

**WIAB 09-04**

**DATE:** April 15, 2005  
**TO:** All Local Workforce Investment Areas  
**FROM:** Cheryl A. Brush, Chief, Workforce Systems Bureau  
**SUBJECT:** Serving Military Service Members and Military Spouses under WIA Dislocated Worker Formula Grant

This bulletin serves to clarify USDOL policy (as issued through TEGL 22-04) in reference to WIA Dislocated Worker Formula Grant-funded services for two populations: (1) military service members (non-retirees) and (2) military spouses. A review of current WIA Law and regulations indicates that there is limited policy guidance on serving returning military service members (non-retirees) or military spouses as dislocated workers. These populations may be served by the WIA Adult program funds, in accordance with program requirements. However, WIA's Dislocated Worker program has basic eligibility criteria that must be met in order for a participant to be considered a dislocated worker. TEGL 22-04 clarifies how the two military populations identified above may be eligible for the WIA Dislocated Worker program.

### **Background**

On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Public Law 107-288), which affects twenty USDOL-funded workforce programs. Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in these programs. The affected programs include, but are not limited to, all WIA programs (Adult, Dislocated Worker, and Youth), Wagner-Peyser Employment Service, and Senior Community Service Employment Program (SCSEP), as well as other programs administered by the USDOL. Guidance on this matter was issued in September 2003 (TEGL No. 5-03) and through WIAB 05-03. In general, these documents hold that veterans' priority must be applied consistent with programmatic eligibility standards and other priorities mandated by statute.

In order to be served in the WIA Dislocated Worker program, all participants must first meet the statutory eligibility criteria to qualify as a dislocated worker. If the eligible participant is a veteran or a spouse of certain veterans (please refer to the WIA Eligibility TAG for definition of "covered person"), then they must be given priority over dislocated workers who are non-veterans. The guidance in TEGL 22-04 establishes two policies that may determine whether military service members and military spouses may qualify as dislocated workers. The policies have been included in the Department's WIA Eligibility TAG as follows:

## Military Service Members

Being discharged (under honorable circumstances) either voluntarily or involuntarily, terminates an employment relationship between the individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military member must also satisfy the other criteria for dislocated worker eligibility, including that they are “unlikely to return to a previous industry or occupation.”

## Military Spouses

A military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula funds in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member’s permanent change of station, or the military spouse loses employment as a result of the spouse’s honorable discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker. The military spouse must also satisfy the other criteria for dislocated worker eligibility, including that the spouse is “unlikely to return to a previous industry or occupation.” In addition, the military spouse may also be served under the Dislocated Worker program if he/she meets the definitional requirements for a displaced homemaker. This also applies to the surviving spouses of military service members.

If you have any questions on this matter, please contact Rico Barrera at (208) 332-3570 x3316.