

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Arkansas Department of Veterans Affairs Rule Governing Eligibility for Burial in
Arkansas State Veterans' Cemeteries

I. AUTHORITY:

This rule is created pursuant to the authority granted to the Department of Veterans Affairs by the Arkansas Legislature through the adoption of Ark. Code Ann. §20-81-112.

II. PURPOSE:

The Arkansas State Veterans' Cemeteries are established and maintained to serve the Veterans, spouses, and eligible dependents of the state of Arkansas. This rule is established to detail the criteria for the interment of Veterans and eligible spouses or other eligible dependents in accordance with state and federal guidelines.

III. ADMINISTRATIVE PROCEDURE:

Pursuant to Ark. Code Ann. § 20-81-112(c)(1), The Arkansas Department of Veterans Affairs has the responsibility to promulgate rules and guidelines to determine eligibility for burial.

IV. APPLICABILITY:

This rule applies to all Veterans and eligible spouses or other eligible dependents of Veterans seeking interment in one of the Arkansas State Veterans' Cemeteries.

V. ELIGIBILITY FOR BURIAL GENERALLY:

Veterans, spouses, and eligible dependents may be eligible for burial in an Arkansas State Veteran's Cemetery, if he or she falls into at least one of the below categories:

1. The Veteran qualifies for burial benefit if he or she is a Veteran as defined in 38 U.S.C. § 4211 (4).
2. The Veteran qualifying for burial is a service member who died while on active duty, active-duty training, or inactive duty for training.
3. The individual qualifying for burial is the spouse or minor child of a Veteran eligible for burial, even if he or she dies before the Veteran.
4. The person qualifying for burial is the unmarried adult dependent child of a Veteran eligible for burial (i.e., a child considered helpless by the Veterans Administration).

VI. SPECIAL CONSIDERATIONS:

1. National Guard or Reserve members, as well as their spouses and eligible dependents, may be eligible for burial if they meet any of the following requirements:
 - a. The National Guard or Reserve member met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and did not receive a dishonorable discharge OR
 - b. The National Guard or Reserve member was entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they were not under 60 years of age at the time of death OR
 - c. The National Guard or Reserve member died while hospitalized or receiving treatment at the expense of the U. S. for an injury that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions OR
 - d. The National Guard or Reserve member became disabled or died from an injury or disease caused or exacerbated by their service during a period of active duty for training OR
 - e. The National Guard or Reserve member became disabled or died from an injury or certain cardiovascular disorders caused or exacerbated by their service during a period of inactive-duty training.
2. United States citizens who served in the armed forces of an ally of the United States during wartime are eligible for burial if the service member ended his or her last active service honorably by death or otherwise, and he or she was a United States citizen at the time they entered the last active service and at the time of death.

VII. ADDITIONAL ELIGIBLE PERSONS:

1. Members of the Reserve Officers' Training Corps (ROTC) of the Army, Navy, or Air Force are eligible for burial if the officer died under honorable conditions while attending an authorized training or authorized cruise or if the officer died under honorable conditions while performing authorized travel to or from a training camp or cruise or the officer died under honorable conditions while hospitalized or receiving treatment at the expense of the United States for an injury or illness that occurred while attending or traveling to a training camp or cruise under honorable conditions.
2. Commissioned officers of the National Oceanic and Atmospheric Administration (NOAA) are eligible for burial if the officer served full-time duty on or after July 29, 1945 or the officer served full-time before July 29, 1945, and was assigned to an area of immediate military hazard as determined by the secretary of defense while in time of war or by a national emergency as declared by the President, or the

officer served in the Philippine Islands on December 7, 1941, and continued to serve there until time of death.

3. Commissioned officers of the Public Health Service are eligible for burial if the officer served on full-time duty on or after July 29, 1945. If the veteran's service was considered active duty for training, he or she must have become disabled or died from disease or injury caused or exacerbated by their service. If the officer performed full-time duty prior to July 29, 1945, he or she is eligible for burial if they served in a time of war or while on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard or while part of the military forces of the United States by executive order of the President. If the officer served on inactive duty training and death resulted from an injury caused or exacerbated by their service, they may also qualify for burial.
4. A World War II Merchant Mariner is eligible for burial if he or she had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1945, or the Merchant Mariner had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1946, and died after November 11, 1998, or the Merchant Mariner served on blockships in support of Operation Mulberry during World War II.
5. A Philippine Armed Forces Veteran is eligible for burial if he or she was a citizen of the United States, or an alien lawfully admitted for permanent residence at the time of death and the Veteran was residing in the United States at the time of death. The Veteran must also have serviced before July 1, 1946, in the Philippine military, to include recognized guerrilla forces, while these forces were in the service of the Armed Forces of the United States, and died on or after November 1, 2000 or the Veteran enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, and died on or after December 16, 2003.
6. A Hmong Veteran is eligible for burial if he or she died on or after March 23, 2018, and resided in the United States at the time of death and the Veteran was naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000. Spouses and dependent children of Hmong Veterans are not eligible for burial.

VIII. INELIGIBLE PERSONS:

1. Former spouses who are not Veterans and whose marriage to an eligible Veteran or service member ended by annulment or divorce.
2. Family members of a Veteran convicted of subversive activity unless the Veteran receives a pardon from the President of the United States.
3. Other family members who do not meet eligibility requirements.

4. Individuals who were ordered to report to an induction station (drafted) but were discharged at that point and never entered military service.
5. Veterans who separated from the Armed Forces under dishonorable conditions or have a character of service that disqualifies them.
6. In cases of undesirable, bad conduct, and any other type of discharge other than honorable or multiple discharges of varying character, a Veterans Administration regional office will determine eligibility.
7. Veterans or eligible family members who have been convicted of a violent felony offense.

IX. CONTACT INFORMATION:

Veterans or family members with questions regarding eligibility for burial in an Arkansas State Veterans' Cemetery may contact the Arkansas Department of Veterans Affairs in Little Rock at 501-683-2382.