

CHAPTER 4

BRIGADIER GENERAL WILLIAM C. DOYLE
VETERANS' MEMORIAL CEMETERY

Authority

N.J.S.A. 38A:3-2.2, 38A:3-6(o) and (u); and 38 U.S.C. §2402.

Source and Effective Date

R.2009 d.344, effective October 20, 2009.

See: 41 N.J.R. 3003(a), 41 N.J.R. 4194(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, expires on April 18, 2017. See: 48 N.J.R. 733(a).

Chapter Historical Note

Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, was adopted as R.1992 d.57, effective February 3, 1992. See: 23 N.J.R. 1491(a), 23 N.J.R. 3254(a), 24 N.J.R. 410(a). Pursuant to Executive Order No. 66(1978), Chapter 4 expired on February 3, 1997.

Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, was readopted as new rules by R.1999 d.216, effective July 19, 1999. See: 31 N.J.R. 1126(b), 31 N.J.R. 1921(a).

Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, was readopted as R.2004 d.316, effective July 22, 2004. See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, was readopted as R.2009 d.344, effective October 20, 2009. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, was scheduled to expire on October 20, 2016. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

5A:4-1.1 Scope

(a) This chapter is applicable to all residents of the State who served in any capacity on active duty with the Armed Forces of the United States of America and who have been separated or discharged from such active duty under conditions other than undesirable or dishonorable or who are or were members of the Reserve Components of the Armed Forces of the United States of America who have 20 years of service creditable for retired pay. State Military Forces shall be considered in accordance with N.J.A.C. 5A:4-2.3.

(b) In addition to eligible New Jersey veterans, his or her spouse or eligible dependent children, this chapter applies to all private funeral directors who provide assistance in the interment at the Brigadier General William C. Doyle Veterans' Memorial Cemetery.

Amended by R.2004 d.316, effective August 16, 2004.

See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (a), added the second sentence.

5A:4-1.2 Purpose

The purpose of this chapter is to identify and establish the eligibility rules for interment in the Brigadier General William C. Doyle Veterans' Memorial Cemetery located in North Hanover Township, New Jersey, hereinafter referred to as the Veterans' Memorial Cemetery or Cemetery.

Amended by R.2004 d.316, effective August 16, 2004.

See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

Substituted "North Hanover Township" for "Arneytown" preceding "New Jersey".

SUBCHAPTER 2. ELIGIBILITY CRITERIA

5A:4-2.1 Veterans' interment eligibility

(a) Eligibility for interment in the Brigadier General William C. Doyle Veterans' Memorial Cemetery is based on 38 U.S.C. §§ 2402 through 2408; 38 C.F.R. § 39.3(b)(1); P.L. 1985, c.149 and N.J.S.A. 38A:3-2.2, 3-6(o) and (u).

(b) The following eligibility criteria are outlined in order to delineate and clarify the provisions of (a) above:

1. The applicant to be interred must be a legal resident of the State of New Jersey at time of death or have lived at least 50 percent of his or her life within the State.

2. Proof of eligibility for a veteran to be interred is a valid discharge from the Armed Forces of the United States of America indicating that the character of service was other than dishonorable or undesirable. Proof of eligibility for a reserve component member, or prior member, of the Armed Forces of the United States is a valid letter of

"Notification of Eligibility for Retired Pay at Age Sixty" provided to the individual by his or her reserve component command.

3. Proof of New Jersey residency is considered to be one of the following:

- i. A New Jersey Driver's License;
- ii. A New Jersey Voter's Registration Card;
- iii. A paid New Jersey real estate tax bill;
- iv. A deed to New Jersey property;
- v. Utility bills with the veteran's name and New Jersey address appearing thereon; or
- vi. Other similar documentation indicating New Jersey residency.

4. In the absence of an acceptable discharge document or proof of residency, a tentative date for interment may be established; however, the scheduled interment may be subject to delay in order to permit a determination of eligibility.

5. In cases where eligibility for interment must be verified by the United States Department of Veterans' Affairs or by a Reserve Component Command, the Administrator of the Cemetery shall not permit interment pending final decision. The Administrator shall advise the funeral director that interment cannot proceed until eligibility is established.

6. If a funeral cortege arrives at the Veterans' Memorial Cemetery and eligibility has not been established, a committal service may be permitted. However, interment shall not take place and the remains shall be removed by the funeral director from the cemetery until eligibility has been verified.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (b)5, substituted "Administrator" for "Superintendent" throughout.

5A:4-2.2 Family interment eligibility

In order for a spouse or dependent child to be eligible for interment, the eligible sponsor must be interred or agree to be interred in the Veterans' Memorial Cemetery. The surviving spouse of a veteran remains eligible for burial in the Veterans Memorial Cemetery based on his or her marriage to the veteran, regardless of the status of a subsequent marriage, as long as the effective date of death is on or after January 1, 2000.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).
Added the second sentence.

5A:4-2.3 State Military Forces interment eligibility

A member of the State Military Forces, who while on State Active Duty by Order of the Governor of the State of New Jersey and who dies or is killed in the line of duty, is eligible

for interment in the Veterans' Memorial Cemetery. The family of such a State Military Forces member is eligible for interment in accordance with the provisions of these rules as they apply to the family of a deceased veteran.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

Substituted references to State Military Forces for New Jersey National Guard throughout.

5A:4-2.4 Right of appeal

A veteran, a reserve component member, State Military Forces member, their legal representative, or next-of-kin may appeal a decision regarding eligibility for interment within 30 days of notification of the decision. The appeal shall be in writing and be filed with the Cemetery Administrator who shall forward the request for reconsideration with all documentation to the Department of Military and Veterans' Affairs, attn: The Adjutant General, for final determination. The Department shall respond to the appeal with a final decision within 48 hours.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).
Rewrote the section.

5A:4-2.5 Pre-registration

(a) A resident of New Jersey may apply in advance for interment in the Veterans' Memorial Cemetery.

(b) Applications are made at the Cemetery or any New Jersey Department of Military and Veterans' Affairs Veterans' Services Office. Proof of military service documents and residency shall be provided at that time.

(c) Pre-registration is an acknowledgement of intent for burial and places discharge and residency on file to be activated at time of need at the Veterans' Memorial Cemetery. Pre-registration guarantees burial at the cemetery but not a specific location in the cemetery.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (b), inserted "the Cemetery or" preceding "New Jersey Department"; in (c), added the second sentence.

SUBCHAPTER 3. GENERAL OPERATING RULES FOR BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5A:4-3.1 Policy

The Brigadier General William C. Doyle Veterans' Memorial Cemetery is New Jersey's public owned and operated veterans' cemetery. As such, it is a memorial to the sacrifices and contributions made by New Jersey's veteran population to the freedoms shared by all of New Jersey's residents.

5A:4-3.2 General operations

(a) Flat, bronze grave markers, as prescribed and provided by the Division of Memorial Affairs, United States Department of Veterans' Affairs, are the only markers permitted at the Veterans' Memorial Cemetery.

(b) No graveside services are permitted. The funeral director and the immediate family of the deceased may witness the actual burial upon request, in which case accommodations shall be made for a curbside view of the interment.

(c) Depending upon the availability of resources, the Veterans' Memorial Cemetery shall normally be open for visitation seven days a week during the hours of 8:30 A.M. to dusk. The Administrative Office shall be open Monday through Friday, during the hours of 8:30 A.M. to 4:30 P.M., except for State holidays.

(d) The use of cemetery grounds for public gatherings of a partisan nature is not permitted.

(e) Boisterous, demeaning activity or conduct on any cemetery grounds is not permitted.

(f) Littering is not permitted.

(g) Only fresh cut flowers, artificial flowers and plants which can be inserted into cones shall be allowed. Only two floral cones shall be permitted at the top edge of the grave marker. Cones approved are those provided without charge by the cemetery. Those obtained by the family or obtained privately shall conform to those supplied by the cemetery.

(h) No plantings of any type are permitted on cemetery grounds or on grave sites. No potted plants, wreaths, flags, emblems, or other forms of decorative articles are permitted on grave sites.

(i) Flowers of any kind which become unsightly, faded or wilted shall be removed by cemetery personnel.

(j) Evergreen blankets and wreaths shall be permitted on graves beginning December 15 and shall be removed by cemetery personnel no earlier than January 15.

(k) Wreaths and/or floral arrangements are permitted during holidays and shall be removed by cemetery personnel one week after the holiday. Holidays include: Easter, Mother's Day, Father's Day and Veterans' Day.

(l) Flags shall be placed on each grave by cemetery personnel only during "Memorial Day" observance.

(m) The cutting or breaking of, or injury to, the trees, shrubs, grass or other plantings is not permitted.

(n) Recreational activity such as picnicking, ball playing, bicycling, skate boarding, jogging, and horseback riding shall not be permitted anywhere on cemetery grounds. Consump-

tion of alcoholic beverages is strictly forbidden on cemetery grounds.

(o) Pets are not permitted on or near any grave site area.

(p) Permission for any type of commercial photography must be received from the Cemetery Administrator prior to the planned event.

(q) Eligible resident New Jersey veterans, Reserve component members, State Military Force members, their spouse and eligible dependents shall be interred at no cost.

(r) Eligible New Jersey veterans and members of reserve components and State Military Forces interred in cemeteries other than the Veterans' Memorial Cemetery may be disinterred at no cost to the State and re-interred at the Veterans' Memorial Cemetery in accordance with N.J.A.C. 5A:4-3.2(q).

(s) All bronze memorial markers ordered for eligible members of the reserve components by the cemetery in accordance with the United States Department of Veterans' Affairs procedures shall indicate the appropriate related active component (such as "U.S. Army" for Army Reservist) of the sponsor and will not reflect wartime service even when service periods coincide with war periods. Families who wish to show a specific reserve component or State Military Forces (such as the New Jersey Army National Guard) shall be charged a minimal fee as established by the National Cemetery System, United States Department of Veterans' Affairs.

Amended by R.2004 d.316, effective August 16, 2004.
See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (a), substituted "Division of Memorial Affairs" for "Department of Memorial Affairs"; in (n), inserted ", and horseback riding" following "jogging"; in (p), substituted "Cemetery Administrator" for "Superintendent"; in (q), (r), and (s), inserted a reference to State Military Force members following the reference to component members.

SUBCHAPTER 4. GENERAL OPERATING RULES FOR FUNERAL DIRECTORS WHEN DEALING WITH THE BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5A:4-4.1 General requirements

(a) In an effort to avoid unnecessary stress to the bereaved family and to ensure that the scheduling of interments proceed without delay, funeral directors shall:

1. Confirm appointments for interments with the Interment Scheduling Office of the Cemetery before making any commitments to the family regarding date and time of burial; and

2. Present the following documentation to the Cemetery Administrator at the time of arrival of the cortege at the Cemetery:

- i. The Burial Permit (required for all interments);
- ii. The Military Discharge (DD Form 214) in the case of a veteran or proof of eligibility of 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces of the United States of America. (If the applicant has pre-registered with the cemetery, this proof shall not be required.);
- iii. The Certified Death Certificate; and
- iv. The proof of New Jersey residency.

(b) The bronze memorial marker shall not be ordered until all of (a) above is complied with.

Amended by R.2004 d.316, effective August 16, 2004.

See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (a)2, substituted "Cemetery Administrator" for "Superintendent".

5A:4-4.2 Funeral directors' responsibilities

(a) For interments in the Veterans' Memorial Cemetery, funeral directors are responsible for the following:

1. All funeral arrangements in compliance with applicable State laws and rules;
2. Supervision of the cortege;
3. Directions to the Cemetery;
4. Clergy if requested for the committal service;
5. Notifying the cemetery of any eligible children (such as those who are handicapped or under 21 years of age) in accordance with U.S.C. Title 38; and

6. Notifying the cemetery when an oversized or private vault is required.

Amended by R.2004 d.316, effective August 16, 2004.

See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

In (a), deleted 4 and recodified existing 5 through 7 as 4 through 6.

5A:4-4.3 Chapel

(a) A chapel is available for committal services; additionally, the chapel has a patio for outside services.

(b) A committal shelter is also available for outside services.

5A:4-4.4 Assignment of gravesites

Gravesites/niches are assigned the afternoon on the day before the interment service. The next available grave or niche is assigned for the interment or inurnment. Assignment of graves and niches are without regard to military rank, race, color, creed, or gender of the qualifying service member.

Amended by R.2004 d.316, effective August 16, 2004.

See: 36 N.J.R. 1344(a), 36 N.J.R. 3876(a).

Rewrote the section.

5A:4-4.5 Floral arrangements

(a) Due to the restrictive size of the Veterans' Memorial Cemetery Chapel, only three floral pieces shall be brought to the chapel for committal services.

(b) Only one floral piece shall be placed at the grave site. Excess floral pieces may be utilized as the family wishes or shall be removed by funeral director.

(c) The next of kin or representative shall sign a flower release form prior to the time of the committal service.