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TEXAS VETERANS COMMISSION

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Hazlewood Act Exemption Policy Advisory 2014-01

Reference: Guidance on Determining Qualifying Service on DD Form 214, 40 TAC § 461.20(13)

Purpose: To provide guidance on how to interpret a DD Form 214 to determine if a veteran has qualifying service for the Hazlewood Act Exemption.

The DD Form 214 is the primary document used to determine a veteran and, through him or her, a spouse or child qualifies for the exemption. It is used to verify the following qualifications:

1. Home of Record or Place of Entry into Active Duty is Texas.
2. An “honorable discharge”.
3. At least 181 days of qualifying service.

Generally, the Member – 4 copy of the DD Form 214 should be used to verify a veteran’s qualification for the Hazlewood Act Exemption. If a veteran has lost his or her Member – 4 copy, the other permissible copies of the DD Form 214 are:

- Service – 2
- Veterans Administration – 3
- Department of Labor – 5
- State Director of Veterans Affairs – 6
- Service – 7
- Service – 8

The Member – 1 copy is not permissible copy because it does not contain Block 24, Character of Service in the Special Additional Information section (*see sample DD Form 214, pg. 2 for this and all references to the form*) which indicates if the veteran’s service was honorable as required by statute. The NA Form 1038, Certification of Military Service can be used to prove honorable service only if the National Archives has confirmed in writing that they do not have a copy of the veteran’s DD Form 214.

Each service has different methods in completing the DD Form 214. Even within the same service, different installations within that service may have slightly different terms or methodology. Therefore, the following general guidance should be considered for each qualification. Schools should contact the Texas Veterans Commission if they have any questions.

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY
This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle)		2. DEPARTMENT, COMPONENT AND BRANCH		3. SOCIAL SECURITY NUMBER	
4a. GRADE, RATE OR RANK	b. PAY GRADE	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)		
7a. PLACE OF ENTRY INTO ACTIVE DUTY		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)			
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND			b. STATION WHERE SEPARATED		
9. COMMAND TO WHICH TRANSFERRED				10. SGLI COVERAGE <input type="checkbox"/> NONE AMOUNT: \$	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)			12. RECORD OF SERVICE		
A			a. DATE ENTERED AD THIS PERIOD	YEAR(S)	MONTH(S)
			b. SEPARATION DATE THIS PERIOD		
			c. NET ACTIVE SERVICE THIS PERIOD		
			d. TOTAL PRIOR ACTIVE SERVICE		
			e. TOTAL PRIOR INACTIVE SERVICE		
			f. FOREIGN SERVICE		
			g. SEA SERVICE		
			h. INITIAL ENTRY TRAINING		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)			14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)		
M					
15a. COMMISSIONED THROUGH SERVICE ACADEMY				YES	NO
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)				YES	NO
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If Yes, specify amount of commitment.)				YES	NO
16. DAYS ACCRUED LEAVE PAID	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			YES	NO
18. REMARKS					
The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.					
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)			b. NEAREST RELATIVE (Name and address - include ZIP Code)		
20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) OFFICE OF VETERANS AFFAIRS				YES	NO
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)				YES	NO
21.a. MEMBER SIGNATURE	b. DATE (YYYYMMDD)	22.a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature)		b. DATE (YYYYMMDD)	
		E			
SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)					
23. TYPE OF SEPARATION		24. CHARACTER OF SERVICE (Include upgrades)			
25. SEPARATION AUTHORITY		26. SEPARATION CODE		27. REENTRY CODE	
28. NARRATIVE REASON FOR SEPARATION					
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD)				30. MEMBER REQUESTS COPY 4 (Initials)	

DD FORM 214, AUG 2009 PREVIOUS EDITION IS OBSOLETE. MEMBER - 4

Required Qualification: Home of Record or Place of Entry into Active Duty is Texas

In the current DD Form 214, the Home of Record at Time of Entry is indicated in Block 7b and the Place of Entry into Active Duty is indicated in Block 7a. At least one of these must have Texas listed. If neither block lists Texas, then the burden of proof is on the veteran to prove that he or she would have qualified for resident tuition according to the procedures of Subchapter B, Tex. Ed. Code § 54. A copy of a high school diploma or a transcript with a graduation or withdrawal date less than one year prior to the date the veteran entered active duty is sufficient to meet the above requirement. The verification of proof of Texas residency documentation ultimately rests with the school.

Required Qualification: An “Honorable Discharge”

Honorable discharge is in quotes because technically, most veterans with a DD Form 214 are being released from active duty with an additional service obligation and not discharged, which means the veteran has no additional service obligation. For Hazlewood qualifying purposes, this distinction is irrelevant and discharge is a general term that indicates a veteran has received a DD Form 214. In the current DD Form 214, an honorable discharge is indicated by the Character of Service in Block 24.

The current authorized entries in Block 24 (according to DoDI 1336.01, Aug. 20, 2009) along with qualification status are:

- Honorable – Qualifying service for the Hazlewood Act Exemption.
- Under Honorable Conditions (General) – Qualifying service for the Hazlewood Act Exemption.
- Under Other Than Honorable Conditions– *Not* qualifying service for the Hazlewood Act Exemption.
- Bad Conduct – *Not* qualifying service for the Hazlewood Act Exemption.
- Dishonorable – *Not* qualifying service for the Hazlewood Act Exemption.
- Uncharacterized – *Not* qualifying service for the Hazlewood Act Exemption.

Sometimes, the characterization of service is listed as “General” or “Under Honorable Conditions”. These two characterizations are acceptable for qualifying service, as well as any other wording that indicates the service was honorable. Uncharacterized service is not acceptable because that characterization is only given to individuals who separate prior to completing 180 days of military service, or when discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad. As such, it cannot be definitively termed as honorable.

Required Qualification: At Least 181 days of Qualifying Service

The veteran’s service component may impact his or her eligibility for the Hazlewood Act Exemption. Each service of the Armed Forces of the United States has two different components: a Regular (or Active) component and a Reserve component (in two cases, two Reserve components). For the Army, the Regular component is the United States Army (USA) and the Reserve components are the Army National Guard of the United States (ARNGUS) and the United States Army Reserve (USAR). For the Marine Corps, the Regular component is the United States Marine Corps (USMC) and the Reserve component is the United States Marine Corps Reserve (USMCR). For the Navy, the Regular Component is the United States Navy (USN) and the Reserve component is the United States Navy Reserve (USNR). For the Air Force, the Regular component is the United States Air Force and the Reserve components are the Air National Guard of the United States (ANGUS) and the United States Air Force Reserve (USAFR). For the Coast Guard, the Regular component is the United States Coast Guard (USCG) and the Reserve

component is the United States Coast Guard Reserve (USCGR). The current version of the DD Form 214 lists the veteran's component in Block 2.

The United States Public Health Service (PHS) Commissioned Corps and the National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps are classified as uniformed services and not Armed Forces. Therefore, service as a PHS or NOAA commissioned officer does not qualify an individual for the Hazlewood Act Exemption.

Additional service that is not qualifying because it is considered equivalent to initial entry training under 40 TAC § 461.20(11) includes:

- One Station Unit Training (OSUT) (Army).
- Officer Candidate School (OCS) (Army, Navy, Coast Guard), Officer Candidates School (Marine Corps), Officer Training School (OTS) (Air Force).
- Cadet or Midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, United States Coast Guard Academy, or United States Merchant Marine Academy.
- Cadet Candidate or Midshipman Candidate at the United States Military Academy Preparatory School, Naval Academy Preparatory School, United States Air Force Academy Preparatory School, or any other service academy preparatory program.

Evaluation Methodology for Regular Components:

- Most veterans that have only one Regular component DD Form 214 will have a Net Active Service This Period (Block 12c of the current DD Form 214) of at least the minimum standard enlistment. For most services, this is three years; it is four years in the USMC. You can generally assume that a regular component veteran that has active service at least or in excess of the minimum standard enlistment meets the 181 day requirement for the Hazlewood Exemption. This is true for both enlisted and officer veterans.
- For veterans who did not serve the minimum standard enlistment, check Block 11, Primary Specialty, to determine how long the veteran served in his or her military occupational specialty. If the time period listed in that specialty is greater than 181 days (it will probably be listed in months, so if it lists six months, you may have to count out start and end dates) then that person should qualify.

Evaluation Methodology for Reserve Components:

- Generally, a veteran whose entire military career has been in a Reserve component will need at least two DD Form 214s to qualify for the Hazlewood Exemption. This is because the first DD Form 214 that a Reserve component service member receives is when he or she is released from active duty to his or her Reserve unit upon completion of initial training. When the service member is mobilized for a contingency operation, then he or she will then receive a second DD Form 214 reflecting the additional active service. This active service as well as any active service on subsequent DD Form 214s should be used to calculate the 181 day minimum.
- There are exceptions to the above generalization. For instance, soldiers in the Army National Guard and Army Reserve in the Split Training Option program attend basic training in between their junior

and senior year of high school. They then attend Advanced Individual Training in the summer after they graduate from high school. In this case the soldiers will have two DD Form 214s but will need at least a third DD Form 214 in order to meet the 181 day minimum.

- An additional exception to the generalization is when a Reserve component service member completes initial entry training and then immediately transitions into a Reserve component full-time support program. These programs have a variety of names, such as the Active Guard Reserve program (Army and Air Force), Full-Time Support (Navy), Active Reserve (Marine Corps), and Reserve Program Administrators (Coast Guard). In this case, the veteran’s DD Form 214 should be treated the same as a Regular component veteran’s DD Form 214.

Abbreviations for components can be complicated and the methodology varies by service and has changed over the years. Current examples are:

RA: Regular Army	USMCR: Marine Corps Reserve
USMC: Regular Marine Corps	USNR: Navy Reserve
USN: Regular Navy	USNFR: Fleet Reserve
USAF: Regular Air Force	ANGUS: Air National Guard
USCG: Regular Coast Guard	USAFR: Air Force Reserve
ARNGUS: Army National Guard	USCGR: Coast Guard Reserve
USAR: Army Reserve	

Other Factors for Consideration

The Tex. Ed. Code § 54.341(a)(4) states that veterans applying for the Hazlewood Act Exemption must be “honorably discharged”. Therefore, the Separation Date This Period in Block 12b must be before the start date for the term the exemption is being used.

When evaluating a DD Form 214 for a Texas Army National Guard or Air National Guard member, the service indicated must be under Title 10, United States Code (Federal Duty). Service under Title 32, United States Code (State Duty) should not be considered qualifying service.

Interpretation of Hazlewood eligibility status can be a complicated issue. Schools are encouraged to contact the Texas Veterans Commission if they have any questions. Any students who are currently enrolled and granted the exemption, and who are affected by this advisory may continue to receive the exemption as long as they stay continuously enrolled across two long semesters (Fall, Spring).

/s/
Rufus Coburn
Director

RC:cb:IHL:S9999-12-HAE: 461.20(13)

Posted: June 18, 2014