DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3231

06 MAY 2002

NGB-PL

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM, AND THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

SUBJECT: All States (Log Number P02-0001) National Guard Support for Military Funeral Honors for Veterans

1. References:

a. Title 10, United States Code, Sections 1074a, 1076(a)(2)(E), 1204(2)(C), 1206(2)(B), 1481(a)(2)(F), 1491, 1588(a)(4), 12503, 12552 and 12732(a)(2)(E), 12733(4), (http://uscode.house.gov/).

b. Title 28, United States Code, Chapter 171.

c. Title 32, United States Code, Sections 114 and 115, (http://uscode.house.gov/).

d. Title 37, United States Code, Sections 204(h)(1)(E), 206 and 435, (http://uscode.house.gov/).

e. Title 38, United States Code, Section 101, Chapters 23 and 4303, (http://uscode.house.gov/).

f. Department of Defense Instruction (DoDI) 1215.19, 12 Dec 00, Uniform Reserve, Training and Retirement Category and Administration with C1 dated, 8 Mar 01 (http://www.dtic.mil/whs/directives/corres/ins1.html).

g. Air Force Instruction (AFI) 34-242, 8 Feb 01, Mortuary Affairs Program, (http://afpubs.hq.af.mil/).

h. Department of Defense Directive (DoDD) 1300.15, 11 Jan 01, Military Funeral Support, (http://web7.whs.osd.mil).

i. Office of Secretary of Defense (OSD) Military Funeral Honors Policy Memorandum, 10 Dec 99.

2. This memorandum provides guidance for National Guard participation in the Department of Defense (DoD) plan for providing appropriate military funeral honors for veterans. Effective January 2000, upon request of the next-of-kin (NOK) or authorized

representative through the appropriate DoD access system, the military services are responsible for rendering funeral honors for all eligible veterans. The Adjutants General (TAG) of each state and territory and the commanding general of the District of Columbia are designated as the approval authority for National Guard participation in funeral honors support requirements for their respective states, territories or the District of Columbia.

3. Definition: The rendering of military funeral honors is the ceremonial paying of respect and the final demonstration of the country's gratitude to those who, in times of war and peace, have faithfully defended our nation. The provision of military funeral honors is designated a total force mission. Both active and reserve component members may perform this mission.

4. National Guard Bureau (NGB) Policy:

a. The National Guard, as part of the total force, will participate in providing military funeral honors (MFH), if requested by the NOK or family representative, consistent with NGB and DoD policy. In addition, the Air National Guard (ANG) will follow implementation guidance in Chapter 8 (Base Honor Guard Program and Conduct of Funerals), AFI 34-242 (Mortuary Affairs). The Army National Guard (ARNG), as part of the Total Army, will follow Army implementation guidance for MFH when published. NGB provides this memorandum as guidance.

b. The mandatory minimum ceremony consists of the ceremonial folding and presentation of the United States flag to the appropriate NOK, family member or representative, and the playing of taps. This requires a minimum of two uniformed members in addition to a bugler, if available. One of the uniformed military persons will be a member of the deceased veteran's parent service and shall present the flag to a family member or other appropriate individual. The military services may provide additional elements of honors and other authorized providers may augment the military service honors detail for the purpose of expanded honors as deemed appropriate.

c. National Guard members performing MFHs are authorized the same rights, benefits and protections as provided members performing inactive-duty training. The following are some of the protections that would be granted to members on Inactive Duty for Training (IDT).

(1) Incapacitation Pay: Members serving on funeral honors duty status are entitled to incapacitation pay in accordance with (IAW) applicable laws and regulations.

(2) Tort Claims Protection: Members are covered under Federal Tort Claims Acts, IAW Reference 1.b.

(3) Re-employment rights while in a Military Funeral Honors Duty (MFHD) status is IAW 38 USC, Chapter 43.

(4) Medical care for in line of duty injuries or illnesses, reference 1.a. (10 USC 1074a).

d. National Guardsmen on full-time active duty including military technicians, Active Guard Reserves (AGRs) and those persons performing Active Duty Special Work (ADSW) may perform MFH functions without counting against the active duty end strengths of the armed forces.

5. Military Technicians: Military technicians include dual status and non-dual status technicians, thus the use of technicians include both uniformed and competitive employees.

a. Use of Military Technicians for MFH. Military technicians may be used in a technician status to administer, plan, train, and prepare military funeral honors details for performance of funeral honors. Technicians may volunteer to perform military funeral honors as part of a detail, in appropriate leave status.

b. Appropriate Leave Status. When Military Technicians perform military funeral honors as part of a detail, they must be placed in a military duty status with appropriate documentation and take appropriate leave from their technician position. The following duty statuses in combination with leave statuses may be used for technicians performing military funeral honors.

(1) "Funeral Honors Duty" Status (32 U.S.C. 115) while on administrative leave.

(a) Technicians may perform military funeral honors duty while in an Administrative Leave status for retirement point credit only. In order to receive retirement point credit, the technician must be in a "funeral honors duty" status for a period of at least 2 hours. The federal $50 allowance or member's base rate of pay will not be paid to technicians performing military funeral honors while on administrative leave.

(b) Administrative leave for this purpose may only be granted to cover each period of travel to and from the burial site, and the performance of the funeral honors. The number of instances of administrative leave granted for funeral honors duty will be determined by the TAG, utilizing the standards in 5 C.F.R. 610, Subpart C.

(c) Technicians on administrative leave and in a "funeral honors duty" status may be reimbursed for travel and transportation expenses incurred, if such duty is performed at a location 50 miles or more from the member's residence.

(2) "Funeral Honors Duty" Status (32 U.S.C. 115) while on annual leave, compensatory leave, leave without pay or military leave status.

(a) Technicians may perform military funeral honors duty and collect the federal $50 allowance or base rate of pay, and retirement point credit, while in either an annual leave, compensatory leave, leave without pay status or military leave status. In order to receive the $50 allowance or base rate of pay and retirement point credit, the technician must be in a "funeral honors duty" status for a period of at least 2 hours.

(b) Technicians may be reimbursed for travel and transportation expenses incurred, if such duty is performed at a location 50 miles or more from the member's residence.

(3) "State Active Duty" Status.

(a) Technicians may be granted administrative leave, annual leave, compensatory leave, or leave without pay, to perform military funeral honors duty while in a "state active duty" status.

(b) Administrative leave for this purpose may only be granted to cover each period of travel to and from the burial site, and the performance of the funeral honors. The number of instances of administrative leave granted for funeral honors duty will be determined by the TAG in accordance with 5 C.F.R. 610, subpart C.

(c) The federal $50 allowance, base rate of pay, travel and transportation reimbursement, and retirement point credit are not available to technicians performing military funeral honors in "state active duty" status.

(4) Full Time National Guard Duty for Special Work (FTNGDSW) Military Personnel Authorization (MPA) mandays.

(a) Technicians may utilize FTNGDSW and MPA mandays, as authorized, in an appropriate leave status. Appropriate types of leave include annual leave, compensatory leave, leave without pay, and military leave.

(b) Administrative leave may not be granted to technicians in a FTNGDSW or MPA status since the appropriate leave, while in either status, is military leave under 5 U.S.C. Section 6323.

(c) Use of IDT (i.e., regularly scheduled drills), Annual Training (AT), and Active Duty for Training (ADT) status will not be used for support of military funeral honors for veterans. These are specifically prohibited by statute.

6. AGR Personnel:

a. Title 32 AGR personnel may be used to organize, administer, recruit, train and instruct personnel for military funeral honors duty.

b. Title 32 AGR personnel may not be used to perform military funeral honors duty.

7. Traditional Personnel: Members may choose between the funeral honors duty allowance and base rate of pay, or active duty MPA (ANG) FTNGDSW (ARNG) method, when available.

8. Retirees:

a. Military retirees who are requested by a military service (Army or Air Force) and volunteer to perform MFH duties are authorized to receive pay for performing those duties at the funeral of a veteran. Those retiree volunteers will augment the required minimum of two armed forces personnel to perform MFH duties.

b. Allowance: Military retirees who are requested to perform funeral honors duty will receive an allowance, which is currently $50. The allowance will be paid only if requested by a military service. The retiree will not forfeit any retired or retainer pay, disability compensation, or any other compensation received.

9. Procedure:

a. Standardization and Quality Control: The military services are responsible to ensure proper decorum for funeral honors including appropriately trained personnel and proper equipment, standardized honors procedures, and quality control of funeral honors details consistent with Departments of the Army and Air Force guidance. The adjutant general will ensure that the standards established by the Departments of the Army and Air Force are maintained for those funerals supported by the National Guard within their state, territory or the District of Columbia.

b. Taps: A bugler is preferred, either military or civilian. There will be an active search for a bugler; if none is available, the individual in charge of military funeral honor details may play a recorded version of Taps using audio equipment, which the detail provides, if adequate audio equipment is not otherwise available for use at the funeral site. Buglers and sound systems should be out of sight of the funeral party. Civilian buglers may be contracted or volunteer their services. As volunteers, they may be placed on invitational orders and execute a voluntary services agreement and provide transportation, or reimbursement for transportation and expenses when serving as a member of a military funeral honors detail supported by the National Guard.

c. Other DoD Authorized Providers (APs): The adjutant general may establish on-going liaison and formal agreements with APs within their state to assist them with obtaining DoD recognition, training and support (IAW reference h, enclosure 3 (E3) and other applicable regulations). APs include Veteran Service Organizations (VSOs), State Military Funeral Honors Programs, other appropriate individuals and organizations which support the rendering of funeral honors.

(1) TAG may authorize the use of APs to perform, augment and supplement National Guard military funeral honors details. The adjutants general are encouraged to make training available to APs according to the established Army (for ARNG details) or Air Force (for ANG details) standards for military funeral honors protocol. Issue MFH certificates and pins to VSO/AP upon completion of training.

(2) Authorized providers may utilize military clothing sales stores to obtain appropriate uniforms, decorations and insignias in accordance with DoD and appropriate services policies.

d. Coordination of Requests:

(1) ARNG - The adjutant general is encouraged to designate a National Guard Military Funeral Honors Coordinator as the state's primary point of contact to receive and coordinate requests for National Guard support for military funeral honors. Information relating to state coordinators will be provided to the NGB point of contact (POC), see 12. a. below.

(2) ANG - Requests for MFH coordination will occur within the established Air Force program Areas of Responsibility (AOR) as found in AFI 34-242, see reference 1. g. Areas of responsibility are managed by active duty Air Force bases. Air National Guard units support the active duty mission as resources allow. Units supporting a funeral detail as requested by State sponsored funeral honors program should coordinate these needs with the active duty base owning the AOR. When another DoD Service component needs the assistance of the ANG, they will coordinate with the active duty base owning the AOR. This includes the ARNG.

e. Requests for funeral honors support may be directed to the DoD Centralized Toll Free Access system at (1-877-MIL-HONR, 1-877-645-4667).

f. Information/Communication: The DoD, through the Department of the Air Force as executive agent, is chartered to establish and maintain information systems for access by funeral directors, veterans, and families for the purpose of assisting them in obtaining funeral honors and registering those groups authorized to provide honors. This includes the DoD Military Funeral Honors Information Web Site at http://www.militaryfuneralhonors.osd.mil.

g. Information and Reporting Requirements: The adjutant general will designate a representative to collect standardized data on all military funeral honors rendered by the National Guard of their respective state, territory or the District of Columbia. This information will be transmitted to the Defense Manpower Data Center (DMDC) via the web site at: https://www.dmdc.osd.mil/fhdb/owa/fhdb_main.Login.

10. Pay Entitlements:

a. The National Defense Authorization Act (NDAA) for Fiscal Year 2001 authorized the payment of basic pay to members of the reserve components in the inactive duty Funeral Honors Duty Status performed on or after 1 October 2000.

b. Effective 1 October 2000 a member may be paid either basic pay or the $50 Funeral Honors Duty Allowance (FHDA), whichever is greater. Entitlements are not authorized for the same period of duty, nor are two periods of Funeral Honor Duty status authorized on the same day.

c. When basic pay or FHDA is paid, it is subject to withholding for Federal Income Tax Withholding (FITW), State Income Tax Withholding (SITW) and Federal Insurance Contributions Act (FICA).

d. Initial distribution of MFH funds will be based upon funds available and procedures established by the appropriate ARNG and ANG program managers. Army National Guard and ANG program managers will establish procedures for subsequent distribution of funds to support MFHs based upon funds available and participation data input by states as derived from DMDC reports.

11. This memorandum will expire 1 year from date of publication unless sooner rescinded or superseded.

12. Military Funeral Honors Points of Contact:

a. The ARNG point of contact for military funeral honors is Mr. Ross McCullough, DSN: 327-5808 or 703 607-5808. The alternate is MAJ Tom McCloskey, DSN: 327-5907 or 703 607-5907.

b. The ANG point of contact for military funeral honors is Major Jay Kent, DSN: 278-8166 or 301 836-8166. The alternate is Mr. Jim Bennett at DSN: 278-8188 or 301 836-8188.

c. For ARNG pay entitlements policy, contact Mr. Michael Comer at DFAS Indianapolis, Commercial: (317) 510-3987.

d. For ANG pay entitlements policy, SMSgt Lori May, ANG/FMFS , DSN: 327-0868 or 703 607-00868.

e. The point of contact for NGB policy relating to National Guard Support of Military Funeral Honors is Lt Col Paul Vann, Chief, Policy Branch, Office of Policy and Liaison, DSN 327-0945 or 703 607-0945.

f. For questions relating to finance, legal, or human resources issues, contact your state's local office.

FOR THE CHIEF, NATIONAL GUARD BUREAU:

Raymond F. Rees

RAYMOND F. REES
Major General, U.S. Army
Vice Chief, National Guard Bureau

CF:
NGB-IG
Each State IG
NGB-PL
NGB-HR
NGB-JA
NGB-ARZ
NGB-ARH
ANG/CF
ANG/SVX
ANG/FM
ANG/FMA