# M21-1, Part III, Subpart i, Chapter 1, Section A - Establishing Veteran Status

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Chapter 01. Establishing Veteran Status and Verifying Service

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## Overview

**In This Section** This section contains the following topics:


| Topic | Topic Name |
|---|---|
| 1 | Determining Veteran Status |
| 2 | Service in the Reserves or National Guard |
| 3 | Duty Status and Eligibility of Reservists |
| 4 | Duty Status and Eligibility of National Guard Members |
| 5 | Requesting Pay Records |


## 1. Determining Veteran Status

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

- definition of
- a Veteran
- active service, and
- qualifying service
- primary eligibility criteria for benefits
- secondary eligibility criteria for benefits
- deciding claims based on qualifying service
- service department findings binding on Department of Veterans Affairs (VA) with respect to service, and
- characterizing the service of academy and academy preparatory school attendees.

**Change Date** September 25, 2024

**III.i.1.A.1.a. Definition: Veteran**

A ***Veteran*** is a person who

- served in the active military, naval, air, or space 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), and
- ***Paulson v. Brown***, 7 Vet.App. 466, 470 (1995), and
- groups approved for Veteran status under *Public Law 95-202* and *106-259*, see M21-1, Part III, Subpart i, 1.C.

**III.i.1.A.1.b. Definition: Active Service**

***Active service*** includes

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

***Notes***:

- According to VAOPGCPREC 8-2001, sexual assault constitutes an injury for the purposes of this block.
- Time spent proceeding directly to and from ADT and IADT must be considered as part of the ADT or IADT, as specified in 38 CFR 3.6(e).

***Reference***: For more information on the regulatory and statutory definitions of active duty, ADT, IADT, and active service, see

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

**III.i.1.A.1.c. Definition: Qualifying Service**

***Qualifying service*** is any type of service that qualifies or potentially qualifies a claimant for Department of Veterans Affairs (VA) benefits. Types of qualifying service are listed in 38 CFR 3.6 and 38 CFR 3.7 and include (but are not limited to)

- active service
- ADT when a claim for service connection (SC) is based on a disability or death resulting from a disease or injury incurred or aggravated in the line of duty, and
- IADT when a claim for SC is based on disability or death resulting from an injury incurred or aggravated in the line of duty or myocardial infarction, cardiac arrest, or a cerebrovascular accident which occurred during such training.

**III.i.1.A.1.d. Primary Eligibility Criteria for Benefits**

The primary factor in determining basic eligibility to 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.

***Reference***: For more information on the criteria for establishing Veteran status, see

- 38 CFR 3.1(d), and
- M21-1, Part III, Subpart i, 1.A.1.a and b.

**III.i.1.A.1.e. Secondary Eligibility Criteria for Benefits**

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

- Are the service dates and character of discharge (COD) verified, including
- periods of active duty, and/or
- periods of ADT or IADT upon which a claim is based?
- If the evidence does not show a discharge under conditions other than dishonorable, has VA made a determination of COD?
- Have the benefit-specific eligibility criteria been met?

***Note***: As noted in M21-1, Part X, Subpart i, 6.C.3.d, Benefits Delivery at Discharge claims are rated while the service member is still on active duty. Therefore, the current period of service will not be verified until after discharge. These claims must not be deferred for service verification.

***References***: For more information on

- verification of service dates and character of discharge, see M21-1, Part III, Subpart i, 1.B.2
- forms of evidence for verification of service and COD, see M21-1, Part III, Subpart i, 1.B.3, and
- benefit-specific eligibility criteria, see M21-1, Part II, Subpart iii, 1.B.1.

**III.i.1.A.1.f. Deciding Claims Based on Qualifying Service**

Use the table below to determine the appropriate format for issuing a decision based on qualifying service.

| If ... | Then ... |
|---|---|
| • deciding a claim for compensation or DIC, and<br>• the claimant has not performed any type of qualifying service, including<br>• active service<br>• ADT, or<br>• IADT, or<br>• the claimed service cannot be verified | complete an administrative decision, as directed by M21-1, Part X, Subpart v, 1.C for lack of qualifying service and administratively deny the claim. |

| | |
|---|---|
| deciding a claim for compensation or DIC based upon a period of verified qualifying service, including a period of ADT or IADT | decide the claim by completing a rating decision.<br><br>***Note***: Even when SC cannot be established for a claim based on verified ADT or IADT service, completion of an administrative decision pertaining to qualifying service is not appropriate. The grant or denial of the claimed issue is based on whether the claimed condition or death is a result of incurrence or aggravation, as applicable, during the qualifying period of ADT or IADT service, which is a decision under the jurisdiction of the rating activity. |
| denying a Veterans and/or Survivors Pension claim for lack of qualifying service in the following situations:<br>• qualifying service cannot be verified<br>• the Veteran served pre-Gulf War and has less than 90 days of active duty<br>• the Veteran served during the Gulf War period and has less than 24 consecutive months of active duty ***and*** did not fulfill the full period to which the individual was called, or<br>• the Veteran has ADT or IADT only | issue a decision notification letter telling the claimant that they do not meet the service requirements for Veterans and/or Survivors Pension.<br><br>***Note***: There is no requirement to complete an administrative decision in these cases. |

***References***: For more information on
- the definition of qualifying service, see **M21-1, Part III, Subpart i, 1.A.1.c**
- procedures for handling denials of pension and survivor's benefits other than DIC based on lack of qualifying service, see **M21-1, Part IX, Subpart i, 1.2**, and
- service that is considered active service, see
- **38 CFR 3.6**, and
- **38 CFR 3.7**.

**III.i.1.A.1.g. Service Department Findings Binding on VA With** Determinations as to certified dates of service made by the service department, including revisions of service dates, are

**Respect to Service**

binding on VA.

***References***: For information on

- COD and minimum active duty service requirements, see
- 38 CFR 3.12, and
- 38 CFR 3.12(a), and
- revision of service dates via military correction board, see ***Spencer v. West***, 13 Vet.App. 376 (2000).

**III.i.1.A.1.h. Characterizing the Service of Academy and Academy Preparatory School Attendees**

Service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy is characterized as active duty.

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

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

| If a(n) … | Enters service … | Then that service is characterized as … |
|---|---|---|
| member of the<br>• National Guard, or<br>• Reserves | for the sole purpose of attending the academy | ADT.<br>***Exception***: 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 | ADT.<br>***Exception***: 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

- characterizing the service of academy and academy preparatory school attendees, see 38 CFR 3.6(b)
- determining the duty status of a member of the Reserves, see M21-1, Part III, Subpart i, 1.A.3
- determining the duty status of a member of the National Guard, see M21-1, Part III, Subpart i, 1.A.4, and
- characterizing service for military preparatory schools, see
- VAOPGCREC 6-1995, and
- VAOPGCREC 18-1994.

## 2. Service in the Reserves or National Guard

**Introduction**

This topic contains information on claims based on service in the Reserves and National Guard, including

- initial duty of a reservist or National Guard member
- ADT and IADT service in the Reserves and National Guard
- other types of reserve or National Guard service
- active duty support (ADS) service
- service department records for verifying periods of ADT and IADT
- deciding line of duty status for claims based on ADT or IADT
- definition of injury for ADT and IADT purposes
- presumption of soundness for ADT and IADT
- considering presumptive SC based on ADT and IADT
- considering aggravation in claims for SC based on ADT and IADT, and
- adjudicating claims based on ADT and IADT.

**Change Date** January 24, 2025

**III.i.1.A.2.a. Initial Duty of a Reservist or National Guard Member**

Generally, reserve and National Guard members without prior active service undergo a period of ADT. The training consists of basic training and specialized job-based skill training. This training may be taken in a single period or as two separate periods. When it is taken as two separate periods, this is referred to as split option training and is normally undertaken by members enrolled in school.

Individuals with prior active service generally are not required to undergo these periods of initial training when joining the National Guard or Reserve, although there are situations when individuals transfer from one branch of active duty to another branch of National Guard or reserve service that initial training is required.

***References***: For more information on

- reserve service, see M21-1, Part III, Subpart i, 1.A.3, and
- National Guard service, see M21-1, Part III, Subpart i, 1.A.4.

**III.i.1.A.2.b. ADT and IADT Service in the Reserves and**

Service as a traditional reservist or National Guard member is not active service and is not adequate service upon which to establish Veteran status as defined in 38 CFR 3.1(d). This service includes

**National Guard**

performing one period of weekend drill monthly and two weeks of annual training yearly. This service is referred to as

- IADT, which includes traditional drill weekends, and
- ADT, which includes the
- initial period of basic training and specialized job skill training, and
- two week (fifteen-day) annual training period.

***Exception***: For the purpose of establishing entitlement to VA benefits, Veteran status may be established based upon ADT or IADT under certain circumstances as discussed in **M21-1, Part III, Subpart i, 1.A.1.b** and **c**.

***Reference***: For more information on the criteria for establishing active service based on ADT or IADT, see **38 CFR 3.6(a)**.

**III.i.1.A.2.c. Other Types of Reserve or National Guard Service**

In addition to traditional ADT and IADT service, a reservist or National Guard member may perform other types of duty. Refer to the table below for additional information about other types of reserve or National Guard Service.

| Type of Service | How/When Service Is Performed | Circumstances of Service |
|---|---|---|
| Federal active duty | called to full time active duty under **10 U.S.C.** (also referred to as Title 10 service) | • This type of service<br>• normally occurs as a result of a deployment, and<br>• establishes Veteran status.<br>• Review *DD Form 214, Certificate of Uniformed Service*, and other service personnel records for indication of service under **10 U.S.C**.<br>***Reference***: For more information on activation of a Coast Guard Reservist under Title 14, see **M21-1, Part III, Subpart i, 1.A.3.c**. |
| Active Guard Reserve (AGR) | full time duty for operational support of the Reserve or National Guard | • AGR service in the Reserves is performed under **10 U.S.C**.<br>• AGR service in the National Guard is performed under **32 U.S.C.**<br>***Reference***: For more information on AGR service in the<br>• Reserves, see **M21-1, Part III,** |

| | | |
|---|---|---|
| | | Subpart i, 1.A.3.b and<br>• National Guard, see M21-1, Part III, Subpart i, 1.A.4.c. |
| Active duty support (ADS), previously known as active duty special work (ADSW) | ordered to full-time but temporary duty for operational or support purposes for the Reserve or National Guard | The period of service can vary but is generally less than 180 days.<br>***References***: For more information regarding ADS for<br>• reservists, see M21-1, Part III, Subpart i, 1.A.3.b and<br>• National Guard members, see M21-1, Part III, Subpart i, 1.A.4.c. |
| dual status technician | employment as a federal employee under 5 U.S.C. working for the Reserve or National Guard with employment contingent on continued membership in the Reserve or National Guard | • Technicians wear the uniform of the Reserve or National Guard to perform weekly work duties.<br>• Technician status will not be reflected in military records and is not a type of qualifying service.<br>• Disease or injuries incurred during non-ADT or non-IADT Title 5 employment periods are not subject to VA benefits.<br>• Technicians are also traditional members of the Reserve or National Guard performing monthly IADT drill weekends and fifteen-day ADT annual training, and other service periods as directed. |
| additional ADT training | periods of training in addition to the fifteen-day period of annual ADT training | Often undertaken for additional types of military job skill or leadership training. |

***Important***: Reservists and National Guard members may not receive concurrent pay for ADT or IADT and VA disability compensation or pension.

***References***: For more information on the

- types of service for which a *DD Form 214* is issued, see M21-1, Part III, Subpart i, 1.B.5.a, and
- prohibition against concurrent receipt of pay for ADT or IADT and VA disability compensation or pension,

see M21-1, Part VI, Subpart ii, 3.A.1.b.

**III.i.1.A.2.d. ADS Service**

Individuals on ADS orders must waive compensation for a period equal to the period for which they received pay.

All ADS periods are generally initiated and recorded on an official order document in the service personnel records. A *DD Form 214* is routinely issued, however, only for discharge from ADS periods of 90 days or more.

***Exception***: In certain scenarios, a *DD Form 214* will be issued for ADS service of less than 90 days, as discussed in M21-1, Part III, Subpart i, 1.B.5.a.
***Note***: All periods of ADS for the Reserves *for operational support* are considered active service regardless of length of service.

***Reference***: For more information on handling ADS reported on *VA Form 21-8951 and VA Form 21-8951-2, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances*, see M21-1, Part VI, Subpart ii, 3.A.4.

**III.i.1.A.2.e. Service Department Records for Verifying Periods of ADT and IADT**

Verification of specific periods of ADT or IADT (other than the initial period of ADT for which a *DD Form 214* is issued) is most easily accomplished via requesting the service personnel records and reviewing the ***detailed report*** of the member's Retirement Points Annual Statement. Although the detailed report version of the Retirement Points Annual Statement is the most complete reflection of all periods of verified service for an individual, including periods of active duty, ADT, and IADT, consider all other evidence of record from the service records when attempting verification of individual periods of ADT and IADT.
Other service records may be utilized to verify periods of ADT and IADT as long as the information provided

- reflects the type of service
- documents the dates of the period of service, and
- does not otherwise conflict with the remaining evidence of record.

Examples of other records that may be used to verify ADT and IADT service include, but are not limited to:

- a line of duty investigation documented on *DD Form 261, Report of Investigation Line of Duty and Misconduct Status,* as long as the form
- is complete, and
- bears the signature of the final approval authority
- service treatment records documenting that a member was injured during a period of ADT or IADT
- an official order directing the member to a period of annual training
- a pay stub documenting the period of service, or
- a Master Military Pay Account (MMPA) print.

***Notes***:

- *NGB Form 22, National Guard Report of Separation and Record of Service*, documents spans of service in the Army and Air National Guard. However, this document does not verify individual periods of ADT or IADT during

the span of the member's service.

- There is no formal document issued at the time of a reservist's separation or retirement.
- ADT and IADT service is not characterized by the service department. Handle the characterization of service according to procedures at **M21-1, Part X, Subpart iv, 1.B.2.l**.
- The MMPA may be requested by following the instructions in **M21-1, Part IIII, Subpart i, 1.A.5**.

***Reference***: For more information on the issuance of *DD Form 214* for certain periods of ADT, full time training, or operational support duty, see **M21-1, Part III, Subpart i, 1.B.5.a**.

**III.i.1.A.2.f. Deciding Line of Duty Status for Claims Based on ADT or IADT**

Formal line-of-duty investigations are documented on *DD Form 261*. However, not all injuries, diseases, or deaths incurred or aggravated in the line of duty will be documented on *DD Form 261*, and a formal line-of-duty investigation is not a requirement to establish that a disease, injury, or death was incurred or aggravated in the line of duty during a period of ADT or IADT.

Consider all evidence of record in determining whether the injury, disease, or death was incurred or aggravated in the line of duty.

***Note***: "In the line of duty" does not always mean while the reservist or National Guard member was at work. Individuals with AGR service, including in the National Guard, are on continuous duty 24 hours a day, seven days a week just as are their active duty counterparts. They receive the same pay and are eligible for retirement with 20 years of service. If no intentional negligence or willful misconduct is noted, an injury or disease that occurs during AGR service is presumed to be in the line of duty.

***References***: For more information on

- duty status related to injuries sustained by reservists or National Guard members while traveling to or from periods of ADT or IADT, see **38 CFR 3.6(e)**, and
- determining line-of-duty status, see ***Holton and Bryant v. Shinseki***, 557 F.3d 1362 (Fed.Cir. 2009).

**III.i.1.A.2.g. Definition of Injury for ADT and IADT Purposes**

VA Office of General Counsel has issued precedent opinions to assist in defining the definition of "injury" for the purposes of considering claims for SC based on ADT and IADT service.

- **VAOPGCPREC 8-2001** held that for the purposes of considering a claim for SC for posttraumatic stress disorder, a sexual assault that occurred during IADT is considered an injury.
- **VAOPGCPREC 4-2002** held that an individual who suffers from a disabling condition as a result of administration of an anthrax vaccination during IADT may be considered disabled by an "injury" incurred during such training. While **VAOPGCPREC 4-2002** does not address disabling conditions resulting from administration of other vaccines during IADT, the same principle applies for other

vaccines, such as the Coronavirus disease (COVID-19) vaccine.

***References***: For more information on

- conceding injury for claims for SC for hearing loss and tinnitus based on noise exposure during ADT or IADT service, see **M21-1, Part V, Subpart iii, 2.B.1.c**, and
- disabling conditions resulting from administration of vaccines during periods of IADT, see **M21-1, Part V, Subpart ii, 2.A.2.f**.

**III.i.1.A.2.h. Presumption of Soundness for ADT and IADT**

The presumption of soundness does not automatically apply to all periods of ADT and IADT.

***Reference***: For more information on applying the presumption of soundness to periods of ADT, see

- **M21-1, Part V, Subpart ii, 2.A.2.e**, and
- ***Smith (Valerie Y.) v. Shinseki***, 24 Vet.App. 40 (2010).

**III.i.1.A.2.i. Considering Presumptive SC Based on ADT and IADT**

Presumptive SC has three applicability criteria, including

- Veteran status
- service in the active military, naval, air, or space service, and
- service of
- 90 continuous days or more before December 31, 1946, with at least one day occurring during a wartime period, or
- any period of 90 days after December 31, 1946

As ADT and IADT is not considered active service and Veteran status is not achieved on the basis of ADT or IADT, presumptive provisions under **38 CFR 3.307** cannot apply to periods of ADT or IADT.

***Exceptions***:

- Per **38 CFR 3.307(a)**, any period of service is sufficient for the purpose of establishing presumptive SC under the conditions listed in
- **38 CFR 3.309(c)** for diseases specific to former prisoners of war
- **38 CFR 3.309(e)** for diseases associated with exposure to certain herbicide agents, and
- **38 CFR 3.309(f)** for diseases specific to exposure to contaminants in the water supply at Camp Lejeune, as long as the period of service also satisfies the requirements as defined in **38 CFR 3.307(a)(7)(iii)**.
- Per **38 U.S.C. 1164** and **M21-1, Part VIII, Subpart iii, 10**, special provisions apply for presumptive SC for COVID-19 and its residuals associated with periods of ADT and IADT.
- If SC for a disability or death due to a disease or injury is established based on a period of ADT or SC for a disability or death is established based on an injury or myocardial infarction, cardiac arrest, or cerebrovascular accident based on a period of IADT, then the ADT or IADT is considered active service per **38 CFR 3.6(a)** and may be utilized in determining whether the applicability criteria have been met for the presumptive claim.

***Example***: A Veteran establishes SC for bladder cancer as a result of exposure to contaminated water at Camp Lejeune during a period of ADT that extended for more than 90 days under **38 CFR 3.307(a)(7)** and **38 CFR 3.309(f)**. The Veteran develops amyotrophic lateral sclerosis (ALS) and claims SC for the disease. By virtue of the grant of SC for a disability associated with the period of ADT, the ADT is considered active service and the Veteran is now eligible for presumptive SC for ALS under **38 CFR 3.318**.

***References***: For more information on

- processing Camp Lejeune claims see **M21-1, Part VIII, Subpart iii, 8**, and
- presumptive SC, see
- **38 CFR 3.307**, and
- **M21-1, Part V, Subpart ii, 2.B.1**, and
- considering presumptive SC in claims based on ADT or IADT, see ***Biggins v. Derwinski***, 1 Vet.App. 474 (1991).

**III.i.1.A.2.j. Considering Aggravation in Claims for SC Based on ADT and IADT**

The presumption of aggravation is triggered when a Veteran establishes that a preexisting condition, which was noted upon entry into service, worsens during service. When this presumption arises, the burden shifts to VA to show a lack of aggravation by establishing that the in-service increase in disability is due to the natural progress of the disease.

Since ADT or IADT service does not satisfy the requirements for Veteran status and associated active service, the presumption of aggravation does not apply. For a period of ADT or IADT, the evidence must ***additionally*** show that the worsening was ***caused by*** the period of ADT or IADT. However, the presumption of aggravation will apply to periods of ADT and IADT when SC is first established for a disease or injury incurred during the period of service, as specified in **38 CFR 3.6(a)**.

***References***: For more information on

- adjudicating claims for SC based on aggravation of a preexisting disability, see
- **38 CFR 3.306**, and
- **M21-1, Part V, Subpart ii, 2.C**
- the requirements for establishing aggravation based on ADT or IADT service, see
- **M21-1, Part V, Subpart ii, 2.C.2.c**
- ***Hill v. McDonald***, 28 Vet.App. 243 (2016)
- ***Donellan v. Shinseki***, 24 Vet.App. 167 (2010), and
- ***Smith (Valerie Y.) v. Shinseki***, 24 Vet.App. 40 (2010), and
- considering the presumption of soundness in claims based on ADT and IADT, see
- **M21-1, Part III, Subpart i, 1.A.2.h**
- **M21-1, Part V, Subpart ii, 2.A.2.e**, and
- ***Smith (Valerie Y.) v. Shinseki***, 24 Vet.App. 40 (2010).

**III.i.1.A.2.** Follow the steps in the table below to verify service and

**k. Adjudicating Claims Based on ADT and IADT**

adjudicate claims for SC based on active duty, ADT, or IADT service for reservists and National Guard members.

| Step | Action |
|---|---|
| 1 | Develop for and review service personnel records, including the *DD Form 214* to determine the type and status of the service.<br>• If the service personnel records *do not* adequately identify whether the service was active service, ADT, or IADT, go to Step 2.<br>• If the service personnel records *do* adequately identify that the service was either active service, ADT, or IADT, go to Step 4.<br>***Reference***: For more information on the criteria to establish active service based on ADT and IADT service, see<br>• 38 CFR 3.6, and<br>• M21-1, Part III, Subpart i, 1.A.1.b. |
| 2 | Conduct all follow-up procedures for requesting verification of service as directed at M21-1, Part III, Subpart i, 1.B.3.<br>Go to Step 3. |
| 3 | Refer to table below for actions to take based on service department response to requests for information concerning type and status of service. |

| If the evidence ... | Then ... |
|---|---|
| is sufficient to verify the type and status of service | go to Step 4.<br>***References***: For more information on factors to consider in identifying the type and status of<br>• reserve service, see M21-1, Part III, Subpart i, 1.A.3, and<br>• National Guard service, see M21-1, Part III, Subpart i, 1.A.4. |
| is not sufficient to verify the type and status of service but all development is otherwise complete | • complete a formal finding of unavailability of information needed to verify qualifying service<br>• complete an administrative decision, and<br>• administratively deny the claim due to lack of qualifying service.<br>No further action is needed following administrative denial of the claim.<br>***Reference***: For more information on completing administrative decisions, see M21-1, |

<table>
<tr><td></td><td>Part X, Subpart v, 1.C.</td></tr>
<tr><td>4</td><td>After the claimed service has been verified, complete development of the claim as usual, including requesting examinations or medical opinions as warranted.<br>When development of the claim is complete, go to Step 5.</td></tr>
<tr><td>5</td><td>At all times when the type and nature of the service has been verified, rating action is required following complete development of the claim.<br>Refer to the table below for action to take based upon the type and nature of the service that has been verified.
<table>
<tr><th>If ...</th><th>Then ...</th></tr>
<tr><td>the evidence shows that the claimant’s service was active service</td><td>the rating action will consider SC for injuries or conditions incurred in or aggravated during the entire period of service without regard to line of duty status.<br>Following provision of decision notice, no further action is needed on the claim.<br>Exception: When there is a specific need to make a line of duty determination for the injury or disease, as discussed in M21-1, Part X, Subpart iv, 1.C.6, then the rating action will consider this in connection with adjudication of the claim.</td></tr>
<tr><td>the evidence shows the claimant’s service was ADT or IADT</td><td>then the service does not qualify as active service.<br>Pending claims must be developed and referred to the rating activity to determine SC for claimed disability or death based upon whether the disability or death is associated with the performance of duties during the period of ADT or IADT.<br>Go to Step 6.</td></tr>
</table></td></tr>
<tr><td>6</td><td>Refer to the table below for additional considerations required as a part of rating activity for claims based on ADT and IADT service.
<table>
<tr><th>If ...</th><th>Then ...</th></tr>
<tr><td>a disability or death results from disease or injury incurred or aggravated in the line of duty during a period of ADT and SC is otherwise</td><td>the period of ADT qualifies as active service. Update the period of ADT as verified active service in the Veterans Benefits Management (VBMS)</td></tr>
</table></td></tr>
</table>

| | |
|---|---|
| appropriately established | Core prior to finalizing the rating decision. |
| a disability or death results from injury incurred in or aggravated or acute myocardial infarction, cardiac arrest, or a cerebrovascular accident that occurred during a period of IADT and SC is otherwise appropriately established | the period of IADT qualifies as active service. Update the period of IADT as verified active service in VBMS Core prior to finalizing the rating decision. |
| • active service has been established based upon ADT or IADT as outlined in provisions within this table, and<br>• a subsequent claim for SC for disability or death is received based on injury or disease incurred in or aggravated during this period of active service | • any subsequent injury or disease incurred in or aggravated during that period of service, without regard to line of duty status, is subject to SC, and<br>• presumptive SC under 38 CFR 3.309 may apply depending on whether the minimum length of service and other requirements have been met, as discussed in 38 CFR 3.307.<br>Following provision of decision notice, no further action is needed on the claim.<br>***Exception***: When there is a specific need to make a line of duty determination for the injury or disease, as discussed in M21-1, Part X, Subpart iv, 1.C.6, then the rating action will consider this in connection with adjudication of the claim. |
| SC cannot be established based on a disability or death resulting from injury or disease claimed to have occurred in the line of duty during a period of ADT and IADT | deny the claim in a rating decision.<br><br>The rating decision and associated decision notice must notify the claimant<br>• that the evidence does not show that the claimed disability or |

| | | |
|---|---|---|
| | | death is a result of injury or disease incurred or aggravated in the line of duty during the period of ADT, or<br>• that the evidence does not show that the claimed disability or death is the result of injury incurred or aggravated in the line of duty or that a myocardial infarction, cardiovascular arrest, or cerebrovascular accident occurred during a period of IADT service, ***and***<br>• provide notice of the criteria necessary to establish SC for disability or death based on ADT or IADT service.<br>***Note***: There is no requirement to complete an administrative decision in these cases.<br>***Reference***: For more information on when administrative decisions are necessary based on lack of qualifying service, see **M21-1, Part III, Subpart i, 1.A.1.f**. |
| | ***Important***: To ensure the rating *Narrative* and *Codesheet* accurately reflect the period(s) of ADT or IADT that now qualify as active service, refresh the VBMS Rating profile while drafting the rating decision (if necessary) after the military service updates are made in VBMS Core. | |
| 7 | When SC for disability or death has been established based on a period of ADT or IADT, the rating activity will identify this period as active service by using the SPECIAL NOTATIONS box on the rating *Codesheet* and including<br>• the dates of service, and<br>• an explanation of the reason for establishing this period as active service.<br>***Example***: *Service in the Army National Guard from January 16-17, 2016, is now considered active service based on the grant of SC for right knee ACL injury that was incurred in the line of duty during this period of service.* | |

| | |
|---|---|
| | ***Note***: If the period of ADT or IADT upon which the grant of SC is based is a single day of ADT or IADT (the claimant was only called to a one-day period of ADT or IADT), utilize the day following as the end date of service but clearly indicate in the SPECIAL NOTATIONS box (as directed in Step 7 above) that the service was actually only one single day of service.<br><br>Go to Step 8. |
| 8 | The authorization activity will complete adjudication of the claim as usual. |

***References***: For more information on

- special considerations applicable for claims for presumptive SC for COVID-19 associated with periods of ADT and IADT, see
- **38 U.S.C. 1164**, and
- **M21-1, Part VIII, Subpart iii, 10**
- updating military service in VA systems, see
- **M21-1, Part II, Subpart iii, 3.B.3**, and
- the *VBMS Core User Guide*
- considering claims for individual unemployability status for current members of the National Guard and Reserves, see **M21-1, Part VIII, Subpart iv, 3.B.4.c**, and
- using the SPECIAL NOTATIONS box, see the *VBMS Rating User Guide*.

## 3. Duty Status and Eligibility of Reservists

**Introduction** This topic contains information on duty status and eligibility for benefits for current or former members of the Reserves, including

- **eligibility of reservists for compensation and pension**
- **reserve service programs that constitute active duty**, and
- **qualifying Coast Guard Reserve service under 14 U.S.C**.

**Change Date** September 25, 2024

**III.i.1.A.3.a. Eligibility of Reservists for Compensation and Pension** Traditional service in the Reserves consists of a period of ADT for initial military training and job skill training. A *DD Form 214* will be issued documenting this period of initial ADT. Thereafter, a reservist will perform IADT, traditionally occurring one weekend monthly, as well as 15 days of ADT annually.
A reservist may meet the criteria for establishing Veteran status for compensation and pension purposes if any of the criteria for active service are met.

***References***: For more information on
- what constitutes active service, see **M21-1, Part III, Subpart i, 1.A.1.b**
- considering claims based on ADT and IADT, see **M21-1, Part III, Subpart i, 1.A.2**, and
- compensation and pension eligibility for National Guard service, see **M21-1, Part III, Subpart i, 1.A.4**.

**III.i.1.A.3.b. Reserve Service Programs That Constitute Active Duty**

Since 1955, members of the Reserve component have served in full time operational support positions characterized by the service departments as active duty under **10 U.S.C**. Such programs include
- ADS, and
- AGR.

ADS and AGR service in the Reserves meets the definition of active duty if the facts of record establish that the service was
- full-time, and
- for operational or support purposes, as opposed to training.

***Reference***: For more information on the difference between full-time service in the National Guard versus the Reserves, see **M21-1, Part III, Subpart i, 1.A.4.b**.

**III.i.1.A.3.c. Qualifying Coast Guard Reserve Service Under 14 U.S.C.**

Activation of a Coast Guard Reservist under 14 U.S.C. qualifies as active service for VA purposes.

***Reference***: For more information on activation of a Coast Guard Reservist, see
- **14 U.S.C. 3705**
- **14 U.S.C. 3713**, and
- **38 U.S.C. 101(10), (21), and (24)**.

## 4. Duty Status and Eligibility of National Guard Members

**Introduction**

This topic contains information on the duty status and eligibility of current or former members of the National Guard, including
- **eligibility of National Guard personnel for compensation or pension**
- **full-time reserve service versus full-time National Guard service**
- **full-time National Guard service under 32 U.S.C.**
- **qualifying National Guard service under 10 U.S.C.**, and
- **verification of full-time National Guard Service**.

**Change Date** September 25, 2024

**III.i.1.A.4.a. Eligibility of National Guard Personnel for Compensation and Pension**

Traditional service in the National Guard consists of a period of ADT for initial military training and job skill training. A *DD Form 214* will be issued documenting this period of initial ADT. Thereafter, a National Guard member will perform IADT periods, traditionally occurring one weekend monthly, as well as 15 days of ADT annually.

A National Guard member may meet the criteria for establishing Veteran status for compensation and pension purposes if any of the criteria for active service are met.

***References***: For more information on

- what constitutes active service, see **M21-1, Part III, Subpart i, 1.A.1.b**
- considering claims based on ADT and IADT, see **M21-1, Part III, Subpart i, 1.A.2**
- compensation and pension eligibility for reserve service, see **M21-1, Part III, Subpart i, 1.A.3**
- full-time service in the National Guard versus full-time National Guard service, see **M21-1, Part III, Subpart i, 1.A.4.b**
- full-time National Guard operational support under certain sections of **32 U.S.C.**, see **M21-1, Part III, Subpart i, 1.A.4.c**, and
- National Guard activation under **10 U.S.C.**, see **M21-1, Part III, Subpart i, 1.A.4.d**.

**III.i.1.A.4.b. Full-time Reserve Service Versus Full-time National Guard Service**

The Army National Guard and the Air National Guard 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, air, or space service, the definition for Guard personnel does *not* permit this interpretation.

Therefore, full-time operational/support service performed by Guard personnel in ADT 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 *active service* found in **M21-1, Part III, Subpart i, 1.A.1.b**.

***Exception***: For special provisions as to basic eligibility for Loan Guaranty benefits, see the Veterans Benefits Administration **VA Homes Loans** page.

***References***: For more information on

- ADT, see **38 CFR 3.6(c)**
- IADT, see **38 CFR 3.6(d)**
- ADT/IADT for National Guard personnel, see **38 CFR 3.7(m)**, and
- full-time service for
- reservists, see **M21-1, Part III, Subpart i, 1.A.3.b**, and

- National Guard personnel, see **M21-1, Part III, Subpart i, 1.A.4.c** and **d**.

**III.i.1.A.4.c. Full-time National Guard Service Under 32 U.S.C.**

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. Full-time National Guard service is considered ADT 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, air, or space service* under **38 U.S.C. 101(22)** unless the member or former member is disabled or dies due to injury or disease incurred or aggravated during service and, therefore, subject to an exception outlined in **38 U.S.C. 101(24)** or **38 U.S.C. 106(b)(3)**.

***Notes***:

- For purposes of handling termination and reinstatement of benefits due to a return to service that is non-training related, treat AGR and ADS service as active service and follow the provisions of **M21-1, Part X, Subpart v, 2.B**. VA benefits are adjusted following the provisions of **M21-1, Part VI, Subpart ii, 3** for periods determined to be training related.
- When adjusting benefits involving AGR or ADS service ***and*** drill pay within the same fiscal year, follow the provisions of **M21-1, Part VI, Subpart ii, 3.A.4**.

**III.i.1.A.4.d. Qualifying National Guard Service Under 10 U.S.C.**

If a National 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.

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*.

***Note***: In some cases, a member may be ordered to ADT under the authority of **10 U.S.C. 12301(d)**. This does constitute ADT for **38 U.S.C.** purposes, and when *DD Form 214* indicates the activation was for training, do not consider the ADT period as active service.

**III.i.1.A.4.e. Verification of Full-time National Guard Service**

When a National Guard member completes a period of active service under 10 U.S.C. or a period of AGR service or other full-time service under 32 U.S.C., a *DD Form 214* will be issued. 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 ii, 2.H.

***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.

## 5. Requesting Military Pay Records

**Introduction**

This topic contains information on actions required to request military pay records, including

- requesting pay records, and
- adding a copy of the request to the claims folder.

**Change Date** January 24, 2025

**III.i.1.A.5.a. Requesting Pay Records**

When pay records are required to verify periods of IADT and ADT, or make other determinations, submit the request through the AskDFAS Military Pay Request Portal.

***Exception***: Contact the Compensation Service MilPay corporate mailbox for assistance obtaining Coast Guard pay records.

Each branch has a specific set of selections claims processors must use beyond the default required information. Use the following table to determine which specific selections are necessary to properly request pay records for each branch of service.

| Branch of Service | Selections or Information to Provide |
|---|---|
| • Army<br>• Air Force/Space Force | **CATEGORY**: *Military Pay Records Requests*<br>**SUBCATEGORY**: Select appropriate request based on the date range of records.<br>**REASON FOR REQUEST** (if required): *VA Claims* |
| Marine Corps | **CATEGORY**: *Separation Pay Verification*<br>**SUBCATEGORY**: *USMC VA DSP/Seps Pay Verification*<br>**SPECIAL INSTRUCTIONS**: [**Provide details about the records VA is requesting.**] |
| Navy | **CATEGORY**: *Separation Pay Verification* |

| | |
|---|---|
| | **SUBCATEGORY**: *Navy Member Information*<br>**SPECIAL INSTRUCTIONS**: [**Provide details about the records VA is requesting.**] |

***Important***:

- Save a copy of the submitted request for association with the claims folder, following instructions in **M21-1, Part III, Subpart i, 1.A.5.b**.
- Attaching a copy of the *DD Form 214*, *DD Form 256, Honorable Discharge Certificate*, *DD Form 257, General Discharge Certificate*, or *NGB Form 22*, is required when submitting a request via the portal.

***Reference***: For more information about the **AskDFAS Military Pay Request Portal**, see the ***AskDFAS User Guide***.

**III.i.1.A.5.b. Adding a Copy of the Request to the Claims Folder**

After the pay request is submitted, the **AskDFAS Military Pay Request Portal** will provide a confirmation page that contains a hyperlink to the records request, enabling a claims processor (with the passcode created during the submission process) to retrieve the requested records.

Using the web browser's PRINT function, save the page as a portable document format (PDF), as opposed to using a screen capture or snipping tool to create a photo of the confirmation page. This will maintain the hyperlink that can be used to quickly access the requested documents.

***Important***: Ensure the passcode is visible on the confirmation page that is uploaded to the electronic claims folder (eFolder). If the passcode is not, identify the passcode using the annotation function in VBMS.

***References***: For more information on

- determining the appropriate document indexing values when adding a copy to the eFolder, see the ***AskDFAS User Guide***, and
- bookmarks, annotations, and uploading documents to the eFolder, see the *VBMS Core User Guide*.

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181424/M21-1-Part-III-Subpart-i-Chapter-1-Section-A-Establishing-Veteran-Status>

# M21-1, Part III, Subpart i, Chapter 1, Section B - Service Requirements and Verification of Eligibility

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Topics
M21-1 Adjudication Procedures Manual >
Part 03 (Part III). The Development Process >
Subpart i. Verification of Service and Claims Development >
Chapter 01. Establishing Veteran Status and Verifying Service

<-- Previous Section  Next Section -->

## Overview

**In This Section** This section contains the following topics:


| Topic | Topic Name |
|---|---|
| 1 | Minimum Active Duty Service Requirements |
| 2 | General Information Regarding Verification of Service and Character of Discharge (COD) |
| 3 | Forms of Evidence for Verification of Service and COD |
| 4 | Alternative Sources for Evidence of Service |
| 5 | *DD Form 214, Certificate of Uniformed Service* |


## 1. Minimum Active Duty Service Requirements

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

- requirement for a minimum period of active duty
- entitlement to Department of Veterans Affairs (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.

**Change Date** August 2, 2022

**III.i.1.B.1.a. Requirement for a Minimum Period of Active Duty**

The minimum active duty service requirement of 38 CFR 3.12a(a)(1) 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.

**III.i.1.B.1.b. Entitlement to VA Benefits When the Minimum Active Duty Requirements Are Not Met**

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 the Department of Veterans Affairs (VA) except

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

**III.i.1.B.1.c. Exceptions to the Minimum Active Duty Service Requirements**

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

| Exception | Description/Restrictions |
|---|---|
| Discharge Under 10 U.S.C. 1173 | This discharge applies to an individual discharged for hardship.<br><br>***Acceptable narrative reasons on DD Form 214, Certificate of Uniformed Service***<br><br>A *DD Form 214* issued for reasons of hardship must reflect *Hardship* or *Dependency* as the narrative reason for separation.<br>***Note***: Develop for cases in which<br>• the *DD Form 214* is unclear as to the reason for discharge, and<br>• a discharge for hardship is alleged but not stated on the *DD Form 214*. |
| Discharge Under 10 U.S.C. | This discharge allows for an *early-out* discharge within one year of the expiration of the term of enlistment or extended enlistment. |

| | |
|---|---|
| 1171 | ***Note***: This discharge is not available to officers.<br><br>***Restrictions for persons in the Air Force, Space Force, Navy, and Marine Corps***<br><br>This discharge is not available to persons in the Air Force, Space Force, Navy, and Marine Corps who are discharged with *less* than 33 months of service, as the minimum period of enlistment for these branches of service is 3 years.<br><br>***Restrictions for persons in the Army***<br><br>This discharge is not available to persons in the Army who are discharged with *less* than 21 months of service, as the minimum period of enlistment is 2 years.<br><br>***Acceptable narrative reasons on DD Form 214***<br><br>Most discharges under **10 U.S.C. 1171** have one of the following narrative reasons for discharge on the *DD Form 214*:<br>• *Overseas Returnee*<br>• *Expiration of Term of Service*, or<br>• *Completion of Required Service*.<br>Accept a *DD Form 214* with one of these narrative reasons and at least 21 months of service as proof of discharge under **10 U.S.C. 1171** 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 **10 U.S.C. 1171**.<br><br>***Restrictions for Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) enlistments***<br><br>This discharge cannot be authorized by the PHS and NOAA as only officers serve in those branches. |
| Disability Discharge | This discharge is for those individuals who<br>• are discharged or released from active duty for a disability determined to be SC without presumptive provisions of law, or<br>• 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. |
| Compensable SC Disability | An individual with a compensable SC disability. |
| Discharge from | This discharge is issued to an individual who incurred an SC disability from an inactive duty |

| | |
|---|---|
| Reserve Status for Disability | 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. |

**III.i.1.B.1.d. Entitlement to Benefits Before the Date of 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 the active duty service performed no longer qualifies under 38 U.S.C. 5303A.

## 2. General Information Regarding Verification of Service and COD

**Introduction**

This topic contains information on verifying service and the Veteran's COD, including

- verifying service and COD
- 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, and
- paying compensation prior to service verification for Veterans retired for length of service.

**Change Date** September 30, 2021

**III.i.1.B.2.a. Verifying Service and COD**

Verify active service dates and character of discharge (COD) 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
- Veteran Information Solution (VIS), under procedures in
- the ***VIS User Guide***, and
- M21-1, Part III, Subpart i, 1.B.3.c, or
- Defense Personnel Records Information Retrieval System (DPRIS), under procedures in
- the DPRIS HELP tab within the DPRIS application, and
- M21-1, Part III, Subpart ii, 2.C.

***Important***: As noted in M21-1, Part X, Subpart i, 6.C.3.d, Benefits Delivery at Discharge claims are rated while the service member is still on active duty. Therefore, the current period of

service will not be verified until after discharge. These claims must not be deferred for service verification.

***References***: For more information on

- alternative sources for evidence of service, see **M21-1, Part III, Subpart i, 1.B.4.a**
- forms of evidence for verification of service and COD, see **M21-1, Part III, Subpart i, 1.B.3**, and
- making determinations about COD, see **M21-1, Part X, Subpart iv, 1.A**.

**III.i.1.B.2.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 VIII, Subpart iv, 2.C.1**, and
- **M21-1, Part VIII, Subpart iv, 2.A**.

**III.i.1.B.2.c. Considering Travel Time When Verifying Length of Service**

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.

***References***: For more information about requesting travel time in

- PIES, see the ***PIES User Guide***, and
- DPRIS, see the *DPRIS User Guide*.

**III.i.1.B.2.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 Dependency and Indemnity Compensation (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.

**III.i.1.B.2.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.

**III.i.1.B.2.f. Paying Compensation Prior to Service Verification for Veterans Retired for Length of Service**

Use the procedure in the following table if

- 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 | • Request verification from the appropriate service department of unverified service periods via PIES, and<br>• maintain a 45-day control<br>• 30 days for the initial request, and<br>• 15 days for the follow-up request. |
| 2 | Send the claims folder to the rating activity for action. |
| 3 | If<br>• service connection (SC) is awarded, go to Step 4<br>• SC is denied, go to Step 5, and<br>• no response is received from the service department during the 45-day control period, go to Step 6. |
| 4 | When SC to a compensable degree is awarded<br>• input data to process the compensation award<br>• enter the unverified Enter(ed) on Duty (EOD) date from service medical records or claim form (for example, the ***VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits***), in the EOD field on the Share RATING DATA screen<br>• update the Beneficiary Identification and Records Locator Subsystem (BIRLS)/Share Veteran Identification Data (VID) screen to show<br>• the service dates used on the RATING DATA screen<br>• *UNK* in the SEP RSN CODE field, and<br>• *N* in the VERIFIED field, and<br>• the authorization activity will<br>• authorize the award<br>• continue the end product (EP) for the 45-day control time, and<br>• go to Step 6. |
| 5 | When SC is denied or when SC is awarded at a non-compensable degree<br>• input data to process the decision |

| | |
|---|---|
| | • generate a decision notice, and<br>• the authorization activity will authorize the award action thereby closing the EP. |
| 6 | When a response<br>• *is* received from the service department<br>• update the service data in BIRLS and the corporate record, and<br>• clear the EP control.<br>• is *not* received from the service department after 45 days, perform the follow-up actions as described in **M21-1, Part III, Subpart ii, 2.D.3**. |

## 3. Forms of Evidence for Verification of Service and COD

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

- **acceptable forms of evidence of qualifying active service**
- **verification of service using the VID tab in Share**
- **VA/Department of Defense (DoD) Identity Repository (VADIR) data on the VID Tab in Share**
- **unacceptable forms of evidence**, and
- **completion of administrative decision when qualifying service cannot be verified**.

**Change Date** November 17, 2021

**III.i.1.B.3.a. Acceptable Forms of Evidence of Qualifying Active 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) | *DD Form 214,* printed prior to July 1, 1979, | it contains COD information. |
| the original (copy 1) | *PHS Form 1867, Statement of Service – Verification of Status of Commissioned Officers of the U.S. Public Health Service* | this information is furnished by the PHS. |
| the original (copy 1) | *NOAA Form 56-16, Report of Transfer or Discharge* | this information is furnished by NOAA. |
| the original | *NGB Form 22, National Guard* | this information is furnished by the service department. |

| | | |
|---|---|---|
| | *Report of Separation and Record of Service* | |
| 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 *DD Form 214*. |
| any carbon copy (copy 2 through 8) | original *DD Form 214* (any edition) or other report of separation document | authorized employees of the Veterans Service Center can authenticate photocopies of *DD Form 214*. |
| a digitally signed copy | *DD Form 214,* or *DD Form 215, Correction to DD Form 214,* issued by the Department of Defense (DoD), a military service branch, or a State Adjutant General | 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 ***if***<br>• the form appears genuine and unaltered, and<br>• the Veteran was discharged on or after August 1, 2008, under other than dishonorable conditions. |
| a copy or abstract | *DD Form 214* or equivalent certified by a local or State government official | the copy or abstract was certified by a local or State government official whose office recorded the Veteran's original service *DD Form 214* or equivalent.<br><br>***Note***: A copy or abstract of the Veteran's original (copy 1) of the *DD Form 214* dated July 1, 1979, or later is *not* acceptable. This includes any electronically transmitted service information provided to a 3rd party such as a Veterans service organization. |
| a copy or abstract | *DD Form 214* or equivalent submitted or already of record when a valid application for plot benefits has been submitted by a State cemetery<br><br>***Important***: This is for State plot burial | • this information is furnished by a State cemetery, and<br>• the form appears genuine and unaltered. |

| | | |
|---|---|---|
| | benefits only. | |
| a copy | *DD Form 214* or equivalent submitted by the claimant or the claimant's representative | examination of the copy confirms it is<br>• genuine, and<br>• free from alteration. |

***Notes***:
- Original records cannot be returned to claimants. Encourage claimants to submit copies of original documents that are acceptable as specified in the table instead of original documents.
- In assessing whether scanned documents in the electronic claims folder are authentic, look for notations indicating the image is of an original or certified copy. Evidence of a raised seal or certification stamp is proof the image is of the original document or a certified copy of it. In assessing whether a document is genuine and unaltered, look for discrepancies with other documents in the file such as birth date, dates of service, service number, that might suggest a document was altered before being photocopied.
- 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 Release from Active Duty (RAD) dates. Enter these dates in BIRLS and the Master Record.

***References***: For more information on

- accepting paper copies of *DD Form 214* from the Records Management Center (RMC) as verification of service, see **M21-1, Part III, Subpart i, 1.B.5.e**
- action to take when a claimant submitted evidence of service which cannot be accepted and military service cannot be verified, see **M21-1, Part III, Subpart i, 1.B.3.d**, and
- handling cases of fraud, see **M21-1, Part X, Subpart iv, 3.A.2**.

**III.i.1.B.3.b. Verification of Service Using the VID Tab in Share**

The 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
- *HON* (honorable), or
- *UHC* (under honorable conditions)
- the branch of service code is *not*
- *ARNG* (Army National Guard), or
- *ANG* (Air National Guard), and
- the separation reason is *SAT* (satisfactory).

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 processing.

***References***: For more information on
- the VADS field in the corporate record, see the ***Share User Guide***, and
- Merchant Marine service records, see **M21-1, Part X, Subpart i, 5.A** and **B**.

**III.i.1.B.3.c. VADIR Data on the VID Tab in Share**

VA has a link 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, COD, and separation reason.

The information retrieved from VADIR is identical to the information accessible in VIS, and can be viewed in 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 COD, 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 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. 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.
- Data in VIS concerning return to active duty may be inconsistent, as discussed in **M21-1, Part X, Subpart v, 2.B.1.b**.

***References***: For more information on
- Veterans' identification data available in Share, see the ***Share User Guide***
- using VIS, see the ***VIS User Guide***, and
- service department records for verifying periods of active duty for training and inactive duty for training, see **M21-1, Part III, Subpart i, 1.A.2.e**.

**III.i.1.B.3.d. Unacceptable Forms of Evidence**

If a claimant has submitted evidence of service which cannot be accepted and military service cannot be verified by other methods
- send a denial letter which
- explains the attempts to verify service, and
- describes the acceptable forms of evidence, and
- furnish notice of decision review rights.

***Reference***: For more information on providing a decision notice, see **M21-1, Part VI, Subpart i, 1.B**.

**III.i.1.B.3.e. Completion of Administrative Decision**

When qualifying service cannot be verified in a claim for compensation or DIC, complete an

**When Qualifying Service Cannot Be Verified**

administrative decision as directed by **M21-1, Part X, Subpart v, 1.C** before administrative denial of the claim.

***References***: For more information on

- making decisions on the matter of qualifying service, see **M21-1, Part III, Subpart i, 1.A.1.f**, and
- service requirements for pension eligibility, see **M21-1, Part IX, Subpart i, 1.2**.

## 4. Alternative Sources for Evidence of Service

**Change Date** September 30, 2021

**III.i.1.B.4.a. Alternative Sources for Evidence of Service**

When the standard means of verifying a Veteran's service are unsuccessful, regional offices (ROs) should follow up with the claimant, encouraging a search of personal effects for a copy of discharge documents or other evidence of service.

If a claimant is still unable to locate acceptable evidence of service and the Veteran's record contains sufficient information to justify a request for this evidence, ROs should attempt to request it from the following sources:

- Social Security Administration
- State unemployment offices
- State historical commissions
- Federal or State offices of personnel management (if the Veteran was employed by a Federal or State agency)
- current or former employers (The Veteran may have provided an employer a copy of discharge documents at the time of application or hiring.)
- Railroad Retirement Board (if the Veteran was employed by the railroad)
- county courthouses
- State Adjutants General offices, and/or
- rosters or registers published by some States that list Veterans who served in World War I, World War II, and the Korean Conflict. (These may contain complete service data for each Veteran listed.)

***Note***: ROs must determine which sources of alternative records are most reliable and the weight to be given to any evidence acquired.

## 5. DD Form 214

**Introduction**

This topic contains information on *DD Form 214*, including

- **service department issuance of *DD Form 214***
- **when service departments provide VA with a certificate of release**
- **notices of separation that PHS and NOAA use**
- handling
- **copies of *DD Form 214* in a service treatment record (STR) document in the Veterans Benefits Management System (VBMS)**, and
- **paper copies of *DD Form 214* received from the RMC**, and
- **service information in the corporate record**.

**Change Date** November 27, 2024

**III.i.1.B.5.a. When Service Departments Provide VA With a Certificate of Release**

A *DD Form 214* is issued by the service department to the following types of service members:

- members who are separated or released from active service
- recalled retirees reverting to retired status, regardless of the period of active duty service
- members who are separated for cause or for physical disability, regardless of the period of active service
- personnel being separated, when they have served 90 days or more or when required by the Secretary concerned for shorter periods, from a period of active duty for training, full-time training duty, or active duty for operational support
- reserve component personnel ordered to active duty for a contingency operation for a period greater than 30 days, or
- members who change their status or component while serving on active service.

***Reference***: For more information on service department issuance of *DD Form 214*, see ***DoD Instruction 1336.01***.

**III.i.1.B.5.b. When Service Departments Provide VA With a Certificate of Release**

Service departments provide VA with a copy of a service member's *DD Form 214* or other appropriate certificate of release

- if/when the service member files a claim for VA benefits at the time of separation, or
- when the service member is released from active duty.

***Note***: Prior to the deployment of DoD's Healthcare Artifacts and Images Management Solution (HAIMS) on January 1, 2014, service departments included a copy of *DD Form 214* with the service treatment records (STRs) they provided to VA.

**III.i.1.B.5.c. Notices of Separation That PHS and NOAA Use**

PHS and NOAA began using *DD Form 214* as their official notice of separation in October 2021. Prior to using *DD Form 214*,

- PHS used *PHS Form 1867*, *Statement of Service-Verification of Status of Commissioned Officers of the U.S. Public Health Service*, and
- NOAA used *NOAA Form 56-16*, *Report of Transfer or Discharge*.

These notices of separation are routinely provided to the Veterans Assistance Discharge System unit at the Austin Data Processing Center, where data from the notices are manually entered into the corporate record.

**III.i.1.B.5.d. Handling Copies of DD Form 214 in an STR Document in VBMS**

In some cases, during the scanning of paper documents into an electronic claims folder (eFolder) in the Veterans Benefits Management System (VBMS), the *DD Form 214* was scanned with the STRs.

When a *DD Form 214* is part of the STR document in the eFolder, RO employees must ensure the *DD Form 214* is properly identified. This must be done either by

- ensuring the subject line of the STR document identifies the inclusion of the certified *DD Form 214*, or
- adding a bookmark indicating the certified *DD Form 214* is included in the STR document.

***Reference***: For more information on VBMS folder maintenance functionality, see

- the *VBMS Core User Guide*, and
- **M21-1, Part II, Subpart ii, 2.A.1**.

**III.i.1.B.5.e. Handling Paper Copies of DD Form 214 Received From RMC**

Prior to the deployment of HAIMS on January 1, 2014, service departments included a copy of *DD Form 214* with the STRs they sent to RMC. When RMC transferred STRs to an RO, it included the copy of the *DD Form 214* in the STRs. ROs may accept the copy as valid for the purpose of verifying a Veteran's service.

Follow the steps in the table below for handling a copy of a *DD Form 214* that RMC included in a Veteran's STRs if there is a paper claims folder.

| Step | Action |
|---|---|
| 1 | Look for RMC's "received" date stamp on the *DD Form 214*. |
| 2 | Does the date stamp appear on the *DD Form 214*?<br>• If *yes*, go to Step 5.<br>• If *no*, go to the next step. |
| 3 | Annotate the *DD Form 214* on the lower, right-hand margin or back of the form with *DD Form 214 received from RMC*. |
| 4 | Sign, provide job title, and date the *DD Form 214* on the lower, right-hand margin or back of the form. |
| 5 | Reverse-file the *DD Form 214* on the inside of the right-hand flap of the claims folder. |

***Reference***: For more information on HAIMS, see **M21-1, Part III, Subpart ii, 2.B**.

| | |
|---|---|
| **III.i.1.B.5.f. Service Information in the Corporate Record** | Corporate records may be created or, in the case of an existing record, updated to reflect service information received from a service department.<br>Share indicates the existence of a Veterans Assistance Discharge System (VADS) record with a *Y* or a *D* in the VADS field on the Veterans identification tab.<br>***References***: For more information on<br>• using data displayed on the Veterans Identification tab in Share to verify service, see the ***Share User Guide***<br>• determining Veteran status and eligibility for benefits, see **M21-1, Part III, Subpart i, 1.A** and **B**, and<br>• updating service information in VA systems, see **M21-1, Part II, Subpart iii, 3.B**. |

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181425/M21-1-Part-III-Subpart-i-Chapter-1-Section-B-Service-Requirements-and-Verification-of-Eligibility>

# M21-1, Part III, Subpart i, Chapter 1, Section C - Civilian Groups Approved for Veteran Status

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Topics
M21-1 Adjudication Procedures Manual >
Part 03 (Part III). The Development Process >
Subpart i. Verification of Service and Claims Development >
Chapter 01. Establishing Veteran Status and Verifying Service

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## Overview

**In This Section** This section contains the topic "**Civilian Groups Approved for Veterans Status Under Public Law (PL) 95-202 and PL 106-259**."

## 1. Civilian Groups Approved for Veterans Status Under *PL 95-202* and *PL 106-259*

**Introduction** This topic contains information on groups approved for Veterans status, including listing of approved groups under

- ***PL 95-202***, and
- ***PL 106-259***.

**Change Date** April 28, 2015

**III.i.1.C.1.a. Listing of Approved Groups Under PL 95-202**

The table below lists

- the groups approved for Veteran status under *Public Law (PL) 95-202*, Section 401, the GI Bill Improvement Act of 1977, and
- the date on which Veteran status was granted.

| Name of Group | Date Approved |
|---|---|
| Quartermaster Corps Keswick Crew on Corregidor, World War II | 02/07/1984 |
| U.S. Civilians of the American Field Service (AFS) Who Served Overseas Operationally in World War I (WWI) During the Period 08/31/1917 to 01/01/1918 | 08/30/1990 |
| U.S. Civilians of the AFS Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II (WWII) During the Period 12/07/1941 through 05/08/1945 | 08/30/1990 |
| U.S. Civilian Volunteers Who Actively Participated in | 02/07/19 |

| | |
|---|---|
| the Defense of Bataan | 84 |
| U.S. Merchant Seamen Who Served on Blockships in Support of Operation Mulberry | 10/18/1985 |
| Civilian Personnel Assigned to the Secret Intelligence Element of the OSS | 12/27/1982 |
| Engineer Field Clerks in WWI | 08/31/1979 |
| Quartermaster Corps Female Clerical Employees Serving With the AEF | 01/22/1981 |
| Reconstruction Aides and Dietitians in WWI | 07/06/1981 |
| Signal Corps Female Telephone Operators in WWI | 05/15/1979 |
| Women's Army Auxiliary Corps | 03/18/1980 |
| Male Civilian Ferry Pilots | 07/17/1981 |
| U.S. Civilian Employees of American Airlines Who Served Overseas as a Result of American Airlines' contract with the Air Transport Command During the Period 12/14/1941 through 08/14/1945 | 10/05/1990 |
| Women's Air Forces Service Pilots | 11/23/1977 |
| Civilian Employees, PNAB, Who Actively Participated in the Defense of Wake Island | 01/22/1981 |
| Guam Combat Patrol | 05/10/1983 |
| Wake Island Defenders From Guam | 04/07/1982 |
| U.S. Merchant Seamen Who Served in Active Oceangoing Service from 12/07/1941 to 08/15/1945 | 01/19/1988 |
| Civil Service Crew members Aboard U.S. Army Transport Service and Naval Transportation Service Vessels in Oceangoing Service | 01/19/1988 |

***Notes***:

- VA has no authority to make active duty determinations for individuals of any of these groups. Before applying for VA benefits, the individual ***must*** apply for a *Certificate of Release or Discharge from Active Duty (DD Form 214)* by completing a *DD Form 2168*, *Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States*.
- Instructions for completing the form, including mailing addresses, are contained on the back of the form. If the appropriate service department determines the individual has provided active military service, the service department will issue a discharge certificate.
- On May 26, 2004, the Secretary of the Air Force denied “active duty” status for the U.S. Civilian Crewmembers of the Flotilla Alaska Barge and Transport Company who served overseas in Vietnam for the period of April 1966 through April 1975.
  ***Important***: Once Veteran status has been established, any available service records may be requested from National Personnel Records Center through PIES.

***Reference***: For information on the correct address codes to use to obtain Merchant Mariner records, see **M21-1, Part X, Subpart i, 5.B**.

**III.i.1.C.1.b. Listing of Approved Groups Under PL 106-259**

Effective August 9, 2000, *PL 106-259* established Veteran status for individuals who participated in the Alaska Territorial Guard (ATG) during WWII and who were honorably discharged from service.

***Notes***:

- *AK-DMVA Form ATG-214* ***must*** be completed for individuals
- seeking to establish ATG status, and/or
- requesting an official copy of his/her Transcript of Military Records.
- To obtain a copy of *AK-DMVA Form ATG-214*, send a request to:

  Department of Military and Veterans Affairs
  Office of the Adjutant General
  P.O. Box 5800
  Fort Richardson, Alaska 99505-6003

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181426/M21-1-Part-III-Subpart-i-Chapter-1-Section-C-Civilian-Groups-Approved-for-Veteran-Status>