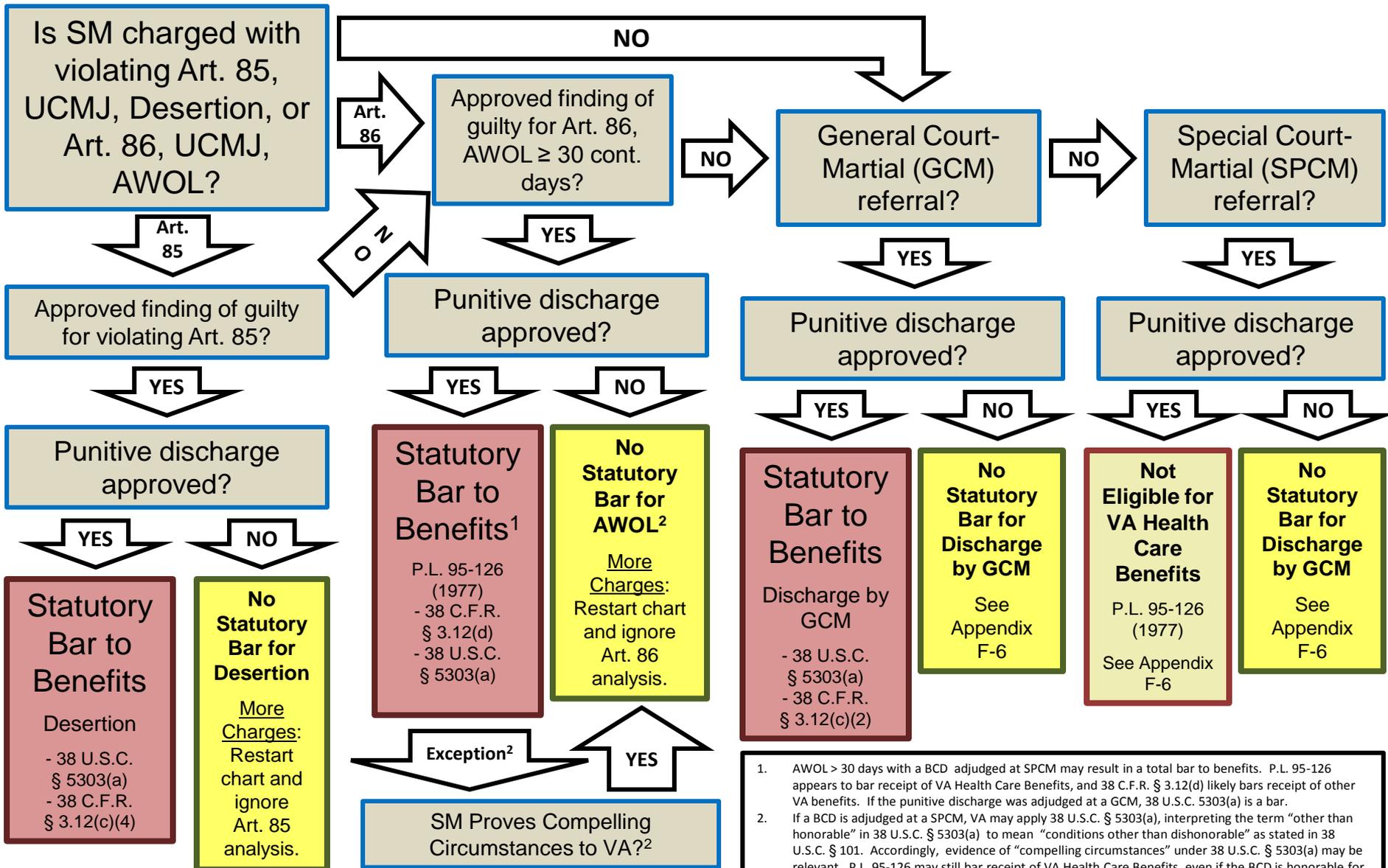


# Court-Martial Cases



1. AWOL > 30 days with a BCD adjudged at SPCM may result in a total bar to benefits. P.L. 95-126 appears to bar receipt of VA Health Care Benefits, and 38 C.F.R. § 3.12(d) likely bars receipt of other VA benefits. If the punitive discharge was adjudged at a GCM, 38 U.S.C. 5303(a) is a bar.

2. If a BCD is adjudged at a SPCM, VA may apply 38 U.S.C. § 5303(a), interpreting the term "other than honorable" in 38 U.S.C. § 5303(a) to mean "conditions other than dishonorable" as stated in 38 U.S.C. § 101. Accordingly, evidence of "compelling circumstances" under 38 U.S.C. § 5303(a) may be relevant. P.L. 95-126 may still bar receipt of VA Health Care Benefits, even if the BCD is honorable for VA purposes. Practitioners should continually research the most recent guidance.