

Law Review 13024

January 2013

Am I Eligible for Burial at Arlington or any other National Cemetery?

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9.0--Miscellaneous

Q: I am 64 years old. I attended my state university and simultaneously participated in the Army Reserve Officers Training Corps (ROTC). In 1971, I received my degree and also my commission as a Second Lieutenant in the Army Reserve. Of the young men who were commissioned with me in 1971, approximately half entered full-time active duty and the other half (myself included) joined the Army Reserve or the Army National Guard.

I participated in the Army Reserve for 21 years. Each year, I performed 12 monthly drill weekends and one two-week annual training period, usually in the summer. I never was called to active duty. After Iraq invaded Kuwait in August 1990, I volunteered to go on active duty, but the Army told me that my services were not needed. I retired from the Army Reserve as a Major in 1992. I turned 60 in 2009 and started drawing my Army Reserve retired pay.

Am I eligible for burial at Arlington National Cemetery? What about other national cemeteries operated by the Department of Veterans Affairs?

A: Arlington National Cemetery (ANC) is operated by the Department of the Army as our nation's flagship national cemetery for those who have served our nation in uniform. As this article goes to press, the former Navy Annex in Arlington is being demolished, and the land will be used to expand the ANC. Nonetheless, space is definitely at a premium at ANC and the eligibility criteria are strict. To see those criteria and other relevant information, I invite your attention to:

<http://www.arlingtoncemetary.mil/FuneralInformation/EstablishServices.aspx>. This is part of the ANC official website.

The pertinent paragraph for your situation is as follows: "*Any retired member of the Armed Forces*. A retired member of the Armed Forces, in the context of this paragraph, is a retired member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, or a Reserve component who *has served on active duty (other than for training)*, is carried on an official retired list, and is entitled to receive retired pay stemming from service in the Armed Forces. If, at the time of death, a retired member of the Armed Forces is not entitled to receive retired pay stemming from his service in the Armed Forces until some future date [e.g., a 'gray area retiree'] the retired member will not be eligible for ground burial."

Emphasis supplied.

Because you never served on active duty, other than for training, you are not eligible for burial in the ANC. But it appears that you are eligible for burial in a national cemetery operated by the United States Department of Veterans Affairs (VA). For the eligibility rules for burial in those cemeteries, I invite your attention to: <http://www.military.com/benefits/burial-and-memorial/va-national-cemetery-burial-eligibility.html>.

Among the categories of decedents eligible for burial in these VA national cemeteries is the following category: "Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, title 10, United States Code, or would have been entitled, but for being under the age of 60." This rule does

not contain the requirement that the individual have served on active duty, other than for training, and it appears that you qualify.

A person who has never served on active duty but who nonetheless has qualified as an age-60 retiree of a Reserve Component does not qualify as a “veteran” for purposes of most of the benefits administered by the VA, other than burial. ROA has tried for years to push through legislation that would enable Reserve retirees like you to qualify as “veterans” for VA purposes. Even when the legislation is written in such a way as to preclude persons like you from receiving any tangible benefits that cost the Government money, the legislation is controversial. One of the principal stumbling blocks to such legislation was a Senator who chose not to seek reelection in 2012 and is not a member of the Senate in the 113th Congress. Perhaps we will have better luck this year.