



Other than Honorable¹ Discharges

Impact on Eligibility for VA Health Care Benefits

Benefit Description

Except for persons who die during military service, status as a Veteran requires that he or she was discharged or released under conditions other than dishonorable. If a Veteran honorably completed the period of military service for which he or she was initially obligated but because of a change in military status was not discharged or released, and he or she did not honorably complete a subsequent period of service, then the Veteran may be eligible for VA benefits based on the initial period. An administrative decision is required by VBA to determine if the initial obligation was satisfied and whether or not the individual meets the qualification of a Veteran. Examples of a change in military status include:

- Reenlistment
- Voluntary or involuntary extensions of a period of obligated service
- Discharge for acceptance of an appointment as a commissioned officer or warrant officer;
- Change from a Reserve commission to a Regular commission
- Change from a Regular commission to a Reserve commission (Title 38 U.S.C. 101(18)).

Administrative “Other than Honorable” discharges may or may not be disqualifying for purposes of general VA benefit eligibility or VA health benefits eligibility specifically. In assessing whether such discharges were issued “under conditions other than dishonorable,” VA must apply the standards set forth in Title 38 Code of Federal Regulations (C.F.R.) §3.12

“Other than Honorable” Discharges – Special Health Care Rule

An individual with an “Other than Honorable” discharge that VA has determined to be disqualifying under application of title 38 C.F.R. §3.12 still retains eligibility for VA health care benefits for service-incurred or service-aggravated disabilities unless he or she is subject to one of the statutory bars to benefits set forth in Title 38 United States Code §5303(a). Authority: Section 2 of Public Law 95-126 (Oct. 8, 1977).

VA health care benefits: If an individual presents or makes an application for VA health care benefits and has an “other than honorable” discharge, eligibility staff must register the individual and place in a Pending Verification Status unless Veteran has a separate and distinct “unconditional” qualifying military service episode with a qualifying Character of Service. A request for an administrative decision regarding the character of service for VA health care purposes must be made to the local VA Regional Office (VARO).

¹ In this document, the phrase “other than honorable discharge” refers to specific the administrative military discharge “under other than honorable conditions.” Thus, this term does not encompass punitive discharges (dishonorable discharges, bad-conduct discharges, or officer dismissals), or other types of military discharges.

This request may be submitted using a VA Form 7131, Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action. In making determinations of health care eligibility the same criteria will be used as are now applicable to determinations of service connection when there is no character of discharge bar. The active psychosis or mental illness presumptions under 38 U.S.C. § 1702 (implemented at 38 C.F.R. § 17.109) may be applicable to an individual with an other than honorable discharge. If the eligibility criteria are met, the individual's mental health condition will be presumed to be service-connected for purposes of health care benefits for service-incurred or service-aggravated disabilities.

Note: Treatment for mental health conditions may be provided under VA's tentative eligibility authority (38 C.F.R. § 17.34) to an individual with an other than honorable discharge who presents to VA seeking mental health care in emergency circumstances for a condition the former servicemember asserts is related to military service. For non-mental health conditions, VA may provide emergent treatment under VA's humanitarian care authority at 38 U.S.C. 1784. In instances where a former servicemember's eligibility is not yet established, the former servicemember must sign a VA Form 119, Report of Contact, stating that if s/he is subsequently found to be NOT eligible for VA health care, they agree to pay the Humanitarian Rate for any emergent care or services provided.

Review of Military Discharge References:

A Veteran may request a review of his/her discharge from the Armed Forces, by submitting Form DD 293, "Application for the Review of Discharge from the Armed Forces of the United States" to the appropriate branch of service where the active duty was served. This request must be made within 15 years of discharge from active service. Form DD 293 can be found at the following link: www.dtic.mil/whs/directives/forms/eforms/dd0293.pdf.

If the discharge the Veteran wants reviewed was issued over 15 years ago, instead of applying on a DD Form 293, the Veteran must petition the appropriate Board for Correction of Military Record using DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552. Form DD 149 can be found at the following link: www.dtic.mil/whs/directives/forms/eforms/dd0149.pdf.

Note: A Veteran may request copies of Military Records, by submitting Form SF 180, "Request Pertaining to Military Records" to the appropriate branch of service. The form can be found at www.archives.gov/research/order/standard-form-180.pdf, or it may be completed online at www.archives.gov/veterans/military-service-records.

For Further Information: Contact your local VA health care facility's Eligibility office or the Health Eligibility Center at 404-828-5257. This and other eligibility related fact sheets are available at www.va.gov/healthbenefits/resources/publications.asp.

Authorities: Title 38, United States Code, §5303(a); Pub. L. No. 95-126, §2; and Title 38, Code of Federal Regulations, §§3.12 and 17.34.