

LAW REVIEW 26074**October 2026****Who Is a “Veteran”? It’s Complicated for Guard and Reserve Members.*****Stupidly Complicated.*****By Steve Minyard, Sergeant Major (Ret.), U.S. Army Reserve**

If you currently serve in America’s Guard and Reserve force, you may be a Veteran sooner than you think. Ask an armory or reserve center full of servicemembers, and many will believe they can’t claim the “Veteran” title until they have 180 days of continuous active-duty service. This myth persists as settled fact; it’s not even remotely close to the truth in federal law. The 180-day figure is real, but it comes from a handful of specific benefit and employment statutes — not from the general definition of “Veteran” itself. Join Team ROA as we explore the tangled maze of statutes that convey Veteran status to members of our Reserve force.

The First, and Shortest, Definition

Title 38 of the U.S. Code, which governs Veterans’ benefits, has one general definition of “Veteran:” Under 38 U.S.C. § 101(2):

“The term ‘veteran’ means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.”

That's the whole test: qualifying active service, plus a discharge that isn't dishonorable. There is no minimum length of service anywhere in that sentence. A single qualifying day of “active service,” followed by an honorable or general discharge, is legally sufficient to be a “Veteran” under § 101(2) — the default definition that governs the rest of Title 38

unless a specific chapter substitutes its own. What's "active service?" It's complicated...

Section 101(2) requires "active military, naval, air, or space service," and 38 U.S.C. § 101(24) defines that term narrowly. It includes active duty, full stop. Active duty for training (ADT, including Annual Training, AT) counts only if the member was disabled or died from a disease or injury incurred or aggravated in the line of duty during that period. Inactive duty training (IDT, i.e., drill) is narrower still: it counts only if the member was disabled or died from an injury incurred or aggravated in the line of duty — or from a heart attack, cardiac arrest, or stroke — during that period. An illness that begins on a drill weekend generally does not qualify.

In practice, this means a traditional Guard or Reserve member whose entire service consists of monthly drill weekends and annual training — with no Title 10 mobilization and no injury connected to that training — genuinely does not meet even the zero-day threshold of § 101(2). Not because they're short on days, but because ADT and IDT simply are not "active service" for this purpose. This does not mean they can never be a Veteran — other laws, including the 2016 provision discussed below, reach them — only that the most commonly used definition does not apply. The real dividing line is duty type or, in the case of AT or drill-whether you incurred or aggravated an injury "in line of duty," not duty length. (See Figure 1 at the end of this article for sample career timelines.)

Where "180 Days" Actually Lives

The number isn't invented — it's just attached to the wrong question. Several separate, much narrower statutes use "more than 180 days" as an eligibility gate for specific Department of Veterans Affairs (VA) and federal employment programs:

38 U.S.C. § 3452(a)(1) defines “eligible veteran” for purposes of the old Chapter 34 GI Bill (the education benefit that applied to service between January 31, 1955, and January 1, 1977, plus a narrow reserve-enlistment carryover). To qualify, a Veteran generally needed more than 180 days of active duty during that window and a discharge under conditions other than dishonorable — unless discharged early because of a service-connected disability, in which case the day count doesn't apply at all.

38 U.S.C. § 3702(a)(2)(C) sets a “more than 180 days” test for peacetime VA home loan eligibility — but current service falls within the Persian Gulf War period, which began August 2, 1990, and has never been officially ended. For that period, 90 days of active duty suffices (§ 3702(a)(2)(E)), provided the member completed the full period of the orders (§ 5303A). Guard and Reserve members have two more routes that require no mobilization at all: six years in the Selected Reserve — drilling unit members and full-time support personnel, but not the Individual Ready Reserve — under § 3701(b)(5), or 90 days of full-time National Guard duty under 32 U.S.C. § 502(f), including 30 consecutive days (§ 3701(b)(7)).

5 U.S.C. § 2108 (federal hiring preference). Title 5 has its own definition of “Veteran” for federal hiring preference, and it's another place the 180-day figure lives — but for post-9/11 service, the 180-day route covers only service between September 11, 2001, and August 31, 2010. Today's mobilizations generally qualify through a campaign or expeditionary medal instead. We cover Veterans' Preference in detail below.

These statutes span decades, were the subject of heavy VA and Veterans'-service-organization outreach for generations of separating servicemembers and happen to land on the same number. Over the

years, “180 days” detached from the specific program it belonged to and calcified into a rule of thumb about Veteran status generally — the same way many people believe “20 years” is required for “Veterans' benefits,” when it is actually the threshold for military retired pay, a completely different entitlement.

Not A “Veteran” Definition, But A Gateway to VA Benefits

38 U.S.C. § 5303A (minimum active-duty service requirement). Some, but not all, VA benefits require 24 months of “continuous active duty,” or — for anyone called up for a shorter tour, including a Guard or Reserve member — completion of “the full period for which such person was called or ordered to active duty.” In plain English, if you were called to active duty and completed the period of your orders, you meet the minimum-service requirement for those benefits, though each benefit still has its own eligibility rules. This requirement does not apply to disability compensation, explained below.

What About Disability Compensation?

This is where Congress does some bewildering magic-converting a Guard or Reserve member instantly into “active service” by virtue of an injury during AT or drill. You’re at drill or annual training, giving 120% on that fitness test, and twist an ankle. Under 38 U.S.C. § 101(24), Congress rains statutory fairy dust on your otherwise painful day-provided your injury was incurred “in line of duty” and the VA later determines the injury to amount to a disability. The statute envelops you in “active service” goodness during:

(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or **injury incurred or aggravated in line of duty**; and

(C) any period of inactive duty training during which the individual concerned was disabled or died—

(i) from an injury incurred or aggravated in **line of duty**; or

(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

In short: You're crushing it at IDT or AT. You get hurt or aggravate a prior injury, your unit determines this injury to be "in line of duty," and you request review by the VA for a disability rating. If the VA agrees, determining the injury merits a disability rating and was incurred in the line of duty, you then have the title of "Veteran." Note that while a unit "Line of Duty" determination is strong evidence, the VA makes its own line-of-duty decision — so document everything.

Further, under 38 U.S.C. §§ 1110 and 1131, the VA compensates any Veteran disabled by an injury or disease incurred or aggravated in the line of duty during active service, provided the discharge from that period of service was under conditions other than dishonorable. The 24-month minimum-service rule in 38 U.S.C. § 5303A expressly does not apply to service-connected benefits. Remember, for Guard and Reserve members, a disabling injury can itself supply Veteran status. A special gift from the U.S. Code too: a member receiving VA compensation cannot be paid for drill or training on the same days (38 U.S.C. § 5304(c)). So, if you receive VA disability compensation, you must waive it for the days you receive Reserve pay — even if that is just drill pay.

The 2016 Fix

Congress closed a related gap in 2016. Section 305 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, Public Law 114-315 (codified as a note to 38 U.S.C. § 101),

provides that any person entitled — or who would be entitled but for age — to nonregular (i.e., 20-year Reserve) retired pay under 10 U.S.C. chapter 1223 “shall be honored as a veteran but shall not be entitled to any benefit by reason of this honor.”

This provision reaches the traditional Guard or Reserve member who serves a full 20-year qualifying career on drill status and annual training alone, without ever being federally activated, and who therefore may never satisfy § 101(2) on the active-duty prong at all. It does not open the door to VA compensation, pension, education, or home loan benefits — those still run through their own separate eligibility statutes. What it does is settle, by law, the status question that generations of career traditional Reservists had no clean answer to.

Death in Service: Dependency and Indemnity Compensation and Survivors Pension

For survivor benefits, the VA’s regulations at [38 C.F.R. § 3.1\(d\)](#) add two more definitions of “Veteran.” For Guard and Reserve families, this means a member who dies in active service — including a period of AT or drill that qualifies under § 101(24) — can count as a Veteran for these benefits:

- (1) For compensation and dependency and indemnity compensation the term veteran includes a person who died in active service and whose death was not due to willful misconduct.
- (2) For survivors pension the term veteran includes a person who died in active service under conditions which preclude payment of service-connected death benefits, provided such person had completed at least 2 years honorable military, naval, air, or space service, as certified by the Secretary concerned.

Federal Employment and Training Programs: 38 U.S.C. § 4211

Chapter 42 of Title 38 governs Veterans' employment and training programs, and it has its own definitions — unusually friendly ones for Guard and Reserve members. An “eligible veteran” generally needs more than 180 days of active duty, which makes this another home for the famous number. But § 4211(4)(C) creates a separate path for Reserve Component members: a member ordered to active duty under 10 U.S.C. §§ 12301(a), (d), or (g), 12302, or 12304 qualifies with no minimum number of days, if the service was during a period of war or in a campaign or expedition with an authorized campaign badge and the discharge was other than dishonorable. Because the Persian Gulf War period that began August 2, 1990, has never been officially ended, current mobilizations under those authorities appear to meet the “period of war” condition. Note the gap: orders under §§ 12304a (disaster response) and 12304b (preplanned missions) are not on the list, so members activated only under those authorities must meet the 180-day test. Every release from active duty also starts a new three-year window as a “recently separated veteran” under § 4211(6), and a member whose compensable disability came from a drill or annual-training injury can qualify as a “disabled veteran” under § 4211(3) without ever mobilizing. Federal contractors' hiring obligations under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) use related, but separately defined, “protected veteran” categories in § 4212.

Three More Definitions Worth Knowing: Unemployment Compensation, Hiring Authorities and Burial

Three more federal laws measure service in their own terms. Unemployment Compensation for Ex-Servicemembers (UCX), 5 U.S.C. § 8521, counts active duty in a reserve status only if it lasted 180

continuous days or more and ended in a discharge or release under honorable conditions — so a Reservist coming home from a shorter mobilization may not qualify for UCX based on that service. Federal hiring access under the Veterans Employment Opportunities Act, 5 U.S.C. § 3304(f), lets preference-eligible Veterans, and Veterans separated under honorable conditions after three or more years of active service, compete for federal jobs that agencies open to outside applicants — a third day-count, alongside 180 days and 24 months. Finally, national cemetery burial eligibility under 38 U.S.C. § 2402(a)(7) extends to anyone who, at death, was entitled to nonregular retired pay under 10 U.S.C. chapter 1223 or would have been but for being under age 60 — a concrete benefit for the career traditional Reservist whom the 2016 “honored as a veteran” provision otherwise leaves without one. Any Guard and Reserve member who earned the title of “Veteran” under the 38 U.S.C. definition (the first, relatively simple definition in this article), including someone who died in active military service, also qualifies for burial in a national cemetery, provided they meet VA’s minimum active-duty service requirement (§ 5303A) — a requirement that does not apply to those who die in service.

What About Veterans’ Preference?

The definition that governs Veterans’ Preference, outlined in [5 U.S.C. § 2108](#), and further explained in Office of Personnel Management (OPM) policies (specifically what counts for 0, 5, and 10 point preference), gives eligible Veterans — including Guard and Reserve members — preference in appointment to federal jobs. Not all active-duty periods qualify for Veterans’ Preference, and like other definitions here, the preference is tied to separation with an Honorable or General-Under Honorable Conditions discharge. Below are the categories of preference, and generally what service qualifies:

The more obscure 0-point preference: released or discharged from a period of active duty from the armed forces, after August 29, 2008, by reason of being the only surviving child in a family in which the father or mother or one or more siblings:

- Served in the armed forces, **and**
- Was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization), **where-**
- The death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

The far more common five-point preference, available if you served:

- For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on August 31, 2010, the last day of Operation Iraqi Freedom, OR
- During the Gulf War, between August 2, 1990, and January 2, 1992, OR
- For more than 180 consecutive days, other than for training, any part of which occurred after January 31, 1955, and before October 15, 1976, OR
- Between April 28, 1952, and July 1, 1955, OR

- In a war, campaign or expedition for which a campaign medal or badge has been authorized.

Note what this means for today's mobilizations: the post-9/11 180-day route closed on August 31, 2010. A 200-day mobilization in 2026 does not earn preference by its length alone, but a mobilization of any length that earns a qualifying campaign or expeditionary medal — such as the Afghanistan or Iraq Campaign Medal, or any Armed Forces Expeditionary Medal — does. The Global War on Terrorism Service Medal does not qualify.

Finally, 10-point preference-and remember, the “service-connected disability” is a determination by the VA or a military department, based on an injury or illness incurred “in line of duty.” Awarded if you served **any amount of time** and:

- have a service-connected disability, OR
- received a Purple Heart.

State Law Is a Separate, Often More Generous, Layer

Everything above is federal law. Many states define “Veteran” more broadly than Title 38 for state-law purposes — license plates, property tax relief, hiring preference, professional licensing fee waivers, and similar programs. Some states extend those benefits to any honorably discharged servicemember regardless of active-duty days; others track the federal definition closely. A member's status under § 101(2) and their status under their state's Veteran-recognition statute are two different legal questions, and ROA members should check both rather than assuming one answers the other. You can explore state-level

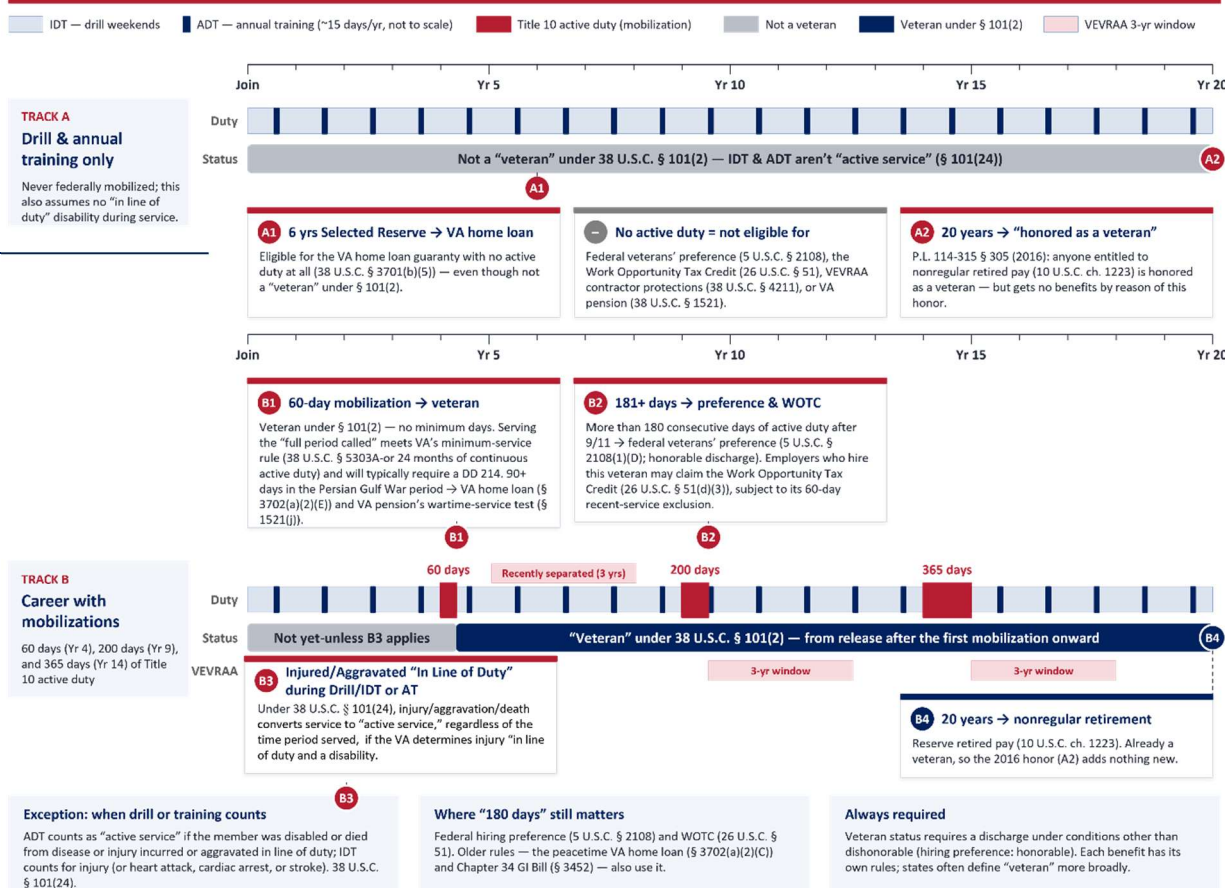
Veteran benefits at our ReserveConnect employment page at <https://roa.org/reserveemployment/>.

The Bottom Line

Federal law does not require 180 days of active duty — or any set number of days — to be a Veteran under Title 38's general definition. Section 101(2) asks only for qualifying active service and a discharge that isn't dishonorable. The 180-day figure governs a handful of specific programs — federal hiring preference, UCX, the peacetime VA home loan, the old Chapter 34 GI Bill, and parts of Chapter 42's employment programs — while other laws use 90 days, 24 months, or three years. Or a single day. The real reason many traditional Guard and Reserve members don't qualify as Veterans is that routine drill and annual training isn't “active duty” at all — not that it's too short. Duty type decides Veteran status; duty length matters only benefit by benefit. As we have for over a century, ROA will continue to advocate for our Reserve Component service members and their families, ensuring your service is properly recognized and you have the resources to thrive, in and out of uniform.

When Does a Reservist Become a “Veteran” — and What Does It Unlock?

Duty type — not duty length — decides veteran status. Day counts matter only for specific benefits.



Illustrative career, not legal advice. Sources: 38 U.S.C. §§ 101(2), 101(24), 1521, 3452, 3701–3702, 4211, 5303A; 5 U.S.C. § 2108; 26 U.S.C. § 51; 10 U.S.C. ch. 1223; P.L. 114-315 § 305. Reserve Organization of America — Law Review 26074.

Figure 1. Sample Timelines and “Veteran” Status

Join the Organization That Fights for You

Questions about how these rules apply to your own service record are best directed to a VA-accredited representative. For more on ROA's advocacy on Guard and Reserve issues, visit [Law Center | ROA](#). If you're not yet a member, join online at [Reserve Organization of America - ROA](#).