

**COMMONWEALTH OF VIRGINIA  
VIRGINIA COMMUNITY COLLEGE SYSTEM**

**WORKFORCE INVESTMENT ACT**

<b>VIRGINIA WORKFORCE LETTER (VWL) 14-12</b>
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**TO:** LOCAL WORKFORCE INVESTMENT BOARDS

**FROM:** WORKFORCE DEVELOPMENT SERVICES

**SUBJECT:** Services to Applicants with a Dishonorable Discharge from the Armed Forces

**DATE:** December 1, 2014

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**References:**

Workforce Investment Act of 1998, Section 129;  
20 Code of Federal Regulation Part 664; Final Rules;  
Training and Employment Guidance Letter No. 10-09; Subject: Implementing Priority of Service for Veterans and Eligible Spouses in All Qualified Job Training Programs Funded in Part or in part by the U.S. Department of Labor; November 10, 2009;  
Training and Employment Guidance Letter No. 4-13; Subject: Workforce Investment Act (WIA) Performance Reporting System; August 28, 2013;  
Training and Employment Guidance Letter No. 19-13; Subject: Jobs for Veterans’ State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans; April 10, 2014;  
Training and Employment Guidance Letter No. 20-13; Subject: Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans’ Outreach Program (DVOP) – Veterans Ages 18 to 24; April 10, 2014;  
Virginia Workforce Council Policy # 03-03; Declaration of Funding and Priority of Service for Adults under the Workforce Investment Act; October 23, 2008;  
Field Guidance Memorandum # 08-09; Priority of Services for Veterans; January, 2012

**Purpose:**

To provide local workforce areas with guidance on services to persons who have been dishonorably discharged from the Armed Forces of the United States.

**Background:**

With a greater emphasis on services to veterans through a number of programs, specifically under the umbrella of the Workforce Investment Act, there is an awareness that not all who presents themselves for services may qualify as a veteran. For purposes of this Virginia Workforce Letter, veteran is defined as:

The term “veteran” means an individual who served in the active military, naval or air service and who was released from such service under conditions other than dishonorable. (WIA Section 101 (49) Veteran: Related Definition)

**Actions:**

Persons who have received a “dishonorable discharge” can be served by Workforce Investment Act funds, but not as a veteran. According to Training and Employment Guidance Letter No. 10-09 Section 6 **Eligibility for Priority of Services:** Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service.

Under this definition, the term “veteran” means a person who served at least one day in the active military, naval, or air services, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.ZC. 101 (2). Priority of service regulations refer to those veterans and spouses who are eligible for priority of service as “covered persons” and refer to those not eligible for priority of service as “non-covered persons.”

Therefore a veteran who was dishonorably discharged is a “non-covered person” and is not eligible under priority of services provisions for “covered persons”; however, that does not preclude them from receiving WIA adult services in accordance with state and local eligibility polices.