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# 5 U.S. Code § 2108 - Veteran; disabled veteran; preference eligible

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For the purpose of this title—

**(1) "veteran"** means an individual who—

**(A)** served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;

**(B)** served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred after January 31, 1955, and before October 15, 1976, not

including service under section 12103(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve;

**(C)** served on active duty as defined by section 101(21) of title 38 in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or

**(D)** served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;

and, except as provided under section 2108a, who has been discharged or released from active duty in the armed forces under honorable conditions;

**(2)** "disabled veteran" means an individual who has served on active duty in the armed forces, (except as provided under section 2108a) has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department;

**(3)** "preference eligible" means, except as provided in paragraph (4) of this section or section 2108a(c)—

**(A)** a veteran as defined by paragraph (1)(A) of this section;

**(B)** a veteran as defined by paragraph (1)(B), (C), or (D) of this section;

**(C)** a disabled veteran;

**(D)** the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;

**(E)** the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

**(F)** the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

- (i) the spouse of that parent is totally and permanently disabled; or
- (ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

**(G)** the parent of a service-connected permanently and totally disabled veteran, if—

- (i) the spouse of that parent is totally and permanently disabled; or
- (ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and

**(H)** a veteran who was discharged or released from a period of active duty by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10);

but does not include applicants for, or members of, the Senior Executive Service, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

**(4)** except for the purposes of chapters 43 and 75 of this title, “preference eligible” does not include a retired member of the armed forces unless—

**(A)** the individual is a disabled veteran; or

**(B)** the individual retired below the rank of major or its equivalent; and

**(5)** “retired member of the armed forces” means a member or former member of the armed forces who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 410; Pub. L. 90-83, § 1(6), Sept. 11, 1967, 81 Stat. 196; Pub. L. 90-623, § 1(2), Oct. 22, 1968, 82 Stat. 1312; Pub. L. 92-187, § 1, Dec. 15, 1971, 85 Stat. 644; Pub. L. 94-502, title VII, § 702, Oct. 15, 1976, 90 Stat. 2405; Pub. L. 95-454, title III, § 307(a), title IV, § 401(d), Oct. 13, 1978, 92 Stat. 1147, 1154; Pub. L. 96-54, § 2(a)(8), (9)(A), Aug. 14, 1979, 93 Stat. 381; Pub. L. 96-191, § 8(a), Feb. 15, 1980, 94 Stat. 33; Pub. L. 97-89, title VIII, § 801, Dec. 4, 1981, 95 Stat. 1161; Pub. L. 100-325, § 2(a), May 30, 1988, 102 Stat. 581; Pub. L. 102-54, § 13(b)(1), June 13, 1991, 105 Stat. 274; Pub. L. 105-85, div. A, title XI, § 1102(a), (c), Nov. 18, 1997, 111 Stat. 1922; Pub. L. 105-339, § 4(a), Oct. 31, 1998, 112 Stat. 3185; Pub. L. 109-163, div. A, title V, § 515(f)(1), title XI, §§ 1111, 1112(a), Jan. 6, 2006, 119 Stat. 3236, 3451; Pub. L. 110-317, § 8, Aug.

29, 2008, 122 Stat. 3529; Pub. L. 112-56, title II, § 235(a)(2)(A), Nov. 21, 2011, 125 Stat. 723; Pub. L. 114-62, § 2, Oct. 7, 2015, 129 Stat. 547.)



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