

BURIAL EXPENSES OF CERTAIN DECEASED VETERANS

MARCH 14, 1963.—Ordered to be printed

Mr. BYRD, of Virginia, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H.R. 212]

The Committee on Finance, to whom was referred the bill (H.R. 212) to amend section 904, title 38, United States Code, so that burial allowances might be paid in cases where discharges were changed by competent authority after death of the veteran from dishonorable to conditions other than dishonorable, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

The Veterans' Administration today is authorized to pay not more than \$250 to cover the burial and funeral expenses of a deceased war veteran, a veteran discharged from service for a disability incurred or aggravated in line of duty, or a veteran in receipt of or entitled to receive disability compensation. Discharges must be under other than dishonorable conditions. Claims must be filed within 2 years after burial.

The subject bill would extend the time limitation for filing a claim for burial allowance in any case where a veteran's discharge has been corrected, after death, to one under conditions other than dishonorable to 2 years from date of correction or 2 years from the date of the bill's enactment, whichever is later. The committee believes this bill is equitable and concurs in the favorable report of the Veterans' Administration.

The Veterans' Administration advises there are no data available on which to predict an estimate of cost but it is believed relatively few cases will be affected and the cost will not be significant.

DEPARTMENTAL REPORT

The favorable report of the Veterans' Administration follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., February 18, 1963.

HON. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to furnish the following comments in response to your request for a report by the Veterans' Administration on H.R. 212, 88th Congress, an act to amend section 904, title 38, United States Code, so that burial allowances might be paid in cases where discharges were changed by competent authority after death of the veteran from dishonorable to conditions other than dishonorable.

Under existing law (38 U.S.C. 902) the Veterans' Administration is authorized to pay a sum not exceeding \$250 to cover the burial and funeral expenses of a deceased war veteran, a veteran discharged from service for a disability incurred or aggravated in line of duty, or a veteran in receipt of or entitled to receive disability compensation. It is required that a claim for this burial allowance be filed within 2 years after burial, with an additional year allowed from date of notification by the Veterans' Administration in which to submit necessary evidence.

H.R. 212 does not create a new class of persons eligible for the benefit, but is directed toward the situation where a discharge originally issued under conditions other than honorable is corrected by competent authority after his death—either upon his own application theretofore filed, or upon the application of his next of kin or legal representative. If the action of the correcting board or other authority is accomplished while a sufficient amount of the 2-year delimiting period remains for an application for burial allowance to be filed with the Veterans' Administration, no problem exists. However, if such action is delayed beyond the 2 years we are forced to deny the claim.

H.R. 212 would correct this situation by adjusting the time for filing a claim to provide that all persons will have an equal period of time to apply for the burial allowance, once the eligibility to receive it exists. Specifically, H.R. 212 would extend the time limits for filing a claim for the burial allowance in any case where a veteran's discharge has been corrected, after death, to one under conditions other than dishonorable, to 2 years from date of correction or 2 years from the date of the bill's enactment, whichever is later.

In view of the fact that the principal purpose of granting a corrected discharge is to remedy an injustice and afford equitable relief the objective sought to be accomplished by the bill would seem to be justified and would be consistent in principle with other provisions of the laws we administer. For example, 38 U.S.C. 3010(1), provides that, under certain conditions, monthly benefits, such as compensation or pension, may be awarded retroactively to the date on which application was filed with the service department for correction of the discharge.

We would favor the enactment of this bill. There is no data available upon which to predicate an estimate of the cost which would result from its enactment. However, it is believed that relatively few cases would be affected and that the cost would not be significant.

We were advised by the Bureau of the Budget with respect to a similar report on this bill to the chairman, House Committee on Veterans' Affairs, that there was no objection from the standpoint of this administration's program to the presentation of the report to that committee.

Sincerely,

J. S. GLEASON, Jr., *Administrator.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SECTION 904, TITLE 38, UNITED STATES CODE

§ 904. Claims for reimbursement

Applications for payments under section 902 of this title must be filed within two years after the burial of the veteran. *If the burial allowance was not payable at the death of the veteran because of the nature of his discharge from the service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from whichever last occurs, the date of correction of the discharge or the date of enactment of this sentence.* If a claimant's application is incomplete at the time it is originally submitted, the Administrator shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

