

955.5 General

If military service is claimed, question the applicant as to whether proof of the claimed service was previously submitted. If not previously submitted, develop for proof of military service. When the proof of military service has been received, enter the information on APPLE and return the original proofs.

955.6 Determining Active Duty Dates

Only active M/S may be credited for compensation or wages under the RR Act. When reviewing primary or secondary 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 usually 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 does not show a date which can be identified as an active duty entry date, you may use the "induction date" or enlistment date" as the active duty starting date unless it is apparent the veteran could not have entered active duty on that date.

- B. Active Duty Ending Date - Usually, this entry is clearly identified for M/S 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). 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.

The situation in B.2 normally would occur when there is a document showing a transfer to the reserves following a period of active military service.

955.10 Proofs

955.10.1 Primary Proofs

The following proofs of military service are acceptable:

- A. An original certificate of discharge or release to inactive duty from a branch of the armed forces that shows the beginning and ending date (as described in sec. 955.6) of the employee's active military service; or a certified copy of the original certificate made by the Federal, state, county or municipal agency or department in which the original certificate is recorded; or,
- B. A certification from a branch of the armed forces that shows the beginning and ending dates (as described in sec. 955.6) of an employee's active military service (i.e., a certificate in lieu of discharge).
- C. A photocopy of the document described in A and B above.

****Once, the proof has been entered onto the APPLE database, it must be imaged.****

955.10.2 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. Discharged from the Army during 1912-1959; or
- B. Discharged from the Air Force from September 1947 through December 1963, surnamed "Hubbard" through "Z."

955.10.3 Secondary Proofs

When an applicant is unable to secure one of the proofs in 955.10.1 above, one of the following sources may be contacted for written certification of military service:

- A. State unemployment compensation office (if a claim for unemployment compensation based on the 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, private) to whom a record of military service was furnished;
- E. Nearest DVA, formerly VA 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 M/S be shown in the certification.

When necessary to request secondary proofs from a state or local government and the applicant does not have a full and current address for the agency, make first contact with the vital statistics office listed for the county or state in Appendix A; that office should be able to furnish the address of the office or forward the request.

955.10.4 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 available.

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 veteran has no primary or secondary proof (e.g., show prior service dates or total time). Or, the proof of the later period may show the total time and copies or orders may show either the starting or ending date of the prior period of active M/S. A veterans family may have newspaper clippings that show when the veteran began a period of active M/S; military organizations routinely send releases with service persons' photos for publication in hometown newspapers and the release typically reflects 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 of cases, a brief evaluation showing the logic used to arrive at the determination of the period of active M/S should be included in the file.

When other proofs of the above types are used to establish periods of active M/S and the service organization has records available (see FOM-I-955.10.2 for periods and service organizations for which records are not available), credit the active M/S established by the other proofs and refer the claim to the adjudication unit. Because of the possibility of periods of time lost, other proofs may establish less than the full period of active M/S.

955.15 Types of Military Service and Discharges

955.15.1 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. This includes if an individual is called up from reserve

status to active duty. Furthermore, 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 any 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 if he had not enlisted. 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 M/S beginning on or after January 1, 1947, through December 15, 1990, is creditable. It is also required to determine whether M/S beginning after September 14, 1978, is creditable.

955.15.2 Active Reserve Duty Claimed

When an applicant claims service in the reserves, determine if (s)he was in active duty reserves. See [RCM 5.4.10](#) for additional details for means of entry to active 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 are 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, if they are not shown on his discharge papers. If, however, 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 other proof of the individual periods of active reserve duty.

955.15.3 Types of Military Discharges

Outlined and described below are various 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.

