

APPENDIX A

SUBCHAPTER II - EX-SERVICEMEMBERS

* 8521. DEFINITIONS: APPLICATION

(a) For the purpose of this subchapter:

(1) "Federal service" means active service (not including active duty in a reserve status unless for a continuous period of 90 days or more) in the Armed Forces or the "Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service -

(A) The individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

(B) (i) the individual was discharged or released after completing his first full term of active service which the individual initially agreed to serve, or

(ii) the individual was discharged or released before completing such term of active service -

(I) for the convenience of the Government under an early release program,

(II) because of medical disqualification, pregnancy, parenthood or any service-incurred injury or disability,

(III) because of hardship, or

(IV) because of personality disorders or inaptitude but only if the service was continuous for 365 days or more.

(2) "Federal wages" means all pay and allowances, in cash and in kind, for Federal service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of his/her latest discharge or release from Federal service as specified in the schedule applicable at the time he files his first claim for compensation for the benefit year. The Secretary shall issue, from time to time, after consultation with the Secretary of Defense, schedules

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specifying the pay and allowances for each pay grade of servicemen covered by this subchapter, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind; and

(3) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(b) The provisions of subchapter I of this chapter, subject to the modifications made by this subchapter, apply to individuals who have had Federal service as defined by subchapter (A) of this section.

8522. ASSIGNMENT OF FEDERAL SERVICE AND WAGES

Notwithstanding section 8504 of this title, Federal service and Federal wages not previously assigned shall be assigned to the State in which the claimant first files a claim for unemployment compensation after his latest discharge or release from Federal service. This assignment is deemed as an assignment under section 8504 of this title for the purpose of this subchapter.

8523. DISSEMINATION OF INFORMATION

(a) When designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secretary, as the Secretary considers practicable and necessary for the determination of entitlement of an individual to compensation under this subchapter.

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(b) Subject to correction of errors and omissions as prescribed by regulations of the Secretary, the following are final and conclusive for the purpose of sections 8502(d) and 8503(c) of this title:

(1) Findings by an agency of the United States made in accordance with subsection (a) of this section with respect to:

(A) whether or not an individual has met any condition specified by Section 8521(a)(1) of this title;

(B) the periods of Federal service; and

(C) the pay grade of the individual at the time of his latest discharge or release from Federal service.

(2) The schedules of pay and allowances prescribed by the Secretary under section 8521(a)(2) of this title.

8524. ACCRUED LEAVE (Repealed).

8525. EFFECT ON OTHER STATUTES

(a) (Repealed).

(b) An individual is not entitled to compensation under this subchapter for any period with respect to which he receives:

(1) a subsistence allowance under chapter 31 of title 38 or under part VIII of Veterans Regulation Numbered 1(a); or

(2) an educational assistance allowance under chapter 35 of title 38.