

## Warren County Veterans Service Officer's Report for July 2013

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# Other Than Honorable Discharges

## Impact on Eligibility for VA Health Care Benefits

### Benefit Description

To be considered a "Veteran" eligible for Department of Veterans Affairs (VA) health care benefits, a former service-member must have been discharged "under conditions other than dishonorable." Under VA regulations, administrative discharges characterized by the armed services as "Honorable" or "General Under Honorable Conditions" are qualifying, and punitive discharges ("Dishonorable" or "Bad Conduct") issued by **general** courts-martial are disqualifying. The in-between categories, administrative "Other than Honorable" discharges, and punitive "Bad Conduct Discharges" issued by **special** courts-martial, **may or may not** be disqualifying for purposes of general VA benefit eligibility or VA health benefits eligibility specifically. In assessing whether such discharges were issued "under conditions other than dishonorable," VA must apply the standards set forth in *Title 38 Code of Federal Regulations (C.F.R.) §3.12*.

### "Other than Honorable" Discharges – Special Health Care Rule

An individual with an "Other than Honorable" discharge that VA has determined to be disqualifying under application of title 38 C.F.R. §3.12 still retains eligibility for VA health care benefits for service-incurred or service-aggravated disabilities unless he or she is subject to one of the statutory bars to benefits set forth in *Title 38 United States Code §5303(a)*. Authority: Section 2 of Public Law 95-126 (Oct. 8, 1977). VA health care benefits: If an individual presents or makes an application for VA health care benefits and has an "other than honorable" or "bad conduct" discharge, eligibility staff may register the individual and place in a Pending Verification Status. A request for an administrative decision regarding the character of service **for VA health care purposes** must be made to the local VA Regional Office (VARO). This request may be submitted using a VA Form 7131, Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action. In making determinations of health care eligibility the same criteria will be used as are now applicable to determinations of service connection when there is no character of discharge bar.

**Reference:** M21-1 Part IV, Chapter 11 "Special Determinations and Administrative Decisions."

Note: Emergent treatment may be provided with a signed statement by the Veteran (may be on a VA Form 119, Report of Contact) that if s/he is subsequently found to be NOT Eligible for VA health care, they agree to pay the Humanitarian Rate for any emergent care or services provided while under this Pending Verification status.

For Further Information: Contact your local VA health care facility's Eligibility office or the Health Eligibility Center at 404-828-5257. This and other eligibility related fact sheets are available at <http://www.va.gov/healthbenefits/resources/publications.asp>.