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Policy Statement

No. 23-002

May 1, 2023

TO: All ADVA Personnel

FROM: W. Kent Davis, Commissioner

SUBJECT: Implementation of PL 117-103, *Burial Equity for Guards and Reserves Act*

1. Background: This policy statement implements Public Law 117-103, *Burial Equity for Guards and Reserves Act* and establishes the minimum service criteria for interment/inurnment eligibility at the Alabama State Veterans Memorial Cemetery at Spanish Fort, Alabama for veterans not recognized by the National Cemetery Administration (NCA). This policy only addresses the time-in-service eligibility requirement; those seeking interment/inurnment must meet all other eligibility criteria.
2. The *Burial Equity for Guards and Reserve Act*, signed March 15, 2022, authorizes state veterans cemeteries to provide an honored final resting place to former Guardsmen and Reservists who may not have previously qualified for interment at a national veterans cemetery because they did not meet the minimum active duty service time.

Effective May 1, 2023, the State Board of Veterans Affairs has authorized internment/inurnment of the following:

- A member of the reserve component of the Armed Forces who was discharged or released from service under conditions other than dishonorable after serving at least 24-months of active continuous service or whose death occurs under conditions other than dishonorable while a member of the reserve component.
- A member of the Army National Guard or the Air National Guard who was discharged or released from service under conditions other than dishonorable after serving at least 24-months of active continuous service or whose death occurred under conditions other than dishonorable while a member of the Army National Guard or the Air National Guard.
- A member of the Reserves Officers' Training Corps (ROTC) of the Army, Navy, or Air Force whose death occurred under conditional other than dishonorable while a member of the ROTC.
- A spouse or surviving spouse of any member described above.

- A minor child or unmarried adult child (both as defined in 38 CFR § 620(e) of any member described above. Reference eligibility link below for additional information:
 - [Eligibility - National Cemetery Administration \(va.gov\)](#)
3. Time-in-Service Eligibility Criteria. The Alabama Department of Veterans Affairs inters all categories permitted under PL 117-103 (see paragraph 2) where the qualifying veteran has **at least 24-months of active continuous service** with the National Guard or a reserve component of the armed forces and their final separation from service was under conditions other than dishonorable or where the qualifying veteran died under conditions other than dishonorable while a member of the National Guard, a reserve component of the armed forces or the Reserves Officers' Training Corps of the Army, Navy, Air Force/Space Force. The 24-month continuous active service does not include the Individual Ready Reserve (IRR), or Inactive National Guard (ING) time. For ROTC cadets, current enrollment in good standing at the time of death will satisfy the time-in-service eligibility criteria.
 4. Veteran Provided Forms to Determine Eligibility
 - a. DD Form 214
 - b. DD Form 214-1 (future legislation)
 - c. NGB Form 22, Report of Separation and Record of Service, Departments of the Army and the Air Force, National Guard Bureau
 - d. NAVPERS 1070/615, Record of Discharge from the U.S. Navy Reserve
 - e. Annual Retirement Point Record/Annual Statement of Service History
 - f. DD Form 256/257, Certificate of Honorable/General Discharge
 - g. ROTC Students: Verify current enrollment with college or military institute
 - h. Documentation equivalent to those above (as determined by ADVA)
 5. What is provided to Eligible National Guard, Reserve Veterans, and ROTC Cadets:
 - a. Grave plot or columbarium niche
 - b. A pre-placed crypt, or liner for casketed burial
 - c. Opening and closing of the grave or niche
 - d. An inscribed marble or granite headstone or niche cover or memorial plaque consistent with NCA guidelines
 - e. A place to conduct a committal service
 - f. Perpetual Care
 6. Financial considerations. The Alabama Department of Veterans Affairs (ADVA) will fully absorb the cost of interments/inurnments for eligible members of the National Guard and Reserve. Eligible dependents will pay a \$375 charge for all interments/memorialization. The Commissioner of the ADVA and staff will monitor the financial impact as well as the impact to cemetery operations and report to the Cemetery Committee and SBVA on an annual basis.

7. Pre-Registration. The pre-registration process allows National Guard and Reserve Veterans, spouses, and their eligible dependents to establish eligibility for interment benefits in advance. Pre-registration is intended to simplify and assist the next of kin at the time of death. There is no cost or obligation.
8. Headstones and Markers. ADVA will establish purchase agreements with vendors in accordance with state of Alabama acquisition laws.
9. Burial Flags. Congress specifies in 38 U.S.C. 2301 for whom United States Department of Veterans Affairs (VA) may provide burial flags. Specifically, section 2301(f)(1) authorizes VA to provide burial flags, among other individuals, for each member or former member of the Selected Reserve who is not otherwise eligible for a flag, who meets certain criteria. Deceased members or former members of the Selected Reserve who (a) completed at least one enlistment or, in the case of an officer, completed the initial obligated service, or (b) were discharged before completion of initial enlistment or, in the case of an officer, period of initial obligated service for a disability incurred or aggravated in line of duty are eligible for a burial flag as long as their last discharge from service was not under conditions less favorable than honorable. VA is not authorized to provide burial flags to members of the ROTC, not otherwise eligible, nor to spouses or minor children of any of the above.
10. Military Funeral Honors. The Department of Defense is responsible for providing military funeral honors for Veterans. Funeral honors coordination should be initiated by the funeral home director. The following military funeral honors sources are available for National Guard and Reserve members burial:
 - a. U.S. Armed Forces Honor Guard of Baldwin County
 - b. AL National Guard Military Funeral Honors
11. Burial Operations Support System (BOSS). States can use National Cemetery Administration's Burial Operations Support System to standardize processes used at the cemetery. National Guard and Reserve burials will be specifically coded to ensure the system does not unintentionally "trigger" automated delivery of headstones, or markers.