

CHAPTER 9

VETERANS' AND DISABLED VETERANS'
PREFERENCE AND DESIGNATION OF
VETERANS' STATUS FOR
PENSION PURPOSES

Authority

N.J.S.A. 11A:5-1.1, 18A:66-2.2 and 43:15A-6.1;
and P.L. 2000 c. 127 and P.L. 2000 c. 146.

Source and Effective Date

R.2006 d.335, effective September 18, 2006.
See: 38 N.J.R. 2247(a), 38 N.J.R. 3777(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9, Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes, expires on March 17, 2014. See: 45 N.J.R. 2163(a).

Chapter Historical Note

Chapter 9, Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes, was adopted as new rules by R.2006 d.335, effective September 18, 2006. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9, Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes, was scheduled to expire on September 18, 2013. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. VETERANS' AND DISABLED
VETERANS' PREFERENCE AND DESIGNATION
OF VETERANS' STATUS FOR PENSION
PURPOSES

5A:9-1.1 Purpose and scope

(a) This subchapter sets forth the filing requirements by individual applicants to the Department of Military and

Veterans' Affairs for veterans' and disabled veterans' preference and designation of veterans' status for pension purposes, to be used by the Department of Personnel and/or the Division of Pensions and Benefits.

(b) This subchapter applies to all applicants for veterans' and disabled veterans' preference and/or veterans' status for designation of veterans' status for pension purposes and all public entities responsible for services that require verification of veterans' preference or veterans' status.

5A:9-1.2 Veterans' preference and veterans' status for
pension purposes

(a) A person is entitled to veterans' preference or veterans' status for pension purposes, if he or she has been discharged or released from active United States military or naval service under conditions other than dishonorable, and has served at least 90-consecutive days in the active United States military or naval service during:

1. World War I, between April 6, 1917 and November 11, 1918;
2. World War II, on or after September 16, 1940, who shall have served at least 90 days beginning on or before December 31, 1946 in such active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion; or as a cadet or midshipman at one of the service academies;
3. Korean Conflict, on or after June 23, 1950, who shall have served at least 90-consecutive days beginning on or before January 31, 1955, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies;
4. Vietnam Conflict, on or after December 31, 1960, who shall have served at least 90-consecutive days beginning on or before May 7, 1975, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, and exclusive of any service performed pursuant to 10 U.S.C. §511(d), or exclusive of any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or the Coast Guard Reserve;

5. Lebanon peacekeeping mission, commencing on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days, terminating on or before December 1, 1987, in such active service;

6. Grenada peacekeeping mission, commencing on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days terminating on or before November 21, 1983, in such active service;

7. Panama peacekeeping mission, commencing on or after December 20, 1989, who has served on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days terminating on or before January 31, 1990, in such active service;

8. Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, commencing on or after August 2, 1990, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days terminating on or before February 28, 1991, in such active service;

9. Operations "Northern Watch" and "Southern Watch" in the Arabian Peninsula and adjacent sea areas that include Bahrain, Oman, Kuwait, Saudi Arabia, Yemen and the Persian Gulf, commencing on August 27, 1992, and terminating on March 17, 2003, who served in direct support for a period, continuously or in the aggregate, of at least 14 days, in such active service;

10. Operation "Enduring Freedom" commencing on or after September 11, 2001, who served for a period, continuous or in the aggregate, of at least 14 days in areas designated by the U.S. Department of Defense, and ending on or before the date of termination of that mission as proclaimed by the President of the United States or Congress, whichever date of termination is later; or

11. Operation "Iraqi Freedom" commencing on or after March 19, 2003, who served for a period, continuous or in the aggregate, of at least 14 days in areas designated by the U.S. Department of Defense, ending on or before the date of termination of that mission as proclaimed by the President of the United States or Congress, whichever date of termination is later.

(b) A person is entitled to veterans' preference for Civil Service purposes, if he or she has been discharged or released from active United States military or naval service under conditions other than dishonorable, and has served at least 90-consecutive days in the active United States military or naval service during:

1. Operation "Restore Hope" in Somalia, commencing on or after December 5, 1992, and terminating on March

31, 1994, who served for at least 14 days, continuously or in the aggregate, in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation during the specified period;

2. Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, commencing on or after November 20, 1995, and terminating on December 20, 1998, who served in direct support of one or both of the operations for at least 14 days, continuously, or in the aggregate, and:

i. Was deployed in that nation or in another area in the region;

ii. Was on board a United States naval vessel operating in the Adriatic Sea; or

iii. Operated in airspace above the Republic of Bosnia and Herzegovina;

3. Operation "Uphold Democracy" in Haiti, commencing on or after September 19, 1994, and terminating on or before March 31, 1995, who served in Haiti or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days, and who received an Armed Forces Expeditionary Medal for such service; or

4. Served in any army or navy of the United States allies in World War I between April 6, 1917 and November 11, 1918, or World War II between September 16, 1940 and December 31, 1946, provided he or she voluntarily enlisted in such service, was a United States citizen at the time of enlistment, did not renounce or lose United States citizenship, and was honorably discharged.

(c) Any person receiving an actual service-connected injury or disability shall be classed as a veteran whether or not that person has completed the 14 days of such active service or 90 days service pursuant to (a) or (b) above.

5A:9-1.3 Disabled veterans' preference

(a) A person is entitled to disabled veterans' preference if he or she:

1. Receives or is entitled to receive, under United States Department of Veterans Affairs guidelines, compensation for service-connected disability of 10 percent or more arising out of military or naval service during any of the periods in N.J.A.C. 5A:9-1.2 or who receives or is entitled to receive equivalent compensation for a service-connected disability which arises out of military or naval service as set forth in this chapter and who has submitted sufficient evidence of disability incurred in the line of duty;

2. Is the spouse of a person entitled to disabled veterans' preference if the disabled veteran:

i. Is not employed by any jurisdiction operating under New Jersey Statutes Title 11A; and

ii. Waives any right to preference for the duration of the spouse's employment;

3. Is the surviving, not remarried spouse of a person entitled to disabled veterans' preference; or

4. Is a parent or surviving spouse of a person who would have been entitled to veterans' preference under N.J.A.C. 5A:9-1.2, but who died while in service. The use of the preference by one such survivor shall suspend the right of any other so long as the first individual who uses the preference is employed by any jurisdiction operating under New Jersey Statutes Title 11A.

5A:9-1.4 Filing for veterans' or disabled veterans' preference for Department of Personnel purposes and designation of veterans' status for pension purposes

(a) To establish a veterans' preference under N.J.S.A. 11A:5-1 et seq., an individual shall submit a completed "Civil Service Veterans Preference Claim Form" (NJDMA VA Form 05A-1), provided at chapter Appendix A, incorporated herein by reference, and a copy of Veterans Separation Papers (DD Form 214) to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Preference, P.O. Box 340, Trenton, New Jersey 08625-0340.

(b) To establish a disabled veterans' preference under N.J.S.A. 11A:5-1, an individual shall submit a completed "Civil Service Veterans Preference Claim Form" (NJDMA VA Form 05A-1), provided at chapter Appendix A, along with a copy of Veterans Separation Papers (DD Form 214) and proof of service-connected disability to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Preference, P.O. Box 340, Trenton, New Jersey 08625-0340.

(c) To establish eligibility to be considered a veteran in the Teachers' Pension and Annuity Fund under N.J.S.A. 18A:66-2 for the purpose of eligibility for a veterans' retirement allowance, an individual shall submit a completed "Application For Veteran Designation For Pension," (NJDMA VA Form 05A-2), provided at Chapter Appendix B, incorporated herein by reference, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340.

(d) To establish eligibility to be considered a veteran in the Public Employees' Retirement System under section 6 of P.L. 1954, c. 84 (N.J.S.A. 43:15A-6) for the purpose of eligibility for a veterans' retirement allowance, an individual shall submit a completed "Application For Veteran Designation For Pension," (NJDMA VA Form 05A-2), provided at Chapter Appendix B, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340.

(e) To establish eligibility to be considered a veteran in the Police and Firemen's Retirement System under section 1 of

P.L. 1983, c. 391 (N.J.S.A. 43:16A-11.7) for the purpose of purchasing military service credit, an individual shall submit a completed "Application For Veteran Designation For Pension" (NJDMA VA Form 05A-2), provided at Chapter Appendix B, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340.

(f) When an individual does not possess a DD Form 214, Separation Papers and the Veterans Administration or National Personnel Records Center copy has been destroyed, the applicant may submit a letter from the appropriate agency attesting to the destruction of such records and a notarized statement by the applicant attesting to the dates of active service, branch of service, rank and type of discharge.

5A:9-1.5 Notification of public entity of the Adjutant General's granting of veterans' and disabled veterans' preference

The Adjutant General shall cause the appropriate coding for approved veterans' or disabled veterans' preference to be entered into the Department of Personnel database, thereby constituting notification of the public entity.

5A:9-1.6 Notification of public entity of the Adjutant General's granting of veterans' status for pensions purposes

The Adjutant General shall cause the appropriate coding for approved veterans' status, for pensions purposes, to be entered into the Division of Pensions and Benefits database, thereby constituting notification of the public entity.

5A:9-1.7 Appeal rights of individuals applying for veterans' and disabled veterans' preference or veterans' status for pension purposes

(a) Individuals disputing the veterans' or disabled veterans' preference findings may submit an appeal to the Adjutant General by letter, enclosing any documentation not previously submitted and/or considered.

(b) Individuals disputing determination of veterans' status for pension purposes may submit an appeal to the Adjutant General by letter, enclosing any documentation not previously submitted and/or considered.

(c) The Adjutant General shall appoint an appeals board to consider an appeal submitted by any person disputing the determination of veterans' preference for civil service veterans' preference or veterans' status for pension purposes. The appeals board shall review documentation submitted, including the initial application and all documents submitted with the appeal request and make an appropriate recommendation to the Adjutant General. The Adjutant General's determination is binding upon the Department of Personnel and the Division of Pensions and Benefits.

APPENDIX A

NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS CIVIL SERVICE VETERANS PREFERENCE CLAIM FORM

INSTRUCTIONS

- Please print or type all answers • Complete the first section and any other section(s) that apply to you
- Sign your name at the bottom • Please mail this form and a copy of your Veterans Separation Papers (Form DD214) to NJ Dept of Military & Veterans Affairs, ATTN: DVS-VBB, P.O. Box 340, Trenton, NJ 08625-0340 • If you do not have Form DD 214, a copy can be obtained from the National Personnel Records Center. If your records have been destroyed, a letter from the National Personnel Records Center attesting to the destruction of your records and a notarized statement indicating the dates of active service, branch, rank, and type of discharge must be submitted.

1. Your Name (Last, first, middle initial - Please Print)	2. Your Social Security Number	4. Veteran's Name (If you are not the veteran)
3. Your address Street		5. Veteran's Social Security Number (If you are not the veteran)
City State Zip Code		6. Date Starting Active Duty
8. Has veteran received a dishonorable discharge? <input type="checkbox"/> YES <input type="checkbox"/> NO		7. Date Ending Active Duty
9. Branch of Service SELECT ONE		10. Rank at Discharge

DISABLED VETERAN CLAIMANTS - If the veteran is eligible for or receiving 10% or more disability compensation or pension for a service connected disability incurred during one of the covered periods of service **CURRENT PROOF OF DISABILITY IS REQUIRED.**

11. Give percent disability receiving or entitled to receive %	12. Present location veteran's disability records (V.A. Office)
13. Nature of Disability	14. Claim Number

SPOUSE OF A DISABLED VETERAN - The spouse of veteran who is eligible for or receiving 10% or more disability compensation or pension for a service connected disability incurred during one of the covered periods is entitled to the same preference as the veteran provided the veteran is not in the employment of the State, or of any County, Municipality, or School District covered by the Department of Personnel and further provided that the veteran waives all preference as long as the spouse is employed by any of the aforementioned jurisdictions.

15. Are you presently married to the Veteran named in Item 4 above? <input type="checkbox"/> YES <input type="checkbox"/> NO	16. Will the veteran waive the right to use of the D.V. Status in your favor? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, veteran must sign here)
17. Is the veteran now employed by the State or any other Jurisdiction covered by the Department of Personnel? <input type="checkbox"/> YES <input type="checkbox"/> NO	⇒ Veteran's Signature

SURVIVING SPOUSE OF A DISABLED VETERAN (OR) SURVIVING SPOUSE OF A VETERAN WHO DIED IN SERVICE - Until s/he remarries is entitled to the same preference as a disabled veteran. **Copy of Death Certificate or Report of Casualty required.**

18. Date of Death	19. Has a parent of the veteran named in Item 4 above used the parent's preference with the New Jersey Department of Personnel? <input type="checkbox"/> YES <input type="checkbox"/> NO
20. Were you married to the veteran named in Item 4 above at the time of the veteran's death? <input type="checkbox"/> YES <input type="checkbox"/> NO	21. Have you remarried since the death of this veteran? <input type="checkbox"/> YES <input type="checkbox"/> NO

SURVIVING SPOUSE OF A VETERAN WHO DID NOT DIE IN THE SERVICE - is entitled, until the surviving remarries, to the same preference to which the veteran, if living, would be entitled. **Copy of Death Certificate required.**

22. Were you married to the veteran named in Item 4 above at the time of the veteran's death? <input type="checkbox"/> YES <input type="checkbox"/> NO	23. Date of Death
24. Have you remarried since the death of this veteran? <input type="checkbox"/> YES <input type="checkbox"/> NO	

GOLD STAR PARENT - The parent of a veteran who died while in service is entitled to Disabled Veteran's Preference. If both a parent and spouse survive, the use of such preference by either shall suspend the right of the other. **Report of Casualty required.**

24. Date of Death	27. Name and Address of surviving spouse	28. Has surviving spouse ever used the spouse's Veterans Preference in securing public Employment in New Jersey? <input type="checkbox"/> YES <input type="checkbox"/> NO
25. Was deceased veteran married? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, complete items 27 and 28)		

CERTIFICATION: I certify that the statements made by me to the foregoing questions are true to the best of my knowledge and belief. If any of the statements in this application are false, I am aware that I am subject to criminal proceedings.

YOUR SIGNATURE DATE TELEPHONE

NJDMAVA Form 05A-1, 30 Mar 06

CIVIL SERVICE VETERAN'S PREFERENCE CLAIM FORM

To be eligible for veteran's preference/status under New Jersey Law, one must have served on active duty during one of the following periods or incurred a service-connected injury irrespective of length of service:

1. **World War II:** 90 days active duty on or after September 16, 1940 and must have begun on or before December 31, 1946.
2. **Korean Conflict:** 90 days active duty on or after June 23, 1950 and must have begun on or before January 31, 1955.
- * 3. **Lebanon Crisis:** 14 days on or after July 1, 1958, commencing on or before November 1, 1958.
4. **Vietnam Conflict:** 90 days active duty on or after December 31, 1960 and must have begun on or before May 7, 1975.
- * 5. **Lebanon:** 14 days on or after September 26, 1982 and must have begun on or before December 1, 1987.
- * 6. **Grenada:** 14 days on or after October 23, 1983 and must have begun on or before November 21, 1983.
- * 7. **Panama:** 14 days on or after December 20, 1989 and must have begun on or before January 31, 1990.
- * 8. **Operation Desert Shield/Desert Storm:** 14 days on or after August 2, 1990 to February 28, 1991.
- * 9. **Somalia:** 14 days on or after December 5, 1992 and must have begun on or before March 31, 1994.
- * 10. **Bosnia and Herzegovina (Operation Joint Endeavor/Operation Joint Guard):** 14 days on or after November 20, 1995 and on or before June 20, 1998.
- * 11. **Haiti (Operation Uphold Democracy):** 14 days on or after September 19, 1994 and on or before March 31, 1995.
- * 12. **Operation Enduring Freedom:** 14 days on or after September 11, 2001.
- * 13. **Operation Iraqi Freedom:** 14 days on or after March 19, 2003.
14. **Operations Southern and Northern Watch:** 14 days on or after August 27, 1992

***NOTE:** To be eligible for preference for the above peacekeeping missions, one must have served in Lebanon, Grenada, Panama, the Persian Gulf, Bosnia, Herzegovina, Haiti, Operation Enduring Freedom, or Operation Iraqi Freedom, or on board any ship actively engaged in patrolling the territorial waters of that nation for a period of at least 14 days beginning on or before the date of termination of that mission or operation.

To be eligible for disabled veteran's preference, one must be a "veteran" as described above (except that such person receiving an actual service-incurred disability need not fulfill the 90/14 day requirement) and must have incurred a disability for which the veteran is eligible for or receiving ten percent or greater disability compensation. Spouses of disabled veterans, surviving spouses of disabled veterans or veterans and parents of veterans who died in service are eligible for preference, if the veteran would have been eligible for veteran's preference.

NOTE: Individuals whose only active service was for training in connection with a Reserve or National Guard obligation are not eligible for Veteran's Preference.

NOTE: Merchant Marine Personnel who served in World War II, and who present a DD-214 which establishes 90 days of active service during the period noted above, are entitled to Veteran's Preference.

NJDMAVA Form 05A-1, 30 Mar 06 (back)

APPENDIX B

NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS APPLICATION FOR VETERAN DESIGNATION FOR PENSION

INSTRUCTIONS

• Please print or type all answers. • Sign your name at the bottom of the application. • Please mail this form and a copy of your Veteran's Separation Papers (DD Form 214) to NJ Dept of Military & Veterans Affairs, ATTN: DVS-VBB, P.O. Box 340, Trenton, NJ 08625-0340 • If you do not have DD Form 214, a copy may be obtained from the National Personnel Records Center, 9700 Page Blvd., St. Louis, MO 63132. If your records have been destroyed, a letter from the National Personnel Records Center attesting to the destruction of your records and a notarized statement indicating the dates of active serve, branch, rank, and type of discharge, must be submitted.

1. Name (<i>Last, first, middle initial - Please Print</i>)	2. Social Security Number
3. Address Street City State Zip Code	4. Phone Daytime

4. Veteran Status (<i>Attach Copy of Discharge or DD Form 214</i>)	
a. Date of Induction	b. Date of Discharge

5. Retirement System: (<i>Check block that applies to retirement system that you are enrolled in</i>) <div style="margin-left: 20px;"> <input type="checkbox"/> Teachers' Pension and Annuity Fund (TPAF) <input type="checkbox"/> Public Employees' Retirement System (PERS) <input type="checkbox"/> Police and Firemen's Retirement System (PFRS) </div>
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REMARKS (Optional) <div style="border: 1px solid black; height: 40px; width: 100%;"></div>

CERTIFICATION: I certify that the statements made by me to the foregoing questions are true to the best of my knowledge and belief. If any of the statements in this application are false, I am aware that I am subject to criminal proceedings.

SIGNATURE: **DATE:**

NJDMAVA Form 05A-2, 30 Mar 06