

FEDERAL BENEFITS

Table I. Eligibility for Common VA Benefits by Military Character of Discharge

VA Benefit	Military Character of Discharge					
	Honorable ^a	General	Other than Honorable	Bad-Conduct (Court-Martial)		Dishonorable ^b
				Special	General ^b	
Disability Compensation	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Health Care ^c	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Dependency and Indemnity Compensation	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Education Assistance ^d	eligible	not eligible	not eligible	not eligible	not eligible	not eligible
Survivor Pension	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Burial Benefits	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Special Housing	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Vocational Rehabilitation ^d	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Disabled Automotive	eligible	eligible	COS determination	COS determination	not eligible	not eligible
Reenlistment Rights	eligible	eligible	COS determination	COS determination	not eligible	not eligible

Source: Congressional Research Service (CRS) using data from the Naval Justice School study guide.

Notes: COS = Character of Service.

This chart shows general eligibility for benefits based on the characterization of military discharge and assumes a servicemember meets all other requirements for "veteran" status, including active duty and length of service requirements. This chart does not indicate any other eligibility criteria that may be required for a particular benefit listed (e.g., to receive disability compensation benefits, a veteran must first establish veteran status in addition to having a current disability that is connected to an injury or illness incurred or aggravated during a qualifying period of military service).

- a. Only former servicemembers whose discharge from the military is characterized as honorable are eligible for the Presidential Memorial Certificate (a burial benefit), and education assistance through the Montgomery and Post-9/11 GI Bills. See CRS Report R42785, *GI Bills Enacted Prior to 2008 and Related Veterans' Educational Assistance Programs: A Primer*, and CRS Report R42755, *The Post-9/11 Veterans Educational Assistance Act of 2008 (Post-9/11 GI Bill): Primer and Issues*, both by Cassandra Dorch.
- b. Former servicemembers whose discharge from the military is characterized as bad-conduct adjudicated by general court-martial or under dishonorable conditions are legally barred from receiving VA benefits unless the VA finds that the servicemember was insane at the time of the offense that led to the bar or if eligibility for VA benefits can be established based on a prior period of other than dishonorable service. See the "Exceptions to Legal Bars to VA Benefits," below.
- c. A former servicemember with an OTH discharge as a result of a regulatory bar will be limited to receiving VA health care services only for the treatment of a disability that is connected to an injury or illness incurred or aggravated during the relevant period of military service. However, an OTH discharge as a result of a statutory bar will prohibit the former servicemember from receiving any VA health care services based on the relevant period of service (P.L. 95-126). See Appendix B. Furthermore, according to VA's *Adjudication Procedures Manual*, "even if a [bad conduct discharge] is determined to be honorable for VA purposes, the service member is not eligible for health care. This is the only circumstance in which a service

Source:

member may be found to have service connected disabilities but not be eligible for health care." (M21-1MR, Part III, Subpart v, Chapter I, Section B, 1-B-18).

- d. For veterans not eligible for education assistance, opportunities for postsecondary education may be available through the VA Vocational Rehabilitation Program. For more information see CRS Report RL34627, *Veterans' Benefits: The Vocational Rehabilitation and Employment Program*, by Benjamin Collins.

Comparison of Military Character of Discharge and VA Character of Service

Characterization of service is distinct from the military in that the VA has *no* authority to change or upgrade a military discharge.³⁸ The VA is limited to reviewing the relevant evidence to determine whether the former servicemember's record meets VA criteria for the awarding of veterans' benefits. The determination is bound by two outcomes: a finding that the record of service is (1) other than dishonorable (a favorable outcome) or (2) dishonorable (an unfavorable outcome).

In determining potential eligibility for veteran's benefits, the VA adheres to a separate set of statutory and regulatory criteria than the military and considers mitigating factors that may have led to an adverse discharge, such as insanity. Character of service determinations are case-by-case, based on service records and other evidence related to the former servicemember's time in the military. The outcome is not always predictable and does not always directly correspond to a specific military discharge characterization.