

because they were not completely separated from service prior to discharge under dishonorable conditions. In many of these cases the period of service began during peacetime, extended into a period of war, and was ended by dishonorable discharge long after the termination of the war. Some of these veterans had combat service and served honorably and faithfully during the full period of the war, but committed acts constituting willful and persistent misconduct during the past part of their service.

In other cases, the veteran's widow and children may suffer. If a veteran dies after receiving a discharge under dishonorable conditions, his widow and orphans are not eligible to receive survivors' benefits based on his service prior to a previous conditional discharge.

The Veterans Administration has pressed for amendment to permit benefits on the basis of conditional discharges for the period involved. H.R. 9241, 90th Congress, which would accomplish this, is now before the House Veterans Affairs Committee.

The Commission supports the VA position and recommends that legislative action be taken to recognize conditional separation from service as a complete separation under given circumstances so that such service may be recognized for establishing entitlement to VA benefits.

RECOMMENDATION NO. 68

The Commission recommends establishment of a deemed valid marriage provision for the wife of a veteran.

Background to Recommendation:

Whenever a widow cannot establish validity of her marriage to a veteran, but it is established that "she, without knowledge of any legal impediment, entered into a marriage with such veteran which, but for a legal impediment, would have been valid, and thereafter cohabited with him for one year or more immediately before his death, or for any period of time if a child was born of the purported marriage or was born to them before such marriage, the purported marriage shall be deemed to be a valid marriage, but only if no claim has been filed by a legal widow of such veteran who is found to be entitled to such benefits." (38 USC 103 (a)) This provision recognizes that the nation