



Department of

**Veterans Services**

# 38 CFR 3.203 Certifying Proof of Service Documents

# Overview

According to the provisions of 38 CFR 3.203, service organization representatives who have completed a VA-prescribed training course on military records are authorized to copy official documents and certify the photocopy as a true copy of the original for purposes of service verification.

- At the end of this lesson, you will know:
- Certification Process
- Evaluating the Document in Question
- Important Considerations When Certifying Evidence
- Service Officer's Role in Service Record Development for VA Claims

# Reference

## §3.203 Service records as evidence of service and character of discharge.

- (a) *Evidence submitted by a claimant.* For the purpose of establishing entitlement to pension, compensation, dependency and indemnity compensation or burial benefits the Department of Veterans Affairs may accept evidence of service submitted by a claimant (or sent directly to the Department of Veterans Affairs by the service department), such as a DD Form 214, Certificate of Release or Discharge from Active Duty, or original Certificate of Discharge, without verification from the appropriate service department if the evidence meets the following conditions:

# Reference

1. The evidence is a document issued by the service department. A copy of an original document is acceptable if the copy was issued by the service department or if the copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody or, if the copy was submitted by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records, and who certifies that it is a true and exact copy of either an original document or of a copy issued by the service department or a public custodian of records; and

# Reference

2. The document contains needed information as to length, time and character of service; and
3. In the opinion of the Department of Veterans Affairs the document is genuine, and the information contained in it is accurate.

# Resources

- [38 CFR 3.203](#)
- Tennessee War Records
- [Defense Personnel Records Information Retrieval System \(DPRIS\)](#)
- [National Archives – Veterans' Service Records](#)
- [Request Pertaining to Military Records \(VA Form SF-180\)](#)

# Certifying Proof

According to the provisions of 38 CFR 3.203, service organization representatives who have completed a VA-prescribed training course on military records are authorized to copy official documents and certify the photocopy as a true copy of the original for purposes of service verification.

# Certification Process

- VA accepts photocopies of original documents that confirm a Veteran's military service if the Veteran's service department issued the original document and:
- a public custodian of records certifies the photocopy is a true and exact copy of a document in his/her custody
- an accredited agent, attorney, or service organization representative who has successfully completed VA-prescribed training on military records certifies the authenticity of the photocopy by:



# Certification Process (continued)

- Stamping the photocopy with the statement:
  - "I [name, title, organization] certify that I have completed the VA-prescribed training on certification of evidence or proof of service and that this is a true and exact copy of either an original document or of a copy issued by the service department or public custodian of record"
  - signing and dating the statement

# Certification Process (continued)

- Each service organization representative should purchase and possess an individual stamp stating the above-mentioned certification language. The stamp should be affixed to a blank portion of the DD-214 (or other document verifying service and character of discharge) so as not to cover or obscure the data on the form, and then be signed by original signature of the person listed on the stamp.
- Remember, this certification authority ONLY pertains to documents verifying service and character of discharge. It does NOT extend to medical, dependency, or any other document or evidence in the claims process.

# Evaluating the Document in Question

- Current technological advances have greatly enhanced the photocopy process, thus creating the opportunity for virtually undetectable alterations of official documents such as DD-214s. You should be aware of the potential and be on the lookout for suspicious documents furnished to you by your clients. Common examples of alterations include, but are not limited to the following:

# Evaluating the Document in Question

- Different type fonts on the same DD-214
- Short period of active service (less than 1 year) with multiple decorations
- Combat decorations (particularly Purple Heart) with no foreign service shown
- Short period of active service (1 year or less) with significant high rank (E-5 or above)
- Lengthy periods of service with significantly low rank (Below E-3) {Suggestive of court martial with punitive discharge} Decorations not matching branch of service

# Evaluating the Document in Question

- Date of birth not consistent with service dates shown (would make Veteran less than 17 or over 30 at date of first enlistment)
- Character of service not centered in the block (i.e., original character was "under conditions other than honorable"; by deleting or "whiting out" the phrase "under conditions other than", the remaining "honorable" would be at the far right-hand end of the block, rather than centered in the case of a true "honorable" discharge)

# Considerations When Certifying Evidence

## ***Additional requirements for pension claimants***

- In addition to meeting the requirements of paragraph (a) of 38 CFR 3.203, a document submitted to establish a creditable period of wartime service for pension entitlement may be accepted without verification if the document (or other evidence of record) shows:
  - (1) Service of 4 months or more; or
  - (2) Discharge for disability incurred in line of duty; or
  - (3) Ninety days creditable service based on records from the service department such as hospitalization for 90 days for a line of duty disability.

# Considerations When Certifying Evidence

## Important

Remember that, by affixing the certification stamp and service organization representative's signature to the copy, you are attesting to the veracity of the document. Certifying service verification documents that are not original or certified copies equates to making false statements and could lead to severe penalties.

# Considerations When Certifying Evidence

## Warning

- If the document provided to you for certification by the claimant is in any way suspect, you should decline to certify it and submit it with the claim as is. If you KNOW that the document is false or altered, you should decline to assist the claimant. Submitting fraudulent documents to the VA could result in criminal prosecution.



# Considerations When Certifying Evidence

## Rule of Thumb

- You should never initiate a request for service or medical records directly to NPRC (by means of a SF-180 or any other method) in conjunction with the filing of a claim. By doing this, NPRC will pull the record to fulfill the request; then when VA requests the same service records or STRs, the record will NOT be available, so VA's request will be delayed accordingly. You should only request official records for claimants who want them for personal reasons NOT involved with the filing of a claim or appeal. To do so otherwise in an effort to support the claim, merely delays the process unnecessarily.

# Considerations When Certifying Evidence

## Reminder

- VA has the final word on acceptable proof of service. If VA is not satisfied with the document(s) submitted, they will request verification of service through official channels such as Personnel Information Exchange System (PIES) or Defense Personnel Records Image Retrieval System (DPRIS).

# Considerations When Certifying Evidence

## Important Information

- You should NOT request (or submit) copies from VA of STRs or other evidence contained in the claims folder for purposes of filing additional claims. That evidence is already OF RECORD. The re-submission of duplicate evidence is an ineffective use of time, as duplicate evidence received will merely be returned to the claimant and the evidence has already been considered.
- Remember, service officer representatives (assuming that they are NOT federal government employees) are not entitled to access records information without the signed, written consent of the Veteran.
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# The Service Officer's Role in Service Record Development for VA Claims

- In a typical scenario, the Veteran or Claimant will come to you seeking compensation benefits or to submit a claim for additional benefits. In these cases, the key evidence that will ultimately substantiate the claimant's entitlement to benefits will include service records or federal records verifying his or her military service.
- In your interview with the Veteran, you are going to want to make sure that you pinpoint the most accurate and complete information surrounding these pertinent records.

# The Service Officer's Role in Service Record Development for VA Claims

- The following keys to success may help you fulfill your obligation to your client.
- Ideally, the claimant would not have his or her original service records in their possession and those records would be housed by the proper federal records custodian(s). However, if the claimant does have these original records, you can ask the client to gather the evidence and bring it to you so the evidence can be submitted to support the claim.

# The Service Officer's Role in Service Record Development for VA Claims

- Identify the types of service-related evidence the Veteran needs to have considered with his or her claim.
- Assist the Veteran with completing and signing an authorization release form that is sufficient to have those identified records released to the VA.
- Be sure to include essential information if requested to complete additional forms in order for VA to obtain pertinent service records.

# The Service Officer's Role in Service Record Development for VA Claims

- The goal in any claim is to get all of the relevant and complete evidence pertinent to the claimant in order to support entitlement to a fully developed claim benefits.
- VA will only consider the evidence that it has been made aware of and can obtain. Any effort you can make to assist in this effort will help your client and the decision-maker.

# Closing

- Training, Responsibility, Involvement and Preparation of Claims (TRIP)



# Questions?

