

March 13, 2002

VETERANS' PROGRAM LETTER NO. **05-02**

MEMORANDUM FOR: REGIONAL ADMINISTRATORS (RAVETs) AND
DIRECTORS FOR VETERANS
EMPLOYMENT AND TRAINING (DVETs)
ALL STATE EMPLOYMENT SECURITY AGENCY
ADMINISTRATORS (SESAs)
ALL STATE ONE-STOP SYSTEM COORDINATORS
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND
TRAINING ADMINISTRATION (ETA) (INFO)

FROM: FREDERICO JUARBE JR. [Signed]

SUBJECT: Clarification of Definition of "Eligible Veteran"
for Labor Exchange Purposes

1. Purpose: To inform States of the statutory definition of "Eligible Veteran" which includes certain activated members of Reserve components and the National Guard.
2. References: Title 38, United States Code Section 4211(4) (38 U.S.C. 4211(4)); Public Law (P.L.) 102-127, Sec. 5, Eligibility of Members of a Reserve Component for Employment and Training Assistance, enacted October 2, 1971; Veterans Program Letter (VPL) 6-91, Change No. 1, dated December 2, 1991; VPL 6-91, dated July 3, 1991.
3. Rescissions: Veterans Program Letter (VPL) 6-91, Change No. 1, dated December 2, 1991; VPL 6-91, dated July 3, 1991.
4. Background: Due to recent events and the necessity of activating various Reserve and National Guard units, clarification is required on the definitions of certain categories of veterans for Employment Service (ES) purposes. VPL 6-91, Change No.1, describes how P.L. 102-127 expanded the term "eligible veteran" for employment and training-related purposes.

5. Program Eligibility Clarification: The definition of "Eligible Veteran" for labor exchange purposes includes members of reserve components activated, pursuant to Sections 12301(a), (d), or (g), 12302, or 12304 of Title 10, during any "period of war," as specified in 38 U.S.C. section 101(11). The beginning and ending dates of these periods of war are also specified in various subsections of section 101. Where an "Eligible Veteran" served is immaterial; only that they served during a period of war, covered campaign or expedition, as published by the Office of Personnel Management. These periods of service may be found at:
<http://www.opm.gov/veterans/html/vgmedal2.htm>

Paragraph 4 of 38 U.S.C. 4211, defines an individual who is eligible to be served as a veteran by the public labor exchange delivery system:

(4) The term "Eligible Veteran" means a person who -

(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.

6. Policy and Guidance: It is incumbent upon the SESAs and Veterans' Employment and Training Service (VETS) field staff to ensure that individuals providing priority service to "Veterans" and other "Eligible Persons" in local One-Stop centers and other labor exchange service delivery points (SDPs) are aware of the above definitions. SESAs should include this information in operational policies and procedures for providing service to veterans and eligible persons. VETS and SESA staff should also provide necessary training to appropriate personnel to better enable them to properly identify "Eligible Veterans" and "Eligible Persons."

Should some question or doubt as to the validity of the applicant's claim to veteran status arise, the SESA may require the applicant to provide documentation verifying

eligibility.

7. Actions Required:

1. RAVETs will ensure that each DVET meet with their respective state agency counterpart to ensure a mutual understanding of the definition and guidance provided in this directive as soon as possible.
2. DVETs will provide technical assistance to the SESAs and their State One-Stop system coordinators, as requested, to ensure proper identification for priority service and referral of "Eligible Veterans" and "Eligible Persons" for employment-related purposes.
3. SESAs are requested to ensure that all appropriate staff of their One-Stop centers and SDPs are able to properly identify veterans and eligible veterans to include those reservists and National Guards members who have achieved "Eligible Veteran" status, particularly through the recent activations.

8. Inquiries: SESA questions should be referred to their DVET. The DVET will direct inquiries to the RAVET. The RAVET may consult with Joel Delofsky at the Chicago RLC via e-mail or at (312) 353-4942, or with Miguel A. Hernandez at the National Office via e-mail or at (202) 693-4708.

IX. Expiration Date: September 30, 2005.

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Wilson:Seidel:Official File:Pending:
File A:DEF of VET. FINAL DRAFT.WPD