



**Tennessee Department of Veterans Affairs
Unclaimed Veteran Remains
Standard Operating Procedure (SOP)**

Created April, 2013

Objective:

This formal Tennessee Department of Veterans Affairs (TDVA) Standard Operating Procedure (SOP) has been created to give consistent guidance to TDVA cemetery personnel and Tennessee funeral directors in regards to providing unclaimed Veteran remains with a dignified and proper burial at the State Veterans Cemeteries.

Definition:

Veteran is defined in the 38 Code of Federal Regulations 3.1 as a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

Background:

In 1978, the United States Department of Veterans Affairs (USDVA) established the Veterans Cemetery Grants Program to complement the department's National Cemetery Administration (NCA). The program assists states in providing gravesites for Veterans in those areas where USDVA cemeteries cannot fully satisfy their burial needs.

State Veteran Cemeteries are required to maintain National Cemetery Administration (NCA) standards and are considered to be an extension of National Veterans Cemeteries. Federal benefits for National Veterans Cemeteries also apply to State Veterans Cemeteries.

The first Tennessee State Veterans Cemetery was established in 1990. There are currently four Tennessee State Veterans Cemeteries to include two in Knoxville, one in Nashville and one in Memphis.

In 2012, the Tennessee General Assembly passed Public Chapter No. 828 Relative to Human Remains to allow funeral directors to assume the right of disposition in situations where next of kin is not available or next of kin forfeits right of disposition. Please refer to Public Chapter 828 for the full text and guidance.

In 2013, the President of the United States signed the "Dignified Burial and Other Veterans' Benefits Improvement Act of 2012" to allow the United States Department of Veterans Affairs to partner with funeral directors and medical examiners to ensure unclaimed Veterans received dignified burials and federal reimbursements were made to funeral directors providing caskets and urns for unclaimed Veteran remains. To review the full text of the federal law, refer to Public Chapter No. 1087-Amendment 67-5-704.



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Process:

In the event a Tennessee funeral director discovers he/she is in possession of the remains of a Veteran, they may contact TDVA for assistance to inter the remains in the nearest Tennessee State Veterans Cemetery or National Veterans Cemetery.

Public Chapter No. 823 T.C.A. 62-5-703 (12) allows the funeral director to assume the right of disposition in cases where next of kin cannot be located or in cases where next of kin forfeits their right of disposition.

(12) In the absence of any person listed in subdivisions (1)-(11), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals listed in subdivisions (1)-(11).

T.C.A 62-5-704 (2) also provides a timeline for notification as it pertains to disposition of the unclaimed remains. In summary, the funeral director may exercise the right of disposition if the next of kin is not willing to claim the Veteran's remains within three (3) days of notification or no next of kin is located within one week or seven (7) days of the Veteran's death.

(2) Any person who does not exercise the right of disposition within seventy two (72) hours of notification of the decedent's death or within one hundred and sixty eight (168) hours of the decedent's death, whichever is earlier.

Funeral directors are required to keep and maintain written records of attempts to contact next of kin and results of each attempt. Upon establishing a partnership with TDVA, the funeral director will provide a copy of the written records to be kept and maintained at the pertinent State Veterans Cemetery.

Funeral directors must also provide evidence of Veteran status to the nearest TDVA Cemetery Director for confirmation of eligibility for burial in the nearest State Veterans Cemetery.

Funeral directors may coordinate with TDVA cemetery personnel in regards to contacting the Honor Guard, chaplains and other Veterans Service Organizations or non-profit organizations to support military honors for services at the State Veterans Cemeteries.

In order to maintain the appropriate chain of custody of the unclaimed Veteran remains, the funeral director is responsible for transportation of the remains to the State Veterans Cemetery or National Veterans Cemetery.



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TDVA Cemetery Directors will file appropriate claims with the United States Department of Veterans Affairs for appropriate grave markers or placards for columbariums.

Funeral directors must file for reimbursement for caskets and urns with the United States Department of Veterans Affairs in accordance with Title 38 of the United States Code Section 101 (f), (1) and (2) which states;

‘(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

- “(1) is unable to identify the veteran’s next of kin, if any; and
- “(2) determines that sufficient resources for the furnishing

In accordance with Title 38 of the United States Code Section 103 §2414 (a), (1), (2), (b), (1), (2), funeral directors and TDVA Cemetery Directors are required to notify the United States Department of Veterans Affairs with regards to the unclaimed Veteran and the status of next of kin.

“(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

- “(1) Whether the deceased veteran was cremated.
- “(2) The steps taken to ensure that the deceased veteran has no next of kin.

“(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

- “(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and
- “(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.”

Conclusion

The Tennessee Department of Veterans Affairs is committed to serving Veterans with dignity and compassion. The department policy regarding unclaimed Veteran remains is established to create a formal partnership with funeral directors in the State of Tennessee to ensure unclaimed Veteran remains receive military honors in one of the State’s Veterans Cemeteries which were established for the sole purpose of providing a pristine final resting place for service members, eligible Veterans and eligible dependents.

TDVA is the official custodian of this document and is responsible for updating all data.