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DIRECTIVE: UNEMPLOYMENT INSURANCE PROGRAM LETTER 25-83

TO: ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM: ROYAL S. DELLINGER, Administrator for Regional Management

SUBJECT: UCX Narrative Reasons for Separation From Military Service

1. Purpose. To transmit clarifying information on narrative reasons for separation shown on dD Form 214 for determining UCX entitlement under 5 USC 8521, as amended by P.L. 97-362
2. Reference(s). 5 U.S.C. 8521, P.L. 97-362, 20 CFR , 614, UIPLs 9-83 and 13-83
3. Background. UIPL 13-83 announced that the Department of Defense (DOD) was developing clarifying information on narrative reasons for separation shown on DD form 214. DD provided questions and answers on narrative reasons for separation as shown on attachment "A", and information pertaining to each branch of the Armed Forces as shown on attachments "B" through "E".
4. Instructions. When a SESA determines an ex-servicemember has performed Federal Military Service for the purposes of paying UCX benefits under P.L. 97-362, it will first ascertain if the person was separated "under honorable conditions" , and if an officer, did not "resign for the good of the service", as cited in item 5a of UIPL 9-83. The SESA will then determine if the person is a member of the National Guard of Reserve Component having completed 180 days or more of continuous active duty, as shown in subitem 5a(3) of UIPL 9-83. If so, the SESA will determine that the person's period of military service is "Federal Service," which should be used to support UCX entitlement under the Act.
 - a. If the above ex-service member is not identified as a member of the National Guard or Reserve Component,

QUESTIONS AND ANSWERS PERTAINING TO UCX AMENDMENTS OF 1982

Question 1. How can it be determined that an ex-servicemember has completed the first full term of active service which the individual initially agreed to serve?

Answer. Item 28 of the DD Form 214 will contain narrative entries such as “Expiration term of service,” “Completion of active duty service commitment and other similar entries. Refer to the enclosed list of narrative separation reasons for each military service. As a general rule, Army enlisted ex-servicemembers with 3 or more years of active service shown in item 12c of the DD Form 214, have completed their first term of service. Army officers who have served 3 or more years of active duty will have completed the period of service they initially agreed to serve except those who are graduates of the US. Military Academy who must complete 5 years of active service or ROTC scholarship program graduates who must complete 4 years of active duty. Navy, Marine and Air Force enlisted ex-servicemembers will normally have completed 4 or more years of service as will officers of these military services. An exception is those officers who received flight training or are graduates of the U.S. Naval or Air Force Academy. These officers must have completed 5 or more years of service.

Question 2. When an individual has not completed the first full term of active service which the individual agreed to serve, how will SESA know if the individual’s period of service may be determined conditionally as federal service for the purpose of UCX entitlement under P.L. 97-362?

Answer. Ascertain as explained in item 5c of UIPL No. 9-83, if the individual met any one of the four required criteria outlined in order to qualify for UCX entitlement under 5 USC 8521(a)(1)(B) as amended by P.L. 97-362. In this regard, item 12c of the DD Form 214 will normally show that the ex-servicemember completed a shorter period of active service than outlined in the answer to question 1, Item 28 of the DD Form 214 should contain narrative entries such as “Hardship or Dependency,” “Pregnancy,” “Physical Disability (all reasons and circumstances),” “Short length of time remaining on active duty precludes re-assignment,” and other similar entries. Refer to the enclosed lists of narrative separation reasons that qualify as an exception for each military service. It should be noted that in order for an ex-servicemember to qualify for an exception because of “inaptitude”, the work “inaptitude” must be included in the narrative reason for separation.

Question 3. How can it be determined that ex-servicemembers serving on other than their first term of active service are qualified for UCX under P.L. 97-362?

Answer. Item 12C of the DD Form 214 may show that the ex-servicemember has completed more active service than outlined in the answer to question 1. For example, the net active service of a Navy or Air Force member may exceed 4 years. Additionally, item 13d of the DD form 214 may show that the ex-servicemember has completed prior active service that meets or exceeds that outlined on the answer to question 1. Any combination of prior active service in item 12d exceeds the amount of active service normally required for completion of a first period of active service will constitute “Constructive Completion” of a first period of active service. For example, a former Army servicemember who completed 1 year and 6 months of prior active service and 1 year and 6 months of active service on the current enlistment would be considered to have completed 3 years of active service and receive credit for “constructive completion” of the first period of service which he agreed to serve. In the examples outlined above, any narrative reason shown in item 28 of the DD 214 will qualify the individual for UEX except officers who resign for the good of the service and members who receive an “Under Other than Honorable Conditions Discharge,” a “Bad Conduct Discharge,” or a “Dishonorable Discharge.”

UNITED STATES ARMY REASONS FOR SEPARATION WHICH FIT THE CRITERIA FOR
UNEMPLOYMENT COMPENSATION IN ACCORDANCE WITH PUBLIC LAW 97-362

COMPLETION OF TERM OF ENLISTMENT OR SERVICE

- Expiration term of service
- Completion of required service (ETS)
- Disapproval of request for extension of service
- Disapproval of request for extension of service
- DISCHARGE OR RELEASE BEFORE COMPLETING FIRST FULL TERM OF ACTIVE SERVICE; BUT ELIGIBLE BECAUSE OF MEDICAL QUALIFICATION, PREGNANCY, EARLY RELEASE-CONVENIENCE OF GOVERNMENT, HARDSHIP, ETC.
- Hardship or dependency
- Pregnancy
- Physical disability (all reasons and circumstances)
- Did not meet procurement medical fitness standards – no disability
- Disability not in line of duty
- Failure to qualify medically for flight training – no disability
- Physical standards – no disability
- Physical disqualification for duty in MOS
- Discharge by competent authority without board action (failed to resign – failed to meet entrance physical requirements)
- Inability to perform prescribed duties due to parenthood
- Parenthood of married servicewomen
- Sole parent
- Christmas early release program
- Reduction in authorized strength
- Short term remaining on active duty – precludes reassignment
- To attend educational facility
- Service no longer required – surplus to requirements
- Surplus in grade
- Miscellaneous reasons (unqualified resignation)
 - Unsuitability – inaptitude
 - Personality disorder
 - Unsuitability – personality disorder
 - If the service was continuous for 365 days or more.

UNITED STATES NAVY REASONS FOR SEPARATION WHICH FIT THE CRITERIA FOR
UNEMPLOYMENT COMPENSATION IN ACCORDANCE WITH PUBLIC LAW 97-362

COMPLETION OF TERM OF ENLISTMENT OR SERVICE

- Completion of required service
- Expiration of enlistment
- Request for extension of service disapproved
- Expiration of active duty obligation and transfer to inactive reserve
- Transfer to the fleet reserve
- Fulfillment of service obligation
- Release from active duty and transfer to Naval Reserve
- DISCHARGE OR RELEASE BEFORE COMPLETING FIRST FULL TERM OF ACTIVE SERVICE; BUT ELIGIBLE BECAUSE OF MEDICAL QUALIFICATION, PREGNANCY, EARLY RELEASE-CONVENIENCE OF GOVERNMENT, HARDSHIP, ETC.
- Within three months of expiration of enlistment (Christmas early release, change of home ports, etc.)
- Insufficient time remaining to permit retention, but within 3 months of expiration or enlistment or obligated service
- General demobilization – reduction in authorized strength
- Within 3 months of fulfillment of service obligation
- Early release to attend school
- Hardship or demonstrated dependency
- Pregnancy
- Parenthood or child custody
- Early separation under an authorized program or circumstance
- Unsuitability – medical diagnosis other than physical disability
- Physical condition, not a disability interfering with performance of duty
- Physical disability (all reasons and circumstances)
 - Personality, character or behavior disorder
 - Unsuitability - personality disorder
 - Unsuitability - inaptitude
- Other physical/mental conditions, not a disability, interfering with performance of duty, personality disorder, obesity, motion sickness, overheight, etc.
 - If the service was continuous for 365 days or more.

UNITED STATES MARINE CORPS REASONS FOR SEPARATION WHICH FIT THE CRITERIA
FOR UNEMPLOYMENT COMPENSATION IN ACCORDANCE WITH PUBLIC LAW 97-362

COMPLETION OF TERM OF ENLISTMENT OR SERVICE

- Completion of term of enlistment or service
- Completion of active obligated service (USMCR)
- Completion of required active service (USMC) EAS
- Expiration of enlistment EOS
- Resignation (officers only)
- DISCHARGE OR RELEASE BEFORE COMPLETING FIRST FULL TERM OF ACTIVE SERVICE; BUT ELIGIBLE BECAUSE OF MEDICAL QUALIFICATION, PREGNANCY, EARLY RELEASE-CONVENIENCE OF GOVERNMENT, HARDSHIP, ETC.
- Completion of required active service (return from overseas with less than 90 days too EAS)
- Expiration of enlistment (return from overseas with less than 90 days to EAS)
- General demobilization or reduction in authorized strength
- Short length of time remaining on active duty precludes reassignment
- Early separation overseas returnee
- Early separation upon return from overseas duty
- Convenience of the government – change in service obligation
- College early release program
- Christmas early release program
 - Unsuitability – personality disorder
 - Unsuitability – inaptitude
 - Medical board determination of obesity
- Condition not a physical disability (all reasons)
- Physical disability (all reasons and circumstances)
- Not physically qualified to be commissioned
- Failure to meet procurement medical standards
- Parenthood
- Pregnancy
- Hardship or dependency
- Directed by service secretary (other than office resignation for good of the service)
- If the service was continuous for 365 days or more.

UNITED STATES AIR FORCE REASONS FOR SEPARATION WHICH FIT THE CRITERIA FOR
UNEMPLOYMENT COMPENSATION IN ACCORDANCE WITH PUBLIC LAW 97-362

COMPLETION OF TERM OF ENLISTMENT OR SERVICE

- Expiration of term of service
 - Expiration term of active obligated service
 - Completed extended enlistment
 - From extended enlistment at expiration or original term of service
 - From extended enlistment after end of original term of service
 - Voluntary release: Completion of active duty service commitment
 - Voluntary resignation: 7 – day option
 - Voluntary release: 7 – day option
 - Voluntary resignation: Transfer to reserve forces (AF Reserve)
 - Voluntary resignation: Transfer to reserve forces (ANC)
 - Voluntary release: Expiration of term of service
 - Voluntary resignation: retained due to dependent medical problems
 - Voluntary release: retained due to dependent medical problems
 - Involuntary release: insufficient retainability
 - Involuntary release: disapproved request for extension of tour
 - Involuntary release: strength adjustment
 - Voluntary release: completion of AD tour
 - Voluntary release: curtailment of AD tour
 - Involuntary release: curtailment of AD tour
 - Involuntary release: disapproval of request for extension of tour
 - DISCHARGE OR RELEASE BEFORE COMPLETING FIRST FULL TERM OF ACTIVE SERVICE; BUT ELIGIBLE BECAUSE OF MEDICAL QUALIFICATION, PREGNANCY, EARLY RELEASE-CONVENIENCE OF GOVERNMENT, HARDSHIP, ETC.
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- Return from overseas within 30 days of expiration term of service
 - Overseas returnee lacks retainability for assignment
 - CONUS – based Airman lacks retainability for assignment
 - Strength reduction – first-term Airman-involuntary
 - Strength reduction – first-term Airman-voluntary
 - Early release for Christmas
 - Hardship/dependency reasons
 - Involuntary release: strength adjustment
 - Inability to perform prescribed duties due to parenthood
 - Lacks retainability for required retraining
 - Voluntary resignation: hardship
 - Voluntary resignation: pregnancy
 - Voluntary release: pregnancy
 - Voluntary release: early release on arrival at CONUS port
 - Conditions that interfere with military service – not disability (all reasons)
 - Conditions that interfere with military service – not disability – personality disorder
 - Attend educational facility
 - Unsuitability – personality disorder
 - Unsuitability - inaptitude

NOTE: There are other reasons which may fit the criteria, but the narratives do not reflect Whether or not the individual has completed his/her first full term of active service which the individual agreed to serve. Therefore, in all cases where the narrative reason contained in a former Air Force member's DD 214 does not match one of those above and the member is serving on a first enlistment, complete and forward Form ETA B-43.

- If the Service was continuous for 365 days or more.