

CHAPTER 3**NEW JERSEY DISTINGUISHED SERVICE MEDAL****Authority**

N.J.S.A. 38A:3-6(o) and (u) and 38A:15-2 and 3.

Source and Effective Date

R.2011 d.082, effective March 7, 2011.
See: 42 N.J.R. 2172(a), 43 N.J.R. 617(a).

Chapter Expiration Date

Chapter 3, New Jersey Distinguished Service Medal, expires on March 7, 2016.

Chapter Historical Note

Chapter 3, Military Service Medals, was adopted as R.1992 d.56, effective February 3, 1992. See: 23 N.J.R. 1490(a), 23 N.J.R. 3409(a), 24 N.J.R. 409(a). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on February 3, 1997.

Chapter 3, New Jersey Distinguished Service Medal, was adopted as new rules by R.2000 d.245, effective June 19, 2000. See: 32 N.J.R. 863(a), 32 N.J.R. 2229(a).

Chapter 3, New Jersey Distinguished Service Medal, was readopted as R.2005 d.299, effective August 10, 2005. See: 37 N.J.R. 1931(b), 37 N.J.R. 3295(a).

Chapter 3, New Jersey Distinguished Service Medal, expired on August 10, 2010, and was adopted as new rules by R.2011 d.082, effective March 7, 2011. As a part of R.2011 d.082, Appendix A was adopted as new rules. See: Source and Effective Date.

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APPENDIX A. APPLICATION FOR AWARD/PROGRAM**SUBCHAPTER 1. GENERAL PROVISIONS****5A:3-1.1 Purpose**

This chapter establishes procedures for the State, in accordance with N.J.S.A. 38A:15-2, to recognize and commemorate the distinguished military service of its sons and daughters through the awarding of the New Jersey Distinguished Service Medal.

Amended by R.2005 d.299, effective September 6, 2005.

See: 37 N.J.R. 1931(b), 37 N.J.R. 3295(a).

Added “, in accordance with N.J.S.A. 38A:15-2,” following “for the State”.

5A:3-1.2 Definitions of types of discharges from service

The following words and terms, as used in this subchapter to describe characterization of a service member's service at separation, shall have the following meanings, unless the context clearly indicates otherwise.

“Discharge under other than honorable conditions” means that discharge specified when the reason for separation is based upon a pattern of behavior or one or more acts or omissions that are not acceptable military conduct.

“General discharge (under honorable conditions)” means that discharge specified when significant negative aspects of the soldier's conduct or performance outweigh positive aspects of the soldier's military record. If a soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions.

“Honorable discharge” means that discharge specified when the quality of service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

SUBCHAPTER 2. AWARD CRITERIA, APPLICATION PROCEDURES AND ISSUANCE**5A:3-2.1 Criteria for award**

(a) Any member of the organized militia who, while serving in any capacity in the organized militia or while on active Federal duty, is cited in orders for distinguished service by the Governor or by appropriate Federal authority, shall be eligible for the New Jersey Distinguished Service Medal. Active membership in the organized militia or former membership attested to by the awarding of an honorable discharge is required.

(b) Individuals other than members of the organized militia shall be eligible for the New Jersey Distinguished Service Medal upon:

1. Presentation of a War Department (WD) Form 53 or Department of Defense (DD) Form 214 indicating an honorable discharge and service during time of war or national emergency; and

2. Demonstration of one of the following:

i. That the individual is a current resident of the State of New Jersey, who was a resident of this State at the time of entry into active military service or has been a resident of this State for at least 20 years in the aggregate; and:

(1) Who while serving in the organized militia or in Federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate Federal authority; or

(2) Who shall have seen active military service in the Armed Forces of the United States of America in a combat theater of operations during time of war or emergency as attested to by the awarding of an honorable discharge and DD Form 214 or WD Form 53 by the respective Armed Force;

ii. That the individual is a deceased person who, on the date of induction into the organized militia or Federal military service, was a resident of this State, and:

(1) Who, while serving in the organized militia or in Federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or appropriate Federal authority; or

(2) Who shall have seen active military service in the Armed Forces of the United States of America in a combat theater of operations during time of war or emergency as attested to by the awarding of an honorable discharge and DD Form 214 or WD Form 53 by the respective Armed Force; or

iii. That the individual is a person who, on the date of induction into the organized militia or Federal military service, was a resident of this State and who, while serving in the organized militia or in Federal military service on active duty in time of war or emergency, shall have been officially listed as a prisoner of war or missing in action by the United States Department of Defense.

(c) Individuals eligible for the award under the provisions of (b)2i above also shall be awarded the silver oak leaf cluster to be affixed to surface and suspension ribbons.

(d) Applicants who received either a general discharge (under honorable conditions) or a discharge under other than honorable conditions shall not be considered for this award.

Amended by R.2005 d.299, effective September 6, 2005.
See: 37 N.J.R. 1931(b), 37 N.J.R. 3295(a).

Rewrote (a) and (b).
Amended by R.2011 d.082, effective March 7, 2011.
See: 42 N.J.R. 2172(a), 43 N.J.R. 617(a).

In the introductory paragraph of (b)1i, substituted "or has been a resident of this State for at least 20 years in the aggregate;" for a comma.

5A:3-2.2 Standards

The New Jersey Distinguished Service Medal shall be awarded only to those persons whose entire service, subsequent to the time of receipt of citation, shall have been honorable. The New Jersey Distinguished Service Medal may be awarded posthumously to a designated survivor of the deceased. Not more than one New Jersey Distinguished Service Medal shall be awarded to any one person.

New Rule, R.2011 d.082, effective March 7, 2011.

See: 42 N.J.R. 2172(a), 43 N.J.R. 617(a).

Former N.J.A.C. 5A:3-2.2, Procedures for requesting award, recodified to N.J.A.C. 5A:3-2.3.

5A:3-2.3 Procedures for requesting award

(a) The awarding of the New Jersey Distinguished Service Medal to members of the organized militia shall be made in accordance with procedures established by the Adjutant General.

(b) Applications for the New Jersey Distinguished Service Medal will be made by using DMAVA Form 416 (Application for NJDSM, N.J.A.C. 5A:3 Appendix A, incorporated herein by reference). All requests will be forwarded with substantiating documentation (that is, DD 214 or WD 53) to:

The Adjutant General
New Jersey Department of Military and Veterans'
Affairs
ATTN: Director of Veterans Services
PO Box 340
Trenton, New Jersey 08648-0340

1. Documentation must include Honorable Discharge and proof of current New Jersey residency with a minimum of 20 years.

(c) The New Jersey Distinguished Service Medal for a deceased person or a person absent as a prisoner of war or missing in action may be requested by and shall be issued to a parent, spouse, sibling, child or other relative who submits all of the required forms and documentation on behalf of that person. The request must include a copy of the veteran's death certificate, and proof of relationship, such as a birth certificate, marriage certificate or baptismal certificate.

Amended by R.2005 d.299, effective September 6, 2005.

See: 37 N.J.R. 1931(b), 37 N.J.R. 3295(a).

In (a), substituted "organized militia" for "New Jersey National Guard"; in (b), substituted "Veterans Programs" for "Information Management".

Recodified from N.J.A.C. 5A:2-2.2 and amended by R.2011 d.082, effective March 7, 2011.

See: 42 N.J.R. 2172(a), 43 N.J.R. 617(a).

Rewrote (b); and in (c), inserted the last sentence. Former N.J.A.C. 5A:3-2.3, Issuance of the award, recodified to N.J.A.C. 5A:3-2.4.

5A:3-2.4 Issuance of the award

Upon verification of eligibility for the award, the Department of Military and Veterans' Affairs shall issue, at no cost to the applicant, the New Jersey Distinguished Service Medal