

MDVA Bulletin # 1 September 2009
“Veteran Status” eligibility requirements under MN Stat. 197.447

To meet the MS 197.447 eligibility requirements of “VETERAN” the person must:

- a) be a U.S. citizen or resident alien **AND**
- b) have received a DD Form 214 (Separation or Discharge from Active Duty) that is characterized as “under honorable conditions” from an branch of the U.S. Armed Forces **AND, have either:**
 - 1) served on Active Duty [not “Active Duty for Training (ADT)” and not “Active Guard Reserve (AGR)”] for at least 181 consecutive days, **OR**
 - 2) have been discharged by reason of Active Duty service-connect disability, **OR**
 - 3) have completed the minimum Active Duty requirements of federal law, as defined by CFR Title 38, section 3.12a [i.e. the full period for which person was federally ordered to Active Duty]. Example, National Guard members who were federally activated for Iraq. Note on DD 214 the CFR Title for Orders and note the words, “Completed Orders.” Thus, “veteran status” under MS 197.447, can be verified.
- 4) Persons with DD 214 service certified by Secretary of Defense as Active Military Service Under Public Law 95-202, e.g. Radio Operators on Guam during WW II.

CVSOs review DD214 RE “Veteran” <http://mnveteranservice.org/documents/cvso.html>

Active Duty

Under MN 197.447, for the purposes of determining “Veteran Status” eligibility, “Active Duty” is the military service rendered while a member of the US Military Armed Forces e.g. “US Army” or “Army / Reg.” Classification is based upon the soldier’s federal enlistment contract. “Active Duty” may also be determined by the status of the federal USC title under which the service was authorized, e.g. US federal Orders “USC Title 38.”

National Guard members e.g. Army National Guard (Army/ ARNG) may or may not qualify for “Veteran Status” under MN Statute 197.447. National Guard soldiers serve as members of state’s militia and are “Reservists.” When National Guard members are federalized (transferred from reserve military status to “active military” status) and given federal orders (Orders to Iraq, e.g. USC Title 10), then upon honorable completion of said federal “active duty” orders, they are considered “veterans”

However, Army National Guard members (e.g. Army / ARNG), classification determined by the soldier’s state enlistment contract, are members of the state’s militia and as a “Reserve Component” of the U.S. Armed Forces. Most service rendered by National Guard members is usually categorized as “performed while in reserve service status.” Thus, “reserve service status” (as classified on Orders) is not considered “Active Duty.”

National Guard “Active Duty for Training (ADT)” and “Active Guard Reserve (AGR)” i.e. a “full time” paid National Guard “Reserve” employment position), does NOT meet the MN Statute 197.447 definition of “Active Duty” due to the fact that the service was performed while in “reserve service status”. Thus, it is not Active Duty service status.