

PAELA July - 2017
VETERANS' POTPURRI

INTRODUCTION TO THE U.S. ARMED FORCES.

I. The United States Armed Forces.

A. The Armed Forces. The U.S. Armed Forces are the federal armed forces of the United States, specifically, the Army, Navy, Air Force, Marine Corps, and the Coast Guard. These organizations are known as the “branches” of the Armed Forces. The U.S. Armed Forces operates and is organized pursuant to Title 10 of the United State Code (for the active component and the Reserves) and Title 32 of the United States Code (for the National Guard of the United States).

B. The Active and Reserve Components. The Armed Forces consists of an active component and a reserve component. The active component of the U.S. Armed Forces consists of the military members who serve full-time, 365 days per year, in active duty units. The reserve components of the U.S. Armed Forces are military organizations whose members generally perform a minimum of 39 days of military duty per year and who augment the active component when necessary. The reserve components are also referred to collectively as the National Guard and Reserves. The seven reserve components are:

- a. The Army Reserve;
- b. The Navy Reserve;
- c. The Marine Corps Reserve;
- d. The Air Force Reserve;
- e. The Coast Guard Reserve;
- f. The Army National Guard;
- g. The Air National Guard.

C. The National Guard. The National Guard of the United States is part of the reserve component of the U.S. Armed Forces. The National Guard consists of the Army and Air National Guard units of each state and the territories of Guam, of the Virgin Islands, and of Puerto Rico, as well as of the District of Columbia, for a total of 54 separate organizations.

- a. National Guard units are under the dual control of the state and the federal government. Individuals serving in the National Guard can be called to State Active Duty by the Governor (normally to assist during natural disasters or civil disturbances) of their State and Federal Active Duty by the President of the United States. Individual members and units can be called to Title 10 active duty with the active component. In such situations, the individual would no longer be in the reserve

component, but a member of the active component. See Attachment 1, NGAUS Fact Sheet for more information about the duty status of individuals in the Guard.

II. Three Benefits for Three Different Groups: Veterans, Retirees, and “Eligible Veterans”.

- A. Veterans. A veteran is “a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.” 38 C.F.R. § 3.1(d). The term “veteran” is generally restricted to persons who served in the active component or active duty under Title 10.
- a. “Active military service” does not include active duty for training performed by members of the reserve component.
 - b. National Guard and Reserve duty may not be considered active service unless an individual performing this duty was disabled or died from a disease or injury incurred or aggravated in the line of duty. (38 U.S.C. § 101(24); 38 C.F.R. § 3.6(a)).
 - c. A military member who serves only in the reserve component is not considered veteran even if he or she retires from the reserve component and receives a discharge under conditions other than dishonorable.
- B. Veteran’s Pension. To be eligible to receive the veteran’s pension, the veteran must be discharged under other than dishonorable conditions, served 90 days or more of active duty with at least 1 day during a period of war, have “countable income” and “net worth” that are below the established thresholds, and be either permanently and totally disabled or ag 65 or older.
- a. Two particular elements of the criteria to be a veteran—“active duty” and “length of service”— are often difficult for members of the National Guard and the reserve components to meet. As a result, these service members, having not met the statutory threshold criteria for “veteran,” are often not eligible for VA benefits. In many cases, members of the Guard and the reserves may not have fulfilled the active duty requirement. Members of the Guard and Reserves who have never been activated for federal active duty military service, and consequently have not served on regular Title 10 active duty, do not meet the active duty requirement for the definition of a veteran for VA benefits.
 - b. For other National Guard and Reserve members, the two requirements may be met at the same time. An example of this situation would be a Guard or Reserve member who was activated for federal military service and served in the Persian Gulf for 12 months. At the end of the activation period, the service member would be considered to have served on active duty for that period of time. Serving for the full

period of activation also meets the minimum length of service requirement to be a veteran.

- c. Therefore, a member of the reserve component will generally only be considered a veteran and eligible for the veteran's pension if he or she was ordered to active duty, Title 10, for 90 days or more with at least one day during a period of war and meets the other financial and medical criteria.

C. Military Retirees. A military retiree is a former member for the U.S. Armed Forces who is entitled, under statute, to retired pay.

- a. A former member of the active component is entitled to a regular retirement if he or she completes 20 years of active service. He or she begins to receive the retirement payments upon the retirement.
- b. A former member of the reserve component is entitled to a reserve component retirement if he or she completes 20 years a creditable service, which could include reserve component and active component service. He or she begins to receive the retirement payments at age 60.
- c. A former member of the active or reserve component may be entitled to a retirement if he or she becomes permanently or temporarily disabled.

D. Eligible Veterans and the PA State Veteran's Homes. An eligible veteran is defined as an individual who has served in the U.S. Armed Forces or the Pennsylvania Military Forces, as defined in the code, who was released or discharged under honorable conditions who meets the admissions criteria set forth in this chapter, and who is eligible for certain benefits, rights and privileges resulting from service. 43 Pa.Code § 7.1.

- a. Eligible veterans, their spouses and surviving spouses may be eligible for admission and care in one of the Pennsylvania State Veterans' Homes.
- b. Any individual who received a release or discharge from the U.S. Armed Forces, including the Pennsylvania National Guard and the Reserves, could be eligible for admission to a PA State Veterans' Home. There is no requirement to qualify as a Veteran or a retiree.