

Pre-Need Burial Determination of Eligibility FAQs

1. What is VA's Pre-Need Burial Determination of Eligibility program?

VA's Pre-Need Determination of Eligibility program will assist anyone who would like to know if they are eligible for burial in a VA national cemetery. To encourage Veterans and their eligible family members to use VA burial benefits, VA is promoting this advance planning program. If you wish to bury a deceased individual, contact a local funeral home or the National Cemetery Scheduling Office at (800) 535-1117 to expedite eligibility determination and burial scheduling. Do not request a pre-need eligibility determination.

2. Who can apply for a pre-need burial eligibility determination and how do they apply?

Anyone can apply for a pre-need burial eligibility determination for themselves by submitting [VA Form 40-10007](#), *Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery* to the National Cemetery Scheduling Office (NCSO) by: toll-free fax at (855) 840-8299; or mail to the National Cemetery Scheduling Office, P.O. Box 510543, St. Louis, MO 63151. Applicants should provide documentation of military service, (such as a DD 214 or other record of discharge) if readily available; if not apply anyway. If VA does not have and cannot locate adequate information to make a decision on a pre-need claim, VA will notify you regarding what information is required for determining eligibility and will provide assistance in obtaining information from other sources. You will have an opportunity to provide additional information.

3. Who is eligible for VA burial benefits?

Burial in a VA national cemetery is open to all members of the armed forces and Veterans who have met minimum Active Duty service requirements, as applicable by law, and were discharged under conditions other than dishonorable. Members of the reserve components of the armed forces who die while on Active Duty under certain circumstances or who die while on training duty are also eligible for burial, as are Servicemembers and former Servicemembers who were eligible for retired pay at the time of their death. A Veteran's spouse, surviving spouse, minor children, and, under certain conditions, unmarried adult children with disabilities, may also be eligible for burial. Eligible spouses and children may be buried even if they predecease the Veteran. A spouse is defined as a person who is legally married to a Veteran. A surviving spouse is defined as a person who was legally married to a Veteran at the time of the Veteran's death and includes a surviving spouse who had a subsequent remarriage following the death of the Veteran. A non-Veteran spouse of a Veteran whose marriage to the Veteran was dissolved by divorce or annulment issued by an authoritative court is not eligible for burial in a VA national cemetery.

4. I served in the reserve components (Reserves or National Guard). Am I eligible for burial in a VA national cemetery?

Members of the reserve components of the armed forces who die while on active duty under certain circumstances or while performing training duty or who have 20 years of service creditable for retired pay, or were called to Federal active duty under Title 10 and served the full term of service are eligible for burial in a VA national cemetery. A discharge document, such as a DD 214, should indicate Active Duty for purposes other than training, other active duty or executive orders.

5. Can I apply for a Pre-Need Burial determination if I have no supporting documents, such as a DD 214 discharge document?

Yes. Supporting documentation is not required to apply. However, if these documents are available and you send them with your application, VA will be able to process your application faster. *If discharge documents are not readily available, VA will attempt to obtain the records necessary to make a determination once we receive your application.* If we need additional information to substantiate your claim, VA will contact you and let you know what additional evidence is required. You will have an opportunity

to provide additional information.

6. [Do I have to fill out separate forms for myself and my spouse?](#)

Yes. Each person requesting a pre-need eligibility determination for burial must complete a separate form so that VA can make and record individual eligibility determinations.

A spouse is defined as a person who is legally married to a Veteran. A surviving Spouse is defined as a person who was legally married to a Veteran at the time of the Veteran's death and includes a surviving spouse who had a subsequent remarriage following the death of the Veteran. A non-Veteran spouse of a Veteran whose marriage to the Veteran was dissolved by divorce or annulment issued by an authoritative court is not eligible for burial in a VA national cemetery.

7. [What happens if VA makes a favorable pre-need eligibility determination?](#)

If VA determines you are eligible, VA will notify you of our determination and store your pre-need application, supporting documentation, and the decision letter for use at your time of need. We encourage you to keep our decision letter and other information we will send you with your important papers and to discuss your burial wishes and final arrangements with your family members or other representatives.

8. [What happens if VA determines I am ineligible for burial in a VA national cemetery?](#)

VA will issue you a written denial decision letter explaining the reasons or basis of the denial. If you do not agree with our decision denying your pre-need request, you have the right to appeal the decision. If you wish to appeal, you have one year from the date of the pre-need decision letter to file a notice of disagreement. If you do not file a notice of disagreement within one year, the decision will become final. You can submit additional evidence to support a claim whether or not you choose to appeal the pre-need decision. The [VA Form 4107](#), *Your Rights to Appeal Our Decision* will be provided; it explains your right to appeal and how to submit additional evidence. For more information visit: http://www.va.gov/opa/publications/benefits_book/benefits_chap14.asp

9. [If I submit an application for a pre-need eligibility determination, am I obligated to be buried in a VA national cemetery?](#)

No. Submitting a VA pre-need application and being found eligible does not obligate you to be buried in any national cemetery at your time of need. If your next of kin making final arrangements submits a burial request on your behalf, VA will locate your pre-need decision letter and validate the determination at your time of need.

10. [If VA determines I'm eligible, what happens at my time of need?](#)

At your time of need, your next-of-kin, funeral home or other representative responsible for making your final arrangements should contact the National Cemetery Scheduling Office at (800) 535-1117 to request burial. VA will locate your pre-need decision letter and validate our determination. Because laws and personal circumstances change, VA will validate the pre-need decision using the laws in effect at the time VA receives the burial request. We will also check for any bars to receipt of the burial benefit.

12. [What is a bar to a burial benefit?](#)

Although a person may be found eligible for burial, title 38 U.S.C. Section 2411, prohibits VA from memorializing or interring in any VA national cemetery a person found to have committed a capital crime or a serious sex offense, under Federal or State law. VA will determine whether any bars to receipt of the burial benefit exists when we receive a burial request.