

Memorandum of Understanding

Expressing New York State's Commitment to Provide Military Funeral Honors for Unclaimed Veterans' Cremated Remains

Between

New York State Department of Veterans Affairs

New York National Cemeteries

New York State Funeral Directors Association

New York State Cemetery Board

Missing in America Project/Veteran Recovery Program

New York State American Legion

Procedures and Protocols for the Identification and Burial of Unclaimed Veterans' Cremated Remains

The following procedures and protocols are voluntarily agreed to by the partnering organizations and are effective January 1, 2010. Each partnering organization may submit updates and modifications to this document at any time which must be agreed to by all partnering agencies. Each organization may also withdraw from this voluntary agreement at any time by simple written 30-day notification to each partner. This is a living document and any agency or organization desiring to partner to this agreement can apply for acceptance.

The New York State Department of Veterans Affairs will serve as the coordinator of these protocols.

A. FOR EXISTING UNCLAIMED CREMATED REMAINS

1. New York funeral directors will make every effort to determine if any existing, unclaimed cremated remains (cremated remains) in their possession may be veterans or eligible dependent using all available, on-hand existing records and/or utilize the Missing in America Project/Veterans Recovery Program volunteers to assist in this effort.
2. If on-hand existing records are incomplete or inaccessible, funeral directors will submit a research request to NPRC utilizing the "request for verification form containing all available personally identifying information (full name, date of birth, date of death, social security number, and if available city and State of birth, etc.). Form will be made available to funeral director by the Missing in America Project/Veterans Recovery Program State Coordinator. Or allow the Missing in America Project/Veterans Recovery Program volunteers to conduct research using all military and non-military resources available to them. All data received by the Missing in America Project/Veterans Recovery Program will be logged into their secure database for research and accountability to State and Federal Agencies.
3. If unclaimed cremated remains are positively identified as a veteran or eligible dependent, the funeral director will complete all required notification to the person designated to take custody and control of the remains. If cremains are not claimed within 30 days of proper notification, the funeral home director may notify the Missing in America Project /Veterans Recovery Program State Coordinator to arrange a full military honors burial ceremony or the funeral home director may notify the National or State VA cemetery to pick up the remains for burial.
4. The funeral home director or the Missing in America Project/Veterans Recovery Program State Coordinator may coordinate with the cemetery for a full military honors burial to include a chaplain.
5. The New York State American Legion and their posts may assist the Missing in America Project/Veterans Recover Program in the full military honors funeral whenever and wherever possible.

6. The Missing in America Project/Veterans Recovery Program State Coordinator will organize available fellow veterans and others to escort the remains and attend the burial service.
7. The National or State VA cemetery will process an order for the government-furnished headstone/marker or niche with the inscription **“YOU ARE NOT FORGOTTEN”**

B. FOR FUTURE UNCLAIMED CREMATED REMAINS (CREMATED REMAINS).

1. At the time that cremation services are ordered, New York funeral directors and their related facilities will make every effort to pre-identify if the deceased are veterans or eligible dependent and will request appropriate documentation from family members/remains custodians (e.g. DD-214, Certificate of Honorable Discharge, marriage license etc.).
2. If the deceased is identified by family members/custodians as a veteran or eligible dependent but no documentation is available, the funeral home director or Missing in America Project/Veterans Recovery Program State Coordinator will initiate the “request for verification” to NPRC with the appropriate information.
3. Upon receipt of official documentation identifying an individual who has been cremated as a veteran or eligible dependent, funeral directors will ensure that those cremated remains are appropriately labeled / recorded as having veteran status.
4. In the event that the cremated remains of an identified veteran or eligible dependent are not accepted by the designated remains custodian, funeral directors will continue to store the remains for a period of 1 year.
5. If after a waiting period of 1 year, if these remains are not accepted by the designated custodian, funeral directors will send a registered letter to the custodian with the statement that the remains will be buried at the nearest National or State VA cemetery if not claimed. A 30 day waiting period will follow. If cremains are not claimed, a notice in the local newspaper will be published with another 30 day waiting period. If remains are still not claimed, the remains will be scheduled for a full military honors burial by the funeral home director or the Missing in America Project/Veterans Recovery Program State Coordinator as outlined in section A.

C. ELIGIBILITY OF UNCLAIMED CREMATED REMAINS (CREMATED REMAINS) FOR TRANSFER AND BURIAL

1. Only the unclaimed cremated remains of veterans who were citizens of the United States at the time of death and who meet the statutory definition of veteran contained in Title 38, U.S.C. are eligible for burial in the New York State or National Veterans Cemetery.
2. The unclaimed cremated remains of the following persons are **ineligible** for burial in a National or State Veterans cemetery:

- A person who does not possess an *honorable discharge* from the U.S. Armed Forces or a discharge *under honorable conditions*.
- A person who is convicted of a Federal capital crime and sentenced to death or life imprisonment, or is convicted of a State capital crime and sentenced to death or life imprisonment without parole.
- A person whose only military service is active duty for training or inactive duty training in the National Guard or Reserve Components, unless the individual meets the burial eligibility criteria outlined in Title 38, U.S.C.
- More information on VA eligibility requirements is available in VA Directive 3210.
- **D. ORGANIZATION SIGNATURES**

New York State Department of Veterans Affairs	New York National Cemetery Director
New York State Cemetery Board	New York State Funeral Directors Association Linda K. Smith
New York State American Legion Commander John Caldarelli	Missing in America Project Vice President Harry Hartman
Missing in America National Representative	New York Veterans Recovery Program

