

SOONER MAGAZINE

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Analysis of G. I. Bill of Rights

By John G. Hervey, Dean, Law School, University of Oklahoma, and Chairman of the Committee of the Oklahoma Bar Association on Aid to Veteran Lawyers.

1. What is the correct title of the "G. I. Bill of Rights?"

The Servicemen's Readjustment Act of 1944. Title 38 U. S. C. A. Section 693-697E, 701.

2. Is this the only statute that gives benefits to veterans?

No—other statutes provide for dependency allowances, mustering out pay, hospitalization, medical care, vocational rehabilitation, insurance benefits, and re-employment rights. Those statutes should be examined on the particular point which the veteran has in mind.

3. What are the rights given by the G. I. Bill of Rights?

There are six as follows:

a. Readjustment compensation.

b. Financial assistance while trying to set up a business.

c. Guaranty of loans up to \$2,000 for the purchase of a home, farm or business.

d. Hospitalization and medical care.

e. Assistance in finding employment.

f. Education and training benefits.

4. Who is entitled to the benefits?

A man or woman who has served in the active forces of the Army, Navy, Marine Corps, or Coast Guard, or one of their components, at any time from September 16, 1940, to the termination of the present war can claim the benefits subject to two conditions. He or she must have served at least ninety days, unless sooner discharged for disability suffered in line of duty, and release from active service must be under conditions other than dishonorable.

5. Are commissioned officers entitled to the benefits of the statutes?

Yes.

6. Suppose a veteran re-enters his business or profession and does badly?

If he spends all his time in a business or profession and his earnings in the previous calendar month were less than \$100, he may apply for an allowance equal to the difference between \$100 and his net earnings for that month.

7. If a veteran be unemployed, what help can he get?

If he has been honorably discharged and lives in the United States, he is entitled to \$20 per week while unemployed, subject to certain conditions. He will be allowed eight weeks of allowances for each of the first three months of active wartime service, and four weeks of allowances for each month of service, or major fraction of a month, beyond the first three, but in no event can he receive more than fifty-two weeks of allowances. The allowance of \$20 per week will be reduced by any federal or state employment or disability compensation—other than pension, compensation, or retired pay paid by the Veterans Administration—received by the veteran for the same period of time.

8. What conditions must be met in order to qualify for the readjustment allowances?

a. The week of unemployment must have begun not later than two years after discharge or release from active service or the termination of the war, whichever be the later date.

b. The veteran must not be receiving a subsistence allowance for education or training.

c. The veteran must be completely unemployed, or if he have a part-time job his wages must be less than \$23 per week.

d. He must be registered with and report to a public employment office.

e. He must be able to work and be available for suitable work.

f. The veteran will not receive the allowance if he leaves suitable work voluntarily without good cause, or if he be discharged or suspended for misconduct, or if without cause he fails to apply for or accept suitable work, or if he fails without good cause to attend an available free training course, or if he is participating in a strike or labor dispute causing a work stoppage.

9. Will the veteran get any help in finding a job?

Yes. Under the Selective Training and Service Act of 1940 the veteran is entitled to his old job or its equivalent at the same rate of pay, with the same privileges and seniority he had before entering the service, and he may not be discharged without cause within one year of his re-employment. But the veteran must apply for re-employment within forty days after his discharge. In addition to those benefits conferred under earlier statutes, the G. I. Bill of Rights sets up a Veterans Employment Service, within the United States Employment Service, to supervise the registration and job placement of veterans, for securing and maintaining current information on various types of jobs that are open, for interesting industry in employing veterans, and for improving the working conditions of veterans.

10. Can a dishonorable discharge be changed to an honorable one?

The statute is unique in that it provides for boards of review in the War and Navy Departments. These boards have the power, under the statute, to review the discharge of a veteran and correct it in accordance with the facts. But these boards have no power to change the sentence of a court martial.

Ed's Note: Because of the space shortage, the comprehensive analysis of the G. I. Bill of Rights (Public Law 346) prepared by Dean John G. Hervey, of the School of Law, cannot be published in its entirety in one issue. Approximately one-third of the analysis appears here, the remainder to be published in the next two issues of *Sooner Magazine*, the April and May numbers. Veterans and relatives and friends of veterans may be interested in getting all three issues of *Sooner Magazine* in which this analysis appears and clipping for future reference. Utilizing the question and answer form,

Dean Hervey has analyzed the entire G. I. Bill and performed an invaluable service to the men and women who have been and who will be affected by this piece of legislation.

The Cover

Former member of the WASPS ferry service, Margaret Ann Hamilton, '38, joined the Alumni Office staff in February as alumni field representative. Shown here with her furry friend Ada Sha, Margaret Ann sorts through the stacks of pictures she accumulated while in pilot service. In some of the scrapbook pictures, Margaret Ann is photographed with Margaret Kerr, Ada, also a member of the WASPS at the time that organization was disbanded, who is now enrolled in the University and is studying professional writing on the side.

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