



DEPARTMENT OF VETERANS AFFAIRS  
National Cemetery Administration  
Memorial Programs Service Processing Site  
220 Athens Way Suite 102  
Nashville, TN 37228-1346

July 19, 2011

Cecil B Hollifield  
5024 Bolick Rd  
Claremont, NC 28610

Name: Elijah Simmons  
Vet ID Number: 55124096

Dear Mr. Hollifield:

We have received your application requesting a Government-furnished headstone or marker for Elijah Simmons.

Eligibility criteria for a Government-furnished headstone or marker are provided in Section 2306 of Title 38 of the United States Code, "Headstones, markers, and burial receptacles." By law, the Department of Veterans Affairs (VA) may only furnish a headstone or marker to mark a grave in which an eligible individual is interred. On your application, you indicated the final disposition of the remains of Elijah Simmons is unknown. Therefore, we are denying your request for a Government-furnished headstone or marker.

If you do not agree with our decision denying your request, you have the right to appeal that decision. If you wish to appeal, you should write and tell us why you disagree and indicate your desire to appeal. You have one year from the date of this letter to appeal the decision. The enclosed VA Form 4107, "Your Rights to Appeal Our Decision," explains your right to appeal. Please submit any correspondence to this office at the address stated above.


We note that the law authorizes VA to furnish a memorial headstone or marker when remains of an eligible individual are unavailable for burial. Under Section 2306(b)(3) of Title 38 of the United States Code, the term "unavailable" means the eligible individual's remains were:

- Buried at sea, whether by the individual's choice or otherwise;
- Donated to science;
- Cremated and the ashes scattered without any portion of the ashes being interred; or
- Not recovered or identified.

In the case of unrecoverable or unidentifiable remains, the circumstances surrounding the Veteran's death should be such to reasonably assume the body was unrecoverable or unidentifiable due to burning or drowning, or burial in a mass grave, etc. The fact that the location of the Veteran's grave is unknown is not a sufficient basis for a memorial headstone or marker.

If the remains are unavailable for burial as defined above, you may apply for a memorial headstone or marker by completing the enclosed VA Form 40-1330, "Application for Standard Government Headstone or Marker," and submitting supporting documentation to establish that the remains are unavailable for burial for one of the above-cited reasons.

Sincerely,

  
John S. Corsi  
Site Supervisor  
Memorial Programs Service

Enclosures

VA Form 4107, "Your Rights to Appeal Our Decision"  
VA Form 40-1330, "Application for Standard Government Headstone or Marker"