

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; P.L. 2000 c. 127 and P.L. 2000 c. 146.

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Chapter Expiration Date

Chapter 9, Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes, expires on September 18, 2011.

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.

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APPENDIX A

APPENDIX B

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 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 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