

THE COMMONWEALTH OF MASSACHUSETTS

Public Employee Retirement Administration Commission
John W. McCormack Building, Room 1101
One Ashburton Place, Boston, MA 02108
(617) 727-9380

M E M O R A N D U M

TO: All Retirement Boards

FROM: Robert F. Stalnaker, Executive Director

RE: Superior Court Decision on veterans receiving "federal military pensions"

DATE: December 29, 1997

Attached is a copy of a recent Superior Court decision of which you may be aware. The decision states that veterans who otherwise qualify to purchase their military service pursuant to chapter 71 of the acts of 1996, but who were precluded from doing so because they are receiving federal military pensions, must be allowed to purchase such service notwithstanding their receipt of such pension.

We have contacted the Office of the Attorney General and have been informed that the decision will not be appealed any further. Thus, retirement boards should not deny otherwise eligible veterans the right to purchase military service pursuant to chapter 71 even if they are receiving federal military pensions. Members who have previously been denied on this basis should also be re-contacted and allowed to purchase their military time consistent with this decision and the provisions of chapter 71.

A revised copy of the Notice and Application form that had previously been distributed to retirement boards with PERAC Memo #10/1996 dated July 25, 1996 is also attached. The revised form should be used in lieu of the earlier version. The earlier version required members to certify that they are not receiving a federal military pension and should be discarded.

If you have any questions or concerns about this recent decision, please contact this office.

RFS/ds
Legal/general/hfedmilp

Attachments

NOTICE OF POTENTIAL BENEFITS PURSUANT TO CHAPTER 71 OF THE ACTS OF 1996

G.L. c. 32, § 4(1)(h) as amended, grants eligible veterans, who have completed ten or more years of membership service, the right to purchase up to four years of active service in the armed forces of the United States which will be added to their creditable service as a member of the retirement system. Veteran eligibility requirements are as follows:

VETERAN'S ELIGIBILITY AS DEFINED IN CHAPTER 32, SECTION ONE, REQUIRES BOTH OF THE FOLLOWING:

	Dates	Length of Service
World War II	9-16-40 to 12-31-46	90 days
Korea	6-25-50 to 1-31-55	90 days
Korea-Vietnam(interim)	2-1-55 to 8-4-64	180 days
Vietnam	8-5-64 to 5-7-75	90 days
Lebanon*	8-25-82 to be determined	
Grenada*	10-25-83 to 12-15-83	*Campaign Medal for service required for eligibility.
Panama*	12-20-89 to 1-31-90	
Persian Gulf	8-2-90 to be determined	

Veteran's Status also includes those who, instead of performing '*wartime service*', have been awarded one of the following campaign badges: second Nicaraguan Campaign, Yangtze Service, Navy Occupation Service, and Army of Occupation or Medal for Humane Action. Persons who served in wartime and were awarded a Purple Heart are deemed to be veterans notwithstanding the failure to complete ninety or one hundred eighty days of active service as the case may be.

Veterans who also have **Active Reserve** and **Massachusetts National Guard Service** may receive creditable service for such guard/reserve service as well on a ratio of five years of such service to equal one year of creditable service.

APPLICATION

I respectfully request creditable service for active service in the armed forces of the United States and Active Reserve or Massachusetts National Guard under provisions of paragraph (h) of subdivision (1) of section 4 of G.L. Chapter 32.

Name_____	Social Security Number_____
Address_____	Governmental Unit_____
_____	Date of Membership_____
_____	Date of Honorable Discharge_____

IMPORTANT: A copy of DD214 must be enclosed with this application.

Application must be received no later than 180 days from the date of receipt of this Notice.

This application is signed under the penalties of perjury.

Date_____

Note: Once your eligibility has been verified you will receive written notification of:

1. The years and months of service you may purchase. (not to exceed four years)
2. The amount owed and payment options.