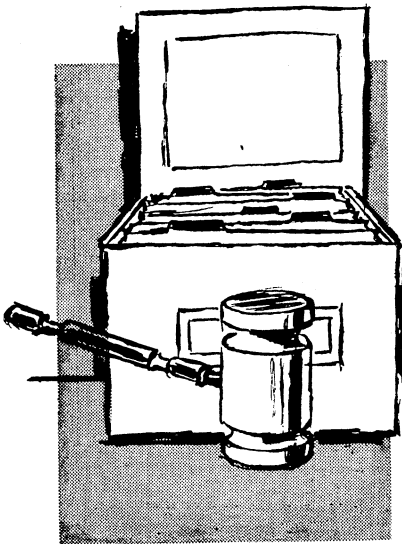




CHAPTER VII

General

RECOMMENDATION NO. 67

The Commission recommends that under given circumstances a conditional discharge should be treated as a final discharge for benefit purposes.

Background to Recommendation:

Section 101 (2) of Title 38 USC provides that "the term 'veteran' means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable." In the opinion of the Veterans Administration, this definition requires a definite break from service. Therefore, those who receive a discharge or release from one active status for the purpose of immediate assumption of another active status have not received a discharge or release within the meaning of the subsection. The entire service involved is continuous and constitutes one period of active service except in the event the person was eligible for complete separation and could have returned to civilian life if he had so desired.

The VA has encountered cases where servicemen have had eight or nine years of service and, although conditionally discharged after three or four years of such service, were ineligible for disability compensation or pension