

VETERANS PREFERENCE IN APPOINTMENTS

Military retirees at or above the rank of major are not eligible for preference in appointment unless they are disabled veterans. (This does not apply to Reservists who will not begin drawing military retired pay until age 60.)

Active duty for training or inactive duty by National Guard or Reserve members does not qualify as "active duty" for preference.

For purposes of this chapter (see the OPM Vet Guide) and 5 U.S.C. 2108, "war" means only those armed conflicts declared by Congress as war and includes World War II, which covers the period from December 7, 1941, to April 28, 1952.

To receive veterans preference in appointments, a veteran must have been discharged or released from active duty in the Armed Forces under honorable conditions (i.e., with an honorable or general discharge). As defined in 5 U.S.C. 2101(2), "Armed Forces" means the Army, Navy, Air Force, Marine Corps and Coast Guard. The veteran must also be eligible under one of the preference categories below:

Five Point Preference is given to those veterans who served in the Armed Forces:

- 1) During a war; or
- 2) During the period April 28, 1952 through July 1, 1955; or
- 3) For more than 180 consecutive days, other than training, any part of which occurred after January 31, 1955, and before October 15, 1976; or
- 4) During the Gulf War from August 2, 1990 through January 2, 1992. This means that anyone who served on active duty during the Gulf War, regardless of where or for how long, is entitled to preference if otherwise eligible (i.e., have been separated under honorable conditions and served continuously for a minimum of 24 months or the full period for which called or ordered to active duty). This applies not only to candidates seeking employment, but to Federal employees who may be affected by reduction in force, as well; or
- 5) For more than 180 consecutive days, other than training, any part of which occurred during the period beginning September 11, 2001 and ending on August 31, 2010, the last day of Operation Iraqi Freedom; or
- 6) In a campaign or expedition for which any Armed Forces Expeditionary Medal or Campaign Badge has been authorized including Bosnia, El Salvador, Global war on Terrorism, Grenada, Haiti, Lebanon, Panama, Somalia, and Southwest Asia qualifies for preference; or
- 7) Is a campaign medal holder or Gulf War veteran who originally enlisted after

September 7, 1980, (or began active duty on or after October 14, 1982, and has not previously completed 24 months of continuous active duty) must have served continuously for 24 months or the full period called or ordered to active duty.

Ten Point Preference is given to those veterans (or eligible family member) if they served in the Armed Forces:

- 1) At any time and have a compensable service-connected disability; or
- 2) Have a present service-connected disability or is receiving compensation, disability retirement benefits, or pension from military or the Department of Veteran Affairs; or
- 3) Is a Purple Heart recipient; or
- 4) The spouse of veterans unable to work because of a service connected disability; or
- 5) The unmarried widow of certain deceased veterans; or
- 6) The mother of a veteran who died in service; or
- 7) The mother of a living permanently or totally disabled veteran

NOTE: Both a mother and a spouse (including widow or widower) may be entitled to preference on the basis of the same veteran's service if they both meet the requirements. However, neither may receive preference if the veteran is living **and** is qualified for Federal employment.

5 U.S.C. 2108 and 3309; 38 U.S.C. 5303A