

**ONE HUNDRED AND FIRST NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Indianapolis, Indiana
August 27, 28, 29, 2019**

**Resolution No. 54: GI Bill Eligibility for Reserve and National Guard Service
Origin: Convention Committee on Veterans Employment & Education
Submitted by: Convention Committee on Veterans Employment & Education
(As Amended)**

WHEREAS, Reserve and National Guard servicemembers may only attain eligibility for the Post-9/11 GI Bill through authorized active duty service; and

WHEREAS, 38 USC §3311(b)(2)(A) affirms that armed services individuals are entitled to 100 percent GI Bill eligibility after "...discharge or release from active duty in the Armed Forces for a service-connected disability"; and

WHEREAS, National Guard servicemembers may while on deployment sustain injuries that trigger "Release from Active Duty" orders transferring them back to respective National Guard home stations, whereupon further review, said National Guard units may initiate "Line of Duty" investigations that result in medical retirement discharges issued with NGB Separation Form 22; and

WHEREAS, Since this discharge is not technically release from active duty, said discharge is not entitled to 100 percent GI Bill entitlement; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Indianapolis, Indiana, August 27, 28, 29, 2019, That The American Legion supports legislative action to amend 38 USC §3311 to provide NGB 22-discharged servicemembers commensurate Post-9/11 GI Bill eligibility with DD214-discharged National Guard servicemembers.