**To:** Dennis A. Wimer, Director

 **From:** Gabrielle J. Owens, General Counsel

 **Date:** January 16, 2023

 **Subject:** IDVA Policy 23-01-16

 Burial of Additional Individuals at IVMC Pursuant to the Burial Equity for Guards and Reserves Act

# Purpose:

To set forth the Indiana Veterans’ Memorial Cemetery’s (“IVMC”) policy concerning the burial of any member of the Indiana National Guard, the Indiana Air National Guard, Reserve components of the Armed Forces, Reserve Officers’ Training Corps of the Army, Navy, or Air Force, their spouses, and/or any minor child or unmarried adult child at IVMC.

# Relevant Law:

Historically, the IVMC has only buried individuals eligible to be buried at a national veteran cemetery. This policy was grounded in the fact that burying anyone ineligible for burial at a national veteran cemetery would have violated the terms of the federal grant utilized to operate the IVMC. This federal funding from the National Cemetery Association is critical to the operation of the IVMC and could not have been placed in jeopardy.

Recently, the Burial Equity for Guards and Reserves Act (38 U.S.C. 2408) was passed. In relevant part, the Burial Equity for Guards and Reserves Act states that grants from the National Cemetery Association will not be adversely impacted if a state veteran cemetery buries the following members:

* Any member of a reserve component of the Armed Forces who was discharged or released from service under conditions other than dishonorable or whose death occurs under conditions other than dishonorable while a member of such a reserve component.
* Any member of the Army National Guard or the Air National Guard who was discharged or released from service under conditions other than dishonorable or whose death occurs under conditions other than dishonorable while a member of the Army National Guard or the Air National Guard.
* Any member of the Reserve Officers’ Training Corps of the Army, Navy, or Air Force whose death occurs under conditions other than dishonorable while a member of the Reserve Officers’ Training Corps of the Army, Navy, or Air Force.
* Any spouse of the above.
* Any minor child or unmarried adult child of the above.

This policy does not adversely impact, supersede, or negate any federal laws, rules, or regulations set forth or administered by the U.S. Department of Veterans Affairs National Cemetery Administration.

# Documentation:

# To determine if an individual satisfies one of the above, IVMC personnel will require the following documentation:

# NGB22 (National Guard)

# NGB23 (National Guard)

# DD-256 (Reserves)

# The documentation will be to evidence that the above criteria is satisfied. Lastly, the documentation shall be maintained by IVMC in accordance with its current record retention policy.

# Costs:

# There will be no charge associated with the burial of an eligible individual set forth in this policy. The costs will be absorbed by IDVA to ensure that eligible individuals as set forth in this policy are treated contemporaneous with individuals eligible for burial in a national veteran cemetery.

Effective Date: 1/16/2023

Ending Date: This policy will end upon rescission by the Director of IDVA

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