

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> UI
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**ADVISORY:** UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 14-16, Change 2

**TO:** STATE WORKFORCE AGENCIES

**FROM:** MOLLY E. CONWAY   
Acting Assistant Secretary

**SUBJECT:** Unemployment Compensation for Ex-Servicemembers (UCX): Continuous Active Duty Service for Reservists

1. **Purpose.** To provide guidance to state workforce agencies related to administration of the UCX program regarding continuous active duty in a reserve status when military reservists have consecutive deployments.

2. **References.**

- Section 8521(a)(1) of Title 5, United States Code;
- Section 513(a) of the National Defense Authorization Act (Pub. L. 114-92);
- Unemployment Insurance Program Letter (UIPL) No. 14-16, *The National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114-92) - Provisions that Affect the Unemployment Compensation for Ex-servicemembers Programs*, and Change 1;
- UIPL No. 27-06, *Unemployment Compensation for Ex-servicemembers (UCX) Program Questions and Answers*; and
- ET Handbook No. 384, *Unemployment Compensation for Ex-Servicemembers*.

3. **Background.** State workforce agencies that administer the regular unemployment insurance (UI) program act as agents of the Federal Government in administering the UCX program. The administration of the UCX program relies on information provided by the branches of the military to allow states to make determinations of UCX eligibility. When a UCX claim is filed in a state, the Federal Claims Control Center, upon request by the state, will provide all copies of the individual's DD214(s) that are on record. Based on information provided on the DD214(s), a state must determine if the individual has Federal military service for UCX purposes.

The current definition of Federal service in 5 U.S.C. 8521(a)(1) for active duty in a reserve status is "a continuous period of 180 days or more." This is referred to in this guidance as "continuous active duty in a reserve status." The National Defense Authorization Act for Fiscal Year 2016 increased the number of days of continuous active duty in a reserve status

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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required for the military service to be considered Federal service from 90 days to 180 days. UIPL No. 14-16 outlined the new provisions. States have questioned the applicability of continuous active duty in a reserve status when a servicemember has multiple DD214s, showing various periods of consecutive service. This UIPL responds to those questions.

4. **Guidance.** Individuals who are members of a reserve component of the Armed Forces must have continuous active duty in a reserve status of at least 180 calendar days for the service to qualify as Federal military service for UCX purposes. To meet the requirements of 5 U.S.C. 8521(a)(1), states can combine two or more DD214s. Two or more consecutive periods of service shall be considered continuous active duty in a reserve status provided that the "Separation Date this Period" listed on Block 12b on the DD214 is no more than one (1) calendar day from the "Date Entered AD this Period" listed in Block 12a on a subsequent DD214. For more information please see examples of consecutive service and continuous active duty service for UCX purposes in the attachment to this UIPL.
5. **Action Requested.** State Administrators are requested to provide the above information to appropriate staff.
6. **Inquiries.** Please direct all inquiries to the appropriate ETA Regional Office.
7. **Attachment.** Examples for Determining Continuous Active Duty Service for Reservists.

### **Examples for Determining Continuous Active Duty Service for Reservists**

States can combine two or more DD214s to determine if the ex-servicemember meets the 180 days of continuous service requirement in 5 U.S.C. 8521(a)(1). The state must determine if no more than one calendar day separates the “Separation Date this Period” from the “Date Entered AD this Period” to determine if the service can be combined. Below are examples of situations where the service can and cannot be combined.

#### Example 1:

The state received two DD214s for the same individual from the Federal Claims Control Center (FCCC). Block 12a on the first DD214 shows a “Date Entered AD this period” as 2016/09/06, and block 12b shows a “Separation Date this Period” of 2016/11/06. The total active duty time on the first DD214 is 61 calendar days. Block 12a on the subsequent DD214 shows a “Date Entered AD this period” as 2016/11/07, and block 12b shows a “Separation Date this Period” of 2017/03/08. The total active duty time on the second DD214 is 121 calendar days. Since the separation date on the prior DD214 and the date entered active duty on the most recent DD214 are no more than one (1) calendar day of each other, the active duty time can be combined to make 182 calendar days of continuous active duty. Because the total combined active duty time is at least 180 calendar days, the service meets the requirements of 5 U.S.C. 8521(a)(1).

#### Example 2:

The state receives two DD214s for the same individual from the FCCC. Block 12a on the first DD214 shows a “Date Entered AD this period” as 2016/09/06, and block 12b shows a “Separation Date this Period” of 2016/11/06. The total active duty time on the first DD214 is 61 calendar days. Block 12a on the subsequent DD214 shows a “Date Entered AD this period” as 2016/11/07, and block 12b shows a “Separation Date this Period” of 2017/02/22. The total active duty time on the second DD214 is 107 calendar days. Since the separation date on the prior DD214 and the date entered active duty on the most recent DD214 is no more than one (1) calendar day of each other, the active duty time can be combined to make 168 calendar days of continuous active duty. However, because the total combined active duty time is not at least 180 calendar days, the service does not meet the requirements of 5 U.S.C. 8521(a)(1).

#### Example 3:

The state receives two DD214s for the same individual by the FCCC. Block 12a on the first DD214 shows a “Date Entered AD this period” as 2016/09/06, and block 12b shows a “Separation Date this Period” of 2016/11/06. The total active duty time on the first DD214 is 61 days. Block 12a on the second DD214 shows a “Date Entered AD this period” as 2016/11/08, and block 12b shows a “Separation Date this Period” of 2017/02/22. The total active duty time on the second DD214 is 106 calendar days. Since the separation date on the prior DD214 and the date entered active duty on the most recent DD214 is separated by more than one (1) calendar day, the active duty time cannot be combined. Therefore, the servicemember does not have 180 days of continuous active duty and the service would not meet the requirements of 5 U.S.C. 8521(a)(1).