Who Is A Veteran?

Disability benefit compensation is available to those service members who meet specific criteria. The first requirement is that the service member qualify as a “Veteran” as defined by the Department of Veteran Affairs (VA). Though this may seem like a simple condition to meet, it is important to thoroughly understand the definition to determine whether you qualify.

The VA identifies “Veterans,” as those “individuals who served in the active military, naval, or air service, and [were] discharged or released therefrom under conditions other than dishonorable.” The status of Veteran is decided using a “benefit of the doubt” standard of proof. Therefore, when there appears to be a balance of positive and negative evidence of the individual’s status as a Veteran, the VA must decide in favor of the individual claiming Veteran status.

“Active Service”

Not all types of military service qualify as “active service.” Conversely, some civilian service, such as the Merchant Marines of World War II, are considered active military service. National Guard and Reserve duty which consists of active or inactive duty for training are generally not considered active service with two exceptions which are discussed shortly. To meet the active service requirement, you must have served in one of the following capacities:

1. Active Duty;
2. Any period of active duty for training during which the individual was disabled or died from a disease or injury which resulted from or was aggravated in the line of duty;
3. Any period of inactive duty for training during which the individual was disabled or died from an injury which resulted from or was aggravated in the line of duty, or the individual suffered an acute myocardial infarction (heart attack), cardiac arrest, or a cerebrovascular accident (stroke) during such training.

National Guard and Reservists who meet either criteria number 2 or number 3 mentioned above are considered to have been in active service and would be eligible for VA disability benefits.

“Conditions other than dishonorable”
The reader will note that the Department of Defense grants no discharge called “Other than Dishonorable.” There are five discharges commonly used by the military to include Honorable; General (under honorable conditions); Under Other than Honorable Conditions (UOTHC); Bad Conduct; and Dishonorable. The first three discharges are given administratively. A “Bad Conduct” or “Dishonorable” discharge is given by courts-martial. Generally, only the first three discharges will make a former service member a Veteran eligible for benefits. The higher the discharge the more benefits the Veteran may access. For instance, the Post 911 GI Bill requires an Honorable discharge to receive benefits.