

## Chapter 6. Determining Veteran Status and Eligibility for Benefits

### 1. Determining Veteran Status

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**Introduction** This topic contains information on determining eligible Veteran status, including

- definition of a Veteran
  - what constitutes active service
  - characterizing the service of academy attendees
  - primary eligibility criteria
  - secondary eligibility criteria, and
  - service department findings binding on VA with respect to service.
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**Change Date** December 14, 2015

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**a. Definition: Veteran** A *Veteran* is a person who

- served in the active military, naval or air service, and
- was discharged or released under conditions other than dishonorable.

**References:**

- For more information on the definition of the term Veteran for purposes of compensation, Dependency and Indemnity Compensation (DIC) and death pension, see [38 CFR 3.1\(d\)](#).
  - For a list of groups approved for Veteran status under Public Law (PL) 95-202 and 106-259, see M21-1, Part III, Subpart iii, 2.K.3.
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**b. What** *Active service* includes

**Constitutes**

**Active Service**

- active duty
- any period of *active duty for training* during which a person is disabled or dies from a disease or injury incurred or aggravated in the line of duty, or
- any period of *active duty for training* or *inactive duty for training* during which a person is disabled or dies from an injury incurred or aggravated in the line of duty or any of the following conditions
  - acute myocardial infarction
  - cardiac arrest, or
  - a cerebrovascular accident.

**Notes:**

- According to [VAOPGCPREC8-2001](#), sexual assault constitutes an injury for the purposes of this block.
- Time spent proceeding directly to and from active duty for training and inactive duty for training must be considered as part of the active or inactive duty for training as specified in [38 CFR 3.6\(e\)](#).

**Reference:** For the regulatory and statutory definitions of active duty, active duty for training, inactive duty training, and active service, see

- [38 CFR 3.6](#)
- [38 U.S.C. 101\(21\) through \(24\)](#), and
- [38 U.S.C. 106 \(d\)](#).

**c.  
Characterizing  
the Service of  
Academy  
Attendees**

Use the table below when determining the characterization of service for individuals who attended the

- United States Air Force Academy Preparatory School
- United States Military Academy Preparatory School, or
- United States Naval Academy Preparatory School.

<b>If a(n)...</b>	<b>Enters service...</b>	<b>Then that service is characterized as...</b>
member of the <ul style="list-style-type: none"> <li>• National Guard, or</li> <li>• Reserves</li> </ul>	for the sole purpose of attending the academy	active duty for training.  <i>Exception:</i> If the service member continues on to active duty after the academy, consider the academy time as active duty.
civilian	for the sole purpose of attending the academy	active duty for training.  <i>Exception:</i> If the service member continues on to active duty after the academy, consider the academy time as active duty.
active duty service member	without receiving a release from active duty	active duty.

**References:** For more information on

- determining the duty status of a member of the Reserves, see M21-1, Part III, Subpart ii, 6.2

- determining the duty status of a member of the National Guard, see M21-1, Part III, Subpart ii, 6.3, and
  - characterizing service for military preparatory schools, see
    - [VAOPGCREC 6-95](#), and
    - [VAOPGCREC 18-94](#).
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**d. Primary Eligibility Criteria**

The primary factor in determining basic eligibility to Department of Veterans Affairs (VA) benefits is Veteran status.

Eligibility for

- *live* benefits is based on the claimant’s Veteran status, and
  - *survivors* benefits is based on the claimant’s status as the spouse, parent or child of a deceased Veteran.
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**e. Secondary Eligibility Criteria**

If initial review of the evidence available establishes potential Veteran status, consider the secondary eligibility criteria listed below.

- Are the active service dates and character of discharge verified?
- If the evidence does not show a discharge under conditions other than dishonorable, has VA made a determination of character of discharge?
- Have the benefit-specific eligibility criteria been met?

**Note:** For compensation claims, if no qualifying service is shown, an administrative decision must be prepared when making eligibility determinations.

**References:** For more information on

- verification of service dates and character of discharge, see M21-1, Part III, Subpart ii, 6.5
  - forms of evidence for verification of service and character of discharge, see M21-1, Part III, Subpart ii, 6.6
  - benefit-specific eligibility criteria, see M21-1, Part III, Subpart ii, 6.7, and
  - administrative decisions, see M21-1, Part III, Subpart v, 1.A.
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**f. Service Department Findings Binding on VA With Respect to Service**

In [Spencer v. West](#), 13 Vet.App. 376 (2000), the Court of Appeals for Veteran Claims (CAVC) held that active service dates certified by the military are binding for the purpose of making determinations on entitlement to benefits.

In the *Spencer* case, the Veteran was discharged as “an alcohol abuse rehabilitation failure” on February 14, 1983. Because of problems with the urine specimen that formed the basis for the discharge, a military correction board corrected his records to show continuous active duty service until

**M21-1, Part III, Subpart ii, Chapter 6**

August 15, 1985. The CAVC held that service connection (SC) could be established for a disability incurred between February 14, 1983, and August 15, 1985.

***Reference:*** For information on character of discharge and minimum active duty service requirements, see

- [38 CFR 3.12](#), and
  - [38 CFR 3.12a](#).
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## 2. Duty Status and Eligibility of Reservists

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<b>Introduction</b>	<p>This topic contains information on reservist eligibility, including</p> <ul style="list-style-type: none"> <li>• initial duty of a reservist</li> <li>• eligibility of reservists for compensation and pension</li> <li>• Reserve service programs that constitute active duty</li> <li>• types of Reserve duty that do not constitute full-time active duty, and</li> <li>• developing for service verification on a claim submitted by a reservist.</li> </ul> <hr/>
<b>Change Date</b>	<p>January 28, 2016</p> <hr/>
<b>a. Initial Duty of a Reservist</b>	<p>Generally, Reserve and Guard members without prior active service undergo a period of active duty for training (ACDUTRA), lasting from four to seven months. This training may be taken in a single period or as two separate periods.</p> <p><i>Reference:</i> For information on National Guard service, see M21-1, Part III, Subpart ii, 6.3.</p> <hr/>
<b>b. Eligibility of Reservists for Compensation and Pension</b>	<p>A reservist may meet the criteria for establishing Veteran status for compensation and pension purposes if he/she meets any of the criteria for active service.</p> <p><i>References:</i> For more information on</p> <ul style="list-style-type: none"> <li>• what constitutes active service, see M21-1, Part III, Subpart ii, 6.1.b, and</li> <li>• compensation and pension eligibility for National Guard service, see M21-1, Part III, Subpart ii, 6.3.</li> </ul> <hr/>
<b>c. Reserve Service Programs That Constitute Active Duty</b>	<p>Since 1964, members of Reserve component served in full time operational support positions characterized by the service departments as active duty for training under <a href="#">32 U.S.C. 502(f)</a>. Such programs include the</p> <ul style="list-style-type: none"> <li>• Active Duty Support (ADS), and</li> <li>• Active Guard Reserve (AGR).</li> </ul> <p>Service in the Reserves meets the definition of active duty if the facts of record establish that the service was</p> <ul style="list-style-type: none"> <li>• full-time, and</li> <li>• for operational or support purposes, as opposed to training.</li> </ul>

**d. Types of Reserve Duty That Do Not Constitute Full-Time Duty**

Certain types of Reserve duty are not considered full-time duty in the uniformed service

- Initial Active Duty for Training (IADT)
- Annual Training (AT), and
- Active Duty Training (ADT).

**e. Developing for Service Verification on a Claim Submitted by a Reservist**

Follow the steps in the table below to develop a claim submitted by a Reservist.

Step	Action
1	Unless it is clear from the <i>DD Form 214, Certificate of Release or Discharge from Active Duty</i> , that the reservist's service is <i>not</i> full-time duty in the uniformed services, develop with the service department from the appropriate component listed in M21-1, Part III, Subpart iii, 2.J.
2	<ul style="list-style-type: none"> <li>• Request the                             <ul style="list-style-type: none"> <li>– type of duty, and</li> <li>– full-time status, and</li> </ul> </li> <li>• ask the service department to indicate whether the service was                             <ul style="list-style-type: none"> <li>– operational or support duty, or</li> <li>– for training purposes.</li> </ul> </li> </ul>
3	If verification <ul style="list-style-type: none"> <li>• <i>is</i> received showing that the member's service was                             <ul style="list-style-type: none"> <li>– for operational or support services, go to Step 4, or</li> <li>– for training purposes, go to Step 5, or</li> </ul> </li> <li>• <i>is not</i> received from the service department and all development is completed, go to Step 6.</li> </ul>
4	If it can be verified that the member's service was for operational or support services, then the member's service qualifies as active duty.
5	If it is verified that the member's service was for training purposes, then the service does not qualify as active duty and an administrative decision must be completed.
6	If the information needed cannot be obtained from the service department, contact the Compensation Service Procedures Development Staff (212A) for further assistance.

### 3. Duty Status and Eligibility of Personnel in the National Guard Service

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**Introduction** This topic contains information on the duty status and eligibility of personnel in the National Guard, including

- National Guard service in ACDUTRA does not qualify as active duty
  - qualifying service under 10 U.S.C.
  - qualifying service under 32 U.S.C., and
  - verification of National Guard Service.
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**Change Date** June 8, 2015

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**a. National Guard Service in ACDUTRA Does Not Qualify as Active Duty**

The Army National Guard (ARNG) and the Air National Guard (ANG) operate full-time operational and support programs similar to the Reserves. However, [38 U.S.C. 101\(22\)](#) provides separate definitions of “active duty for training” for Guard personnel and reservists.

While the definition for Reservists permits the interpretation that full-time duty for purposes other than training *is* active military, naval or air service, the definition for Guard personnel does *not* permit this interpretation.

Therefore, full-time operational/support service performed by Guard personnel in ACDUTRA status does *not* qualify as “active duty” for purposes of establishing eligibility for VA benefits *unless* the member or former member meets the criteria for *other than active service* found in M21-1, Part III, Subpart ii, 6.1.b.

**Exception:** For special provisions as to basic eligibility for Loan Guaranty benefits, see M21-1, Part IX, Subpart i, 5.A.1.c.

**References:** For more information on

- active duty for training, see [38 CFR 3.6\(c\)](#)
  - inactive duty training, see [38 CFR 3.6\(d\)](#), and
  - active/inactive duty for training for National Guard personnel, see [38 CFR 3.7\(m\)](#).
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**b. Qualifying Service Under 10 U.S.C.**

If a Guard unit, or an individual member, is activated under the authority of [10 U.S.C.](#), the members who report for active duty, which is characterized as Federal Active Duty, have qualifying service for [38 U.S.C.](#) purposes until deactivated.

In some cases, a member may be ordered to active duty for training under the authority of [10 U.S.C. 12301\(d\)](#). This does constitute active duty for training for 38 U.S.C. purposes. If an individual's orders specify activation to temporary duty under 10 U.S.C., further development regarding the purpose of the activation is not needed *unless* there is evidence in the claims folder showing that the purpose of the activation was to train the individual.

The order to active duty *must* state that service is under [10 U.S.C.](#) This fact is frequently reflected on the *DD Form 214*.

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**c. Qualifying Service Under 32 U.S.C.**

Full-time National Guard service is considered active duty for training under [38 U.S.C. 101\(22\)\(C\)](#) if performed under [32 U.S.C. 316](#), or [32 U.S.C. 502, 503, 504, or 505](#). This is true regardless of whether the member is

- performing operational duty, including
  - AGR, and
  - ADS, or
- undergoing training.

National Guard service does *not* meet the definition of *active military, naval, or air service* under [38 U.S.C. 101\(22\)](#) unless the member or former member is disabled during service and, therefore, subject to an exception outlined in [38 U.S.C. 101\(24\)](#) or [38 U.S.C. 106\(b\)\(3\)](#).

**Important:** Individuals who serve full-time in the National Guard under [32 U.S.C. 502\(f\)](#) are on continuous duty 24 hours a day, seven days per week. Therefore, the term “in the line of duty” does not always mean while at work. Injuries occurring during non-working hours are considered in the line of duty.

**Notes:**

- Presumptive service conditions under [38 U.S.C. 1112](#) based on service under 32 U.S.C. may *not* be considered unless the member or former member meets the exception outlined in [38 U.S.C. 101\(24\)](#) or [38 U.S.C. 106\(b\)\(3\)](#).
  - Since 1964, there has been authority, under [32 U.S.C. 502\(f\)](#), to assign to full-time operational duty National Guard members who provide full-time support to the Guard components, even though they are not activated.
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**d. Verification of National Guard Service**

The type of National Guard service should be identified on the *DD Form 214*. If the information is not indicated on the *DD Form 214*, develop with the appropriate component listed in M21-1, Part III, Subpart iii, 2.J.



*Note:* If the *DD Form 214*, or the response to development with the service department, indicates that service was under both [10 U.S.C.](#) and [32 U.S.C.](#), consider the service to be under [10 U.S.C.](#).

## 4. Minimum Active Duty Service Requirements

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**Introduction** This topic contains information on the minimum active duty service requirements, including

- the requirement for a minimum period of active duty
- entitlement to VA benefits when the minimum active duty requirements are not met
- exceptions to the minimum active duty service requirements, and
- entitlement to benefits before the date of enactment of 38 U.S.C. 5303A.

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**Change Date** April 14, 2015

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**a. Requirement for a Minimum Period of Active Duty** The minimum active duty service requirement of [38 CFR 3.12a\(a\)](#) must be met, in accordance with [38 U.S.C. 5303A](#), by all persons, including officers, who

- originally enlisted in a regular component of the Armed Forces after September 7, 1980, *or*
- entered on active duty after October 16, 1981, *and*
- have not
  - previously completed a continuous period of active duty of at least 24 months, nor
  - been discharged or released from active duty under [10 U.S.C. 1171](#).

**Important:** A Veteran may meet the minimum period of active duty without completing 24 months of active duty. [38 CFR 3.12a \(a\)\(1\)](#) defines the minimum period as

- 24 months of continuous active duty, or
- the full period for which a person is called or ordered to active duty.

**Note:** In the case of a delayed enlistment, the entry date for purposes of this provision is the date of entry on active duty, not the date of swearing in, which may have preceded actual entry into active duty.

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**b. Entitlement to VA Benefits When the Minimum Active Duty Requirements** An individual who does not meet the minimum active duty service requirements is not eligible for any benefit under 38 U.S.C. or under any other law administered by VA except

- benefits for, or in connection with, a service-connected (SC) disability or

Are Not Met

- death
- insurance benefits provided by [38 U.S.C. Chapter 19](#), and/or
- refunds of a participant’s contributions to the educational benefits program provided by [38 U.S.C. Chapter 32](#).

c. Exceptions to the Minimum Active Duty Requirement

The following table outlines exceptions to the minimum active duty requirements.

Exception	Description/Restrictions
Discharge Under <a href="#">10 U.S.C. 1173</a>	<p>This discharge applies to an individual discharged for hardship.</p> <p><b><i>Acceptable narrative reasons on DD Form 214</i></b></p> <p>A <i>DD Form 214</i> issued for reasons of hardship must reflect a narrative reason for separation as follows</p> <ul style="list-style-type: none"> <li>• Army - <i>Hardship or Dependency</i></li> <li>• Marine Corps - <i>Hardship or Dependency</i></li> <li>• Air Force - <i>Hardship or Dependency</i></li> <li>• Coast Guard - <i>Hardship or Dependency</i></li> <li>• Navy – <i>Hardship or Dependency</i>.</li> </ul> <p><b><i>Note:</i></b> Develop for cases in which</p> <ul style="list-style-type: none"> <li>• the <i>DD Form 214</i> is unclear as to the reason for discharge, and</li> <li>• a discharge for hardship is alleged, but not stated on the <i>DD Form 214</i>.</li> </ul>
Discharge Under <a href="#">10 U.S.C. 1171</a>	<p>This discharge allows for an <i>early-out</i> discharge within three months of the expiration of the term of enlistment or extended enlistment.</p> <p><b><i>Note:</i></b> This discharge is not available to officers.</p> <p><b><i>Restrictions for persons in the Air Force, Navy and Marine Corps</i></b></p> <p>This discharge is not available to persons in the Air Force, Navy and Marine Corps who are discharged with <i>less</i> than 33 months of service, as the minimum period of enlistment for these branches of service is three years.</p> <p><b><i>Restrictions for persons in the Army</i></b></p>

	<p>This discharge is not available to persons in the Army who are discharged with <i>less</i> than 21 months of service, as the minimum period of enlistment is two years.</p> <p><b><i>Acceptable narrative reasons on DD Form 214</i></b></p> <p>Most discharges under <a href="#">10 U.S.C. 1171</a> have one of the following narrative reasons for discharge on the <i>DD Form 214</i></p> <ul style="list-style-type: none"> <li>• <i>Overseas Returnee</i></li> <li>• <i>Expiration of Term of Service</i>, or</li> <li>• Completion of Required Service.</li> </ul> <p>Accept a <i>DD Form 214</i> with one of these narrative reasons and at least 21 months of service as proof of discharge under <a href="#">10 U.S.C. 1171</a> without further development. Any other narrative reason for discharge for an enlisted person who served at least 21 months requires development to determine if the discharge was under <a href="#">10 U.S.C. 1171</a>.</p> <p><b><i>Restrictions for Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) enlistments</i></b></p> <p>This discharge cannot be authorized by the PHS and NOAA as only officers serve in those branches.</p>
Disability Discharge	<p>This discharge is for those individuals who</p> <ul style="list-style-type: none"> <li>• are discharged or released from active duty for a disability determined to be SC without presumptive provisions of law, or</li> <li>• at the time of discharge, had such an SC disability shown by official records which, in medical judgment, would have justified a discharge for disability.</li> </ul>
Compensable SC Disability	<p>This discharge applies to individuals with a compensable SC disability.</p>
Discharge from Reserve Status for Disability	<p>This discharge is issued to an individual who incurred an SC disability from an inactive duty training injury and is subsequently discharged or released from Reserve status for that disability. The individual should be considered to have been discharged or released from active service.</p>

**d. Entitlement  
to Benefits  
Before  
Enactment of  
38 U.S.C.  
5303A**

Entitlement to any benefit legally provided prior to the date of enactment of [38 U.S.C. 5303A](#), October 1, 1981, based on minimum active duty service requirements in effect at that time, is not affected.

*Example:* An individual issued a certificate of eligibility for a VA home loan guaranty prior to October 1, 1981, continues to be eligible for that benefit even though his/her active duty service no longer qualifies him/her under [38 U.S.C. 5303A](#).

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## 5. General Information Regarding Verification of Service and Character of Discharge

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**Introduction** This topic contains information on verifying service and the Veteran's character of discharge, including

- verifying service and character of discharge
- determining former prisoner of war (FPOW) status
- considering travel time when verifying length of service
- requesting certification of travel time
- determining travel time for PHS claimants
- paying compensation prior to service verification for Veterans retired for length of service, and
- paying nonservice-connected (NSC) burial benefits.

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**Change Date** April 14, 2015

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**a. Verifying Service and Character of Discharge** Verify active service dates and character of discharge by first reviewing the available service department records or other acceptable evidence of service in the claims folder. If a review of the claims folder indicates the available evidence is incomplete, any information is questionable, or no service department records or other acceptable evidence are available, request further verification or additional data via the

- Personnel Information Exchange System (PIES), under procedures in
  - the [PIES User Guide](#), and
  - M21-1, Part III, Subpart iii, 2.D, or
- Veteran Information Solution (VIS), under procedures in
  - the [VIS User Guide](#), and
  - M21-1, Part III, Subpart ii, 6.6.c.

**References:** For more information on

- alternative means for verifying service, see M21-1, Part III, Subpart iii, 2.E.5
  - forms of evidence for verification of service and character of discharge, see M21-1, Part III, Subpart ii, 6.6, or
  - making determinations about character of discharge, see M21-1, Part III, Subpart v, 1.B.1.
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**b. Determining FPOW Status** Review the claim and the available service and separation records for any indication that the Veteran was a former prisoner of war (FPOW).

**Reference:** For more information on determining FPOW status, see

- M21-1, Part IV, Subpart ii, 1.G.1, and
  - M21-1, Part III, Subpart v, 1.C.
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**c. Considering Travel Time When Verifying Length of Service for Eligibility Determinations**

Under [38 U.S.C. 106\(c\)](#), a service member is considered to remain on active duty after discharge or release for the period of time necessary to travel directly home. Travel time is determined by the service department, however, a person is always considered to be on active duty until midnight of the day of discharge or release.

Consider travel time in determining eligibility to benefits requiring 90 days or 24 months of active service. By adding travel time as certified by the service department, the required period of active service may be met. If there is a possibility that the information regarding travel time may be determinative, request the information through PIES or DPRIS.

**Note:** Do not routinely request certification of travel time if the records show that the Veteran had less than 80 days of active service. In these cases, request certifications only if

- travel time is put at issue by the claimant, or
- unusual circumstances exist, such as an overseas discharge.

**Reference:** For additional information about requesting travel time in PIES and DPRIS, see M21-1, Part III, Subpart iii, 2.D.3.c.

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**d. Requesting Certification of Travel Time**

If the Veteran is disabled or dies from an injury within 11 days after discharge from service, compensation or DIC may be payable.

In these cases, or if travel time is put at issue by the claimant, make an inquiry to the service department as to whether the Veteran was entitled to travel time under [38 U.S.C. 106\(c\)](#) for the date and hour on which the injury or death occurred.

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**e. Determining Travel Time for PHS Claimants**

For PHS claimants, accept the dates shown on the separation document as including travel time.

The PHS determines travel time prior to separation and includes it in the active duty dates.

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**f. Paying**

Use the procedure in the following table if

**Compensation  
Prior to Service  
Verification for  
a Veteran  
Retired for  
Length of  
Service**

- the evidence shows the Veteran retired due to length of service, and
- medical records are available, but not all service periods are verified.

*Note:* This procedure applies *only* to Veterans who are retired from the military for length of service.

Step	Action
1	<ul style="list-style-type: none"> <li>• Request verification from the appropriate service department of unverified service periods via PIES, and</li> <li>• maintain a 45-day control                             <ul style="list-style-type: none"> <li>– 30 days for the initial request, and</li> <li>– 15 days for the follow-up request.</li> </ul> </li> </ul>
2	Send the claims folder to the rating activity for action.
3	If <ul style="list-style-type: none"> <li>• SC is awarded, go to Step 4</li> <li>• SC is denied, go to Step 5, and</li> <li>• no response is received from the service department within the 45 day control time, go to Step 6.</li> </ul>
4	When SC to a compensable degree is awarded <ul style="list-style-type: none"> <li>• input data to process the compensation award</li> <li>• enter the unverified Enter(ed) on Duty (EOD) date from service medical records or <i>VA Form 21-526, Veteran's Application for Compensation or Pension</i>, in the EOD field on the Share RATING DATA screen</li> <li>• update the Beneficiary Identification and Records Locator Subsystem (BIRLS)/Share Veteran Identification Data (VID) screen to show                             <ul style="list-style-type: none"> <li>– the service dates used on the RATING DATA screen</li> <li>– <i>UNK</i> in the SEP RSN CODE field, and</li> <li>– <i>N</i> in the VERIFIED field, and</li> </ul> </li> <li>• the Authorizer will                             <ul style="list-style-type: none"> <li>– authorize the award</li> <li>– continue the end product (EP) for the 45 day control time, and</li> <li>– go to Step 6.</li> </ul> </li> </ul>
5	When SC is denied or when SC is awarded at a non-compensable degree <ul style="list-style-type: none"> <li>• input data to process the decision</li> <li>• generate a decision notice, and</li> <li>• the Authorizer will authorize the award action thereby closing the EP.</li> </ul>
6	When a response



	<ul style="list-style-type: none"><li>• <i>is</i> received from the service department<ul style="list-style-type: none"><li>– update the service data in BIRLS and the corporate record, and</li><li>– clear the EP control.</li></ul></li><li>• <i>is not</i> received from the service department after 45 days, ask the locally designated Military Records Specialist (MRS) to perform the follow-up actions as described in M21-1, Part III, Subpart iii, 2.I.2.b.</li></ul>
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**g. Paying NSC Burial Benefits**

If, during a Veteran’s lifetime, he/she was awarded VA compensation or pension, use the same evidence of service relied on to authorize such payment to pay non-service-connected (NSC) burial benefits, if otherwise in order.

However, if there is reason to doubt the correctness of the evidence, the evidence must be verified before payment can be authorized.

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## 6. Forms of Evidence for Verification of Service and Character of Discharge

**Introduction** This topic contains information about the forms of evidence used to verify service and character of discharge, including

- acceptable forms of evidence of qualifying service
- verification of service using the VID tab in Share
- acceptable alternative evidence for verification of service
- specific procedures for handling various copies of the July 1, 1979, or later editions of *DD Form 214*, and
- unacceptable alternative forms of evidence.

**Change Date** January 28, 2016

**a. Acceptable Forms of Evidence of Qualifying Service** Consider only the documentary evidence of qualifying service listed in the table below as adequate evidence of service for eligibility determinations.

Consider acceptance of ...	of a ...	as adequate evidence of service for eligibility determinations because ...
the original (copy 1)	<i>DD Form 214</i> , printed prior to July 1, 1979,	it contains character of discharge information.
the original (copy 1)	<i>PHS Form 1867, Statement of Service – Verification of Status of Commissioned Officers of the U.S. Public Health Service</i>	this information is furnished by the PHS.
the original (copy 1)	<i>NOAA Form 56-16, Report of Transfer or Discharge</i>	this information is furnished by NOAA.
the original	<i>NGB Form 22, National Guard Report of Separation and Record of Service</i>	this information is furnished by the ARNG-HRH.
the original (copy 1)	report of separation document that includes the Veteran’s name, rank, service number, dates and character of service, and the Veteran’s signature	report of separation documents were issued prior to the implementation of <i>DD Form 214</i> .
any carbon copy (copy 2 through 8)	original <i>DD Form 214</i> (any edition) or other report of separation document	authorized employees of the Veterans Service Center (VSC) can authenticate photocopies of <i>DD</i>

		<p><i>Form 214.</i></p> <p><b>Note:</b> For more information on this topic, see M21-1, Part III, Subpart ii, 6.6.d.</p>
a digitally signed copy	<p><i>DD Form 214, or DD Form 215, Correction to DD Form 214,</i> issued by the Department of Defense (DoD), a military service branch, or a State Adjutant General</p>	<p>a digitally signed form contains a 10-digit number that follows the certifying official’s name and it is acceptable in place of a certifying official’s signature <i>if</i></p> <ul style="list-style-type: none"> <li>• the form appears genuine and unaltered, and</li> <li>• the Veteran was discharged on or after August 1, 2008, under other than dishonorable conditions.</li> </ul>
a copy or abstract	<p><i>DD Form 214</i> or equivalent certified by a local or state government official</p>	<p>the copy or abstract was certified by a local or state government official whose office recorded the Veteran’s original service <i>DD Form 214</i> or equivalent.</p> <p><b>Note:</b> A copy or abstract of the Veteran’s original (copy 1) of the <i>DD Form 214</i> dated July 1, 1979 or later is <i>not</i> acceptable.</p>

**Reference:** For information on accepting copies of *DD Form 214* from the Records Management Center (RMC) as verification of service, see M21-1, Part III, Subpart iii, 2.A.8.d.

**b. Verification of Service Using the VID Tab in Share**

The Veterans Identification Data (VID) tab in Share can be used as proof of service if sufficient information is provided on the screen.

Proof of service exists if the service verification field contains a

- *Y* or *D* in the VADS field, or
- *Y* in the VER field.

Also, the VID tab shows

- the character of service is
  - honorable (HON), or
  - under honorable conditions (UHC)
- the branch of service code is *not*

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- ARNG, or
- ANG, and
- the separation reason is satisfactory (SAT).

A separation reason of DEV indicates that further development may be required. Upon verification of service, the separation reason must be updated.

**Exception:** For Merchant Marine service records, a separation reason of DEV may not require clarification if it meets certain criteria.

**Note:** The entry D is added from Defense Manpower Data Center (DMDC) processing.

**References:** For more information on

- the VADS data format field in the corporate record, see the [Share User Guide](#), and
- Merchant Marine service records, see M21-1, Part III, Subpart iii, 2.F.2.e.

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### c. Acceptable Alternative Evidence for Verification of Service

If one of the documents listed in M21-1, Part III, Subpart ii, 6.6.a is not received in support of a claim, verify military service using the VID tab in Share to determine character of discharge and separation reason.

Virtual VA permits a link via to access a Veteran's military history information from VA/DoD Identity Repository (VADIR). The information obtained from VADIR is considered an electronic *DD Form 214*, and is acceptable for verification of service.

The information retrieved from VADIR is identical to the information accessible in VIS, and can be viewed in either Virtual VA or VIS.

**Notes:**

- If there are discrepancies between the information displayed in VIS and evidence provided by the service member pertaining to the dates of service or character of discharge, develop for the *DD Form 214*.
- For reservists and National Guard members, a *DD Form 214* is filed for each segment of active duty. VIS will display the dates a reservist or National Guard member entered and exited active duty with the same unit. VIS will *not* display dates for activation within a unit.
- For retirees, a known discrepancy exists in VIS showing a one day difference between the Release from Active Duty (RAD) provided by VIS and the RAD on the *DD Form 214*. The RAD data in VIS is the last day the service member is paid by the military. The date provided by the *DD Form 214* is the Veteran's first day of retirement. To arrive at the same separation date shown on a retiree's *DD Form 214*, add one day to the RAD date displayed in VIS.

**References:** For more information on

- Veterans' identification data available in Share, see the [Share User Guide](#),
- using VIS, see the [VIS User Guide](#), or
- using Virtual VA DoD Inquiry, see the [Virtual VA User Guides and Special Instruction Topics](#).

**d. Specific Procedures for Handling Various Copies of July 1, 1979, or Later Editions of the DD Form 214**

Use the information in the table below to handle various copies of the July 1, 1979, or later editions of *DD Form 214*.

<b>If the copy of <i>DD Form 214</i> received with the claim is ...</b>	<b>Then ...</b>
Copy 3, 4, or 5	<ul style="list-style-type: none"> <li>• upload the document to the Veterans Benefits Management System (VBMS),</li> <li>• verify the readability of the uploaded document, and</li> <li>• forward the original document to long term storage until it is requested by the Veteran.</li> </ul>
Copy 6, 7, or 8	<ul style="list-style-type: none"> <li>• upload the document to VBMS, and</li> <li>• verify the readability of the uploaded document.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Return the original document to the claimant if a request was made for its return.</li> <li>• Forward the original document to the long term storage facility, if a request was <i>not</i> made for its return.</li> </ul>

**Notes:**

- The appropriate service department retains Copy 2 of *DD Form 214* as the permanent record of the Veteran's service.
- If the *Remarks* section of the *DD Form 214* contains the entry "*Continuous active military service: XX-XX-XX [Date]*," service is verified from that date, regardless of any later date shown in the EOD section of the form. A *DD Form 214* with such an entry is acceptable proof of EOD and Released from Active Duty (RAD) dates. Enter these dates in BIRLS and the Master Record.

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**e.**  
**Unacceptable**  
**Alternative**  
**Forms of**  
**Evidence**

If a claimant has submitted an alternate form of evidence of service which cannot be accepted and his/her military service cannot be verified

- send a denial letter which
    - explains the attempts to verify service, and
    - describes the acceptable forms of evidence, and
  - furnish notice of procedural and appeal rights.
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## 7. Benefit-Specific Eligibility Factors

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<b>Introduction</b>	<p>This topic contains information on benefit-specific eligibility factors, including</p> <ul style="list-style-type: none"> <li>• general guidelines for reviewing and processing an original application for VA benefits</li> <li>• requirement for social security numbers (SSNs)</li> <li>• eligibility determinations for compensation</li> <li>• eligibility determinations for pension</li> <li>• eligibility determinations for survivors benefits</li> <li>• eligibility determinations for related benefits, and</li> <li>• eligibility for Chapter 18 benefits.</li> </ul>
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<b>Change Date</b>	July 1, 2014
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<b>a. General Guidelines for Reviewing and Processing an Original Application for VA Benefits</b>	<p>In reviewing and processing an original application for VA benefits, the Veterans Service Representative (VSR) must determine if the claimant meets the eligibility criteria for the specific benefits only after</p> <ul style="list-style-type: none"> <li>• Veteran status has been established</li> <li>• service has been verified, and</li> <li>• character of discharge has been found to be other than dishonorable.</li> </ul>
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*Note:* In order to verify service, review active duty dates and verify character of discharge by

- reviewing the discharge document
- obtaining verification by the service department, or
- obtaining a VA administrative decision, when necessary.

*Exception:* If the VSR determines that a claimant does not meet one or more eligibility factors for a benefit, the VSR may deny the claim without verifying service. In these cases, the decision notice must fully inform the claimant of VA's action, informing him or her, if appropriate, that Veteran status has not been established.

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<b>b. Requirement for SSNs</b>	<p>Any person who applies for a VA compensation or pension benefit must disclose his or her Social Security number (SSN) and the SSNs of his or her dependents. However, an SSN is not required for any person to whom no SSN has been assigned.</p>
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**Notes:**

- If there is no evidence to the contrary, accept a claimant's (or fiduciary's) certified statement that no SSN has been assigned.
- A claimant may provide the SSN over the telephone. However, do not accept a certified statement that no SSN has been assigned orally; a "wet" signature is required. The claimant may submit the certified statement electronically, in person, by mail, or by fax.

**References:** For more information about

- the mandatory disclosure of SSNs, see [38 CFR 3.216](#), and
  - development procedures for SSNs, see M21-1, Part III, Subpart iii, 5.A.5.
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**c. Eligibility Determinations for Compensation**

If a claim is submitted for SC disability and honorable active service is verified, compensation entitlement is determined by the rating activity.

When a rating decision is completed, the decision indicates whether a Veteran is entitled to compensation and, if so, to what degree. In addition, the rating decision may include entitlement to special monthly compensation and any related benefits.

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**d. Eligibility Determinations for Pension**

Wartime service for pension is established if a Veteran served

- at least 90 days of active duty during a period of war
- at least 90 consecutive days of active duty and such period began or ended during a period of war
- a total of 90 or more days of active duty during one or more wartime periods, *or*
- any amount of time during a period of war and
  - was discharged for a disability incurred or aggravated in service, or
  - had an SC disability at the time of discharge that would have justified a discharge for disability.

**Important:** Veterans entering service after September 7, 1980, must also meet the minimum active duty requirement of 24 months of continuous service or the full period to which the Veteran was called to active duty, as provided in [38 U.S.C. 5303A](#) and [38 CFR 3.12a](#). The minimum active duty period must include at least one day of wartime service.

**Note:** In addition to meeting the wartime service and minimum active duty requirements, entitlement to pension payments based on disability and income must be determined as outlined in

- M21-1, Part V, Subpart i, 1.1,
- M21-1, Part V, Subpart ii, 1.A.1, and
- M21-1, Part V, Subpart iii, 1.A.1.



**References:** For information on

- SC disabilities at the time of discharge and entitlement to pension, see [38 CFR 3.3](#)
- pension wartime service requirement, see M21-1 Part V, Subpart i, 1.2.a, and
- active duty service requirements, see M21-1, Part III, Subpart ii, 6.4.

**e. Eligibility Determinations for Survivors Benefits**

Based on the individual who files the claim for survivors benefits, consider the factors listed in the table below.

<b>If...</b>	<b>Then...</b>
the claimant is a surviving spouse or child who has filed for Survivors Pension	the Veteran’s service must meet the basic eligibility criteria of M21-1, Part III, Subpart ii, 6.7.d for pension.
the claimant is a surviving spouse, child, or parent who has filed for DIC	refer the claim to the Rating activity for a determination.  <i>Note:</i> If death occurred in service, see M21-1, Part IV, Subpart iii, 1.B.3.b to determine if a rating decision is necessary.  <i>Exception:</i> If a parent(s) income is excessive for DIC, deny the claim without referral to the Rating activity.
the claimant is a surviving spouse, child or parent who has filed for Survivors Pension or DIC	the claimant’s relationship to the Veteran must be established.  <i>Reference:</i> For information on relationship, see <a href="#">38 CFR 3.50</a> through <a href="#">38 CFR 3.60</a> .
the claim is for a burial or plot allowance	the specific requirements of <a href="#">38 CFR 3.1700</a> must be met.

**f. Eligibility Determinations for Related Benefits**

Use the following table when making eligibility determinations regarding related benefits.

<b>Type of Related Benefit</b>	<b>Eligibility Requirements</b>
Automobile or other	Requires SC disability or a disability

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<p>conveyance allowance (one-time payment)</p>	<p>incurred due to treatment under <a href="#">38 U.S.C. 1151</a>, which results in</p> <ul style="list-style-type: none"> <li>• loss, or permanent loss of use, of             <ul style="list-style-type: none"> <li>– one or both feet, or</li> <li>– one or both hands, or</li> </ul> </li> <li>• permanent impairment of vision of both eyes to a prescribed degree.</li> </ul> <p><b>Reference:</b> For more information on payment and eligibility for automobile allowance, see</p> <ul style="list-style-type: none"> <li>• M21-1, Part IX, Subpart i, 2, and</li> <li>• <a href="#">38 CFR 3.808</a>.</li> </ul>
<p>Specially adapted housing and special home adaptation grants</p>	<p>Requires SC disability or a disability incurred due to treatment under <a href="#">38 U.S.C. 1151</a>, that results in prescribed limitations.</p> <p><b>Reference:</b> For information on eligibility factors, see</p> <ul style="list-style-type: none"> <li>• M21-1, Part IX, Subpart i, 3</li> <li>• <a href="#">38 CFR 3.809</a>, and</li> <li>• <a href="#">38 CFR 3.809a</a>.</li> </ul>
<p>Restored Entitlement Program for Survivors (REPS) (Special allowance under PL 97-377, Section 156)</p>	<p>Requires a formal determination concerning the Veteran’s death and disability.</p> <p><b>Reference:</b> For information on REPS, see</p> <ul style="list-style-type: none"> <li>• <a href="#">38 CFR 3.812</a>, and</li> <li>• M21-1, Part IX, Subpart i, 6.</li> </ul>
<p>Vocational rehabilitation</p>	<p><a href="#">38 U.S.C. Chapter 31</a> requires</p> <ul style="list-style-type: none"> <li>• a combined SC disability evaluation of at least 20 percent, and</li> <li>• an evaluation and determination of entitlement by the Vocational Rehabilitation and Employment (VR&amp;E) Division, or</li> <li>• a combined SC disability evaluation of 10 percent with a VR&amp;E finding of a serious employment handicap.</li> </ul> <p><b>Reference:</b> For information on VR&amp;E benefits, see</p> <ul style="list-style-type: none"> <li>• <a href="#">M28-1</a>, and</li> <li>• <a href="#">38 CFR Part 21</a>.</li> </ul>
<p>Dependents Educational</p>	<p><a href="#">38 U.S.C. Chapter 35</a> requires</p>

<p>Assistance (DEA)</p>	<ul style="list-style-type: none"> <li>• permanent and total SC disability (This means either a combined evaluation of 100 percent or a total rating due to individual unemployability, both with no future examination.)</li> <li>• SC death, or</li> <li>• permanent and total SC disability at the time of death.</li> </ul> <p><i>Note:</i> Generally, a dependent must be established for benefit purposes and a child must have completed high school or be beyond the compulsory age for school attendance.</p> <p><i>Reference:</i> For more information on DEA, see</p> <ul style="list-style-type: none"> <li>• <a href="#">M22-4, Part VII</a>, and</li> <li>• <a href="#">38 CFR Part 21, Subpart C</a>.</li> </ul>
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**g. Eligibility for Chapter 18 Benefits**

Benefits for children of Vietnam Veterans who are born with spina bifida ([38 U.S.C. Chapter 18](#) benefits) are *not* dependent on the character of discharge. That is, regardless of the characterization of the service of the Veteran parent, individuals may receive Chapter 18 benefits if the necessary Vietnam service and relationship requirements are met.

*Reference:* For more information on eligibility and development for Chapter 18 benefits, see M21-1, Part VI, 2.B.