

Wisconsin Department of Veterans Affairs

Policy Bulletin: Reserve Components Are Forces Incorporated As Part Of U.S. Armed Forces

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Last Review: September 26, 2023	Maintained By: Office of Legal Counsel
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I. Policy Statement:

If any reserve component servicemember's service was after July 9, 1952, the Wisconsin Department of Veterans Affairs (WDVA) shall deem the servicemember's service to be with a force incorporated as part of the U.S. armed forces. This determination is not retroactive and commences strictly on the effective date stated above.

II. Purpose:

The purpose of this Policy Bulletin is to provide guidance as to when WDVA deems the reserve components of the U.S. armed forces to be "forces incorporated as part of the U.S. armed forces". This Policy Bulletin shall only impact applications for benefits from the effective date of this Policy Bulletin forward.

III. Related Bulletins:

This Policy Bulletin supersedes any prior WDVA legal opinions or internal procedures about when WDVA deems the reserve components to be incorporated as part of the U.S. armed forces.

IV. Issue:

Wisconsin provides an array of benefits and services to a veteran who meets certain eligibility criteria. The eligibility criteria include requirements such as the veteran's length of service, character of service, or active military service. Frequently another requirement is that the former servicemember had to have served either in the U.S. armed forces or forces incorporated as part of the U.S. armed forces.ⁱ

The phrase "forces incorporated as part of the U.S. armed forces" or a comparable phrase is used 22 times in Chapter 45 of the Wisconsin statutes.ⁱⁱ Chapter 45 does not define this phrase. The forces being referenced are the reserve components of the U.S. armed forces, to include state national guard forces.ⁱⁱⁱ

This Policy Bulletin provides guidance for when the WDVA should deem one of the reserve components *to be incorporated into* the U.S. armed forces.

V. Background and Legal Rationale:

State law requires a servicemember to be a veteran to qualify for various benefits provided to servicemembers who served our country.^{iv} Before Wisconsin law considers a former servicemember a veteran, the servicemember must satisfy certain requirements. Oftentimes, the former servicemember had to have served either in the U.S. armed forces or forces incorporated

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as part of the U.S. armed forces.

Section 101(e) of the Armed Forces Act of 1952 defines the term “Armed Forces of the United States” to “mean[] the Army, Navy, Air Force, Marine Corps, and Coast Guard, **including all components thereof.**”^v Since the Act then defines the reserve components to include the regular reserves and national guard, the terminology “including all” highlights that each of the seven reserve components is part of the armed forces or a force incorporated as part of the U.S. armed forces.^{vi}

Section 204 of this same Act reinforces that the reserve components were a force incorporated as part of the U.S. armed forces with its language that declares, “[t]here shall be within each of the Armed Forces of the United States a Ready Reserve, a Standby Reserve, and a Retired Reserve, and each member of the reserve components shall be placed in one of these categories.”^{vii} This again highlights the interconnectedness of the reserve components in the U.S. armed forces.

Since September 11, 2001, the reserve components have become even more incorporated into the U.S. armed forces.^{viii} As Department of Defense (DOD) Directive 1200.17 noted, “[t]he Active Components (ACs) and RCs are integrated as a total force based on the attributes of the particular component and individual competences.”^{ix} Then as it further provides, “[t]he Secretaries of the Military Departments shall: ... b. Manage their respective RCs as an operational force such that the RCs provide operational capabilities while maintaining strategic depth to meet U.S. military requirements across the full spectrum of conflict.” This DOD Directive clearly provides that the reserve components are part of the armed forces and did not require any Congressional action since the reserve components since July 9, 1952, were incorporated as part of the U.S. armed forces.^x In fact in 2016, reserve components constituted “38% of military personnel end strength.”^{xi}

Further, Wis. Stat. §45.03(14) requires that interpretations of Chapter 45, “shall be construed as liberally as the language permits in favor of applicants”. The interpretations in this Policy Bulletin are consistent with that mandate.^{xii}

VI. Determination:

If any reserve component servicemember’s service occurred after July 9, 1952, WDVA shall deem the servicemember’s service to be with a force incorporated as part of the U.S. armed forces. All other requirements of eligibility under Chapter 45 remain intact.

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VII. Endnotes:

ⁱ Wisconsin Stat. §45.01(12) defines the term “veteran” for Chapter 45 of the Wisconsin Statutes. See [Wis. Stat. §45.01\(12\)](#). Paragraph (e) specifically provides a veteran includes, “[a] person who was honorably discharged *from the U.S. armed forces or from forces incorporated as part of the U.S. armed forces* for a service-connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.” *Id.* (emphasis added). Nearly all of the ten paragraphs that control ways to qualify as a veteran for purposes of Chapter 45, requires the servicemember’s service to have been either in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces. Only paragraph (i) does not contain this requirement when a veteran has died because of a service-connected disability.

ⁱⁱ Other chapters of the Wisconsin statutes similarly use the phrase “forces incorporated as part of the U.S. armed forces” or a variant. Two of the biggest benefits that WDVA certifies a servicemember as an eligible veteran are the Wisconsin GI Bill and the Wisconsin Veterans and Surviving Spouse Property Tax Credit.

For the Wisconsin GI Bill:

- [Wisconsin Stat. §§36.27\(3p\)\(a\)1r.](#) and [38.24\(8\)\(a\)1r.](#) contain the eligibility criteria for the Wisconsin GI Bill for the University of Wisconsin System and the Wisconsin Technical College, respectively. Each includes amongst their requirements that the servicemember’s service must have been in the “U.S. armed forces or forces incorporated in the U.S. armed forces”.

For the Wisconsin Veterans and Surviving Spouse Property Tax Credit:

- [Wisconsin Stat. § 71.07\(6e\)\(a\)3.](#) provides that one of the eligibility requirements to be deemed an eligible veteran is that the service was “in the U.S. armed forces or in forces incorporated in the U.S. armed forces”.

ⁱⁱⁱ Federal law divides the reserve components into two categories: regular reserve and National Guard. The regular reserve consists of the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Space Force Reserve, and Coast Guard Reserve. See [38 USC §101\(27\)](#). The National Guard consists of the Army National Guard and the Air National Guard.

^{iv} For instance, chapter 45 of the Wisconsin statutes, in limited circumstances, grants subsistence aid, but generally, the recipient must be a veteran. See [Wis. Stat. §45.40\(1m\)](#). Sometimes a survivor or dependent of a veteran also qualifies for benefits. See, e.g., [Wis. Stat. §45.40\(2m\)\(b\)](#)(providing circumstances in which a spouse or dependent of a veteran are eligible for subsistence aid or health care aid)

^v See [Section 101\(e\) of the Armed Forces Reserve Act of 1952](#). (emphasis added). The current definition of armed forces provided in [38 USC §101\(10\)](#) again incorporates the reserve components as part of “armed forces”. See 38 USC §101(10). It provides, “(10) The term “Armed Forces” means the United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard, *including the reserve components thereof.*” *Id.* (emphasis added).

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^{vi} Section 202 of the Armed Forces Act of 1952 then provides, “[t]he reserve components are – (a) The National Guard of the United States; (b) The Army Reserve; (c) The Naval Reserve; (d) The Marine Corps Reserve; (e) The Air National Guard of the United States; (f) The Air Force Reserve; and (g) The Coast Guard Reserve.” *Id.* at §202. Given the definition of the Armed Forces Act of 1952 provided that the armed forces included all components, this highlights that Congress incorporated these seven reserve components as part of the U.S. armed forces.

Similarly, 38 USC §101(27) provides, “(27)The term “reserve component” means, with respect to the Armed Forces—(A) the Army Reserve; (B) the Navy Reserve; (C) the Marine Corps Reserve; (D) the Air Force Reserve; (E) the Space Force Reserve; (F) the Coast Guard Reserve; (G) the Army National Guard of the United States; and (H) the Air National Guard of the United States.” Again, given the current definition of armed forces contained in Chapter 38 of the United States Code, Congress incorporated these eight reserve components as part of the U.S. armed forces.

^{vii} Section 204 of the Armed Forces Reserve Act of 1952. (emphasis added).

^{viii} See Kapp, Lawrence & Salazar Torreon, Barbara, *Reserve Component Personnel Issues: Questions and Answers*, (Congressional Research Service, June 15, 2020) available at <https://crsreports.congress.gov/product/pdf/RL/RL30802/23>.

^{ix} Secretary of Defense Robert M. Gates, *Managing the Reserve Components as an Operational Force, DoD Directive 1200.17* (Washington, DC: Office of the Secretary of Defense, October 29, 2008). This DOD Directive further highlighted that the reserve components have become even more integral to satisfy the operational requirements of the U.S. armed forces:

The Reserve components provide operational capabilities and strategic depth to meet the nation’s defense requirements across the full spectrum of conflict. While these roles are not new, the degree to which the military services have relied upon the National Guard and Reserve to support operational missions has changed.

Id.

^x Colonel Matthew W. Lawrence, *9/11 and the Army Reserve: The Strategic Shift* (Strategic Studies Institute, September 8, 2021).

^{xi} Major General Arnold Punaro, *Improving the Total Force Using the National Guard and Reserve*, 18 (Reserve Forces Policy Board, November 2016).

^{xii} [Wis. Stat. §45.03\(14\)](#). The liberal interpretation mandate further strengthens that this Policy Bulletin’s determination is applicable to Chapter 45 benefits. Nevertheless, the main justification for this policy change reflects how the U.S. armed forces have used the reserve components since July 9, 1952. As a result, this policy change is similarly applicable to benefits contained in other chapters of the Wisconsin statutes under which WDVA determines veteran status and eligibility, such as the Wisconsin GI Bill and the Wisconsin Veterans and Surviving Spouse Property Tax Credit.