

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

Chapter 4, Brigadier General William C. Doyle Veterans' Memorial Cemetery, expires on October 20, 2014.

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 adopted 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.

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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 "Arneystown" 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.