



*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*The Commonwealth of Massachusetts*  
*Office of the State Treasurer*  
*One Ashburton Place*  
*Boston, Massachusetts 02108-1608*

July 16, 2024

*via first-class mail*

Joseph C. Boeggeman  
#210960  
Post Office Box 2200  
Lincoln, NE 68542

*via email*

John Durgin  
Senior Associate General Counsel  
Office of the State Treasurer  
and Receiver General  
One Ashburton Place, 12<sup>th</sup> Floor  
Boston, MA 02108

*Re: In re: Joseph C. Boeggeman, Docket no. 2019-VB-005*

Dear Mr. Boeggeman and Attorney Durgin:

Enclosed please find the decision of the Veterans' Bonus Appeal Board in the above-captioned matter. Any party aggrieved by the decision may, within thirty (30) days of receipt of this notice and enclosed decision, appeal to the Superior Court in accordance with the provisions of Massachusetts General Laws Chapter 30A, Section 14.

Sincerely,

Sandra DeSantis Lynch  
Deputy General Counsel  
Treasurer's Designee

On behalf of the Veterans' Bonus Appeal Board:  
LTC Shannon McLaughlin, Adjutant General's Designee  
AAG William Aiello, Attorney General's Designee

cc: Steven Croteau, Supervisor of Veterans' Bonus Division (via email)  
Alayna Van Tassel, Deputy Treasurer (via email)

*Sandra DeSantis Lynch | Deputy General Counsel*  
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COMMONWEALTH OF MASSACHUSETTS  
VETERANS' BONUS APPEAL BOARD

2019-VB-0005

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IN RE: JOSEPH C. BOEGGEMAN  
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**MEMORANDUM OF DECISION**

The appellant, Joseph C. Boeggeman ("Boeggeman"), served two separate stints in the Civilian Expeditionary Workforce ("CEW")<sup>1</sup> between August 2011 and January 2015. Subsequently, he applied to the Commonwealth's Veterans' Bonus Division ("Division") for a bonus under M.G.L. c. 10 § 78, the Global War on Terror Welcome Home Bonus ("Bonus"). The Division denied Boeggeman's application because although he is a United States Air Force veteran, his military service concluded prior to September 11, 2001, and his deployments with the CEW did not qualify him as an active service veteran as defined by Chapter 78. Boeggeman appeals, claiming that the Division erred in determining that his deployments with the CEW did not qualify for the Bonus. We disagree and accordingly affirm the decision of the Division.

**PROCEDURAL BACKGROUND**

Boeggeman originally applied for the Bonus on March 22, 2019. On April 2, 2019, the Division denied his application because the CEW was not listed as qualified active service under Chapter 78. (Pre-Hearing Memorandum ("PHM") Exhibit 2). Boeggeman filed an appeal on April 23, 2019, which he subsequently withdrew on October 11, 2019, due to his inability to

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<sup>1</sup> *DOD Expeditionary Civilian Workforce*, U.S. Department of Defense, [DOD Expeditionary Civilian Workforce \(defense.gov\)](https://www.defense.gov/dod-expeditionary-civilian-workforce) (last visited Jun. 17, 2024). The CEW is a civilian deployment program which operates through the Department of Defense (DOD). The goal of the CEW is to train and deploy civilians abroad to support military operations.

retrieve the required documentation to support his claim because of his incarceration. The appeal was dismissed without prejudice on October 15, 2019.

On May 9, 2023, Boeggeman refiled his appeal and supplied documentation which he was able to obtain while he was incarcerated. (Boeggeman Appeal May 9, 2023). Boeggeman submitted an affidavit on June 1, 2023. (Boeggeman Affidavit). Due to his inability to appear in person, on November 8, 2023, a virtual hearing via Zoom was scheduled for December 15, 2023. (PHM Exhibit 14).

Boeggeman submitted correspondence at the last minute on December 14, 2023, stating he was unable to attend the virtual hearing due to his incarceration. Pursuant to the Veterans' Bonus Appeal Board Standing Order 2017-1, Section 10, which allows applicants to elect to waive a hearing and submit their case on written submissions, Boeggeman submitted an affidavit requesting that the hearing be waived. Therefore, per the Standing Order, the Board will consider this appeal based upon the written submissions and other documentary evidence in the record.<sup>2</sup>

### **FACTS**

By waiving his hearing, Boeggeman agreed that the Board would base its decision on the written materials submitted by him and by the Division, including Boeggeman's own affidavit, which he offered in lieu of his testimony. After careful consideration of all the evidence and written submissions, the Board makes the following findings of material fact:

1. Joseph C. Boeggeman was a resident of Massachusetts since August 23, 2006.

(Boeggeman Appeal April 23, 2019).

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<sup>2</sup> Standing Order 2017-1, Section 10 requires that applicants notify the Board of their election to waive a hearing no later than fifteen days prior to the date of the scheduled hearing. Although Boeggeman did not provide the requisite notice, the Board agreed to allow the appeal to nonetheless proceed on the written record.

2. Mr. Boeggeman's Deployments to Iraq and Afghanistan were as a civilian and not as an active service veteran. (PHM Exhibit 2; Boeggeman Affidavit).
3. Mr. Boeggeman was deployed two times during his enrollment in the CEW. (Boeggeman Appeal May 9, 2023). His first deployment was in Iraq from August 15, 2011 to November 7, 2012, where he served in Besmaya (formerly Forward Operating Base-Hammer) as Director of Communications for the Office of Security Cooperation. (Boeggeman Affidavit). The second deployment was in Afghanistan from January 29, 2014 to January 29, 2015, where he served all throughout Southwest Asia as Chief of Records for the United States Forces Afghanistan / Southwest Asia. (*Id.*)
4. Mr. Boeggeman was not issued a Certificate of Release or Discharge from Active Duty ("DD- 214") for either his deployment to Iraq or Afghanistan due to his civilian status. (Boeggeman Appeal April 23, 2019).
5. In Iraq, the Department of the Air Force issued Mr. Boeggeman special orders for his deployment with the CEW on July 15, 2011. (Boeggeman Appeal May 9, 2023, Special Order Document).
6. Mr. Boeggeman was injured in Afghanistan on or about January 1, 2015. (Boeggeman Appeal May 9, 2023, Medical Records Documents).

### DISCUSSION

The eligibility requirements for the Welcome Home Bonus under M.G.L. c. 10, § 78 include that the applicant must be in active service within the statutory time frame to qualify for any Bonus. M.G.L. c. 10, § 78(b)(1) provides:

"Upon application, as provided in this section, there shall be allowed and paid out of the Treasury of the Commonwealth. Without appropriation, the sums specified in this section to each person who has served in the armed forces of the United States in *active service* as part of Operation Enduring Freedom, Operation Iraqi

Freedom, Operation Noble Eagle, Operation Inherent Resolve, Operation Freedom Sentinel or any successor or related operation....” (Emphasis added).

M.G.L. c. 10, § 78(b)(2) further provides:

“One thousand dollars shall be allowed and paid out to each such veteran who performs *active service* outside of the continental limits of the United States for which the veteran qualified for hostile fire or imminent danger pay as determined by the United States Department of Defense.” (Emphasis added).

Boeggeman does not contest that he was not in active duty status during his deployments in Iraq and Afghanistan. (Exhibit 1). Instead, in his affidavit dated June 1, 2023, he requested the Bonus be granted as a result of his membership with the CEW, a civilian volunteer program. (Exhibit 12). Boeggeman claims that his work in the CEW in Iraq and Afghanistan would qualify for the Bonus because he was deployed for active service. (Exhibit 3; Exhibit 10). To support his claim, Boeggeman refers to his duties and training which provide that during his deployments for the CEW he was a “military augmentee under Title 10 to fill critical shortages in wartime military specialties for which [he] received combat skills training and was subject to the Uniform Code of Military Justice.” (Exhibit 10). In sum, the appellant argues that the documents which he supplied should be sufficient to consider his membership with the CEW as active service qualifying him for the Bonus. (Exhibit 3; Exhibit 10)

We conclude that Boeggeman is not an “active service member” as the term is interpreted under M.G.L. c. 10 § 78. To receive a Bonus, the statute requires that a veteran is in active service. *Id.* Active service in the armed forces is defined under M.G.L. c. 10, § 78(a), which provides that:

“As used in this section, the term “armed forces” shall mean the United States Army, Army of the United States, Army Reserves, United States Navy, United States Naval Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard, United States Coast Guard Reserve, Army Nurse Corps, Navy Nurse Corps, United States Air Force, United States Air Force Reserve, Air National Guard and Army National Guard and including women's branches of said armed forces.”

Not included in the definition of “armed forces” is any type of civilian volunteer position, including the CEW. *Id.*

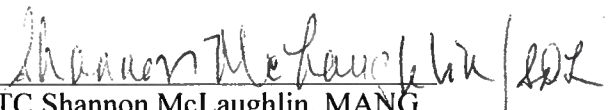
Moreover, the Department of Defense provides clear separation of its civilian workforces from the armed forces. “The Expeditionary Civilian workforce performs jobs that represent a broad range of occupational needs within deployed locations.... The department’s goal is to preplan an expeditionary *civilian* capability that can provide enduring and reliable support that best meets the needs of combatant commanders.” *DOD Expeditionary Civilian Workforce*, U.S. Department of Defense, [DOD Expeditionary Civilian Workforce \(defense.gov\)](https://www.dod.gov/Expeditionary-Civilian-Workforce) (last visited Jun. 17, 2024). In addition, the Defense Civilian Personnel Advisory Services (“DCPAS”), which oversees civilian human resources for the Department of Defense, describes the civilian expeditionary experience as available to Department of Defense employees “seeking a civilian deployment experience.” *See* *Become an Expeditionary Civilian*, DCPAS, <https://www.dcpas.osd.mil/policy/expeditionarycivilians/becomeexpeditionaryPolicy> and *Procedures* (last visited June 20, 2024). Many of the benefits offered to the armed forces are not provided for engagements involved with civilians. *See* *Benefits and Logistics*, DCPAS, <https://www.dcpas.osd.mil/policy/expeditionarycivilians/benefitslogistics> (last visited Jun. 5, 2024). The benefits acquired from enrollment in the CEW are listed as: traveling and living abroad, increased pay, career enhancement, and support for your country. *See Id.* Consequently, the CEW is a separate entity from the military, and it does not comply with any category of the armed forces set forth in M.G.L. c. 10, § 78(a). Therefore, Boeggeman’s deployments as a member of the CEW are not military service as defined by the statute, and he is ineligible for the Bonus.

Since Boeggeman waived his hearing, the decision of the Board is based solely upon the written submissions of Boeggeman and the Division. The documents Boeggeman provided, which included his medical records and military special orders, support the Board's finding that Boeggeman was serving in Iraq and Afghanistan in a civilian capacity. After carefully reviewing these submissions, as well as affidavits and other materials provided by Boeggeman, the Board concludes that one who serves as a member of a civilian program, such as the CEW, is not an active service member, regardless of whether they are deployed in conjunction with a military operation.

The decision of the Division is **AFFIRMED**. If Boeggeman wishes to appeal this decision, he may file a complaint in the Superior Court for the county in which he lives, or in Suffolk County, within thirty (30) days of receiving this decision. *See* G.L. c. 30A, § 14.

VETERAN'S BONUS APPEAL BOARD

By:

  
LTC Shannon McLaughlin, MANG  
Adjutant General's Designee

  
Sandra DeSantis Lynch  
Treasurer's Designee

  
William Aiello (Jul 15, 2024 14:45 EDT)  
William Aiello  
Attorney General's Designee

Dated: July 16, 2024