



Determining Veteran Status

Issue:

This brief explains who the Center for Verification and Evaluation (CVE) considers a Veteran for the purposes of the Veterans First Contracting Program.

The Regulations:

13 CFR § 125.11 provides:

Veteran has the meaning given the term in 38 U.S.C. 101(2). A Reservist or member of the National Guard called to Federal active duty or disabled from a disease or injury incurred or aggravated in line of duty or while in training status also qualify as a veteran.

38 U.S.C. § 101(2) provides:

The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

38 U.S.C. § 101(21) provides:

The term "active duty" means—

- (A) full-time duty in the Armed Forces, other than active duty for training;
- (B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits" or (iii) at any time, for the purposes of chapter 13 of this title;
- (C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric

Administration or its predecessor organization the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (I) while on transfer to one of the Armed Forces, or (II) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (III) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or (iii) at any time, for the purposes of chapter 13 of this title;

(D) 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; and

(E) authorized travel to or from such duty or service.

38 U.S.C. § 101(10) provides:

The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

38 U.S.C. § 101(22) provides:

The term "active duty for training" means—

- (A) full-time duty in the Armed Forces performed by Reserves for training purposes;
- (B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits", or (iii) at any time, for the purposes of chapter 13 of this title;

(C) in the case of members of the Army National Guard or Air National Guard of any State, full-time duty under section 316 , 502 , 503 , 504 , or 505 of title 32 , or the prior corresponding provisions of law;

(D) duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of training or a practice cruise under chapter 103 of title 10 for a period of not less than four weeks and which must be completed by the member before the member is commissioned; and

(E) authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

38 U.S.C. § 101(24) provides:

The term “active military, naval, or air service” includes—

(A) active duty;

(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

(C) any period of inactive duty training during which the individual concerned was disabled or died—

(i) from an injury incurred or aggravated in line of duty; or

(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

38 U.S.C. § 101(26) provides:

The term “Reserve” means a member of a reserve component of one of the Armed Forces.

38 U.S.C. § 101(27) provides:

The term “reserve component” means, with respect to the Armed Forces—

(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 of the United States; and

(G) the Air National Guard of the United States.

What This Means:

To be eligible for the Veterans First Contracting Program, persons, owning at least 51% of the business must be Veterans.

An individual must have served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard or a reserve component thereof.

An individual may also be eligible if he or she was on full-time duty as a commissioned officer of the Regular or Reserve Corps of the Public Health Service or on full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey.

Service can be for any length of time but must be more than just for training.

The regulation requires that the individual applying for Veteran’s status has been discharged or released from the military under other than a dishonorable status.

NOTE: *There is a separate designation found in the Beneficiary Identification and Records Locator Subsystem (BIRLS) called “DVA” for “Dishonorable for VA Purposes.” While the word dishonorable is used in the definition, it does not refer to a discharge from military service. Consequently, an individual would not be disqualified as a Veteran on the basis of a DVA designation.*

To verify Veteran status, CVE generally requests the applicant to provide official documentation from the military such as an individual’s DD-214 form. A letter of explanation will not satisfy this requirement.

Helpful Hints:

- Net Federal Active Service: If the time reflected on the DD-214 is less than basic training (approximately 8 weeks), then the individual may need to provide additional documentation showing that the net service time was for other than training.
- A person without active duty time who was injured during training may still qualify as a Veteran.
- If a member of the National Guard or Reservist unit was activated for training but was not called to Federal active duty, that person will not qualify unless he or she was disabled from a disease or injury incurred or aggravated in the line of duty.
- If a call to active duty was issued by Executive Order of the President but actual activation occurred by order of a state governor as opposed to the President, (i.e., attending to riots, call for hurricane disaster relief aid, etc.), that is considered State active duty, not Federal active duty, and therefore would not qualify.

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For more information about VA Small and Veteran Business Programs, visit <http://www.va.gov/osdbu>.

**VA Office of Small and Disadvantaged
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