

TEXAS CIVIL RIGHTS PROJECT

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Pat Prophitt
TIFA - North Texas
312 S.W. Gamble St.
Burleson, TX 76028

Dear Ms. Prophitt, TIFA, and partner organizations:

I am pleased to send you the attached educational materials, written for veterans leaving prison. I hope they will be useful. I am well aware of the struggles former inmates face as they readjust to the outside world, and I am happy to know you are helping them.

TCRP has a broad array of services, and I wanted to alert you that we are eager to represent veterans in civil and disability rights litigation. Both businesses and the government are required by the Americans with Disabilities Act to make reasonable accommodations for individuals' disabilities, and yet it is very common to find veterans who have been:

- Excluded from public accommodations that do not accommodate wheelchairs;
- Denied the right to bring a service animal into a public accommodation;
- Refused reasonable accommodations for hearing and visual impairments; or
- Mistreated because of a mental health condition.

If you are helping people who have faced these issues, I invite you to have them call us during our weekly intake period, Thursday from 1:00 pm to 4:00 pm, when they can speak to one of our intake specialists. We may be able to help them.

Sincerely,

Brian McGiverin

Brian McGiverin
Attorney

Veterans Benefits After Release

Produced by the
Texas Civil Rights Project
Justice for Veterans Campaign
1405 Montopolis Dr. Austin, Texas 78741

Note: This manual is not a substitute for the advice of an attorney.

Many benefits are available to veterans following their release from prison. This manual explains how you can gain access to these benefits. This manual will cover five benefits.

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This manual is meant to be used only for general information. This manual does **not** provide legal advice.

I. VA Home Loan Assistance

A. What home loan benefits are available for veterans?

You may be eligible to receive a VA home loan guaranty from the federal government. A guaranty acts as a promise from the government to your lender. This promise means that your debt will be paid no matter what, even if for some reason you cannot pay back your loan. This guaranty may make it easier for you to obtain a home loan.

The federal government does not actually loan you money under this program. Instead, you must make arrangements for a loan yourself. The federal government helps veterans by insuring up to 25% of the value of a VA home loan. This guaranty helps protect lenders if you fail to repay the loan. If you have a good credit rating and sufficient income, you may be able to obtain a home loan with no down payment and no requirement that you also pay "private mortgage insurance" (often referred to as PMI). Lenders may also be more willing to lend to you even if you do not have perfect credit or have a large amount of debt relative to the amount of your income.

Finally, you must have satisfied the active duty service requirements described below. If you have satisfied these requirements, you must obtain a Certificate of Eligibility (COE). The process for obtaining a COE is also described below.

B. Which veterans are eligible to receive a VA home loan guaranty?

You must satisfy the active duty service requirement described below to obtain a VA home loan guaranty.

Generally, before 1980, service members who served on active duty for 90 days during wartime or 181 days during peacetime satisfied the active duty service requirement. However, for military service after 1980, the VA has generally required a minimum of two years of service to be eligible. See below for a detailed description of these eligibility requirements.

1. *Wartime - Service During:*

- WWII: 9/16/1940 to 7/25/1947
- Korea: 6/27/1950 to 1/31/1955
- Vietnam: 8/5/1964 to 5/7/1975

You must have served at least 90 days on active duty and been discharged under other than dishonorable conditions. If you served fewer 90 days, you may be eligible if you were discharged for a service-connected disability.

2. *Peacetime - Service during periods:*

- 7/26/1947 to 6/26/1950
- 2/1/1955 to 8/4/1964
- 5/8/1975 to 9/7/1980 (Enlisted)
- 5/8/1975 to 10/16/1981 (Officer)

You must have served at least 181 days of continuous active duty and been discharged under other than dishonorable conditions. If you served fewer than 181 days, you may be eligible if discharged for a service-connected disability.

3. *Service after 9/7/1980 (enlisted) or 10/16/1981 (officer)*

If you were separated from military service that began after these dates, you must have:

- Completed 24 months of continuous active duty or the full period (at least 181 days) for which you were ordered or called to active duty and been discharged under conditions other than dishonorable;
- Completed at least 181 days of active duty and been discharged for “hardship” or “early out,” or have been determined to have a compensable service-connected disability; or
- Been discharged with less than 181 days of service for a service-connected disability.

You may also be eligible if you were released from active duty due to an involuntary reduction in force, certain medical conditions, or, in some instances for the convenience of the United States government.

4. *Gulf War - Service during period 8/2/1990 to date yet to be determined*

If you served on active duty during the Gulf War, you must have:

- Completed 24 months of continuous active duty or the full period (at least 90 days) for which you were called or ordered to active duty, and been discharged under conditions other than dishonorable;
- Completed at least 90 days of active duty and been discharged for “hardship” or “early out,” or the military service determined you to have a compensable service-connected disability; or
- Been discharged with fewer than 90 days of service for a service-connected disability.

You may also be eligible if you were released from active duty due to an involuntary reduction in force, certain medical conditions, or, in some instances for the convenience of the United States government.

C. How do I obtain a certificate of eligibility?

You must obtain a Certificate of Eligibility (COE) before you can obtain a VA home loan guaranty. To obtain a COE, you must submit a copy of your DD Form 214 that shows the character of service (item 24) and the narrative reason for separation (item 28).

You can obtain a COE in one of three ways.

1. *Apply online.*

- Go to the eBenefits portal (<http://www.ebenefits.va.gov>) and click on the “My eBenefits” tab towards the top, on the left side. A screen will open with several benefit areas.
- You will need a username and password to request a COE. If you do not already have a username and password, you can request them by clicking on the “Request/Activate a DoD Self-Service Logon” link shown below the area where you logon.

2. *Apply through your lender.*

In many cases, your lender can obtain a COE for you. Check with your lender to see if it offers this service.

3. *Apply by mail.*

- Complete VA Form 26-1880 and mail it to the address shown on the form.
- The form is available online at <http://www.vba.va.gov/pubs/forms/VBA-26-1880-ARE.pdf>.
- If you are unable to access and/or print the form, call 1-888-768-2132 and follow the prompts for “Eligibility.” The VA will mail you a form. .

II. Veterans’ Hiring Preference

A. What hiring preferences are available for veterans?

The federal government offers hiring preference for veterans to most permanent and temporary positions in the federal government. Most federal agencies use a point system. Veterans eligible for preference will have 5 or 10 point added to their application score.

B. What is the application process for federal jobs?

1. How do I find open federal jobs?

You will find most vacancies for federal positions on the Office of Personnel Management’s (OPM) website entitled USAJOBS. The website address is <http://www.usajobs.gov>. This database provides worldwide job vacancy information, employment information fact sheets, job applications, and forms on-line. It has on-line résumé development and “electronic transmission capabilities.” These electronic transmission capabilities allow you to store key information about yourself for your application on line. You can retrieve and send it when you need to. You can also apply for most positions through this website by 1) completing the application attached to the vacancy announcement or by 2) creating or uploading a résumé through the announcement’s résumé link.

OPM has also created a website specifically for the recruitment and employment of veterans. This website provides information about federal vacancies, useful training materials, and other resources to assist veterans in their employment applications. The website address is <http://www.fedshirevets.gov>.

2. Are there different types of vacancy announcements?

Generally, there are two types of vacancy announcements for federal positions—competitive and merit announcements. If you are applying for a position under the Veterans Employment Opportunity Act (VEOA) (discussed below in Part III.B), it is important that you know the difference between a competitive announcement and a merit announcement.

Competitive announcements are open to all applicants that meet the job requirements and qualifications. It does not matter if the applicants currently work for the federal government or the federal agency that posted the announcement.

With merit announcements, however, the hiring agency generally seeks only qualified *internal* candidates for the open position. This means the position is open only to people who are already working for the hiring agency in another position. However, in certain situations, the hiring agency may decide to reach outside its own workforce for applicants in a merit process. In such a case, the VEOA would apply.? What's that mean?

3. *What types of federal jobs are available?*

Federal positions are divided into three categories: (1) *competitive service*, (2) *excepted service*, and (3) *senior executive service*.

Most civilian positions in the federal government are part of the competitive service. Applicants compete with other applicants based on their qualifications and merits, just as in any typical hiring process in private industry. The hiring officials have broad authority to review multiple applicants before determining whom to hire.

Some positions are excluded from competitive service. These jobs are excepted service positions. Applicants for these positions compete on a merit basis also, but usually the hiring agency has specialized requirements and evaluation criteria. Generally, excepted service positions are federal jobs that have national security and/or intelligence functions, such as the Central Intelligence Agency, the Department of State, the National Security Agency, the Federal Bureau of Investigation, Homeland Security Investigations, and the Secret Service. However, not all excepted service positions serve in sensitive areas—for example, patent examiners and teachers and administrators at Department of Defense schools are also excepted service positions.

Lastly, the senior executive service positions are mostly top management positions classified above General Schedule (GS)-15 or the equivalent. If you are interested in one of these positions, note that veterans do not receive any hiring preference for these positions.

C. *Who is eligible for veterans' preference?*

Only veterans discharged or released from active duty in the armed forces under honorable conditions are eligible for a 5-point or 10-point veterans' preference. This means that you must have been discharged under an honorable or general discharge. If you were dishonorably discharged, you cannot get veteran's preference.

A retired veteran is not eligible for the veterans' preference unless the veteran is disabled or retired below the rank of major or its equivalent.

If you are unsure of whether you are eligible for veterans' preference, then you should visit the Department of Labor's automated Veterans' Preference Advisor at <http://www.dol.gov/elaws/vets/vetpref/mSERVICE.htm>. This website can assist you figure out your preference eligibility by asking a few questions about your military service and discharge.

1. *Who is eligible for the 5-point preference?*

You can get 5-point preference if any of the things below are true about your active duty service:

- 180 or more consecutive days, any part of which occurred during the period beginning September 11, 2001 and ending on a future date established as the last date of Operation Iraqi Freedom;
- 180 or more consecutive days, any part of which occurred between August 2, 1990, and January 2, 1992;
- 180 or more consecutive days, any part of which occurred after January 31, 1955 and before October 15, 1976; or
- served in a war, campaign, or expedition for which a campaign badge has been authorized or between April 28, 1952 and July 1, 1955.
- *Who is eligible for the 10-point preference?*

You are 10-point preference eligible if you served in active duty at any time and you:

- have a service-connected disability; or
- received a Purple Heart.

2. *What if the federal agency does not use a numerical rating system?*

When a federal agency does not use a numerical rating system to evaluate applicants, preferences are applied according to the relevant preference group. Veterans who are preference eligible are divided into 4 groups:

- CPS - Disability rating of 30% or more (10 points)
- CP - Disability rating of at least 10% but less than 30% (10 points)
- XP - Disability rating less than 10% (10 points)
- TP - Preference eligibles with no disability rating (5 points)

D. How do I let an employer know that I am preference eligible?

Based on your group, you will be given preference priority. When you apply for a job, you need to provide documents to prove your preference eligibility. Eligible veterans should claim preference on their application or résumé. The preferred method of claiming preference is to include the member 4 copy of form DD-214, "Certificate of Release or Discharge from Active Duty," with your application or résumé.

If you do not already possess this form, you can request a copy on-line or mail or fax Standard Form SF-180 to the National Archives' National Personnel Record Center (NPRC). Visit <http://www.archives.gov/veterans/military-service-records> for details. If you claim a 10-point preference, you must also submit the Standard Form SF-15, "Application for 10-point Veterans' Preference," with form DD-214. You can find this form on-line at <http://www.fedshirevets.gov/pdf/SF15.pdf>.

III. Special Hiring Authorities for Veterans

A. What "special hiring authorities" exist for veterans?

In addition to the veterans' preference, several federal laws and programs (so called "special hiring authorities") give veterans an advantage when you apply for federal positions. Knowing about these special authorities and identifying your eligibility may assist your job search. Read carefully the "Who May Apply" section of the job posting to determine if any of the following special hiring authorities apply to that position. The most common of these special authorities are:

- The Veterans Employment Opportunities Act (VEOA)
- The Veterans Recruitment Appointment (VRA)
- 30 Percent or More Disabled Veterans Program
- Schedule A Authority

Federal agencies can choose whether they want to use these authorities. Even if an authority applies to the job you want, it does not mean you automatically get the job. These authorities do not entitle you to federal employment. You must meet all job requirements and qualifications of the position. Each of these authorities is discussed below.

The Office of Personnel Management (OPM) encourages job-seeking veterans to ask for consideration under as many hiring authorities as they are eligible for, in addition to claiming their veterans' preference. It is to your advantage to make the potential employer aware of as much as you can.

B. What is the Veterans Employment Opportunity Act (VEOA)?

The Veterans Employment Opportunity Act of 1998 enables veterans to compete for government positions that previously were available only to existing competitive service employees (so called "status candidates" or "civil service employees"). VEOA can be used when filling permanent, competitive service positions. It cannot be used to fill excepted service positions. What this means is that under the VEOA, as a veteran you can apply to positions that used to be available only to certain employees within the hiring agencies.

1. *Who is eligible for VEOA appointments?*

To be eligible for a VEOA appointment, your discharge must be issued under honorable conditions (an honorable or general discharge), and you must either:

- be preference eligible (see Veterans' Preference above); or
- have completed three or more years of active service. "Active service" under the VEOA means active duty in a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance (while in active service) at a school designated as a service school by law or by the Secretary of the military department concerned.

2. *How do I let an employer know that I am eligible for appointment under the VEOA?*

As mentioned above, sometimes federal agencies recruit applicants from outside their own work force under merit announcement procedures. When this occurs, the vacancy announcement must state that the VEOA is applicable, and the agency must accept applications from preference eligible veterans.

Current or former federal employees meeting the VEOA eligibility requirements can apply for positions where the VEOA is applicable. However, current employees applying under the VEOA are subject to time-in-grade restrictions like any other GS employee.

When you apply for a job, you need to provide documents to prove your preference eligibility with your application or résumé. Include a copy of your DD-214. That is the preferred method of claiming VEOA eligibility, whether eligibility is based on veterans' preference or the active service requirement,.. This form will also prove that you separated from the armed forces by an honorable or general discharge.

If you do not already have this form, you can request a copy of it on-line or mail or fax Standard Form SF-180 to the NPRC. Visit <http://www.archives.gov/veterans/military-service-records> for details. Along with your DD-214, if you are using veterans' preference as your basis for VEOA eligibility and you are claiming a 10-point preference, you should also submit the Standard Form SF-15, "Application for 10-point Veterans' Preference." This form can be found on-line at <http://www.fedshirevets.gov/pdf/SF15.pdf>.

You can claim both veterans' preference and VEOA eligibility in your application or résumé. OPM encourages veterans to ask for consideration under all applicable hiring authorities in addition to claiming veterans' preference in order to enhance your job search.

C. What is the Veterans' Recruitment Appointment (VRA)?

The VRA is an authority that allows federal agencies to appoint eligible veterans without competition (appoint you outright) to positions at any grade level through GS-11 or the equivalent.