



DEPARTMENT OF THE ARMY
ARLINGTON NATIONAL CEMETERY
ARLINGTON VA 22211-5003



REPLY TO
ATTENTION OF

28 May 2002

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND
RESERVE AFFAIRS)

SUBJECT: Military Honors at Arlington National Cemetery (ANC) for Active Duty
Designees-DECISION MEMORANDUM

While eligibility for burial and inurnment in ANC is governed by Army regulations, military honors that are provided for those buried or inurned at ANC are not based upon eligibility requirements. The level of honors offered to current/former members of the Armed Forces is based on their highest rank held, and is not dependent on whether the individual is to be buried or inurned at the Columbarium.

At ANC, enlisted personnel receive "standard honors," which involves a chaplain, and a 16-person detail to serve as body bearers, conduct a rifle salute, fold and present the United States flag to the family, and play Taps. It should be noted that the tributes associated with "standard honors" at ANC are equivalent to those associated with "full honors" at Veterans' Administration (VA) and private cemeteries. At ANC, officers receive "full honors," which includes the addition of a horse-drawn caisson, a ceremonial band, and an escort. The dependents of current/former uniformed service members receive only body bearers and a chaplain.

Chapter 24 of Title 38, United States Code (U.S.C.), governs veterans' eligibility for burial in VA cemeteries. While Chapter 24's burial eligibility provisions do not apply to ANC, ANC allows inurnment in the Columbarium for those who are eligible for burial at VA cemeteries, provided they received an honorable discharge. By virtue of Public Law (P.L.) 95-202, individuals other than current/former uniformed service members can be considered "veterans" under Title 38 (which contains the laws administered by the VA). Section 401 of P.L. 95-202 established a process whereby the Secretary of Defense could designate certain groups' service as active duty for the purpose of "all laws administered by the Veterans' Administration." These "Active Duty Designees" would be eligible for inurnment at ANC.

The Secretary of the Air Force has been delegated the responsibility to make determinations under P.L. 95-202. The groups who could be considered for an "active duty" designation by the Secretary must have rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service at the time the service was rendered. The Women's Air Forces Service Pilots (WASPs) are one such group that has been designated as having served on active duty for the purpose of all laws administered by the VA.

Since 1995, ANC's policy with regard to Active Duty Designees under P.L. 95-202 has been to provide only body bearers and chaplains for funeral support. The rationale for this policy has been that Active Duty Designees did not hold an actual rank in the Armed Forces and therefore did not fall under ANC guidelines for standard or full honors.


After extensive investigation into this issue, further statutory guidance on funeral honors has come to light. Section 1491 of Title 10, U.S.C., requires the Secretary of Defense to provide a funeral honors detail upon request to any "veteran." Section 1491 defines "veteran" as, among other things, "a decedent who served in the active military, naval, or air service (as defined in section 101(24) of title 38)...." Section 101(24), in turn, defines the term "active military, naval, or air service" to include "active duty." Since Active Duty Designees have served on "active duty" for purposes of Title 38, Active Duty Designees would therefore be "veterans" under 10 U.S.C. Section 1491 for purposes of receiving funeral honors required by that statute.

The funeral honors required by Section 1491 include, at a minimum, a two-person detail, which would fold and present a United States flag to the family and effect the playing of Taps. Thus, Active Duty Designees who are inurned at ANC would receive these honors in addition to being provided body bearers and a chaplain.

In providing funeral honors at ANC for Active Duty Designees, there are two available options. The first is to designate a new level of funeral honors at ANC for Active Duty Designees based upon the minimum requirements contained in Section 1491. Under this approach, the four basic levels of funeral honors provided at ANC would therefore be: (1) funeral support provided to dependents; (2) honors provided Active Duty Designees; (3) "standard honors" for enlisted personnel; and (4) "full honors" for officers. The funeral honors provided to Active Duty Designees under this approach would require a three-person detail (two body bearers and a bugler), plus a chaplain.

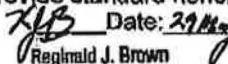
The second option is to provide standard honors at ANC to all Active Duty Designees. This would entail a greater commitment of resources, as the provision of standard honors requires a 16-person detail, plus a chaplain. These larger funeral details could conceivably result in longer wait times for families wishing to inter or inurn loved ones at ANC. This option would be consistent with the provision of other veterans' benefits to Active Duty Designees and would reflect an appreciation of the contributions to the nation made by the Designees. Informal feedback from the functional proponent at the Office of the Secretary of Defense indicates that OSD is supportive of this option. There is currently not enough available information to make an assessment of the impact of either option on manpower resources.

This paper has been coordinated with the Office of the Army General Counsel.


John C. Metzler, Jr.
Superintendent
Arlington National Cemetery

Concur with option to establish new level of funeral honors at ANC for Active Duty Designees _____ Date: _____

Concur with option to provide standard honors at ANC for Active Duty Designees

 Date: 29 May 02
Reginald J. Brown
Assistant Secretary of the Army
(Manpower and Reserve Affairs)