



Oregon

COUNTY VETERANS SERVICE OFFICERS' ASSOCIATION

March 17, 2021

House Committee on Veterans and Emergency Preparedness
State Capitol
Salem, OR

Re: House Bill 2856-1 Amendments

Dear Chair Evans and Vice-Chairs Lewis & Meek:

The Oregon County Veterans Service Officers' Association supports your efforts to expand the state definition of "veteran" set forth at ORS 408.225 as there currently are individuals who qualify as a "veteran" under federal law, but who aren't able to satisfy the current state definition.

Recognizing the federal Department of Veteran Affairs' (VA) ability to administratively consider the totality of an individual's service and to find they served "honorably for VA benefit purposes" goes a long way to addressing the majority of situations where we see a disparity in treatment under federal versus state law.

However, there are still instances where one may be injured while on Active Duty for Training (ADT) purposes and be found eligible for VA benefits and be considered a "veteran" under federal law but who would still appear to fail the veteran-test set forth in HB 2856-1. The proposed changes to ORS 408.225 still appear to require some amount of Active Duty regardless of any injuries or health issues which arise from their ADT. Accordingly, to address this inequity, we believe the following language, as an additional subsection of the state definition, would allow those injured during a period of ADT and recognized as a veteran under federal law to also satisfy the state definition:

"Those who have a service-connected condition as determined by the federal Department of Veteran Affairs."

Furthermore, to assist with the administration of state veteran benefits, we also suggest clarification of Section (3)(G) (at line 2 on page 5 of the -1 amendment). As you may know, Guard and Reservists who satisfy the service requirement to qualify for retirement benefits (typically 20 years) are not actually eligible for those benefits until they reach a certain age (historically this was 60 years of age, but certain types of deployments can reduce the qualifying age). The individuals who have satisfied their 20-year service requirement are typically issued a "20 year Notice of Eligibility (NOE) Letter." As currently drafted, this section could cause confusion about whether these "gray area" retirees satisfy the definition since they are not truly "eligible to receive retirement benefits" until they meet their specific age requirement.

Accordingly, if the intent is to include these “gray area” retirees in the state definition of veteran, subsection (G) could be amended to read:

“(G) Served under honorable conditions as a member of a reserve component and is receiving retirement benefits or has satisfied their service obligation to be eligible for retirement benefits.”

Additionally, if the intent is to include these “gray area” retirees in the definition then specifically adding “20 year Notice of Eligibility (NOE) Letter” to the list of documents acceptable to establish veteran status for preference purposes (Section 1(2) starting at line 8 of page 1 of the -1 Amendments) would make administration of this benefit easier for public agencies. While the catch-all provision of “any other documentation demonstrating preference eligibility” should suffice, spelling out this specific form would clearly establish the intent to include “gray area” retirees.

More information regarding military retirees in this gray area is available at the following website,; <https://www.hrc.army.mil/content/Gray%20Area%20Retirements%20Branch> (last accessed March 17, 2021 at 2:14 PDT).

In closing, we want to thank you for addressing the disparities which the current state definition has created. Many of our members have worked with individuals receiving VA benefits but who have been told by state or local employees that they are not eligible for a particular state benefit due to them “not meeting the state definition of veteran.” However, while this is a technical assessment of the minutia of their service compared to this statute, what these individuals often hear is that their sacrifices and service is not worthy enough for the State of Oregon. It is heartening to see that you are working hard to recognize that service and sacrifice may be broader than currently recognized in ORS 408.225.

Thank you for your consideration of this information and please do not hesitate to reach out to either of us with any questions, concerns or requests for additional information.

Respectfully yours,

Adam Williams
President

Joseph Reiley
Vice President and
Legislative Liaison