

4.10.1 General

Refer to FOM1 910.5.

4.10.2 When Verification Of M/S Is Not Undertaken

Even though it is otherwise creditable, do not request verification of M/S under the following circumstances:

A. M/S Will Not Establish Eligibility

1. Less Than 120 Months - Do not attempt to verify M/S for a period before 1937 or after 1956 unless the combined railroad service and M/S will total 120 or more months.
2. Age and Service Case - Make no attempt to verify M/S for an employee who is under age 60.

If the employee is age 60-61, do not attempt to verify M/S if the combined railroad service and M/S is less than 30 years.

3. Disability Case - Make no attempt to verify M/S where the combined railroad service and M/S is less than 20 years and the employee is under age 60 and is not considered disabled for any regular employment (i.e., would not qualify under Section 2(a)(1)(v) of the RR Act.

B. M/S Will Not Increase Annuity - Verification of M/S for a period before 1937 is not required if there are 30 years of creditable RR service without M/S.

4.10.3 Verification Of Last Month Of Employee Service Before Entry In M/S

A. M/S Before 1937 - Determine the last month of RR service by the entries shown on the form(s) used to establish the employee's railroad service before 1937. This information will usually be on Form AA-2P.

B. M/S After 1936 – A&T-CCU will determine the last month of RR service based on the records of compensation reported to A&T-CCU by covered employers.

4.10.10 Primary Proofs

See FOM1 955.10.

4.10.11 Unavailable Records

Due to a fire at the National Personnel Records Center at St. Louis in 1973, the following records are not available for servicemen:

- A. Discharge from the Army during 1912-1959; or
- B. Discharge from the Air Force from September 25, 1947, through December 31, 1963, surnamed "Hubbard" through "Z".

4.10.12 Secondary Proofs

When an applicant is unable to secure one of the proofs in sec. 4.10.10 above, one of the following sources may be contacted for written verification of M/S:

- A. State unemployment compensation office (if a claim for unemployment compensation based on M/S was ever filed).
- B. State Bonus Office (if a bonus was paid).
- C. U.S. Office of Personnel Management, Employee Service and Records Center (if retired from Federal employment).
- D. Any employer (Federal, state, local, or private) to whom a record of M/S was furnished.
- E. Nearest DVA Regional Office (if a claim for veterans benefits of any kind was ever filed).
- F. State Adjutant General (if any service was performed in the National Guard).
- G. Social Security Administration (if a claim for SS Act benefits has been filed and the M/S involved was after September 6, 1939).

It is essential that the beginning and ending dates of the active duty M/S be shown in the certification.

The addresses of Federal departments and agencies to contact for secondary proofs are listed in Chapter 10.6; addresses for the Department of Veterans' Affairs (formerly the Veterans Administration) are listed under Address

No. 52. When necessary to request secondary proofs from a state or local government and the applicant is not able to furnish a full and current address, make your first contact with the vital statistics office listed for the county or state in Chapter 4.2, Appendix A; that office should be able to furnish the address of the office or forward RRB's request.

4.10.13 Evaluating Other Proofs Submitted

When the veteran is not able to furnish a primary or secondary proof (such as a statement of service or discharge and statement of service) verifying a claimed period of active M/S, carefully evaluate any other documents submitted.

Two or more documents, although individually weak, may support each other sufficiently to prove active M/S. A record of one period may support a claimed prior period for which the veterans has no primary or secondary proof (e.g., shows prior service dates or total time). Or, the proof of the later period may show the total time and copies of orders may show either the starting or ending date of the prior period of active M/S. A veteran's family may have newspaper clippings that show when the veteran began a period of active M/S; military organizations routinely sent releases with servicepersons' photos for publication in home town newspapers and the releases normally reflected what was in the service record. The Army's "Immunization Register (Form 81) normally showed immunizations within a day or two of entry upon active duty. The "Soldier's Individual Pay Record" (WD AGO 28), when issued, showed an induction or enlistment date. Because of the variety and numbers of documents and varied circumstances, the field has been instructed to prepare a brief evaluation showing the logic used to arrive at the determination of the period of active M/S and to include the evaluation in the material forwarded to BRB, BSB, or BDMO.

When other proofs of the above types are used to establish periods of active M/S and the service organization has records available (see sec. 4.10.11 or periods and service organization for which records are not available), the active M/S established by the other proofs may be used in the award, but because of the possibility that there may be some "time lost" M/S in some of these cases, release Form G-431.

4.10.14 Determining Active Duty Dates

Only active M/S may be credited for compensation or wages under the RR Act. When reviewing primary, secondary, or other proofs of active M/S, apply the following instructions to determine when active M/S began and ended.

- A. Active Duty Starting Date - The active duty starting date is identified on most forms by one of the following terms:

Date of Entry

Date of Entry on Service

Date of Entry into Active Service

Date of Entry on Current Service

Date and Place of Entry into Active Service

If the document at hand shows only an "induction date" or "enlistment date", and the active duty entry date cannot be derived by other entries or by the evidence, and if there is no indication the veteran did not/could not enter active duty on that date, use the induction/enlistment date as the active duty starting date. Do not undertake further development.

- B. Active Duty Ending Date - Usually, it is clearly identified for M/S on regular active duty. Use care in determining the ending date for a reservist who had an extended period of active duty (up to several years). Usually, statements of service, reports of transfer or discharge, enlisted records, or reports of separation (which have carried form numbers such as WD AGO 53-55, DD-13, DD-214, or AF-1613) were issued. Be sure the ending date shown is for the period of active duty and not for the end of the reserve obligation. If the active duty ending date is not clear:
1. Examine the years, months, and days of service total on the document.
 2. Compare the date in question with the date the document was prepared. If the date in question is later than the date the form was prepared, it cannot be the active service ending date.

4.10.15 Headquarters Release Of Form G-431

If the applicant is unable to submit proof of the claimed M/S and records of the service organization are not missing, verification can be requested from the official records of the department or agency by release of Form G-431 by BRB, BSB, or BDMO. See Chapter 10.6 for the addresses of military organizations to which G-431's are to be directed. If a G-431 is released to the U.S. Coast Guard, also prepare and attach Code Letter 350.

- A. When G-431 Is Released - Form G-431 is released if acceptable proof to establish the claimed M/S has not been submitted and such service is creditable and can be considered in the annuity computation. If there is a question as to the exact dates of M/S, the G-431 can be used to verify such dates.

Form G-431 is released if the veteran was an officer but the creditability of service after June 14, 1948, is questionable; the form is released to secure the earliest date after December 31, 1946, on which the veteran signed a statement to remain in M/S; enter in remarks: "Show the earliest date after 12-31-46 on which this person signed a statement electing to remain in M/S: _____."

Form G-431 is released in any case in which the employee died in M/S.

Form G-431 is released when active M/S is established by evidence other than primary or secondary proofs as outlined in the preceding section and records of the military organization are available.

- B. When Form G-431 Would Not Be Released - Do not release a G-431 if further correspondence with the applicant or development by the field is required and there is nothing in the claim folder to indicate that the applicant is unable to furnish the necessary evidence. Also the G-431 is not to be released if the military organization does not have records available to verify the claimed active M/S (see sec. 4.10.11).

If tracing action is necessary, use Form RL-99; be sure to release the tracer to the same military organization to which the Form G-431 had been released.

4.10.16 Receipt Of G-431 From Military Organization

When the G-431 is returned, examine the form for completeness of information furnished.

If the report is incomplete or is not signed by an employee or officer of the service organization, prepare and release another G-431 calling attention to the deficiency in the original form. NOTE: A stamped signature or initials will be accepted.

Where the report indicates that the employee continued in M/S after a war period but the reason for continuance is not given, presume (in the absence of evidence to the contrary) that the person was required to continue in such service until relieved from active duty or until his enlistment expired, whichever condition occurred first.

4.10.20 Involuntary Military Service

Involuntary M/S may be creditable if the employee was required to enter and continue in such service by call of the President or by any act of Congress or regulations, order, or proclamation pursuant thereto. If the employee entered M/S to avoid being drafted, the M/S may be considered involuntary if the employee can show that he would have been inducted if he had not enlisted.

If the employee claims that M/S was involuntary, develop for proof that the employee was scheduled for induction. Acceptable proof would be a copy of his notice of induction or any other correspondence from the Selective Service System establishing the fact that the employee would have been inducted soon after his date of enlistment. Correspondence showing only that he was a candidate for induction when he enlisted will not establish the creditability of his M/S.

The method of entry, whether voluntary or involuntary, is required to determine whether military service beginning on or after January 1, 1947, through December 15, 1950, is creditable. It is also required to determine whether military service beginning after September 14, 1978, is creditable.

4.10.21 Active Reserve Duty Claimed

When an applicant claims service in the reserves, determine if (s)he was in active reserve duty.

- A. If the applicant claims one 15-day period of active training duty for each year of service in the overall period of service as a member of the reserves, accept the 15-day period(s) claimed without further proof. (The periods of active duty for training will however, generally be shown on the employee's discharge papers.) He must, however, submit proof for the overall period as a member of the reserves.
- B. If the applicant claims more than one 15-day period of active training duty for each year in the overall period of service as a member of the reserves, the applicant must furnish proof for each 15-day period, in addition to the proof for the overall period as a member of the reserves. Generally, the proof submitted will be the employee's discharge papers, listing the periods of active duty for training. Other acceptable proofs are orders to duty, pay slips, or secondary proofs.

EXAMPLE: An applicant who was in the reserves from August 1969 through August 1973 must submit proof of reserve service for that overall period. If he claims one 15-day training period for each year he was in the reserves, i.e., 4 training periods, he does not have to submit proof for each training period, even if they are not shown on his discharge papers. If he claims 5 training periods from August 1969 through August 1973, his discharge papers would have to show the 5 training periods, or he must submit proof of the individual periods of active reserve duty.

4.10.22 Types Of Military Discharges

- A. Honorable Discharge - The term honorable discharge includes those stated as follows or granted for the following reasons:
 - Honorable;
 - Under honorable conditions;
 - Completion of satisfactory service;
 - Retired;
 - Army blue discharge unless reason given for discharge is Sec. VII or IX of AR 615-360 or AR 615-366.
 - Transfer to the inactive service;

- Ordered by summary court martial.
- B. Undesirable Discharge - An undesirable discharge is one issued due to "unfitness".
- C. Questionable Discharge or Release - Examples of discharges which require additional information to determine whether they are other than dishonorable include bad conduct discharge as a result of a special court martial order; undesirable discharge other than one showing "unfitness" or "desertion" as a reason; Army "blue" discharge showing Section VII or IX of AR 615-360 or AR 615-366; or a statement on discharge that does not give a reason for discharge or circumstances of release.
- D. Dishonorable Discharge - A discharge or release is considered to be dishonorable if it is one of the following types:
- Dishonorable discharge;
 - Bad conduct discharge issued pursuant to a sentence of a general court-martial;
 - Discharge for desertion;
 - A resignation accepted "for the good of the service" in the case of an officer;
 - Discharge on the grounds that the person was a conscientious objector who refused to do military duty, to wear the uniform, or otherwise refused to comply with lawful orders of competent military authority; or
 - Discharge by reason of conviction by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnapping, or assault.

The effect of the type of discharge in crediting M/S is outline in sec. 5.4.34.

