

2.3 WARTIME OR PEACETIME SERVICE

Military service is classified either as wartime or peacetime service. This distinction is important because there are significant advantages specifically accruing only to veterans with wartime service. For example, only veterans with wartime service are eligible for non-service-connected disability pension benefits.⁸²

The following list sets out the periods of wartime designated by Congress for pension purposes.⁸³ To be considered by the VA to have served during wartime, a veteran need not have served in a combat zone, but simply during one of these designated periods. All other times are considered peacetime. Some veterans served part of their tour of duty during wartime and part during peacetime. Even if a majority of a veteran's service occurred during peacetime, the service member would still meet the wartime service requirement for eligibility for pension benefits if he or she served ninety consecutive days, at least one day of which occurred during a period designated as wartime. All of the listed dates are inclusive.

Indian Wars: January 1, 1817, through December 31, 1898. The veteran must have served thirty days or more, or for the duration of such Indian War. Service must have been with the U.S. forces against Indian tribes or nations.⁸⁴

Spanish-American War: April 21, 1898, through July 4, 1902, including the Philippine Insurrection and the Boxer Rebellion. Also included are those individuals engaged in the Moro Province hostilities through July 15, 1903.⁸⁵

Mexican Border War: May 9, 1916, through April 5, 1917. The veteran must have served for one day or more in Mexico, on the borders thereof, or in the waters adjacent thereto.⁸⁶

World War I: April 6, 1917, through November 11, 1918, extended to April 1, 1920, for those who served in the Soviet Union. Service after November 11, 1918, through July 2, 1921, qualifies for benefits purposes if active duty was performed for any period during the basic World War I period.⁸⁷

World War II: December 7, 1941, through December 31, 1946, extended to July 25, 1947, where continuous with active duty on or before December 31, 1946.⁸⁸

Korean Conflict: June 27, 1950, through January 31, 1955.⁸⁹

Vietnam Era: August 5, 1964, through May 7, 1975.⁹⁰ However, February 28, 1961, through May 7, 1975, for a veteran who served in the Republic of Vietnam during that period.

Persian Gulf War: August 2, 1990, through a date to be prescribed by Presidential proclamation or law.⁹¹

Congress has not enacted legislation that would make the periods covering the 1983-1984 Lebanon crisis or the invasions of Grenada and Panama wartime service.⁹²

Footnotes

82. 38 U.S.C.S. § 1521(j). See Chapter 6 of this Manual for a full discussion of the VA needs-based disability pension program and its eligibility criteria.

83. 38 U.S.C.S. § 101(6)-(11); 38 C.F.R. § 3.2 (2005).

84. 38 C.F.R. § 3.2(a) (2005). Under the VA's proposed revisions to the Compensation and Pension regulations, the VA has proposed to delete the provisions related to this war. 69 Fed. Reg. 4820, 4821 (Jan. 30, 2004). As of the date of publication of the 2005 edition of this Manual, this proposed regulation has not been finalized. *See* 69 Fed. Reg. 73739, 73757 (United Agenda of Federal and Deregulatory Actions) (Dec. 13, 2004).

85. 38 U.S.C.S. § 101(6); 38 C.F.R. § 3.2(b) (2005).

86. 38 U.S.C.S. § 101(30); 38 C.F.R. § 3.2(h) (2005).

87. 38 U.S.C.S. § 101(7); 38 C.F.R. § 3.2(c) (2005).

88. 38 U.S.C.S. § 101(8); 38 C.F.R. § 3.2(d) (2005).

89. 38 U.S.C.S. § 101(9); 38 C.F.R. § 3.2(e) (2005).

90. 38 U.S.C.S. § 101(29); 38 C.F.R. § 3.2(f) (2005).

91. *See* 38 U.S.C.S. §§ 101(33), 1501(4), 1541, 1702; 38 C.F.R. §§ 3.2(i), 3.3(a)(3), 3.17, 3.54(a)(3)(viii) (2005).

92. *See* 38 U.S.C.S. § 101(11); 38 C.F.R. § 3.2(g) (2005) (providing for future periods of "wartime" as determined by Congress and the President).