determination date December 13, 1993, as published in 59 FR 298

j. Civilian Service:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Civilian employees of Pacific Naval Air Bases who actively participated in Defense of Wake Island	During WWII.	38 CFR 3.7(x)(6) PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(2) Male Civilian Ferry Pilots	During WWII.	38 CFR 3.7(x)(8) PLaw 95-202, §401, Determination date July 17, 1981, as published in 46 FR 39197

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(3) Civilian personnel assigned to the Secret Intelligence Element of the Office of Strategic Service (OSS)	During WWII.	38 CFR 3.7(x)(10) PLaw 95-202, §401, Determination date December 27, 1982, as published in 48 FR 1532
(4) U.S. Civilian Volunteers who actively participated in the Defense of Bataan	During WWII.	38 CFR 3.7(x)(13) PLaw 95-202, §401, Determination date February 7, 1984, as published in 49 FR 7849
(5) Civilians Employed by (a) U.S. Army Coast Artillery Corps, or (b) U.S. Army Air Force, or (c) U.S. Army Signal Corps, or (d) U.S. Army Corps of Engineers	Who Served Aboard Ships in Oceangoing Service or Foreign Waters during the period of Armed Conflict, December 7, 1941, to August 15, 1945 (World War II).	PLaw 95-202, §401
(6) Civilian Navy Identification Friend or Foe (IFF) Technicians	Who served in the Combat Areas of the Pacific during WWII (December 7, 1941 to August 15, 1945) Must have: - been employed by the Hazeltine Electronics Corporation under a valid contract with the U.S. Navy and - served satisfactorily aboard a U.S. Naval vessel deployed at sea in the Pacific Ocean beyond the continental limits of the U.S.	38 CFR 3.7(x)(16) PLaw 95-202, §401, Determination date August 2, 1988, as published in 53 FR 32425
(7) U.S. Civilians of the American Field Service (AFS)	Who served overseas operationally in WWI during the period August 31, 1917, to January 1, 1918, as a U.S. citizen in an AFS unit overseas (need formal signed enlistment paper or roster enrollment).	38 CFR 3.7(x)(17) PLaw 95-202, §401, Determination date August 30, 1990, as published in 55 FR 46707

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(8) U.S. Civilians of the American Field Service (AFS)	<p>Who served overseas under U.S. Armies and U.S. Army Groups in World War II during the period December 7, 1941, through May 8, 1945.</p> <p>Must have:</p> <ul style="list-style-type: none"> - served as a U.S. citizen in an AFS unit overseas (need formal signed enlistment paper or roster enrollment) <p>and</p> <ul style="list-style-type: none"> - served honorably under any of the following U.S. Army organizations during the periods specified: <ul style="list-style-type: none"> -- 1st U.S. Army, October 20, 1943, through May 8, 1945 -- 5th U.S. Army, January 5, 1943, to December 16, 1944 -- 6th Army Group, August 1, 1944, through May 8, 1945 -- 7th U.S. Army, July 10, 1943, to August 1, 1944 -- 12th Army Group, July 14, 1944, through May 8, 1945 -- 15th Army Group, December 16, 1944, through May 8, 1945 	<p>38 CFR 3.7(x)(18)</p> <p>PLaw 95-202, §401, Determination date August 30, 1990, as published in 55 FR 46707</p>
(9) Civilian Crewmen of the United States Coast and Geodetic Survey (USCGS) vessels	<p>Who performed their service in areas of immediate military hazard while conducting cooperative operations with and for the U.S. Armed Forces within a timeframe of December 7, 1941, to August 15, 1945.</p> <p>Qualifying USCGS vessels specified by the Secretary of Defense, or his or her designee, are the Derickson, Explorer, Gilbert, Hilgard, E. Lester Jones, Lydonia, Patton, Surveyor, Wainwright, Westdahl, Oceanographer, Hydrographer, and the Pathfinder; during the period:</p> <ul style="list-style-type: none"> - December 7, 1941, through May 8, 1945, in all those Atlantic areas outside U.S. inland waters, to include Atlantic and Gulf of Mexico coastal waters; or - December 7, 1941, through August 14, 1945, in all those Pacific areas outside of U.S. inland waters, to include Pacific coastal and Alaskan coastal waters. 	<p>38 CFR 3.7(x)(20)</p> <p>PLaw 95-202, §401, Determination date April 8, 1991, as published in 56 FR 23054 and amended by 57 FR 24600</p>
(10) U.S. Civilian Employees of American Airlines	<p>Who served overseas as a result of American Airlines' contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <ul style="list-style-type: none"> (a) Employed by American Airlines as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or (b) Employed by American Airlines as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations. 	<p>38 CFR 3.7(x)(19)</p> <p>PLaw 95-202, §401, Determination date October 5, 1990, as published in 55 FR 46706</p>

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(11) U.S. Civilian Flight Crew and Aviation Ground Support Employees of United Air Lines (UAL)	<p>Who served overseas as a result of United Air Lines' contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by United Air Lines as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by United Air Lines as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(22)</p> <p>PLaw 95-202, §401, Determination date May 13, 1992, as published in 57 FR 24478</p>
(12) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Consolidated Vultree Aircraft Corporation (Consairway Division)	<p>Who served overseas as a result of Vultree Aircraft Corporation's contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Vultree Aircraft Corporation as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by Vultree Aircraft Corporation as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(24)</p> <p>PLaw 95-202, §401, Determination date June 29, 1992, as published in 57 FR 34765</p>
(13) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Pan American World Airways and Its Subsidiaries and Affiliates	<p>Who served overseas as a result of Pan American World Airways' contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Pan American World Airways as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by Pan American World Airways as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(25)</p> <p>PLaw 95-202, §401, Determination date July 16, 1992, as published in 57 FR 34765</p>
(14) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northwest Airlines	<p>Who served overseas as a result of Northwest Airlines' contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Northwest Airlines as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by Northwest Airlines as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(27)</p> <p>PLaw 95-202, §401, Determination date December 13, 1993, as published in 59 FR 297</p>

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(15) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Eastern Airlines-Military Transport Division (EAL-MTD)	<p>Who served overseas as a result of Eastern Airlines-Military Transport Division's contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Eastern Airlines-Military Transport Division (EAL-MTD) as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by EAL-MTD as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>PLaw 95-202, §401, By DOD/Civilian/Military Service Review Board, decision date November 4, 1992</p>
(16) U.S. Civilian Flight Crew (including pursers) and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc.	<p>Who served overseas as a result of Transcontinental and Western Air (TWA), Inc., contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 14, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by TWA as flight crew personnel (pilot, co-pilot, flight engineer, radio operator, purser), or</p> <p>(b) Employed by TWA as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(23)</p> <p>PLaw 95-202, §401, Determination date May 13, 1992, as published in 57 FR 24479 and amended by 68 FR 11068</p>
(17) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Northeast Airlines Atlantic Division	<p>Who served overseas as a result of Northeast Airlines Atlantic Division contract with the Air Transport Command (ATC) in direct support of ATC's flight operations during the period December 7, 1941, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Northeast Airlines Atlantic Division as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by Northeast Airlines Atlantic Division as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(29)</p> <p>PLaw 95-202, §401, Determination date June 2, 1997, as published in 62 FR 36263</p>
(18) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways	<p>Who served overseas in the North Atlantic or under the jurisdiction of the North Atlantic Wing, Air Transport Command (ATC), in direct support of ATC's flight operations during the period February 26, 1942, through August 14, 1945.</p> <p>Must have been</p> <p>(a) Employed by Braniff Airways as flight crew personnel (pilot, co-pilot, flight engineer, radio operator), or</p> <p>(b) Employed by Braniff Airways as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), or other support personnel necessary to sustain flight operations.</p>	<p>38 CFR 3.7(x)(30)</p> <p>PLaw 95-202, §401, Determination date June 2, 1997, as published in 62 FR 36263</p>

k. Other World War I Service:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Members of the Russian Railway Service Corps	Who served during World War I as certified by the Secretary of the Army.	38 CFR 3.7(w)
(2) Reconstruction Aides and Dietitians	During WWI.	38 CFR 3.7(x)(7) PLaw 95-202, §401, Determination date July 6, 1981, as published in 46 FR 37306
(3) Engineer Field Clerks	During WWI.	38 CFR 3.7(x)(3) PLaw 95-202, §401, Determination date August 31, 1979, as published in 44 FR 55622

l. Other World War II Service:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Wake Island Defenders from Guam	During WWII.	38 CFR 3.7(x)(9) PLaw 95-202, §401, Determination date April 7, 1982, as published in 47 FR 17324
(2) Guam Combat Patrol Members	During WWII.	38 CFR 3.7(x)(11) PLaw 95-202, §401, Determination date May 10, 1983, as published in 48 FR 23295
(3) Quartermaster Corps Keswick Crew on Corregidor	During WWII.	38 CFR 3.7(x)(12) PLaw 95-202, §401, Determination effective February 7, 1984, by Memorandum from the Acting Assistant Secretary of the Air Force, Determination of Active Military Service

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(4) American Volunteer Group (Flying Tigers)	Who served during the period December 7, 1941, to July 18, 1942.	38 CFR 3.7(x)(21) PLaw 95-202, §401, Determination date May 3, 1991, as published in 56 FR 26072
(5) American Field Service (AFS) Members	Who Served Honorably on Flights with the 3d Combat Cargo Squadron, Army Air Forces during the period December 7, 1941, through August 14, 1945.	PLaw 95-202, §401, By DOD/Civilian/Military Service Review Board, decision date August 30, 1990
(6) American Volunteer Guard, Eritrea Service Command	Who served during the period June 21, 1942, to March 31, 1943.	38 CFR 3.7(x)(26) PLaw 95-202, §401, Determination date June 29, 1992, as published in 57 FR 34766
(7) Three scouts/guides: Miguel Tenorio, Penedicto Taisacan and Cristino Dela Cruz	Who assisted the U.S. Marines in offensive operations against the Japanese on the Northern Mariana Islands during the period June 19, 1944, through September 2, 1945.	38 CFR 3.7(x)(32) PLaw 95-202, §401, Determination date September 30, 1999, as published in 64 FR 56773
(8) Members of the Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management	Who served overseas with the U.S. Army Air Corps during the period December 7, 1941, to August 15, 1945.	38 CFR 3.7(x)(33) PLaw 95-202, §401, Determination date August 27, 1999, as published in 64 FR 53364
(9) The approximately 50 Chamorro and Carolinian former native policemen	Who received military training in the Donnal area of central Saipan and were placed under the command of Lt. Casino of the 6 th Provisional Military Police Battalion to accompany United States Marines on active, combat-patrol activity from August 19, 1945, to September 2, 1945.	38 CFR 3.7(x)(31) PLaw 95-202, §401, Determination date September 30, 1999, as published in 64 FR 56773
(10) Alaska Territorial Guard (World War II)	Who were honorably discharged under Section 8147 of the Department of Defense Appropriations Act, 2001.	38 U.S.C. 106(f) 38 CFR 3.7(y)

m. Eligibility of Others:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Any citizen of the United States who, during any war in which the United States is or has been engaged	<p>Who served in the Armed Forces of any Government allied with the United States during that war, whose last such service terminated honorably, and</p> <p>Who was a citizen of the United States at the time of entry on such service and at the time of death.</p> <p>Note: <i>These individuals are not eligible for a headstone or marker in a private cemetery.</i></p>	<p>38 U.S.C. 2306(a)(2)</p> <p>38 U.S.C. 2402(4)</p> <p>38 CFR 38.620(d)</p>
(2) Any non-U.S. Citizen serving on active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard)	<p>Whose death occurred while on active duty.</p>	<p>38 U.S.C. 2402(1)</p>
(3) Any non-U.S. Citizen who served on active duty in the Armed Forces of the United States	<p>Who entered active duty as</p> <p>(a) an enlisted person on or before September 7, 1980, or</p> <p>(b) as an officer commissioned or entered into active duty on or before October 16, 1981;</p> <p>and was discharged or separated from active duty under "other than dishonorable conditions."</p> <p>(Discharges characterized as bad conduct or classified "other than honorable" are subject to adjudication)</p> <p>Note: <i>There is no minimum service requirement for these individuals.</i></p>	<p>38 CFR 3.12a</p>
(4) Any non-U.S. Citizen who served on active duty in the Armed Forces of the United States	<p>Who entered active duty as</p> <p>(a) an enlisted person after September 7, 1980, or</p> <p>(b) as an officer commissioned or entered into active duty after October 16, 1981;</p> <p>and was discharged or separated from active duty under "other than dishonorable conditions,"</p> <p>and completed a continuous period of active duty of at least 24 months or the full period for which called/ordered to active duty.</p> <p>Exclusions: The provisions of this section are not applicable to the following cases:</p> <p>(a) any person who was discharged or released under 10 U.S.C. 1171 or 1173 (early out or hardship discharge); or</p> <p>(b) any person discharged or released for a disability adjudged service-connected; or</p> <p>(c) any person with a compensable service-connected disability.</p>	<p>38 CFR 3.12</p> <p>38 CFR 3.12a(d)(1)</p> <p>38 CFR 3.12a(d)(2)</p> <p>38 CFR 3.12a(d)(3)</p>
<p><i>Former subparagraph m.(5) "Spouse under Common Law Marriage..." deleted, following subparagraphs renumbered. Common Law Spouse information is covered in Section III new subparagraph a.(2).</i></p>		

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(5) Persons ordered to service	<p>Any person who has</p> <ul style="list-style-type: none"> - applied for enlistment or enrollment in the active military, naval, or air service and who is provisionally accepted and directed, or ordered, to report to a place for final acceptance into the service; or - been selected or drafted for such service, and has reported according to a call from the person's local draft board and before final rejection; or - been called into Federal service as a member of the National Guard, but has not been enrolled for Federal service; <p>and</p> <ul style="list-style-type: none"> - suffered injury or disease in line of duty while going to, or coming from, or at such place for final acceptance or entry upon active duty, is considered to have been on active duty and therefore to have incurred such disability in active service. <p><i>Note: The injury or disease must be due to some factor relating to compliance with proper orders. Draftees and selectees are included when reporting for preinduction examination or for final induction on active duty. Such persons are not included for injury or disease suffered during the period of inactive duty, or period of waiting, after a final physical examination and prior to beginning the trip to report for induction. Members of National Guard are included when reporting to a designated rendezvous.</i></p>	38 CFR 3.7(o)
(6) Reserve Cutter Service	Who served under direction of the Secretary of the Navy in cooperation with the Navy.	38 CFR 3.7(s)
(7) Persons having a pensionable or compensable status	Death benefits shall be granted to persons recognized by law as having a pensionable or compensable status.	38 CFR 3.7(n)
(8) Aliens	<p>Any alien veteran whose service in the Armed Forces was honest and faithful, and who was not discharged on the individual's own request as an alien.</p> <p><i>Note: No individuals shall be considered as having been discharged on the individual's own application or solicitation as an alien in the absence of affirmative evidence establishing that the individual was so discharged.</i></p> <p><i>Note: A discharge changed prior to January 7, 1957, to honorable by a board established under authority of section 301, PLaw 346, 78th Congress, as amended, or section 207, PLaw 601, 79th Congress, as amended (now 10 U.S.C. 1552 and 1553), will be considered as evidence that the discharge was not at the alien's request. (See 38 CFR section 3.12)</i></p> <p><i>Note: Armed Forces is used as specified in 38 U.S.C. 101(10) meaning the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.</i></p>	<p>38 U.S.C. 5303(c)</p> <p>38 CFR 3.7(b)</p> <p>38 CFR 3.12</p>

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(9) Lighthouse Service Personnel	Any member who was transferred to the service and jurisdiction of the War or Navy Departments by Executive Order under the Act of August 29, 1916. <i>Note: Effective July 1, 1939, service was consolidated with the Coast Guard.</i>	38 CFR 3.7(k)
(10) Aerial Transportation of Mail	Persons whose death occurred while performing duty under conditions set forth in PLaw 140, 73d Congress.	38 CFR 3.7(a) PLaw 140, 73d Congress, dated March 27, 1934
(11) Members of Training Camps	Any person who served as a member of a training camp authorized by section 54 of the National Defense Act, except members of Student Army Training Corps Camps at the Presidio of San Francisco, CA; Plattsburg, NY; Fort Sheridan, IL; Howard University, Washington, D.C.; Camp Perry, OH; and Camp Hancock, GA, from July 18, 1918, to September 16, 1918.	38 CFR 3.7(t)
(12) Contract Surgeons	Whose death was the result of disease or injury contracted in line of duty during a war period while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transit, or in hospital.	38 CFR 3.7(i)
(13) Army Field Clerks	Included as enlisted men.	38 CFR 3.7(c)
(14) Field Clerks, Quartermaster Corps	Included as enlisted men.	38 CFR 3.7(j)
(15) Coast Guard	Who served in the Coast Guard on or after January 29, 1915, while under jurisdiction of the Treasury Department, Navy Department, or the Department of Transportation.	38 CFR 3.7(h)
(16) Male nurses	Persons who were enlisted men of the Medical Corps.	38 CFR 3.7(l)
(17) Members of Aviation Camps	Who were student enlisted men during World War I.	38 CFR 3.7(e)

SECTION III – NON-VETERANS ELIGIBLE FOR BURIAL AND GOVERNMENT-FURNISHED HEADSTONE OR MARKER

Those individuals eligible for burial in a national, military post/base, or a State veterans cemetery are also eligible to receive a Government-furnished headstone or marker. Current law does not allow the placement of headstones or markers for non-veterans in any other location.

***Note:** The non-veteran inscription is usually added to the headstone or marker provided for the veteran. The inscription for the non-veteran will always be subordinate to the inscription of the veteran (e.g., below or on the reverse side of the headstone).*

a. Spouses and Surviving Spouses:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Spouse or Unremarried Surviving Spouse	A non-veteran spouse or unremarried surviving non-veteran spouse of a veteran. <i>Note: A spouse or unremarried surviving spouse may be interred in a VA national cemetery even if the veteran is not interred or memorialized in a VA national cemetery. Eligibility is not contingent upon the interment of the veteran in the same or any other VA national cemetery.</i>	38 U.S.C. 2402(5) as amended by PLaw 103-446, §§801 & 802, dated November 2, 1994 38 CFR 38.620(e)
(2) Spouse under Common Law Marriage (Whether Wife or Husband)	Eligibility varies based on laws of each State.	See Appendix A
(3) Surviving Spouse with a Subsequent Remarriage terminated by death or divorce	A surviving non-veteran spouse, who died before January 1, 2000, and whose remarriage to a non-veteran was terminated by divorce or the death of the non-veteran. <i>Note: A surviving spouse, who had a subsequent remarriage terminated by divorce or death and who died before January 1, 2000, may be interred in a VA national cemetery even if the veteran is not interred or memorialized in a VA national cemetery. Eligibility is not contingent upon the interment of the veteran in the same or any other VA national cemetery.</i>	38 U.S.C. 2402(5) as amended by PLaw 103-446, §§801 & 802, dated November 2, 1994 and PLaw 108-183, §502, dated December 16, 2003 38 CFR 38.620(e)
(4) Surviving Spouse with a Subsequent Remarriage	A surviving non-veteran spouse of a veteran, who had a subsequent remarriage to a non-veteran, and who died on or after January 1, 2000. <i>Note: A surviving spouse, who had a subsequent remarriage, and who died on or after January 1, 2000, may be interred in a VA national cemetery even if the veteran is not interred or memorialized in a VA national cemetery. Eligibility is not contingent upon the interment of the veteran in the same or any other VA national cemetery.</i>	38 U.S.C. 2402(5) as amended by PLaw 108-183, §502, dated December 16, 2003 38 CFR 38.620(e)

***Note:** The surviving spouse retains eligibility for burial and for a headstone or marker in a VA national cemetery even if the veteran is denied burial under 38 U.S.C. 2411 (see Section VI, paragraph c., Capital Crime Convictions).*

b. Unmarried Minor Children of Veterans:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
The unmarried minor child (including adopted children or step-children who are members of the veteran's household) of a veteran, or member of the Armed Forces of the United States, or eligible Reservist or National Guard member	A minor child is a person who is unmarried, and : - under 21 years of age, or - under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.	38 U.S.C. 101(4)(A) 38 U.S.C. 2402(5) 38 CFR 38.620(e)

Note: An unmarried minor child retains eligibility for burial and for a headstone or marker in a VA national cemetery even if the veteran is denied burial under 38 U.S.C. 2411 (see Section VI, paragraph c., Capital Crime Convictions).

c. Unmarried Adult Children of Veterans:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
The unmarried adult child of a veteran, or member of the Armed Forces of the United States, or eligible Reservist or National Guard member	An unmarried adult child is a person who: - became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or - before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.	38 U.S.C. 101(4)(A) 38 U.S.C. 2402(5) 38 CFR 38.620(e)

Note 1: An unmarried adult child retains eligibility for burial and for a headstone or marker in a VA national cemetery even if the veteran is denied burial under 38 U.S.C. 2411 (see Section VI, paragraph c., Capital Crime Convictions).

Note 2: For a certain period while national cemeteries were under the jurisdiction of the Department of the Army, "unmarried adult daughters" were eligible for burial in a national cemetery and included "daughters who have never married, widows, and divorcees." VA cemetery directors may approve requests for burial of those "unmarried adult daughters" when a signed letter from the Department of the Army or VA is furnished; the letter must state that the unmarried adult daughter is eligible for burial. For those requests where no letter is available, cemetery directors will initiate the sensitive case review process in order for the request to be possibly considered under 38 U.S.C. § 2402(6) authority. In order to be considered under the sensitive case review process, one of the daughter's parents must have been buried in a national cemetery while it was under the jurisdiction of the Department of the Army. If approved, the daughter must also be interred in the same gravesite as one of her parents.

d. Eligibility of Others:

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
Such other persons or classes of persons	As may be designated by the Secretary of Veterans Affairs are authorized interment and a headstone or marker only in a national, military post/base, or a State veterans cemetery. Note: These individuals are not eligible for a headstone or marker in a private cemetery.	38 U.S.C. 2402(6)

**SECTION IV – PERSONS ELIGIBLE FOR GOVERNMENT-FURNISHED
MEMORIAL HEADSTONE OR MARKER**

Those individuals eligible for burial in a national, military post/base, or State veterans cemetery are also eligible to receive a Government-furnished memorial headstone or marker when the remains of the individual are not available for burial. Memorial headstones and markers bear the words “In Memory of” as the first line of the inscription. A memorial headstone or marker for a spouse, surviving spouse, or dependent child of a veteran may be placed **only** in a national or State veterans cemetery.

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
(1) Veterans	Whose remains have not been recovered or identified; were buried at sea, whether by the individual's own choice or otherwise; were donated to science; or were cremated and the ashes scattered without interment of any portion of the ashes.	38 U.S.C. 2306(b) as amended by PLaw 105-368, §401, dated November 11, 1998 38 U.S.C. 2402(1)
(2) Spouse or Unremarried Surviving Spouse	A non-veteran spouse or unremarried surviving non-veteran spouse of a veteran. Whose remains have not been recovered or identified; were buried at sea, whether by the individual's own choice or otherwise; were donated to science; or were cremated and the ashes scattered without interment of any portion of the ashes. <i>Note: The spouse or unremarried surviving spouse may be memorialized in a VA national cemetery even if the veteran is not interred or memorialized in a VA national cemetery. Eligibility is not contingent upon the interment of the veteran in the same or any other VA national cemetery.</i>	38 U.S.C. 2306(b)(2)(B) as amended by PLaw 105-368, §401, dated November 11, 1998
(3) Dependent Children	Dependent children of a veteran who died after December 22, 2006. Whose remains have not been recovered or identified; were buried at sea; whether by the individual's own choice or otherwise; were donated to science; or were cremated and the ashes scattered without interment of any portion of the ashes. <i>Note: Dependent children may be memorialized in a VA national cemetery even if the veteran is not interred or memorialized in a VA national cemetery. Eligibility is not contingent upon the interment of the veteran in the same or any other VA national cemetery.</i>	38 U.S.C. 2306(b)(2)(C) as amended by PLaw 109-461, §401, dated December 22, 2006

SECTION V – PERSONS ELIGIBLE FOR PRESIDENTIALMEMORIAL CERTIFICATES (PMC)

Presidential Memorial Certificates (PMCs) are provided to honor the memory of deceased veterans, who are discharged under honorable conditions. Determination of eligibility for receipt of PMCs is made by Memorial Programs Service under 38 U.S.C. 112.

<u>PERSONS ELIGIBLE</u>	<u>ELIGIBILITY REQUIREMENTS</u>	<u>AUTHORITY</u>
Next of kin, relative, or friend of deceased, or service representative authorized to act on behalf of an eligible individual	The deceased veteran must have been discharged under honorable conditions. <i>Note: This includes those individuals whose active military service is certified under section 401 of Public Law 95-202.</i>	38 U.S.C. 112

**SECTION VI – PERSONS INELIGIBLE FOR BURIAL OR
GOVERNMENT-FURNISHED HEADSTONE OR MARKER**

Generally, it can be assumed that if persons or groups of persons are not listed in Section II, Veterans Eligible for Burial and Government-furnished Headstone or Marker, they are not eligible to receive benefits administered by NCA. The following persons and groups of persons are specifically excluded from eligibility by statute or regulation.

a. Veterans and Dependents:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard) with a disqualifying character of discharge	Any person who served in the active military, naval, or air service, and - who was discharged or released from active duty under dishonorable conditions, or - whose character of service results in a bar to veterans benefits.	38 U.S.C. 101(2) 38 CFR 3.12
(2) Other family members	Any other family members of an eligible veteran except those defined as eligible in Section III, paragraphs a, b, and c.	N/A
(3) A non-veteran former spouse	A non-veteran former spouse of an eligible veteran whose marriage to the veteran was dissolved by divorce or annulment issued by an authoritative court. "Spouse" as defined in 38 CFR 3.50(a) and "marriage" as defined in 38 CFR 3.1(j)).	38 U.S.C. 103(c) 38 U.S.C. 2306(b)(2) 38 CFR 3.1(j) 38 CFR 3.50(a)
(4) Surviving Spouse with a Subsequent Remarriage	A surviving non-veteran spouse who remarried a non-veteran and who died before January 1, 2000.	38 U.S.C. 2306(b)(2)
(5) Any member of a Reserve component of the Armed Forces, the Army National Guard of the United States, or the Air National Guard of the United States	Who served only active duty for training or inactive duty training, except as defined in Section II, paragraphs (b.) or (d.). "Active duty" as defined in 38 CFR 3.6(b), "active duty for training" as defined in 38 CFR 3.6(c), and "inactive duty training" as defined in 38 CFR 3.6(d).	38 CFR 3.6(b), (c) & (d)

b. Subversive Activities:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
An individual who is convicted of any offense listed in 38 U.S.C. 6105(b) and any person entitled to benefits on account of such individual	<p>Any individual convicted of subversive activities after September 1, 1959, shall from and after the date of commission of such offense, have no right to burial in a national cemetery or receipt of a Government-furnished headstone or marker under the laws administered by the VA based on period of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such individual. Eligibility will be reinstated if a pardon is granted by the President of the United States.</p> <p><i>Note: Offenses enumerated in 6105(b) include mutiny or sedition, aiding the enemy, spying, and various violations related to espionage, treason, rebellion, sedition, subversive activities, and sabotage.</i></p>	38 U.S.C. 6105

c. Capital Crime Convictions:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) A person who has been convicted or is found to have committed a Federal capital crime	<p>Any person who was convicted of a Federal capital crime for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the President); or</p> <p>Any person who would have been convicted of a Federal capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.</p>	<p>38 U.S.C. 2411</p> <p>38 CFR 38.617, 38.618</p> <p>PLaw 109-163, §662, enacted January 6, 2006</p>
(2) A person who has been convicted or is found to have committed a State capital crime	<p>Any person who was convicted of the willful, deliberate, or premeditated unlawful killing of another human being for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the Governor of a State); or</p> <p>Any person who would have been convicted of a State capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.</p>	<p>38 U.S.C. 2411</p> <p>38 CFR 38.617, 38.618</p> <p>PLaw 109-163, §662, enacted January 6, 2006</p>

d. Under the provisions of Section 401, Public Law 95-202, dated November 23, 1977, the Department of Defense Civilian/Military Service Review Board denied the following groups' applications for active military status:

(1) Merchant Marine:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) American Merchant Marine Mariners	Who were in active Oceangoing Service during the period August 15, 1945, to December 31, 1946, and who died before November 11, 1998, shall not be considered active duty for burial purposes.	PLaw 95-202, §401, Determination date August 11, 1999, as published in 64 FR 48146 PLaw 105-368, dated November 11, 1998
(2) Crewmen, U.S. Army Vessels	During WWII.	PLaw 95-202, §401, Determination date October 2, 1980, as published in 45 FR 70298
(3) Merchant Seamen Requisitioned by the U.S. Army for Participation in Operation Mulberry	During WWII.	PLaw 95-202, §401, Determination date October 18, 1985, as published in 50 FR 46332
(4) U.S. Merchant Marine Cadet Corps	During WWII.	PLaw 95-202, §401, Determination date August 30, 1982, as published in 47 FR 41154
(5) U.S. Merchant Seamen	Who served aboard Army-owned vessels and certain Merchant Marine vessels which were operating in support of the Armed Forces of the United States, said vessels having made some part of a qualifying voyage in waters being contested by the enemy during the period of December 7, 1941, to September 15, 1945.	PLaw 95-202, §401, Determination date October 18, 1985, as published in 50 FR 46332
(6) American Merchant Marines	Who were in a military invasion during WWII.	PLaw 95-202, §401, Determination date October 18, 1985, as published in 50 FR 46332

(2) Female Service:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Quartermaster Corps Female Clerical Employees	Who did not serve with the American Expeditionary Forces (AEF) during WWI.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(2) Women Aircraft Mechanics (WAM)	During WWII.	PLaw 95-202, §401, Determination date July 6, 1981, as published in 46 FR 37306
(3) Women's Air Raid Defense (WARD)	During WWII.	PLaw 95-202, §401, Determination date July 6, 1981, as published in 46 FR 37306

(3) Civilian Service:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Army Air Forces (AAF) Civilian Maintenance Instructors	During WWII.	PLaw 95-202, §401, Determination date July 17, 1981, as published in 46 FR 39197
(2) Civilians Employed by Pan American Airways-Pacific Division	During WWII.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(3) Civilian Employees of the U.S. Army and U.S. Navy	Who participated in the defense of Bataan and Corregidor during the period December 7, 1941, through May 6, 1942.	PLaw 95-202, §401, Determination date July 2, 1991, as published in 56 FR 33267
(4) Civilian Employees, Pacific Naval Air Bases (PNAB)	Stationed on Wake Island at the Outbreak of World War II.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(5) Civilian Flight Instructors (Pilots) at contract Army Air Forces Schools	During WWII.	PLaw 95-202, §401, By DOD/Civilian/Military Service Review Board, decision date December 21, 1979

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(6) Civilian Highway Traffic Engineers	During WWII.	PLaw 95-202, §401, Determination date July 17, 1981, as published in 46 FR 39197
(7) Civilian Technician Employees of the Civil Aeronautics Administration	During WWII.	PLaw 95-202, §401, Determination date October 2, 1980, as published in 45 FR 70298
(8) Naval Support Activity Civilians	Who actively participated in the defense of Hue during the 1968 Tet Offensive.	PLaw 95-202, §401, Determination date September 5, 1984, as published in 49 FR 47890
(9) Occupational Therapists serving as Civilians in the Army	During WWII.	PLaw 95-202, §401, Determination date March 31, 1986, as published in 51 FR 12635
(10) Office of Strategic Service (OSS) Civilians	During WWII.	PLaw 95-202, §401, Determination date February 5, 1982, as published in 47 FR 7475
(11) U.S. Civilian Employees of the Philippine Air Depot	Who served during the period December 8, 1941, to February 23, 1945.	PLaw 95-202, §401, Determination date October 10, 1990, as published in 55 FR 46706
(12) U.S. Civilians of the American Field Service (AFS)	Who served overseas operationally during the period from April 6, 1917, to January 1918, or November 10, 1941, to August 1945.	PLaw 95-202, §401, Determination date December 24, 1996, as published in 62 FR 1440
(13) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways	Who served overseas as a result of a contract with the Air Transport Command during the period February 26, 1942, through August 14, 1945.	PLaw 95-202, §401, Determination date June 2, 1997, as published in 62 FR 36263
(14) Geiger Sub Depot Office Employees	During WWII.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(15) U.S. and Foreign Civilian Employees of CAT, Inc., who were Flight Crew and Aviation Ground Support Personnel	Who conducted paramilitary operations in Korea, French Indochina, Tibet and Indonesia from 1950 through 1959.	PLaw 95-202, §401, Determination date September 26, 2005, as published in 70 FR 60495

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(16) U.S. and Foreign Civilian Employees of CAT, Inc., and any Ground Support Personnel	Who operated in Korea under Operation Book Lift during 1950 and 1951, or Who operated Air Force C-119 aircraft to drop ammunition and other supplies to French troops at Dien Bien Phu in 1954, or Who operated B-26 Aircraft in Indonesia from 1958 through 1962.	PLaw 95-202, §401, Determination date May 1, 2007, as published in 72 FR 29310
(17) U.S. and Foreign Civilian Employees of Air America, who were Flight Crew and Ground Support Personnel	Who conducted paramilitary operations in Laos from 1961 through 1974, when the war in Laos ended; or Who conducted paramilitary operations in Vietnam from 1964 through 1975, when Saigon was evacuated and Air America flight operations ceased.	PLaw 95-202, §401, Determination date September 26, 2005, as published in 70 FR 60495
(18) U.S. and Foreign Civilian Employees of Air America, and any Ground Support Personnel	Who operated Fixed Wing or Helicopter Aircraft in support of U.S. Army Special Forces in Laos as part of Operation Hot Foot and Operation White Star from 1959 through 1962 and in support of Operation Mill Pond, the Airlift from Thailand to Tibet.	PLaw 95-202, §401, Determination date May 1, 2007, as published in 72 FR 29310
(19) U.S. and Foreign Civilian Employees of Air America, and any In-Country Ground Support Personnel who held supervisory positions	Who operated Fixed Wing or Helicopter Aircraft in direct support of the U.S. Air Force operating in Laos in the Steve Canyon Program (Ravens), the site 85 Operation, Photo Reconnaissance, the Harp Program, and Search and Rescue (SAR) Operations for U.S. Military Flight Crews from 1964 through 1974.	PLaw 95-202, §401, Determination date May 1, 2007, as published in 72 FR 29310
(20) U.S. and Foreign Civilian Employees of Air America, and any In-Country Ground Support Personnel who held supervisory positions	Who operated Fixed Wing or Helicopter Aircraft in Vietnam in direct support of the U.S. Army Special Forces from 1964 through 1975.	PLaw 95-202, §401, Determination date May 1, 2007, as published in 72 FR 29310
(21) U.S. Civil Servants on Temporary Duty at Long Binh, Republic of Vietnam	Who served from about April 4, 1972, to about April 27, 1972, to Design a Commercial Carrier Commodity Tariff and Shipment Control System.	PLaw 95-202, §401, Determination date November 4, 2004, as published in 69 FR 68885
(22) U.S. Civilian Crewmembers of the Flotilla Alaska Barge and Transport Company	Who worked on the Inland and Coastal Waters of Vietnam as a Result of Contract MST-OT-35(X) with the U.S. Navy for Direct Support of Military Operations in Vietnam from April 1966 through April 1975.	PLaw 95-202, §401, Determination date May 26, 2004, as published in 69 FR 42694

(4) Other World War I Service:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
Cadets, Massachusetts and New York Nautical Schools	During WWI.	PLaw 95-202, §401, Determination date December 27, 1982, as published in 48 FR 1532

(5) Other World War II Service:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Air Service Command Maintenance Workers	During WWII.	PLaw 95-202, §401, Determination date July 17, 1981, as published in 46 FR 39197
(2) Air Transport Command Contract Carrier Employees	During WWII.	PLaw 95-202, §401, Determination date December 27, 1982, as published in 48 FR 1532
(3) Alaska Territorial Guard	Who served in Alaska from December 31, 1941, to August 15, 1945, and were discharged under section 8147 of Public Law 106-259 under "other than honorable conditions."	38 U.S.C. 106(f) PLaw 95-202, §401, Determination date September 30, 1999, as published in 64 FR 56773
(4) American Red Cross	During WWII.	PLaw 95-202, §401, Determination date August 30, 1982, as published in 47 FR 41154
(5) Army Air Forces (AAF) Operations Analysts	During WWII.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(6) Army Exchange Service Auditors	During WWII.	PLaw 95-202, §401, Determination date October 2, 1980, as published in 45 FR 70298
(7) Auxiliary Military Police (World War II)	During WWII.	PLaw 95-202, §401, Determination date July 17, 1981, as published in 46 FR 39197

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(8) Chamorros, including the "Chamorro Marine Scouts" who assisted the U.S. Marines in offensive operations	Against the Japanese on the Saipan, Pagan, and Maug Islands of the Northern Mariana Islands from June 19, 1944, through September 2, 1945.	PLaw 95-202, §401, Determination date September 30, 1999, as published in 64 FR 56773
(9) China Mission, Foreign Economic Administration	During WWII.	PLaw 95-202, §401, Determination date May 10, 1983, as published in 48 FR 23295
(10) Civil Aeronautics Administration War Training Service Trainees	During WWII.	PLaw 95-202, §401, Determination date October 2, 1980, as published in 45 FR 70298
(11) Civil Air Patrol	During WWII.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(12) Contract Surgeons	During WWII.	PLaw 95-202, §401, Determination date March 5, 1986, as published in 51 FR 10252
(13) Contract Technical Services Personnel	During WWII.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(14) Guam Local Security Patrol Force	During WWII.	PLaw 95-202, §401, Determination date April 7, 1982, as published in 47 FR 17324
(15) Gura Air Depot Construction Engineers	During WWII.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(16) Hawaiian Air Depot Volunteer Corps	During WWII.	PLaw 95-202, §401, Determination date December 28, 1979, as published in 45 FR 3630

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(17) Members of Consairway	During WWII.	PLaw 95-202, §401, Determination date July 23, 1979, as published in 44 FR 45660
(18) Members of the U.S. Cadet Nurse Corps	During WWII.	PLaw 95-202, §401, By DOD/Civilian/Military Service Review Board, decision date December 21, 1979
(19) Office of Field Service, Office of Scientific Research and Development Technical Observers	During WWII.	PLaw 95-202, §401, Determination date October 2, 1980, as published in 45 FR 70298
(20) Personnel who served aboard Coast and Geodetic Survey Vessels	During WWII.	PLaw 95-202, §401, Determination date April 28, 1986, as published in 51 FR 17509
(21) Stevedore Superintendents who served with the U.S. Army Transportation Corps	During the period October 1944 to November 1945.	PLaw 95-202, §401, Determination date April 18, 1986, as published in 51 FR 16186
(22) Uniformed Aviation Industry Contract Technical Specialists assigned to extended duty at Ladd Field, Alaska, to test Army Air Forces airplanes as part of the Cold Weather Testing Detachment	During the period February 1, 1942, to February 22, 1944.	PLaw 95-202, §401, Determination date February 21, 2003, as published in 68 FR 11069
(23) U.S. Coast Guard Temporary Reserve	During WWII.	PLaw 95-202, §401, Determination date April 7, 1982, as published in 47 FR 17324
(24) U.S. Maritime Service Training Organization	During WWII.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(25) War Production Board Employees	During WWII.	PLaw 95-202, §401, Determination date December 28, 1979, as published in 45 FR 3630

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(26) Aircraft Procurement Inspectors	During WWII.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(27) Yugoslavians attached to Headquarters 2677 th Regiment, Office of Strategic Services (Prov.), Bari, Italy	Who served in a military capacity with the U.S. Armed Forces in German-occupied Yugoslavia.	PLaw 95-202, §401, Determination date June 2, 1997, as published in 62 FR 36053

(6) Others:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Army Air Force (AAF) Operations Analysts	Service not considered active military service in the Armed Forces of the U.S. for all laws administered by VA.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(2) Aircraft Logistics Specialists assigned to Vietnam	During the War Years.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(3) Communications Experts	Who served in Korea during the period 1950-1951.	PLaw 95-202, §401, Determination date January 22, 1981, as published in 46 FR 11857
(4) RMK-BRJ Company Employees	Who served as members of the groups known as the Hawaiian Air Depot Volunteer Corps, the RMK-BRJ Company Employees, and the War Production Board Employees. <i>Note: RMK-BRJ is an acronym for a conglomerate comprising Raymond International of Delaware; Morrison-Knudsen International Company, Inc.; Brown and Root, Inc.; and J. A. Jones Construction Company.</i>	PLaw 95-202, §401, Determination date December 28, 1979, as published in 45 FR 3630
(5) Vietnamese Citizens	Who served in Vietnam as Commandos under contract with the U.S. Armed Forces (also known as "The Lost Army Commandos") During the period January 1, 1961, to December 31, 1970.	PLaw 95-202, §401, Determination date April 1, 1999, as published in 64 FR 29843

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(6) Vietnam Civilian POWs/Internees	Service not considered active military service in the Armed Forces of the U.S. for all laws administered by VA.	PLaw 95-202, §401, Determination date January 28, 1982, as published in 47 FR 6916
(7) Same-sex spouses or partners of veterans	While some States recognize same-sex civil unions or marriages for State benefit purposes, individuals in a same-sex civil union or marriage are not eligible for burial in a national cemetery or State veterans cemetery that receives federal grant funding based on being the spouse or surviving spouse of a same-sex veteran. 38 U.S.C. 101(3) and (31) expressly provide that the terms "spouse" and "surviving spouse" respectively refer to a person of the opposite sex.	U.S.C. 101(3) & (31) 38 CFR 3.50(a) & (b)

**SECTION VII – PERSONS INELIGIBLE FOR GOVERNMENT-FURNISHED
MEMORIAL HEADSTONE OR MARKER**

Those individuals ineligible for burial in a national, military post/base, or State veterans cemetery are not eligible to receive a Government-furnished memorial headstone or marker.

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) A non-veteran former spouse	A non-veteran former spouse of a veteran whose marriage to the veteran was dissolved by divorce or annulment issued by an authoritative court. "Spouse" as defined in 38 CFR 3.50(a) and "marriage" as defined in 38 CFR 3.1(j)).	38 U.S.C. 103(c) 38 U.S.C. 2306(b)(2) 38 CFR 3.1(j) 38 CFR 3.50(a)
(2) Surviving Spouse with a Subsequent Remarriage	A surviving non-veteran spouse who remarried a non-veteran and who died before January 1, 2000.	38 U.S.C. 2306(b)(2)
(3) Dependent Children	Under current law, dependent children who died on or before December 22, 2006, are ineligible for a memorial headstone or marker even if eligible for burial under Section III (b.), Unmarried Minor Children, or Section III (c.), Unmarried Adult Children of Veterans.	38 U.S.C. 2306(b)(2)(C) as amended by PLaw 109-461, §401, dated December 22, 2006
(4) A person who has been convicted or is found to have committed a Federal capital crime	Any person who was convicted of a Federal capital crime for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the President); or Any person who would have been convicted of a Federal capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.	38 U.S.C. 2411 38 CFR 38.617, 38.618 PLaw 109-163, §662, enacted January 6, 2006
(5) A person who has been convicted or is found to have committed a State capital crime	Any person who was convicted of the willful, deliberate, or premeditated unlawful killing of another human being for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the Governor of a State); or Any person who would have been convicted of a State capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.	38 U.S.C. 2411 38 CFR 38.617, 38.618 PLaw 109-163, §662, enacted January 6, 2006

**SECTION VIII – VETERANS INELIGIBLE FOR
PRESIDENTIAL MEMORIAL CERTIFICATES (PMC)**

The following veterans are excluded from having a PMC dedicated to their memory:

<u>PERSONS INELIGIBLE</u>	<u>INELIGIBILITY CRITERIA</u>	<u>AUTHORITY</u>
(1) Any veteran not honorably discharged	Any veteran who was discharged under other than honorable conditions.	38 U.S.C. 112
(2) An individual who is convicted of any offense listed in 38 U.S.C. 6105(b) and any person entitled to benefits on account of such individual	Any individual convicted of subversive activities after September 1, 1959, shall from and after the date of commission of such offense, have no right to burial in a national cemetery or receipt of a Government-furnished headstone or marker under the laws administered by the VA based on period of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such individual. Eligibility will be reinstated if a pardon is granted by the President of the United States. <i>Note: Offenses enumerated in 6105(b) include mutiny or sedition, aiding the enemy, spying, and various violations related to espionage, treason, rebellion, sedition, subversive activities, and sabotage.</i>	38 U.S.C. 6105
(3) A person who has been convicted or is found to have committed a Federal capital crime	Any person who was convicted of a Federal capital crime for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the President); or Any person who would have been convicted of a Federal capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.	38 U.S.C 112, 2411 38 CFR 38.617, 38.618 PLaw 109-163, § 662, enacted January 6, 2006
(4) A person who has been convicted or is found to have committed a State capital crime	Any person who was convicted of the willful, deliberate, or premeditated unlawful killing of another human being for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a person whose sentence was commuted by the Governor of a State); or Any person who would have been convicted of a State capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.	38 U.S.C. 112, 2411 38 CFR 38.617, 38.618 PLaw 109-163, § 662, enacted January 6, 2006

ELIGIBILITY REQUIREMENTS**APPENDIX A - COMMON LAW MARRIAGES BY STATE**

Common law marriages are recognized in some jurisdictions. The following list provides the State position on the recognition of common law marriages:

***Note:** If a date is shown, a common law marriage can be recognized only if it was established before that date. For example, a common law marriage established in Florida is recognized only if it was established before January 1, 1968.*

- (1) Alabama. Recognized as valid.
- (2) Alaska. Recognized prior to August 1, 1917.
- (3) Arizona. Recognized prior to October 1, 1913.
- (4) Arkansas. Not recognized.
- (5) California. Recognized prior to 1895.
- (6) Colorado. Recognized as valid.
- (7) Connecticut. Not recognized.
- (8) Delaware. Not recognized.
- (9) District of Columbia. Recognized as valid.
- (10) Florida. Recognized prior to January 1, 1968.
- (11) Georgia. Recognized prior to January 1, 1997.
- (12) Hawaii. Not recognized.
- (13) Idaho. Recognized prior to January 1, 1996.
- (14) Illinois. Recognized prior to July 1, 1905.
- (15) Indiana. Recognized prior to January 1, 1958.
- (16) Iowa. Recognized as valid.
- (17) Kansas. Recognized as valid.
- (18) Kentucky. Not recognized.
- (19) Louisiana. Not recognized.
- (20) Maine. Not recognized.

- (21) Maryland. Not recognized.
- (22) Massachusetts. Not recognized.
- (23) Michigan. Recognized prior to December 31, 1956.
- (24) Minnesota. Recognized prior to April 26, 1941.
- (25) Mississippi. Recognized prior to April 5, 1956.
- (26) Missouri. Recognized prior to June 20, 1921.
- (27) Montana. Recognized as valid.
- (28) Nebraska. Recognized prior to August 3, 1923.
- (29) Nevada. Recognized prior to March 29, 1943.
- (30) New Hampshire. Not recognized.
- (31) New Jersey. Recognized prior to December 1, 1939.
- (32) New Mexico. Not recognized.
- (33) New York. Recognized prior to April 29, 1933.
- (34) North Carolina. Not recognized.
- (35) North Dakota. Recognized prior to July 1, 1890.
- (36) Ohio. Recognized prior to October 10, 1991.
- (37) Oklahoma. Recognized prior to November 1, 1998. *
- (38) Oregon. Not recognized.
- (39) Pennsylvania. Recognized prior to January 1, 2005. **
- (40) Puerto Rico. Not recognized.
- (41) Rhode Island. Recognized as valid.
- (42) South Carolina. Recognized as valid.
- (43) South Dakota. Recognized prior to July 1, 1959.
- (44) Tennessee. Not recognized.
- (45) Texas. Recognized as valid.
- (46) Utah. Recognized prior to March 3, 1887. ***

(47) Vermont. Not recognized.

(48) Virginia. Not recognized.

(49) Washington. Not recognized.

(50) West Virginia. Not recognized.

(51) Wisconsin. Recognized prior to January 1, 1918.

(52) Wyoming. Not recognized.

**See Oklahoma Statutes Annotated, Title 43, §7 (1998).*

***See Pennsylvania Consolidated Statutes, Title 23, Part II, Chapter 11 (23 Pa.C.S. §1103 (2005)).*

****Utah recognizes common law marriages under very limited circumstances. See Utah Code Section 30-1-4.5 (available electronically at <http://www.utah.gov/government/utahlaws.html>).*

Source: VA Manual 21-1MR, Part III, Subpart iii, Chapter 5.C.14 (Aug. 14, 2006).