

12 October 2009

## **New Regulation - Headstone and Marker Application Process Updates**

The Code of Federal Regulations (CFR) 38.632 “Headstone and Marker Application Process” became effective on July 1, 2009. This regulation, in part, describes the processes required to apply for a Government headstone and marker.

Under this new rule, only the following individuals may apply for a headstone or marker:

1. the decedent’s next-of-kin (NOK)
2. a person authorized in writing by the NOK
3. a personal representative authorized in writing by the decedent.

Any individual authorized in writing by the NOK, or a personal representative authorized in writing by the decedent may also apply for a headstone or marker. If someone other than the NOK is applying for the headstone or marker, the application package must include a written statement signed by the NOK or decedent authorizing that person (the applicant) to apply for this benefit. A notarized statement is not required for these purposes.

NCA will also accept applications from funeral home directors, cemetery officials, and Department of Defense appointed Casualty Assistance Officers, since they generally are authorized to represent the decedent or the NOK. When a cemetery is historic and/or does not have officials that are responsible for the administration of the cemetery, then the landowner may be the applicant.

SCV Camp 2316 received a rejection letter after they submitted an application under their auspices. The VA letter referred to the new change in CFR 38.362 and rejected the application because of the NOK provisions, however they stated that “VA will also accept applications from funeral home directors, cemetery officials ....”

Recommend that for all future applications and resubmissions of the Headstone and Marker Application Form 40-1330 that the SCV member complete the form, gather the supporting documentation, and request the cemetery official to complete the remainder of the form and submit the application to the VA. If the cemetery official does not wish to be the applicant ask a local funeral home director to be the applicant.

Respectfully,

John E. Potenza  
Arizona Division, Graves Registrar