

COM-001

Date Received: 08/30/2026

Valerie Way

----- Forwarded message -----

From: Valerie Way <valerie@goldenhueswebdesign.com>

Date: Sun, Aug 30, 2026 at 6:12 PM

Subject: West Virginia Military Hall of Fame rules

To: <jill.e.connolly@wv.gov>

Please request the text in the <https://wvmetronews.com/2026/08/30/public-comment-open-for-west-virginia-military-hall-of-fame-rules/> article be updated. The Medal of Honor is not "won", it is awarded. Therefore, Hershel Woody Williams is a Medal of Honor recipient, not winner.

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COM-002

Date Received: 08/31/2026

MSgt. Robert Durham (USMC, Ret.)

----- Forwarded message -----

From: **Robert Durham** <robert.durham.usmc@gmail.com>

Date: Mon, Aug 31, 2026 at 10:50 AM

Subject: Public Comment on 86 CSR 5, West Virginia Military Hall of Fame

To: <jill.e.connolly@wv.gov>

Cc: <vfwvwm@gmail.com>

Good Morning,

I am writing about the proposed rules for the West Virginia Military Hall of Fame.

I am a retired Marine, Combat veteran, 100 percent Permanently and Totally disabled, living in Fayette County.

Veterans do not go looking for fame. That word is the first tell that this was written by people who have not spent much time around the ones they claim to honor. Most of us wanted to do the job, come home, and be left alone. A "hall of fame" sounds like sports or celebrity vernacular muttered out of total ignorance. What this state actually owes people is remembrance you can stand in front of instead of an exercise in blind patriotism and branding ignorance.

Walk the Capitol grounds before you finalize this rule. The West Virginia Veterans Memorial is already there. The names are in granite. The sculptures are honest. A few steps away is the Female Veterans Memorial and near that is the Gold Star Families monument Woody Williams spent the last years of his life putting in the ground. Those are fair and impressive. They cost something, and they ask a person to take a hat off.

This bill adds nothing comparable. A roster on a Department website, parked next to monuments like that, is a passive waste. If the Hall of Fame cannot live at that standard, it should not borrow the language of honor and pretend it belongs in the same conversation.

You can see the cheapness in the paperwork. The fiscal note says existing resources, revenue-neutral. The rule then parks the official roll on a website and says the Department “may also” do something physical. That “may” is the whole story. Nobody has to hang a portrait or give up a wall in a building the public already walks through.

Woody Williams and Phill Gene McDonald earned the Medal of Honor. Their families do not need another page. If someone told the Williams family the honor was a site the Department would post information on, while his Gold Star monument already stands in stone on the same complex, the honest answer would be a shrug.

The statute already sets a high bar: honorable discharge, a West Virginia tie, and a short list of decorations, plus something after the uniform came off.

Two Medal of Honor recipients as the only names anyone can point to makes that bar look like a closed club. If the Board is going to treat everything under the Medal of Honor as not quite enough, write that down so people can see it. If that is not the intent, then use the medals the Legislature already listed instead of sitting on two legends and a URL.

The Congressional Medal of Honor Society accredits recipients to the state from which they entered service. By that official count, 45 Medal of Honor recipients enlisted from West Virginia. Most of those (26) were from the Civil War; the Army accounts for the large majority, which makes sense proportionally.

If this is about Medal of Honor recipients, make one of the hallways in the capital the Medal of Honor hallway of valor or something of the like.

As it stands now, look at those medals in the requirements and ask who this hall is built for. Several require a V device. The rest are still combat valor or a wound from the enemy. That is a particular kind of service. It is not most service, and it is not how most of us served. It is also not how most women served. For decades women were kept out of the jobs where those awards get written. Even now, very few sit in

the billets that produce a Bronze Star with V or a Silver Star. They still deployed. They still ran hospitals, aircraft, intelligence, logistics, military police, and every other system that keeps a force in the field. Some came home wounded. Most came home with no ribbon this rule will ever count. The state already understood that well enough to put a Female Veterans Memorial on the lawn. This rule walks past that statue and builds a hall that will almost never have a woman's name on it unless she was shot at in a way an awards board recognized.

Women veterans in this state deserve the same wall as anyone else who did the time and came home to raise families and hold communities together. A Purple Heart on the list helps a few. It does not fix a design that treats combat valor as the only service worth naming.

If this program is going to keep the name, put it where the other honors already are. The Culture Center, the Archives, a corridor people already use when they walk from the Veterans Memorial to the Gold Star monument. Frames and plaques.

"Existing resources" includes drywall. If the state will not do even that, drop the hall of fame name. Keep a roll of honor for West Virginians who took an honorable discharge, put it where a kid on a field trip can stand in front of it, and stop selling a hall that is not one.

The Board should not be stacked with people who have not done a full hitch on active duty. Branch representation should be required, not suggested. Too much of this state's veterans policy is written by people whose uniform time, if they have any, is a National Guard weekend and an activation, then a title. Guard service is real. It is not the same as a career in the active force, and it does not give a man the right to tell the rest of us what belongs next to those monuments. This bill reads like it passed because it contained the word veteran and nobody in the room dared vote against it.

I support honoring West Virginia veterans. The monuments on the Capitol grounds already do that work, and they do it well. I do not support a cheap website with two Medal of Honor names on it and a press release calling it a hall of fame. Veterans were never asking

for fame. They were asking not to be forgotten in a way that costs the state nothing and includes almost no one. Match what is already in the ground, or pull the name.

Very Respectfully,

Your most humble and obedient servant,

Robert Durham

Master Sergeant, U.S. Marine Corps (Retired)

2 Riverview Drive, Charlton Heights, West Virginia

Fayette County, WV

(667)786-8690

COM-003

Date Received: 08/29/2026

Edward A. Diaz

FORMAL PUBLIC COMMENT

Proposed Legislative Rule 86 CSR 5 — West Virginia Military Hall of Fame

Submitted to:

The Honorable Patrick Morrissey, Governor of West Virginia

West Virginia Department of Veterans Assistance

Re: Proposed Legislative Rule 86 CSR 5 — West Virginia Military Hall of Fame

Subject: Public Comment and Recommended Amendments to Proposed 86 CSR 5

I. INTRODUCTION AND GENERAL POSITION

I respectfully submit these comments concerning proposed Legislative Rule 86 CSR 5, West Virginia Military Hall of Fame.

I want to make clear at the outset that I have wholeheartedly support the establishment since its passage during the 2022 Regular Legislative Session and the continued development of a West Virginia Military Hall of Fame. I believe West Virginia should have a permanent institution that appropriately recognizes those members of the United States Armed Forces whose military service, sacrifice, heroism, leadership, achievement, and continued service to their communities represent the highest traditions of military service.

My comments are therefore not intended to oppose the Hall of Fame or delay the state's work in further development. Rather, they are intended to strengthen the proposed rule so that the Hall of Fame will have the independence, transparency, consistency, integrity, and public confidence necessary to endure for generations.

I offer these comments from the perspective of a career military and veterans affairs professional with extensive experience in military service and veterans affairs, and with a particular appreciation for the importance of ensuring that recognition of military service remains above partisan politics, personal preference, favoritism, or the changing priorities of any particular administration.

The Hall of Fame should belong to the veterans and citizens of West Virginia, not to any particular Governor, Secretary, Board, political administration, or political party. Accordingly, I respectfully request that the Department and the Legislature consider the following amendments.

II. SPECIFIC RECOMMENDATIONS AND PROPOSED AMENDMENTS

§86-5-1 — General

§86-5-1.1 — Scope

Existing Language

“This legislative rule includes general provisions related to the West Virginia Military Hall of Fame.”

Proposed Replacement

****§86-5-1.1. Scope.**** — This rule establishes the procedures, standards, safeguards, and criteria governing the nomination, eligibility, evaluation, selection, induction, recognition, and potential revocation of induction into the West Virginia Military Hall of Fame.

Rationale

The proposed language is overly general. Because this rule establishes the governing framework for a significant state honor, its scope should expressly identify the principal matters governed by the rule.

The proposed replacement provides greater clarity and establishes that the rule is intended to govern the complete Hall of Fame process.

§86-5-1.2 — Authority

Recommendation

No substantive change is requested.

The statutory authority cited in the proposed rule, W. Va. Code §9A-6-1, should remain.

§86-5-1.3 and §86-5-1.4 — Filing and Effective Dates

Recommendation

No substantive change is requested.

These provisions may appropriately reflect the dates established through the rulemaking process.

§86-5-1.5 — Sunset Provision

Existing Language

“This rule will terminate and have no further force or effect on August 1, 2032.”

Recommendation

Retain the sunset provision but require a formal evaluation before expiration.

Proposed Replacement

****§86-5-1.5. Sunset Provision.**** — This rule will terminate and have no further force or effect on August 1, 2032, unless reauthorized by the Legislature. At least twelve months before the sunset date, the Department shall submit to the Legislative Oversight Commission on Department of Veterans Assistance and Veterans Affairs a report evaluating the operation of the Hall of Fame, including the number and characteristics of nominations received, selections made, geographic distribution of honorees, military branches represented, selection criteria utilized, expenditures, public outreach, and recommendations for any statutory or regulatory changes.

Rationale

A sunset provision provides an appropriate opportunity for legislative oversight. However, the sunset should be accompanied by a meaningful evaluation of the program.

The required report would allow the Legislature to determine whether the rule is functioning as intended and whether statutory or regulatory modifications are necessary.

§86-5-2 — Definitions

The existing definitions generally provide an appropriate foundation. However, several additional definitions would improve clarity and consistency.

Proposed Additional Definitions

****§86-5-2.7. “Conflict of interest”**** means any circumstance in which a Board member has a personal, familial, professional, financial, organizational, or other relationship that could reasonably be perceived as affecting the member’s impartial consideration of a nominee.

****§86-5-2.8. “Qualifying military service”**** means honorable military service meeting the requirements established by W. Va. Code §9A-6-1 and this rule.

****§86-5-2.9. “Scoring matrix”**** means the uniform, publicly available evaluation methodology adopted by the Board for evaluating eligible nominees.

****§86-5-2.10. “Veterans Service Organization”**** means a veterans organization recognized or chartered by federal law or otherwise recognized by the Department as representing the interests of veterans.

Rationale

These concepts are central to the proposed amendments concerning Board composition, conflicts of interest, evaluation, and transparency. Defining them will reduce ambiguity and promote consistent application of the rule.

§86-5-3 — Mission

Concern

The proposed rule describes the desired service of inductees as being not only “exemplary, but incomparable.”

The term “incomparable” is unnecessarily subjective and could establish an undefined and potentially impossible standard. Additionally, the mission should recognize that extraordinary military service is not limited exclusively to combat valor.

Proposed Replacement

****§86-5-3. Mission.**** — The West Virginia Military Hall of Fame shall recognize members of the Armed Forces of the United States whose military service, sacrifice, achievement, valor, leadership, or continued service to West Virginia and its communities represents an extraordinary contribution worthy of the highest recognition by the State.

The Board shall evaluate nominees based upon established and publicly available criteria and shall seek to recognize the diverse forms of extraordinary military service, including combat valor, heroism, distinguished military achievement, sacrifice, leadership, sustained military service, and significant contributions to West Virginia and its communities.

Induction into the Hall of Fame shall constitute an extraordinary honor and shall be reserved for nominees whose record demonstrates a level of distinction substantially exceeding that ordinarily associated with honorable military service.

Rationale

This language preserves a high standard while replacing an undefined subjective term with criteria capable of consistent application.

It also recognizes that extraordinary military service may be demonstrated through valor, achievement, sacrifice, leadership, sustained service, or significant contributions to West Virginia.

§86-5-4 — Military Hall of Fame Board

General Concern

This section warrants substantial consideration.

The proposed rule provides for seven public members appointed by the Governor while stating that Board composition “should” include representatives of military branches and that membership in congressionally chartered veterans organizations “may” be considered. For an institution dedicated to recognizing military service, these provisions should establish meaningful requirements rather than recommendations.

§86-5-4.1 — Board Composition

Proposed Replacement

****§86-5-4.1. Board Composition.**** — The seven public members of the Board shall be appointed by the Governor, subject to the following required composition:

- (a) At least one member shall have substantial knowledge or experience concerning each of the recognized branches of the Armed Forces;
- (b) At least three members shall be current or former members of congressionally chartered Veterans Service Organizations;
- (c) At least one member shall have demonstrated expertise in military history, military awards, or archival research;
- (d) At least one member shall have demonstrated expertise in veterans’ affairs or veterans’ advocacy; and
- (e) At least one member shall be a member of the West Virginia Veterans Advisory Council.

When appointing members, the Governor shall consider geographic, military branch, and generational diversity.

Additional Recommendation

To the extent permitted by statute, consideration should also be given to establishing a process whereby recognized Veterans Service Organizations may submit recommendations or nominees for Board membership.

Rationale

The purpose of this provision is not to diminish the Governor's appointment authority. Rather, it is to ensure that the Board possesses the specialized knowledge and institutional experience necessary to evaluate extraordinary military service. No single political officeholder should have unilateral control over the character and composition of a body responsible for determining who receives one of West Virginia's highest military honors.

§86-5-4.2 — Terms

Recommendation

Retain the proposed four-year staggered terms but add appropriate standards governing removal.

Proposed Addition

A member may be removed prior to expiration of the member's term for substantial neglect of duty, misconduct, failure to maintain confidentiality, repeated failure to attend meetings, or a disqualifying conflict of interest.

Rationale

Staggered terms provide continuity. Reasonable removal standards provide accountability while protecting the Board's institutional independence.

§86-5-4.3 — Compensation

Recommendation

No substantive change requested.

§86-5-4.4 — Meetings

Concern

The proposed requirement for at least one meeting annually is insufficient for an institution that may receive and evaluate numerous nominations involving complicated military records.

Proposed Replacement

****§86-5-4.4. Meetings.**** — The Board shall meet at least twice annually and may meet more frequently as necessary. Meetings shall be called by the Secretary or the Chair of the Board.

Meetings shall be conducted in accordance with applicable West Virginia open government requirements. The Board shall provide a reasonable opportunity for applicants, nominees, family members, Veterans Service Organizations, and members of the public to provide relevant information concerning nominees.

Rationale

A minimum of two meetings annually provides a reasonable baseline for meaningful Board activity while allowing additional meetings when necessary. The opportunity for family members and Veterans Service Organizations to provide relevant information is particularly important when evaluating historical military service.

§86-5-4.5 — Secretary as Voting Member

Recommendation

The Secretary should serve as an ex officio, non-voting member of the Board.

Proposed Replacement

****§86-5-4.5.**** The Secretary shall serve as an ex officio, non-voting member of the Board.

Rationale

The Secretary already exercises executive authority over the Department of Veterans Assistance. Providing the Secretary with a vote on Hall of Fame selections could create an unnecessary appearance of executive influence over an honor that should be administered independently and objectively.

The Secretary's participation as a non-voting member would preserve the Department's institutional involvement without unnecessarily concentrating decision-making authority.

§86-5-5 — Nomination Process

The proposed nomination process generally provides an appropriate foundation but should be strengthened in several areas.

§86-5-5.1 — Who May Nominate

Proposed Replacement

Any person, Veterans Service Organization, military organization, governmental entity, or recognized veterans' organization may nominate an eligible member or former member of the Armed Forces.

Additionally:

A nominee shall not be required to be a current resident of West Virginia if the nominee otherwise satisfies the statutory eligibility requirements.

Rationale

This clarifies who may initiate a nomination and avoids unnecessarily restricting recognition of individuals whose military service is directly connected to West Virginia but who may no longer reside in the State.

§86-5-5.2 — Required Documentation

Proposed Addition

The Department shall provide reasonable assistance to applicants in obtaining military service records and other governmental records necessary to establish eligibility or support a nomination, particularly where the nominee is deceased or the records are otherwise difficult for the applicant to obtain.

Rationale

Applicants should not be disadvantaged because they lack access to historical military records, particularly when nominating deceased veterans.

The Department's existing recognition of the need to assist families should be made an express procedural responsibility.

§86-5-5.2.4 — Post-Service Contributions

Proposed Replacement

A narrative describing the nominee's qualifying military service and, when applicable, significant contributions to West Virginia or the nominee's community during or following military service.

Rationale

This language avoids creating the impression that post-service contributions are mandatory for every nominee.

§86-5-5.2.5 — Background Investigations

Proposed Addition

Any background investigation shall be limited to information reasonably necessary to determine eligibility, character, or the accuracy of information submitted with the nomination and shall be conducted in accordance with applicable law. The Board shall provide the nominee or applicant an opportunity to respond to material adverse information before making a final determination based upon such information.

Rationale

Background investigations should be relevant, proportionate, consistently applied, and subject to basic procedural fairness.

§86-5-5.3 — Letters and Additional Information

Recommendation

Retain the provision.

Add:

Letters of support may supplement, but shall not substitute for primary or official evidence when the issue concerns military service, military awards, decorations, or other matters capable of verification through official records.

Rationale

This protects the integrity of the selection process while continuing to permit personal testimony and community support.

§86-5-5.4 — Board Investigation

Proposed Addition

Any investigation shall be reasonably related to the eligibility or selection criteria established by this rule and shall be conducted consistently among similarly situated nominees.

Rationale

Investigative authority should not permit materially different levels of scrutiny to be applied to similarly situated nominees.

§86-5-5.5 — Electronic Submissions

Recommendation

Retain.

Add:

The Department shall provide reasonable accommodations and alternative submission methods for applicants who are unable to submit materials electronically.

Rationale

Accessibility should not determine whether an otherwise qualified nomination can be considered.

§86-5-5.6 — Nomination Windows

Recommendation

Retain the ability to submit nominations at any time.

Add:

The Department shall publish an annual nomination and review calendar identifying applicable deadlines and anticipated dates for Board consideration.

Rationale

A public calendar will improve transparency and allow applicants and families to understand when nominations are likely to be considered.

§86-5-5.7 — Incomplete Applications

Concern

The provision allowing an incomplete nomination to be rejected “with prejudice and without vote of the Board” is unnecessarily harsh.

Proposed Replacement

****§86-5-5.7.**** The Department shall notify the applicant in writing of any material deficiency in a nomination and provide at least 60 days to cure the deficiency. If the deficiency is not cured,

the Department may administratively close the nomination without prejudice. An applicant may resubmit a nomination in a subsequent nomination cycle.

Rationale

An administrative deficiency should not permanently prevent consideration of a potentially deserving nominee. This change also recognizes that applicants may not understand the evidentiary requirements associated with historical military records.

§86-5-6 — Eligibility

§86-5-6.1.1 — Discharge Status

Recommendation

Retain the basic requirement concerning honorable discharge or separation under honorable conditions, subject to applicable statutory exceptions.

Add:

Eligibility shall be determined based upon the official military record and applicable federal standards.

§86-5-6.1.2 — Narrative

Concern

The requirement to document the nominee's "full scope" of service may create an unnecessarily burdensome standard.

Proposed Replacement

The nominee, or person making the nomination, shall submit a narrative describing the nominee's military service and, when applicable, post-service contributions relevant to the established selection criteria.

Rationale

The Hall should evaluate the nominee's relevant record of distinction rather than require an exhaustive biography.

§86-5-6.1.3 — Good Moral Character

Concern

The phrase "good moral character" is subjective and may result in inconsistent application.

Proposed Replacement

The nominee shall not have a substantiated record of serious misconduct that, based upon the totality of the circumstances, would materially undermine the integrity or honor associated with induction into the Hall of Fame.

Minor offenses, disciplinary actions unrelated to the nominee's qualifying service, or allegations that have not been substantiated shall not automatically disqualify a nominee.

Rationale

This establishes a more objective standard while recognizing that military careers may include disciplinary matters that should not automatically overshadow otherwise extraordinary service.

§86-5-6.2 — Secretary's Authority to Reject

Recommendation

Retain administrative screening authority but establish a review process.

Proposed Replacement

If the Secretary determines that a nomination fails to satisfy a statutory minimum qualification, the Secretary may administratively reject the nomination. The applicant shall receive written notice identifying the specific deficiency and may request review by the Board within 30 days.

Rationale

Administrative screening is appropriate, but applicants should receive notice of the basis for rejection and an opportunity for Board review.

§86-5-6.3 — Post-Service Contributions

Recommendation

This provision should be substantially rewritten.

Proposed Replacement

****§86-5-6.3. Post-Service Contributions.**** — Post-service contributions to West Virginia or its communities are an important consideration consistent with the purpose of the West Virginia Military Hall of Fame, but shall not constitute an absolute eligibility requirement. The absence of post-service contributions shall not disqualify a nominee who died during military service, died as a result of qualifying military service, or otherwise lacked a reasonable opportunity to make such contributions.

A veteran who continued serving in the Armed Forces throughout his or her career may also be considered based upon significant contributions to West Virginia or its communities made during military service.

Rationale

This provision is particularly important. A person who makes the ultimate sacrifice while serving the nation should not be disadvantaged simply because he or she did not live long enough to return to West Virginia and make post- service contributions. Likewise, a career service member should not be excluded because military service itself prevented or limited traditional post-service civic involvement.

The Hall should recognize extraordinary service while appropriately considering post-service contributions where they exist.

§86-5-7 — Review and Selection

General Concern

This section requires the most substantial revision.

The current framework gives the Board considerable discretion without establishing sufficiently objective and uniform evaluation standards.

§86-5-7.1 — Evaluation Criteria

Proposed Replacement

****§86-5-7.1.**** Once a nominee has been determined eligible, the Board shall evaluate the nominee using the uniform, publicly available criteria established pursuant to this rule. The Board shall consider the following factors:

****7.1.1. Military Valor and Heroism.**** — The nature, circumstances, significance, and documented impact of acts of valor or heroism.

****7.1.2. Distinguished Military Achievement.**** — Extraordinary achievement, leadership, accomplishment, or sustained excellence during military service.

****7.1.3. Sacrifice.**** — Extraordinary personal sacrifice or risk undertaken in the performance of military service.

****7.1.4. Service to West Virginia.**** — Significant contributions to West Virginia or its communities during or following military service.

****7.1.5. Leadership and Public Benefit.**** — Demonstrated leadership and lasting benefit to veterans, military families, communities, or the State.

****7.1.6. Overall Distinction.**** — The nominee’s overall record of military service and the degree to which the record represents extraordinary distinction worthy of induction.

Rationale

These categories establish a meaningful standard while recognizing the many ways an individual may demonstrate extraordinary military service.

§86-5-7.1.3 — Elimination of “Any Other Factor”

Recommendation

Delete the provision permitting consideration of “any other factor or criterion which the Board determines is relevant.”

Proposed Statement of Intent

The phrase “any other factor or criterion which the Board determines is relevant” should be removed because it permits the Board to introduce potentially significant or dispositive criteria that were not known to applicants when nominations were submitted.

Rationale

Applicants should know the standards by which their nominees will be evaluated. If an additional criterion is determined to be necessary, the rule should be amended through the established rulemaking process rather than created on an ad hoc basis by the Board.

§86-5-7.2 — Scoring

Concern

The proposed rule permits, rather than requires, the Board to establish evaluation criteria and a scoring sheet. Additionally, the proposed language concerning whether scoring records “shall be may public” appears to contain a drafting error that should be corrected.

Most importantly, the permissive term “may” should be replaced with “shall.”

Proposed Replacement

****§86-5-7.2. Scoring Matrix.**** — The Board shall establish and publish a uniform scoring matrix based upon the criteria identified in subsection 7.1 before evaluating nominees. The scoring matrix shall identify the relative weight assigned to each criterion and shall be applied consistently to all nominees within the same selection cycle.

The Board shall make the scoring criteria and aggregate scoring methodology available to the public. Individual Board member notes, deliberative communications, and individual scores shall remain confidential to the extent permitted by law.

Rationale

A mandatory scoring methodology promotes consistency, fairness, transparency, and confidence in the process while appropriately protecting individual deliberations.

§86-5-7.3 — Number of Inductees

Recommendation

Retain the ability of the Board to select no inductees in a particular year.

Proposed Replacement

****§86-5-7.3.**** The Board shall not be required to select a minimum number of inductees in any year. The Board may establish a maximum number of inductees. No nominee shall be selected unless the nominee achieves the minimum score established by the Board pursuant to the published scoring matrix.

Rationale

The Hall of Fame should remain highly selective.

There should be no requirement to fill a predetermined number of positions simply because nominations are available.

§86-5-7.4 — Voting

Proposed Replacement

****§86-5-7.4.**** The Board shall vote on each eligible nominee. Induction shall require an affirmative vote of at least two-thirds of the voting members present, provided a quorum is present.

Rationale

A supermajority requirement reinforces the extraordinary nature of induction and protects the Hall from becoming a popularity-based or politically driven recognition program.

§86-5-8 — Induction and Recognition

§86-5-8.1 — Induction Ceremony

Concern

The proposed language uses “should” rather than “shall.”

Proposed Replacement

****§86-5-8.1.**** The Department shall conduct an induction ceremony for honorees at least annually, unless the Department determines that circumstances make an annual ceremony impracticable.

§86-5-8.2 — Public Recognition

Proposed Replacement

****§86-5-8.2.**** The Department shall maintain and publicly publish an official Roll of Honorees, including the honoree’s name, military branch, qualifying service, and a concise description of the basis for induction.

Additional Recommendation

The Department should establish and maintain a permanent online archive containing available biographical and historical information concerning each honoree.

Rationale

The Hall of Fame should serve not only as an honor but also as a permanent educational resource concerning West Virginia’s military history.

§86-5-9 — Revocation

Concern

Revocation of a Hall of Fame induction is an extraordinarily serious action and should require clear standards and procedural protections.

Proposed Replacement

****§86-5-9.1.**** The Board may revoke an induction only upon clear and convincing evidence that:

(a) a qualifying award was officially rescinded;

(b) material fraud or intentional misrepresentation was used in the nomination or selection process; or

(c) the honoree did not satisfy a statutory eligibility requirement.

****§86-5-9.2.**** Before revoking an induction, the Board shall provide reasonable written notice of the proposed revocation and an opportunity for the honoree, or the honoree's legal representative or estate, to submit information in response.

****§86-5-9.3.**** The Board shall issue a written decision explaining the basis for any revocation.

Rationale

An induction should not be revoked based upon rumor, political pressure, unsubstantiated allegations, or changing public opinion.

A clear evidentiary standard and an opportunity to respond will protect both the integrity of the Hall of Fame and the dignity of its honorees.

III. PROPOSED NEW SECTION

§86-5-10 — Ethics, Conflicts of Interest and Recusal

I recommend adding an entirely new section addressing ethics and conflicts of interest.

Proposed Language

****§86-5-10. Ethics and Conflicts of Interest.****

****10.1.**** A Board member shall disclose any actual or reasonably perceived conflict of interest involving a nominee.

****10.2.**** A Board member shall recuse himself or herself from discussion, investigation, scoring, deliberation, and voting concerning a nominee when the member has a conflict of interest.

****10.3.**** A Board member shall not use his or her position to advocate for or against a particular nominee outside the Board's established process.

****10.4.**** The Department shall maintain a record of recusals and disclose the existence of a recusal in the minutes of the applicable meeting.

Rationale

The integrity of the Hall of Fame depends not only upon the qualifications of nominees but also upon the impartiality of those making the selections.

A specific conflict-of-interest and recusal provision would establish an important safeguard against actual or perceived favoritism.

IV. PRINCIPAL AREAS REQUIRING AMENDMENT

Although the foregoing comments address individual provisions, five overarching issues warrant particular attention.

1. Board Independence and Veteran Representation

The Governor should retain appropriate appointment authority; however, the rule should ensure that the Board possesses substantial military and veterans expertise and that no single political officeholder effectively controls the composition of the body.

A substantial majority of the Board should be veterans, and recognized Veterans Service Organizations should have a meaningful role in recommending qualified Board members.

2. Objective Selection Criteria

The Hall of Fame should operate under criteria that are established and publicly known before nominations are evaluated.

The phrase:

“any other factor or criterion which the Board determines is relevant” should therefore be eliminated.

3. Mandatory Scoring Methodology

The rule should require—not merely permit—the Board to establish a uniform scoring matrix.

Changing “may” to “shall” in this context is a substantive improvement, not merely a drafting preference.

4. Conflict-of-Interest Safeguards

The rule should establish mandatory disclosure and recusal requirements whenever a Board member has an actual or reasonably perceived conflict involving a nominee.

5. Transparency and Accountability

The public should be able to understand:

- what standards are used;
- how nominees are evaluated;
- what the official basis for induction was;
- who was selected; and
- how the Hall of Fame is administered.

At the same time, legitimate deliberative materials, personal information, and individual Board members’ confidential deliberations should remain protected to the extent permitted by law.

V. THE IMPORTANCE OF “SHALL” VERSUS “SHOULD” AND “MAY”

One of the broader concerns raised by the proposed rule is the repeated use of permissive language where mandatory standards may be more appropriate.

Examples include provisions stating that:

- Board composition “should” include military representatives;
- VSO membership “may” be considered;
- the Board “may” develop additional criteria;
- the Board “may” create a scoring sheet;
- an induction ceremony “should” occur; and
- public recognition “should” occur.

These are not merely stylistic distinctions. The use of “shall” establishes an obligation. The use of “may” generally establishes discretion.

The use of “should” generally expresses an expectation without creating the same mandatory obligation.

Because the Hall of Fame is intended to be a permanent state institution, the rule should establish sufficient mandatory safeguards to ensure that future Boards administer the program consistently regardless of changes in political leadership or administration.

VI. CONCLUSION

I respectfully request that the Governor, the Department of Veterans Assistance, and the Legislature support the establishment of the West Virginia Military Hall of Fame while amending proposed 86 CSR 5 to strengthen its governance, selection standards, transparency, independence, and procedural safeguards.

My position can be summarized simply:

****SUPPORT THE HALL OF FAME. AMEND THE RULE.****

This is not a request to weaken the Hall of Fame or make induction easier. To the contrary, the purpose of these recommendations is to ensure that induction remains one of the highest military honors the State of West Virginia can bestow.

The men and women whose names ultimately appear in the West Virginia Military Hall of Fame should be able to carry that distinction with absolute confidence that their induction resulted from a process that was: objective, transparent, independent, consistent, veteran-informed, and free from political favoritism.

West Virginia established a Military Hall of Fame more than four years ago. The goal should be that it will endure for generations to come. Its governing structure should therefore be designed to withstand changes in Governors, administrations, political parties, Board members, and public opinion.

The Hall of Fame should belong to the people of West Virginia and, most importantly, to the veterans whose service and sacrifice it exists to honor.

For these reasons, I respectfully request that the Department and the Legislature incorporate the foregoing amendments before final adoption of 86 CSR 5, West Virginia Military Hall of Fame.

Respectfully submitted,

The Honorable Edward A. Diaz

Former Cabinet Secretary

West Virginia Department of Veterans Assistance

COM-004

Date Received: 08/30/2026

John Vozniak

----- Forwarded message -----

From: **John Vozniak** <jvozniak@icloud.com>

Date: Sun, Aug 30, 2026 at 3:47 PM

Subject: WV Veterans Hall of Fame

To: <jill.e.connolly@wv.gov>

Can you send me a copy of the current rules. My dad fought in world war II. My uncle was a Pearl Harbor survivor.

Thanks

Kind Regards,

John

John Vozniak

Owner/President, E3 Oil and Gas LLC

Licensed Real Estate Agent, License Renewal Pending

COM-005

Date Received: 08/27/2026

Sen. Ryan Weld

Sent via email

August 27, 2026

Re: Proposed Rules Regarding the West Virginia Military Hall of Fame

Secretary Kennedy, I recently reviewed the proposed rules (the "Rules") promulgated by the Department of Veterans' Assistance in order to carry out the provisions of W.Va. Code §9A-6-1 (the "Code"), which created the West Virginia Military Hall of Fame. As chairman of the Senate's Military Committee, and as someone who was intimately involved in the drafting and passage of HB 4406 during the 2022 regular session, I have significant concerns regarding a number of conflicts and inconsistencies between the Rules and the Code.

At the outset, I will state that I believed then, and still believe now, that the Code's current requirements may perhaps be too restrictive. That language, however, reflects the wishes of several of the sponsors of HB 4406 at the time. The way to correct any deficiencies this statute may have is not to adopt rules that are inconsistent with its language, but to instead amend it to reflect the current legislature's vision for the Hall of Fame. The most significant of my concerns is that the Rules, at 6.3, state that "[a]lthough contributions to the state or communities following service is noted as the intention of the West Virginia Military Hall of Fame, as set forth in W. Va. Code §9A-6-1, it is not a strict requirement."

This proposal misstates the Code. The Code clearly states that "significant contributions to their state or their communities following their military service" is a requirement for induction - it is not merely "noted" as 6.3 states. Should the language of 6.3 be adopted as currently proposed, it would lessen the requirements for induction, and therefore be in conflict with the Code. Further, the Rules do not preclude a nominee from being rejected for not meeting the required statutory criteria.

Under 6.2, the Rules state that the Secretary "may" reject a nomination if a nominee does not meet the minimum requirements set forth in the Code. Below, in 7.1.3, when considering a nominee's potential induction, the Board is then permitted to consider "[a]ny other factor or criterion which the Board determines is relevant to determine whether the nominee should be inducted." When reviewed together, the language of 6.2 and 7.1.3 gives both the Secretary and the Board the ability to bypass the requirements of both the Code and the Rules and consider applications that do not meet the established criteria, and then to also take into consideration anything else the Board feels relevant - at its sole and unfettered discretion.

This is not in line with the legislative intent expressed in the Code, and could potentially lead to the induction of unqualified candidates. Lastly, the Rules also contain numerous misspellings of the Department itself. Pursuant to W.Va. Code §9A-1-1, effective July 1, 2011, the Department was redesignated as the Department of Veterans' Assistance.

As I am certain you and the others who were involved in the promulgation of these rules are aware, a legislative rule is invalid to the extent that it exceeds or is in conflict with its enabling

statute - and it cannot expand, narrow, or override the statute it implements. See W. Va. Code § 29A-3-11.

Because of this, there are two options moving forward. The first is to amend the Rules so that they actually comply with the Code. The second would be to pull the Rules, work with the Legislature in making amendments to §9A-6-1, and then promulgate new rules that enable current and amended provisions of that code section.

You may or may not be aware that under §29A-3-15, the Department does have the authority to promulgate emergency rules when authorized by the Legislature to do so. West Virginia's veterans of World War II and the Korean War are most likely at least 99 and 91 years of age, respectively.

If the amendments made to §9A-6-1 in the upcoming session would allow for the induction of a qualified veteran of either of those conflicts who is still alive, I strongly believe this type of scenario would be sufficient to allow for the authorization and promulgation of emergency rules.'

My recommendation is to pull the Rules, work with the Legislature and veterans' groups here in West Virginia to draft legislation amending §9A-6-1, and then promulgate the new rules accordingly.

COM-006

Date Received: 08/25/2026

Roger Conley

----- Forwarded message -----

From: **Roger Conley** <rogerconley4wv@gmail.com>

Date: Tue, Aug 25, 2026 at 11:33 AM

Subject: WV Military Hall of Fame

To: jill.e.connolly@wv.gov <jill.e.connolly@wv.gov>

Good morning:

I am a former member of the WV House of Delegates. It was my bill that established the WV Military Hall of Fame. I did this with the assistance of the late great Woody Williams and Mr. Bernie Lyons .

I am happy to see there is further movement on this great project

I would like to continue being involved in this process. I certainly have some thoughts I would like to share .

Please feel free to contact me @ rogerconley4wv@gmail.com or [304.991.8899](tel:304.991.8899)

Thank you

Roger Conley

COM-007

Date Received: 08/24/2026

Mara Boggs

----- Forwarded message -----

From: **Mara Boggs** <maraboggsww@gmail.com>

Date: Mon, Aug 24, 2026 at 12:35 PM

Subject: WV Military Hall of Fame

To: jill.e.connolly@wv.gov <jill.e.connolly@wv.gov>

Jill -

Thanks to you, Secretary Kennedy, Senator Helton, and Governor and First Lady Morrissey for the proposed rule for the WV Military Hall of Fame. It is a wonderful initiative and so fitting to honor service members in this capacity.

The only comment that I have is to possibly consider an automatic induction for our nation's most decorated heroes, such as Medal of Honor recipients. I believe there are about 70 West Virginian Medal of Honor recipients from all wars. All are now deceased, but that could be a fitting way to recognize our most highly decorated heroes.

Something that I wanted to mention is that when I worked for Senator Manchin, we helped secure funding to enclose the committal shelter at the Donel C. Kinnard State Veterans Cemetery. That was one of Woody Williams' last wishes, so that grieving families are more comfortable in harsh winter and summer conditions. [Text - S.5455 - 118th Congress \(2023-2024\): Hershel 'Woody' Williams State Committal Shelter Act of 2024 | Congress.gov | Library of Congress](#) This bill passed and was signed into law, so the authorization and appropriation is still there. This might be a helpful source of funding if the Hall of Fame is at Donel C. Kinnard. I would be happy to assist in exploring this, should you want assistance.

Thank you for all that you do for Veterans, and for providing the opportunity to comment on the WV Military Hall of Fame. My husband, sister, brother-in-law and I all served in Iraq and/or Afghanistan, and look forward to seeing this come to fruition. Secretary Kennedy and I also attended WVU Army ROTC together, so I know how much this initiative must mean to him!

Thank you,
Mara Boggs

Cell [703-955-1172](tel:703-955-1172)

COM-008

Date Received: 08/24/2026

Ronald Eagle

----- Forwarded message -----

From: **Ron Eagle** <Ron@hqaero.com>

Date: Mon, Aug 24, 2026 at 11:03 AM

Subject: Military Hall of Fame

To: jill.e.connolly@wv.gov <jill.e.connolly@wv.gov>

I would suggest the first years membership be extended to include all of those WV heroes that have passed, i.e. Woody Williams General Dennis Christian(1/201st FA Desert Storm Commander).

Maybe have 2 categories each year one for those who have passed and those currently serving their communities.

Ronald Eagle

Ronald Eagle

President

COM-009

Date Received: 08/24/2026

SFC (Ret.) David K. Holstein

----- Forwarded message -----

From: **David Holstein** <dholstein64@gmail.com>

Date: Mon, Aug 24, 2026 at 12:38 PM

Subject: Military Hall of Fame for Veterans

To: jill.e.connolly@wv.gov <jill.e.connolly@wv.gov>

While this idea is a great way to recognize WV Veterans we need a tangible product of thanks from the WV leadership. I echo the idea of an EXEMPTION from property taxes, not this rebate that has so many provisions and rules, as a former Army recruiter I have seen so many Veterans choose other states to live after Service because of the lack of this benefit. Let your legacy as the leadership be the real benefit to Veterans, even if you start with Retired or Service connected disabled, be a tax exemption.

David K. Holstein

SFC USA RET

[304-578-8799](tel:304-578-8799)

COM-010

Date Received: 08/24/2026

Charles Blake Jr.

----- Forwarded message -----

From: **Charles Blake jr** <charlesblakejr@yahoo.com>

Date: Mon, Aug 24, 2026 at 2:05 PM

Subject: Military Hall Of Fame

To: <jill.e.connolly@wv.gov>

At Fort Campbell it is my understanding that they organized a 7- 13 member committee of highly decorated soldiers consisting of both enlisted soldiers and officers to decide in cases like these

My brother 2007 Honorary West Virginian CSM Stephen D Blake has been a member of such committee groups

The politicians need to step back after the original appointments and let the soldiers decide amongst themselves

Tks for listening

COM-011

Date Received: 09/09/2026

Gregory A. Bishop

September 9, 2026

West Virginia Department of Veterans Assistance Attn: Military Hall of Fame Rules

1900 Kanawha Boulevard, East Building 5, Room 205

Charleston, WV 25305

Re: Public Comment on Proposed 86 CSR 5 - West Virginia Military Hall of Fame

To the West Virginia Department of Veterans Assistance:

Please accept these public comments regarding proposed 86 CSR 5, West Virginia Military Hall of Fame, for your kind consideration.

I submit these comments as a retired United States Marine Corps Major with 21 years of service, including service during Desert Shield, Desert Storm and Operation Iraqi Freedom, and as a former Commanding Officer of Alpha Company, 4th Combat Engineer Battalion, in Cross Lanes, West Virginia. I also served the State of West Virginia as a State Police First Sergeant and as an elected Prosecuting Attorney. I include my background only because it shapes the perspective from which I reviewed these proposed rules. A state military honor of this magnitude should be administered through a process that is objective, transparent, fair, and worthy of the veterans it is intended to recognize.

I strongly support the establishment and continued development of the West Virginia Military Hall of Fame. I believe induction is among the highest honors the State can confer upon a veteran. The governing rules should be clear and consistently applied, with safeguards against political, personal, or institutional bias.

For ease of review, I have organized my comments below in the same order that the relevant provisions appear in proposed 86 CSR 5.

§ 4.1 - Appointment and Composition of the Board

Section 4.1 provides that all seven public members of the Board shall be appointed by the Governor and states that the Board "should includes" representatives from the recognized branches of the Armed Forces. The phrase "should includes" should be corrected in the final rule.

W. Va. Code § 9A-6-1 already directs that, where feasible, Board members should be active in the veteran community and that consideration be given to representation from the various branches of the Armed Forces. I recommend that § 4.1 track that statutory direction more clearly and strengthen the rule's emphasis on broad and balanced military representation.

In addition to branch representation, I submit that the Department should consider encouraging a range of military experience, including enlisted and officer service; active, Reserve, and National Guard service; different eras of service; combat and noncombat experience; and geographic regions of West Virginia. Ideally, no single branch, era, organization, or region would dominate the Board.

As a separate policy consideration, the Department may also wish to consider whether the Veterans Advisory Council, congressionally chartered veterans service organizations, or another representative veterans body should have a formal or advisory role in identifying or recommending qualified candidates for appointment. Giving the broader veterans community some role in that process could increase confidence in the Board's independence and composition.

§ 4.5 - Voting Status of the Secretary

Section 4.5 provides that the Secretary is a voting member of the Board. W. Va. Code § 9A-6-1 establishes seven appointed Board members and, in addition, designates the Secretary as an ex officio member and chair. The statute does not expressly address whether the Secretary, in that ex officio capacity, is entitled to vote.

By expressly making the Secretary a voting member, § 4.5 creates an eight-member voting body. That raises practical questions the rule should answer, including the possibility of an evenly divided vote and the number or percentage of affirmative votes required for Board action.

I propose that the Secretary, as chair and ex officio member, vote only when necessary to resolve a tie. That approach would preserve the Secretary's leadership role while leaving the primary voting responsibility with the seven appointed public members.

Proposed § 4.6 – Proposed Conflict-of-Interest and Recusal Safeguards for Board Members

I propose that the rule contain an express conflict-of-interest and recusal provision governing Board members. West Virginia's military and veterans communities are close-knit, and Board members may understandably know nominees or have served in the same organizations. Mere acquaintance should not require recusal, but significant relationships should be disclosed and appropriately addressed.

I believe the rule should require disclosure and recusal when a Board member nominated the individual; prepared or materially assisted with the nomination; has a close familial, financial, or substantial personal relationship with the nominee; has a direct supervisory or subordinate relationship that could reasonably call impartiality into question; or otherwise has a conflict that would cause a reasonable person to question the member's impartiality.

In my view, a provision of this kind protects the Board as much as it protects the nominee. It also removes an avoidable basis for questioning the legitimacy of an induction decision.

§ 5.1 - Nomination Language

Section 5.1 states that any person may nominate "a member of the Armed Forces in West Virginia" for induction. That wording could create unnecessary uncertainty because W. Va. Code § 9A-6-1 expressly establishes avenues through which a veteran may qualify for consideration.

I recommend that § 5.1 reflect the statute more precisely. For example: "Any person may nominate an eligible veteran meeting the requirements of W. Va. Code § 9A-6-1 for induction into the West Virginia Military Hall of Fame."

This would avoid any unintended suggestion that a nominee must presently be a member of the Armed Forces physically located in West Virginia.

§ 5.4 - Investigations and Adverse Information

Section 5.4 permits the Board to request additional information and conduct its own investigation, including interviews with the nominee, the nominator, those who served with the nominee, and members of the nominee's family and community. Verification of a nominee's record is appropriate and may be necessary to ensure the integrity of the selection process.

Because such an investigation may also produce materially adverse or disputed information outside the original nomination package, the rule should provide a basic opportunity for that information to be addressed before it is relied upon in making a final decision. If the Board intends to rely upon materially adverse information developed through its investigation, the nominee, or the nominator or another appropriate representative in the case of a posthumous nomination, should receive reasonable notice of the substance of that information and a reasonable opportunity to provide responsive documentation or explanation.

This safeguard would not interfere with the Board's ability to investigate a nomination or reach its own conclusions. It would simply prevent disputed adverse information from being used without giving the affected person a reasonable opportunity to respond.

§ 5.7 – “With Prejudice” Rejection of Incomplete Nominations

Section 5.7 provides that an incomplete nomination that is not cured within the prescribed period may be rejected “with prejudice and without vote of the Board.”

The phrase “with prejudice” is potentially significant because it may be understood to bar a future nomination of the same veteran, even where the deficiency resulted only from an incomplete application or a nominator's failure to provide requested documentation. That consequence would appear disproportionate to what may be a procedural or administrative deficiency rather than a determination that the veteran is statutorily ineligible or unworthy of consideration.

I propose that the rule clarify whether rejection under § 5.7 applies only to the nomination package or whether it is intended to preclude a future nomination of the veteran. If the intent is merely to close an incomplete application, the phrase “with prejudice” should be removed and replaced with language making clear that a complete nomination may be submitted in a future nomination cycle.

There is an important distinction between an incomplete filing and a finding that a veteran is ineligible or does not qualify for induction. I believe the rule should reflect the difference. An administrative deficiency in one filing should not, by itself, permanently foreclose future consideration of an otherwise eligible veteran.

§ 6.3 - Post-Service Contributions and Conformity with the Statute

Section 6.3 appears inconsistent with W. Va. Code § 9A-6-1(a)(1). The statute describes the Hall of Fame's mission as honoring veterans who distinguished themselves on the field of battle and “who have also made significant contributions to the state or their communities following their military service.” Section 6.3, however, provides that such post-service contributions are “not a strict requirement” and permits contributions made while on active duty to satisfy that consideration. The rule therefore appears to alter, rather than implement, the statutory language. If an exception is intended for veterans killed in action or career servicemembers who could not

satisfy the post-service language in the ordinary manner, that issue may require legislative clarification rather than expansion through administrative rule.

§ 7.1.3 - Unbounded Additional Selection Criteria

Section 7.1.3 permits the Board to consider "any other factor or criterion" it determines relevant to whether a nominee should be inducted.

That language gives the Board exceptionally broad discretion. In addition to producing inconsistent standards among nominees, the policy could allow future Boards to rely upon criteria that were never disclosed to nominators or nominees. I recommend limiting additional factors to those directly related to the statutory mission of the Hall of Fame. Any supplemental selection criteria should be made public before the nomination cycle in which they are applied.

§ 7.2 - Uniform Evaluation Criteria and Scoring

Section 7.2 provides that the Board "may" develop additional criteria or guidelines and "may" create a uniform scoring sheet. I recommend that the rule require the Board to use a uniform evaluation framework for all eligible nominees.

The framework should incorporate the statutory qualifications and any additional criteria the Board determines are appropriate under the rule. I believe the criteria should be established in advance and applied consistently during each nomination cycle. The Board would still retain judgment and discretion while ensuring every nominee would begin with the same stated standards.

Section 7.2 also contains the phrase "Records relating to other scoring metrics shall be may [emphasis added] public." As written, that language is grammatically indeterminate or incorrect. The phrase should clearly establish whether such records shall, may, or shall not be public. The final rule should correct this language and clearly identify which evaluation records are subject to public disclosure.

I believe, at a minimum, the general evaluation methodology, criteria used during each selection cycle, and final institutional results should be available to the public. Individual Board members' deliberative notes may remain confidential where otherwise permitted by law.

§ 7.3 - Annual Numerical Limit and Reconsideration

Section 7.3 permits the Board to establish a maximum number of inductees for a given year and provides that, if a nomination is denied because that limit has been reached, the Board "may" reconsider the nominee in a subsequent year.

I recommend that the rule provide for automatic reconsideration for a defined period when a nominee is otherwise eligible for induction but is not selected solely because the annual numerical limit has been reached. A nominee should not be required to depend upon a future Board's discretionary decision merely to be reconsidered because of an administrative limit imposed during the original selection cycle.

The Department may wish to specify a reasonable reconsideration period, such as the next two or three induction cycles. This would preserve the Board's ability to limit the number of annual inductees while providing a fair and consistent process for nominees deferred solely because of that limit.

§ 7.4 - Voting Threshold, Recusals, and Notice of Disposition

Section 7.4 states only that the Board will vote on each nominee and select the honorees. It does not state the quorum required, the number or percentage of affirmative votes necessary for induction, or how recusals, abstentions, or tie votes are handled.

Those matters should be specified in the rule. Because induction is an extraordinary state honor, I recommend a substantial affirmative threshold, such as a two-thirds vote of members eligible to vote.

I believe the section should also require the final notice to distinguish among materially different dispositions, including statutory ineligibility; an incomplete nomination package; an eligible nominee considered but not selected; and an otherwise selectable nominee deferred solely because an annual numerical limit was reached.

Those distinctions are important. A decorated veteran who was eligible but not selected from a competitive field should not receive the same characterization as a nominee who failed to satisfy threshold eligibility requirements.

§ 9.2 – Procedural Safeguards for Public Notice

Section 9.2 permits the Secretary, before the Board has made a final determination regarding revocation, to publicly “flag”, or identify, an honoree’s recognition as having been called into question or as being subject to further review.

Because such a public designation could itself cause significant reputational harm before the Board has determined that grounds for revocation exist, the rule should establish a defined threshold that must be met before public notice is issued. At a minimum, the Secretary should have credible and sufficiently substantiated information indicating that one or more of the grounds for revocation identified in the rule may apply.

The rule should also require prompt referral of the matter to the Board and timely consideration following any public notice. An honoree, or an appropriate representative in the case of a deceased honoree, should receive reasonable notice of the substance of the allegations and an opportunity to provide responsive information before a final revocation decision is made.

The State should certainly be able to act when serious information concerning an honoree comes to light. At the same time, a person’s honor should not be questioned before the Board has determined whether revocation is warranted.

Conclusion

The West Virginia Military Hall of Fame has the potential to become one of our State's most respected institutions. Its credibility will depend not only upon who the Board selects, but also on whether the veterans and the public believe the process itself is fair. Selections should be based upon extraordinary military service, sacrifice, character, and service to West Virginia and not on politics, influence, personal relationships, or changing criteria.

To that end, I strongly but respectfully ask that the Department consider the concerns outlined above before finalizing 86 CSR 5. In particular, I believe the provisions governing the Board, the treatment of nominees, the evaluation process, and voting procedures would benefit from further clarification.

Thank you for providing West Virginia's veterans and citizens the opportunity to comment on this important matter.

Respectfully,

Gregory A. Bishop

Major, U.S. Marine Corps (Retired)

First Sergeant, West Virginia State Police (Retired) Former Prosecuting Attorney

COM-012

Date Received: 09/10/2026

Chase Harler

----- Forwarded message -----

From: **President of Operations** <president@hastenservices.com>

Date: Thu, Sep 10, 2026 at 2:18 PM

Subject: Additional Qualifying Circumstances for the WV Military Hall of Fame

To: jill.e.connolly@wv.gov <jill.e.connolly@wv.gov>

Good afternoon,

From our perspective as a certified veteran owned small business and a newly certified West Virginia veteran owned business, I think it is great to see West Virginia putting more emphasis on recognizing and supporting veterans. I believe initiatives like this are important, and I appreciate the effort being made to recognize the contributions veterans make to our state.

With that in mind, I wanted to offer a perspective on the current eligibility requirements for the Military Hall of Fame and suggest consideration of additional qualifying circumstances.

I have an employee who served in the Special Operations community and deployed to Iraq once and Afghanistan twice. He has received a Joint Service Achievement Medal, four Army Achievement Medals, and an Army Commendation Medal. I understand that some of these awards do not meet the current requirements because they do not include a V device.

I am also fully aware that some veterans, particularly those who served in the Special Operations community, may go unrecognized for reasons that are not necessarily reflective of the level or significance of their service. Much of what these individuals do is simply not something that can be publicly discussed or fully reflected on an award citation. There are missions, responsibilities, and contributions that, by their very nature, may remain classified or otherwise cannot be fully documented. In some cases, the absence of a particular award or device may say very little about the significance of the service performed.

He has lived in West Virginia for nearly three and a half years and has established significant roots here. I have personally seen him contribute to both the veteran and non veteran communities. He has helped feed homeless veterans and regularly fills Blessing Boxes throughout Monongalia County. His wife is also very active in the community and currently holds the Mrs. West Virginia Coal Festival title.

From my personal perspective, their commitment to West Virginia and the community is exactly the type of service and involvement that deserves recognition. However, under the current requirements, his overall record would not qualify him.

I am not suggesting that the standards be lowered. I believe there should be additional qualifying circumstances that allow the Board to consider the totality of a veteran's service, including multiple deployments, cumulative military awards, length of residency, established roots in West Virginia, and documented contributions to the veteran and local communities.

I think allowing consideration of these factors would make an already worthwhile program even stronger and ensure that deserving veterans who do not fit neatly within the current criteria still have an opportunity to be recognized.

Thank you for considering my perspective and for the work you are doing to recognize West Virginia's veterans.

Chase Harler

President

Hasten Services LLC

COM-013

Date Received: 09/01/2026

Chad Conley

----- Forwarded message -----

From: **Chad Conley** <chdconley14@yahoo.com>

Date: Tue, Sep 1, 2026, 10:44 AM

Subject: WV MILITARY HALL OF FAME

To: ryan.kennedy@wv.gov <ryan.kennedy@wv.gov>

Good morning gentlemen. My name is Chad Conley. I am the district commander for district 2 of the WV Veterans of Foreign Wars. District 2 is made up of 14 post in WV. At our last district meeting there was interest shown in the VFW working with the state on moving the WV military Hall of Fame forward and helping in any way we can to spread the word about the hall of fame. We feel we are doing a disservice to our veterans population by not making them aware of the hall of fame and the process to nominate veterans for induction. At our meeting I established a military hall of fame committee within our district for the VFW. I cc'd Brian Combs on this email. He will be the chairman of our hall of fame committee. My father is Roger Conley, a former member of the WV House of Delegates. He is the one that introduced and sponsored the legislation, and did a lot of the leg work to get the legislation passed to establish the WV Military Hall of Fame. He also worked with a gentleman by the name of Bernie Lyons, who is very active in the veterans community. We would really like to help out in any way we can to move the hall of fame forward and start getting more veterans nominated and inducted into the hall of fame. If there is anything at all we can do to help with this, please feel free to reach out to me or to Brian Combs at sgm.scott.combs@gmail.com or by phone at 304-539-6204.

Very Respectfully,

Chad Conley

VFWV District 2 Commander/Post 1212 Commander

Phone:(304) 834-4351

Email: chdconley14@yahoo.com

COM-014

Date Received: 09/11/2026

CPT (Ret.) James L. McCormick II

Please see attached document following this page.

PROFESSIONAL STANDARDS

West Virginia Military Hall of Fame

A records-based, nonpolitical framework for nomination, verification,
selection, induction, and revocation

**Prepared for consideration by West Virginia officials, veterans, service
organizations, and the public**

Prepared by James L. McCormick II
Retired U.S. Army Captain • Veterans Advocate

September 2026

Executive Summary: Purpose and Principle

The West Virginia Military Hall of Fame should be a permanent, professional institution - not a political recognition program. Selection must rest on verified military records, documented valor, personal integrity, and meaningful service to West Virginia.

CORE STANDARD	RECOMMENDED SAFEGUARD
Authenticity	Independently verify service, awards, citations, wounds, rank, assignments, and discharge status through official records.
Valor	Give the highest consideration to recipients of the Medal of Honor, a Service Cross, or the Silver Star, while honoring all award categories authorized by state law.
Integrity	Require a uniform background and stolen-valor review for every finalist.
Independence	Use conflict-of-interest rules, recusals, term limits, and a published scoring system to reduce political influence.
Accountability	Maintain written findings, a permanent public record, appeal safeguards, and a fair revocation process.

The proposed 2026 administrative rule already calls for DD Form 214 or equivalent records, award citations, and supporting documentation. It should be strengthened by making independent records verification and background review mandatory rather than discretionary, and by narrowing open-ended selection factors that could produce inconsistent decisions.

1. Mandatory Verification of Military Service

Every nominee's record should be independently verified before the nomination reaches the selection board. The burden should not rest solely on the nominee, family, or sponsor.

- DD Form 214, NGB Form 22, or equivalent separation document.
- Official Military Personnel File and service-specific personnel records.
- National Personnel Records Center, appropriate military department, or authorized archive confirmation.
- Official award orders, citations, certificates, and personnel-record entries.
- Department of Defense valor records when applicable.
- State and federal archival records for deceased veterans and older conflicts.

A photograph of a medal, newspaper article, biography, campaign advertisement, resume, social-media post, or veterans-organization membership should never serve as sufficient proof by itself.

2. Special Recognition of the Top Three Levels of Valor

The Department of Defense identifies the nation's top three levels of combat valor as follows:

LEVEL	DECORATION	OFFICIAL STANDARD
1	Medal of Honor	Conspicuous gallantry and intrepidity at the risk of life, above and beyond the call of duty.
2	Service Cross	Extraordinary heroism. Includes the Distinguished Service Cross, Navy Cross, Air Force Cross, and Coast Guard Cross.
3	Silver Star	Gallantry in action of a degree below the Medal of Honor or a Service Cross, but above other U.S. combat decorations.

Recipients of these awards should receive the highest consideration, provided the decoration is confirmed through official records and the nominee satisfies West Virginia's character and eligibility requirements.

Recommended distinguished category: West Virginia Hall of Valor. This category would be reserved for West Virginians who received one of the top three levels of valor awards. It would preserve the extraordinary significance of those decorations without excluding other deserving veterans authorized under state law.

3. Follow the Full Eligibility Law

West Virginia Code §9A-6-1 currently permits consideration of recipients of the following decorations:

• Medal of Honor	• Distinguished Service Cross
• Navy Cross	• Air Force Cross
• Coast Guard Cross	• Silver Star
• Distinguished Flying Cross	• Bronze Star Medal with 'V' Device
• Air Medal with 'V' Device	• Commendation Medal with 'V' Device
• Joint Service Achievement Medal with 'V' Device	• Purple Heart

The statute also requires honorable service, good moral character, a qualifying West Virginia connection, military documentation, and copies of award citations. The board cannot limit every nomination to the top three valor levels without a statutory amendment. It can, however, give those awards distinct recognition and appropriate weight through a published scoring system.

4. Mandatory Background and Integrity Review

Every finalist should undergo the same review. It should include:

- State and federal criminal-record checks and sex-offender registry review.
- Confirmation that the nominee is not a fugitive from justice.
- Verification of discharge characterization, rank, assignments, deployments, combat service, wounds, and decorations.
- Review for court findings or substantiated cases involving fraud or stolen valor.
- Confirmation that no qualifying award has been revoked, rescinded, or administratively corrected in a way that affects eligibility.

A conviction should not automatically disqualify every person. The board should consider seriousness, timing, military connection, rehabilitation, and whether induction would bring substantial discredit upon the Hall of Fame.

5. Independent Military Records Review Panel

Before political appointees vote, a three-person professional panel should certify each nomination. Suggested membership:

- A retired military personnel or awards specialist.
- A member experienced in military archives and records.
- A combat veteran familiar with award citations, general orders, and valor devices.

The panel would not choose inductees. It would issue one written finding: verified and eligible; eligible with unresolved questions; or ineligible or unsupported. No nomination should advance without a verified finding.

6. Protections Against Political Influence

- Political party, endorsement, campaign contribution, elected office, personal friendship, wealth, public popularity, organizational status, and access to officials may not be considered.
- Members must disclose relationships with nominees and recuse from discussion and voting when a personal, financial, political, family, or organizational conflict exists.
- No member may sponsor or publicly advocate for a nominee while serving on the board.
- Terms should be staggered and limited to two consecutive terms; no administration should be able to replace the entire board at once.
- Membership should reflect multiple service branches, enlisted and commissioned experience, and major eras of service when qualified candidates are available.

7. Uniform, Published Scoring System

EVALUATION CATEGORY	POINTS
Verified military valor and combat distinction	40
Significance of military service	20
Service and contributions to West Virginia	20
Leadership and lifetime public benefit	10
Character and integrity	10
TOTAL	100

Recommended threshold: at least 80 points and a two-thirds vote for induction. The qualifying award may influence the military-valor score, but rank, politics, personal access, and public prominence must not.

8. Fair Treatment of Posthumous and Historical Nominees

The state should actively assist families when records were destroyed, lost, or are difficult to obtain. Lack of political connections or an experienced application sponsor must not prevent consideration of a deserving veteran. A historical-research process should support nominees from World War II, Korea, Vietnam, and other earlier conflicts, while maintaining the same evidentiary standard.

9. Written Decisions and Permanent Records

- A standardized eligibility checklist and records-verification certificate.
- A signed conflict-of-interest statement from every voting member.
- A final scoring summary and written basis for the decision.
- A permanent public biography containing only verified military information.
- Protection of private information while publishing the aggregate score and basis for induction.

10. Revocation, Correction, and Due Process

Induction should be revoked when clear and convincing evidence establishes:

- Fraud or material misrepresentation in the nomination.
- Stolen valor or falsification of rank, service, deployments, wounds, or decorations.
- Rescission of the qualifying military award.
- Concealment of a disqualifying criminal history.

- Failure to meet the legal eligibility requirements.

The honoree or family should receive written notice and a reasonable opportunity to respond before a final decision. If revocation occurs, the official roll and public record should be corrected promptly.

Recommended: Guiding Statement

The West Virginia Military Hall of Fame shall operate as a professional, nonpolitical, and records-based institution. Every nominee shall be evaluated under the same published standards. Military service, combat valor, decorations, character, and contributions to West Virginia shall be established through official records and reliable supporting evidence. Political affiliation, public office, campaign activity, personal relationships, organizational influence, wealth, and public popularity shall neither benefit nor disadvantage a nominee. The integrity of the Hall of Fame and the honor of every veteran inducted shall remain the board's highest responsibility.

These safeguards would create a Hall of Fame worthy of West Virginia's military heritage while protecting deserving veterans from favoritism, incomplete investigations, false military claims, and political interference.

Respectfully submitted,

James L. McCormick II

Captain, U.S. Army (Retired)

Executive Director of Government Affairs, Vietnam Veterans of America

Past National Commander, Military Order of the Purple Heart

Email: jmccormick@vva.org

Telephone: (301) 585-4000, extension 111

Mailing address: P.O. Box 883, New Haven, West Virginia 25265

References: Official Authorities Reviewed

- West Virginia Code §9A-6-1 - West Virginia Military Hall of Fame
<https://code.wvlegislature.gov/9A-6-1/>
- West Virginia Department of Veterans Assistance - Military Hall of Fame
<https://veterans.wv.gov/mhof/Pages/default.aspx>
- Proposed Legislative Rule 86CSR5 - West Virginia Military Hall of Fame
<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=59420&Format;=PDF>
- Department of Defense - Military Awards for Valor: Top Three
<https://valor.defense.gov/Description-of-Awards/>

Prepared as a policy recommendation. Final language should be reviewed by the West Virginia Department of Veterans Assistance and legislative counsel for consistency with state law and administrative-rule requirements.



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Valerie Way
812.406.7234
valerie@goldenhueswebdesign.com

Dear Ms. Way:

Thank you for bringing this terminology distinction to our attention. While the news article referenced was published by an independent media outlet (WV MetroNews) rather than the Department, we fully agree that the Medal of Honor is awarded rather than 'won'. This verbiage is not incorporated in the proposed rule. We appreciate your feedback and will maintain respectful, accurate language in all official Department communications and Hall of Fame materials.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

MSgt. Robert Durham (USMC, Ret.)
2 Riverview Drive
Charlton Heights, WV 25040

Dear Mr. Durham:

Thank you for providing your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans' Assistance has carefully reviewed and analyzed each of your suggestions in relation to statutory requirements and existing agency policy.

The proposed rule is mandated by statute, and it follows the statute. Accordingly, induction must be based the statutory criteria set out in W. Va. Code § 9A-6-1(a)(1)(A)-(D) and (b) and the rule appropriately reflects that approach. *See* 86 C.S.R. §§ 6 and 7.

While Section 8.2 of the proposed rule sets a digital website/roll as a minimum, it grants the authority for physical displays as resources allow. A website publication is the easiest way to provide transparency to the public, but it is, as noted in the proposed rule, a floor for recognition – not a ceiling.

Likewise, the rule cannot mandate branch representation, because doing so would conflict with the enabling statute's flexible approach. It says the board should be made up of veterans "active in the veteran community" and "ensure a diverse representation of service branches" "[w]here feasible." W. Va. Code § 9A-6-1(d). The rule cannot abandon that approach in favor of a stricter one without conflicting with the enabling statute. W. Va. Code § 9A-6-1(d). Similarly, the name of the Military Hall of Fame is statutory, and the rule reflects what is already law. W. Va. Code § 9A-6-1.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame and believe this rule will help honor distinguished West Virginia Veterans.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Kennedy", with a stylized, flowing script.

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Edward A. Diaz
5 Chemar Drive
Hurricane, WV 25526

Dear Mr. Diaz:

Thank you for providing your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans' Assistance has carefully reviewed and analyzed each of your suggestions in relation to statutory requirements and existing agency policy.

The Department agrees with your input, at least in part, in the following specific areas and will update the proposed rule language accordingly:

- § 86-5-4.5 (Board Membership): The Department agrees that the statutory provisions require the Secretary to be an ex-officio member. The language will be updated to: "The Secretary is an *ex officio* member of the Board." Please be advised that an *ex officio* member is also a voting member unless the statute sets forth otherwise, which, in this case, it does not.
- § 86-5-5.7 (Dismissal of Nominations): Agreed that dismissing a nomination with prejudice is overly harsh. The phrase "with prejudice" will be changed to "without prejudice."
- § 86-5-6.2 (Secretary's Authority to Reject): The Department agrees to clarify Section 6.2 as follows to address your concerns:

The Secretary may reject the nomination and does not have to bring the nomination to the attention of the Board for consideration, if it does not meet the minimum qualifications as set forth in W. Va. Code § 9A-6-1(a)(1)(A)-(D), (a)(2), or (b).

This change makes clear that 6.2 is not intended to facilitate the induction of individuals who are unqualified under W. Va. Code § 9A-6-1. Instead, it serves an administrative function of letting the Secretary vet out facially deficient applications. When the Secretary confronts an application that does not meet the requirements of the Code, this proposed rule would give him or her the choice to either reject it at the agency level or to present it to the board so the board can reject it.

- § 86-5-6.3. Post-Service Contributions. The Department also agrees to modify Section 6.3 as follows:

6.3. The Secretary may present the nomination of a nominee who was killed in action to the Board if the nominee meets the requirement W. Va. Code § 9A-6-1(a)(1)(A)-(D) (a)(2), and (b). ~~Although contributions to the state or communities following service is noted as the intention of the West Virginia Military Hall of Fame, as set forth in W. Va. Code §9A-6-1, it is not a strict requirement, and does not preclude the consideration of a nominee, or induction of a veteran, who was killed in action. It also does not preclude the consideration of a veteran who served their career in the military, if that person made significant contributions to West Virginia or West Virginia communities while on active duty.~~

That modification clarifies that a nominee who was killed in action must meet the statutory criteria for induction but appropriately lets the Board consider those nominees whose heroic sacrifice for the State and the Nation should be recognized and honored by the Military Hall of Fame.

- § 86-5-7.1 through 7.3 (Evaluation Standards): The Department disagrees that the procedures and selection criteria in the proposed rule fail to provide sufficient objective and uniform standards. Section 7.1.1 requires that the Board evaluate the nominee based on “valor and combat distinction,” including the nominee’s “qualifying award” and the circumstances surrounding that award. Section 7.1.2 also directs the Board to consider any post-service contributions to the State and community. These standards will enable the Board to consider a nominee’s service and post-service qualifications. What’s more, the Board is subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1, so its decisions on whether to induct any particular nominee would be open to the public and the relevant parties. That said, to ensure clarity and conformity with the code, the Department agrees to amend 7.1.3 to read as follows:

Any other factor or criterion which the Board determines is relevant to determining whether the nominee meets the qualifications set forth in W. Va. Code § 9A-6-1.

- § 86-5-7.2 (Scoring Metric Records): Acknowledged a typographical error in the third sentence, which will be corrected to read: “Records relating to other scoring metrics shall be made public.”
- § 86-5-9, the Department accepts in part your suggestion regarding clarifying the process for revocation and correction of inductions. Section 9.1 already provides the basis for revoking an induction including on the basis of material fraud in the nomination process. But the Department agrees that 9.2. should be modified to confirm that the public and the honoree, or an appropriate representative, will be provided notice of the grounds of a potential revocation and an opportunity to be heard prior to any decision.

The Department was unable to adopt certain recommendations due to conflicting statutory requirements or existing provisions:

- § 86-5-3 (Requirement for Combat Valor): The Department disagrees that a change is needed with respect to the requirements for combat valor. West Virginia Code § 9A-6-1(b) requires nominees to have been awarded one or more of various service medals to qualify and the Department does not have the authority to relax that standard.
- § 86-5-4.1 (Board Composition): Restricting the membership of the West Virginia Military Hall of Fame Board beyond the requirements of the enabling statute improperly violates both the text and intent of said statute, as it restricts persons from membership which the Legislature intended to be eligible.

- § 86-5-4.2 (Terms): Restricting removal of members of the West Virginia Military Hall of Fame Board beyond the requirements of the enabling statute improperly violates both the text and intent of said statute and West Virginia Code § 6-6-4 which generally provides for removal of appointed officers at the Governor's will and pleasure.
- § 86-5-4.4 (Meetings): Requiring more than one meeting per year of the West Virginia Military Hall of Fame Board is not required by the enabling statute and does not need to be imposed in this rule. The rule lets the Board meet as frequently as necessary to perform its work.
- § 86-5-5.1 (Residency Requirement): Waiving the West Virginia residency requirement for nominees conflicts with statutory mandates.
- § 86-5-5.2.5 (Board Investigation): The statute indicates that the Board should exercise a high level of care in evaluating nominees to ensure that only qualified individuals receive this high honor. Preserving the Board's ability to request additional information and investigate the nominee's qualifications is necessary to maintain the prestige and quality of the West Virginia Military Hall of Fame. The Department disagrees that further limits to its investigatory powers are needed to ensure transparency and an opportunity to be heard in this area. The proposed rule would let the Board interview nominees or those who served with a nominee, as appropriate, and, like any public body, the board is subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1 so its requests for additional information and its decisions would be open to the public and the relevant parties.
- § 86-5-6.1.3 (Moral Character Requirement): The Department disagrees with your suggestion of changing the requirement that a nominee be of "good moral character." The statute explicitly mandates this requirement.
- § 86-5-7.4 (Voting): The Department disagrees that supermajority vote of the Board should be required. Majority approval is typical in state boards and commission voting procedures and enables boards of this size to conduct business effectively.
- § 86-5-8.2 (Public Recognition): The Department disagrees that the rule should detail the manner of the publication of official admissions into the Hall of Fame or the type of information listed in that publication. The Department believes that level of detail is better for a uniform policy adopted by the Board once it is appointed and meets. The Board is subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1 so its decisions would be open to the public and the relevant parties.
- § 86-5-9.1, 9.2 & 9.3 (Revocation): The clear and convincing standard is reserved for limited cases and in the civil context, courts are reticent to apply this heightened standard unless there's a risk of deprivation of some fundamental right such as the "terminat[ion of] parental rights to the custody of minor children or the taking private property by adverse possession." *Cf. State v. Foye*, 251 W. Va. 669, 677, 916 S.E.2d 88, 96 (2025). Because the Board won't be deciding those types of issues, it's appropriate for the rule and the board to use the "general standard" of proof—preponderance of the evidence. *Id.*

The Department has evaluated your remaining comments and has determined that the existing proposed rule language shall be retained and rejects your other proposed amendments for the reasons stated below:

- As to § 86-5-1.1, the Department finds that a simple scope statement is preferable for ease of readability and comprehension and that the language proposed by the commenter would not aid in comprehension.
- As to § 86-5-1.5, the Department disagrees that the rule should be modified to create an additional evaluation process beyond the standard process in W. Va. Code § 29A-3-1. The sunset language is consistent with the sunset provisions for many other rules and with the requirements of W. Va. Code § 29A-3-19.

- As to § 86-5-2, the Department rejects the additional proposed definitions because, for reasons stated *infra*, the Department rejects the additional proposed provisions which would have utilized those proposed definitions.
- As to § 86-5-3, the Department rejects the commenter's proposed alternative mission statement. As an initial point, the commentator proposes to replace a relatively short and targeted mission statement with an overly complex and lengthy passage which incorporates much more detail than is reasonable for a mission statement. Additionally, the Department declines to change the word "incomparable" from the mission statement because the word appropriately conveys the high level of honorable service that befits the West Virginia Military Hall of Fame as a recognition of heroes among heroes.
- As to § 86-5-5.2, the Department rejects the commenter's proposed addition because the language is unnecessary. The Department already is mandated to provide support for the Board's operations, which would include gathering and verifying information at the Board's request.
- As to § 86-5-5.2.4, the Department rejects the commenter's proposed revision because the existing language already conveys the same information regarding post-service contributions.
- As to § 86-5-5.3, the Department rejects the commenter's proposed addition because it is unnecessary. Section 5.2 already requires a DD-214 or other similar records supporting military service plus a copy of all citations with supporting documentation and provides for the submission of additional documentation. That language is consistent with W. Va. Code § 9A-6-1(a)(2).
- As to § 86-5-5.4, the Department rejects the commenter's proposed addition because it would impact the Board's ability to employ different investigative techniques to different nominees when the circumstances would warrant doing so.
- As to § 86-5-5.5, the Department rejects the commenter's proposed addition because it is unnecessary. The rule already permits submission via facsimile, U.S. Mail, and hand delivery in addition to electronic submission.
- As to § 86-5-5.6, the Department rejects the commenter's proposed addition because requiring the Department to publish an annual nomination and review calendar would be overly burdensome. Nominations may occur at any time, and the Board will have the discretion to consider the same either as received or at designated times.
- As to § 86-5-6.1.1, the Department rejects the commenter's proposed addition because it is duplicative. The proposed rules as presented already clarify the official documentation which should be reviewed to determine eligibility of nominees.
- As to § 86-5-6.1.2, the Department agrees to remove the reference to "full scope" to avoid ambiguity regarding the amount of detail needed in the application. The level of detail necessary for an application can be determined as the Department and Board decide on application forms.
- As to § 86-5-8, the Department rejects the commenter's proposed revision regarding annual induction ceremonies because it is unknown at this time how many nominations will be received in the years following the opening of the nomination period. Therefore, the Department and Board, working together, should be able to determine when and how frequently induction ceremonies will occur, based upon the circumstances at the time. The Department also rejects the suggestion regarding § 86-5-8.2 and modifying the rule to specify the information and publication method for honorees. Section 8.2 already requires public recognition and at a minimum an official roll of honoree; it also lets the Department use other physical means of recognizing honoree. This gives the Board sufficient flexibility to decide on the appropriate means and method of public recognition for the Military Hall of Fame.

- § 86-5-10, the Department also rejects your suggestion regarding creating ethics and conflict of interest standards in this proposed rule. Like any other board, this one will be subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1, so their meetings and decisions will be open and subject to public scrutiny. Likewise, each member of the board will be subject to the same ethical standards as other elected and appointed officials through the Ethics Act, W. Va. Code § 6B-2-5(a). And that Act prohibits financial conflicts of interest, nepotism, and the use of public office for private gain. *See* W. Va. Code § 6B-2-5(b); *see also* W. Va. Code R. § 158-6-3. The Department believes this Board should not be subject to a different set of accountability and ethical standards beyond those that apply to elected officials and other appointed officials.
- Regarding your “Principal Areas Requiring Amendment,” this section summarizes comments made on specific sections and recommends changes to the Governor’s appointment powers, Board membership, scoring methodology, ethics standards, and use of discretionary language in certain sections of the rule. Each of these comments were already addressed in detail.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame.

Very Respectfully,



Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 20276

John Vozniak
jvozniak@icloud.com

Dear Mr. Vozniak:

Thank you for contacting the West Virginia Department of Veterans' Assistance. A copy of proposed Legislative Rule 86 CSR 5 (West Virginia Military Hall of Fame) has been transmitted to your email. We deeply honor your family's history of service and look forward to receiving any future nominations once the official application process opens.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Senator Ryan Weld
Room 216W, Building 1
State Capitol Complex
Charleston, WV 25305

Senator Weld,

Thank you for your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans' Assistance has carefully reviewed and analyzed each of your suggestions in relation to statutory requirements and existing agency policy.

The Department agrees that the rule should be modified to fix the missing apostrophe at the end of the word "Veterans" in the Department's official title. As you note, that change is consistent with W. Va. Code § 9A-1-1(a), which "redesignated" the agency as "the Department of Veterans' Assistance" starting on July 1, 2011.

But the Department respectfully disagrees with your position that the rule should be modified to reflect that post-service contributions are a statutory precondition for induction in the Military Hall of Fame. There are several bases for the Department's position.

To begin, it would lead to an absurd result. If you're right, any West Virginian who died in combat would automatically be disqualified because their death *while in service* would prevent them from contributing to the state and community *following* their service. Medal of Honor recipients such as Pfc. Phill Gene McDonald, from McDowell County—whose actions in Vietnam saved "the lives of his comrades" and "is in keeping with the highest traditions of the military service"—would have no chance at induction because he was "mortally wounded" while he "crawled toward an enemy" machine gun "position to destroy it with a grenade."¹ His courage in the face of danger couldn't be recognized by the Hall of Fame because his service to the State and Country cost him his life. Another World War II Veteran and West Virginia Medal of Honor

¹ Phill Gene McDonald, Stories of Sacrifice, Congressional Medal of Honor Society, <https://www.cmohs.org/recipient/phill-g-mcdonald> (last visited Oct. 2, 2026).

recipient, Sgt. Herbert Joseph Thomas, would be disqualified as well. He wouldn't have post-service contributions because he "gallantly gave his life for his country" by jumping on a grenade "to smother the explosion"— "sacrificing his life for his [nearby] comrades."² Yet, it's precisely that type of valor and sacrifice that the State of West Virginia should recognize and honor.

It'd be one thing if that result was required by the Code. After all, an agency can't promulgate a rule that "is inconsistent with, or which alters or limits its statutory authority"—even if it disagrees with the policy of that statute. Syl. pt. 4, *St. Joseph's Hosp. of Buckhannon, Inc. v. Stonewall Jackson Mem'l Hosp. Co.*, 252 W. Va. 526, 527, 923 S.E.2d. 456, 457 (2025).

But that is not the case here. Like any statute, the Hall of Fame code should be read "as a whole." Syl. pt. 5, *Kanawha Cnty. Bd. of Ed. v. Hall*, 249 W. Va. 161, 163, 895 S.E.2d 16, 18 (2023) ("[E]ffect must be given to each part of the statute and to the statute as a whole."). To be sure, the "significant [post-service] contribution" language you reference appears in W. Va. Code § 9A-6-1(a)(1). But those words perform a different task than what you ascribe to them. They are part of the "mission" or purpose clause of the statute. They establish that the Hall of Fame's "mission" is to "honor veterans of West Virginia who have distinguished themselves on the field of battle and who have also made significant contributions to the state or their communities following their military service." W. Va. Code § 9A-6-1(a)(1).

But that mission statement does not set mandatory qualifications for honorees. Those appear later in the statute. For example, the next sentence says, "The honorees *must*: (A) Have been honorably discharged . . . and be of good moral character." W. Va. Code § 9A-6-1(a)(1)(A) (emphasis added). They also must have a specified connection to West Virginia: for example, by being a "natural born citizens of" the state or residing in West Virginia "for at least 8 years." *Id.* § 9A-6-1(a)(B)-(D). In the next subsection, the statute also lists the awards "a nominee *must have*" "to be considered" for the Hall of Fame and lists twelve different service medals. *Id.* § 9A-6-1(b) (emphasis added). Post-service contribution doesn't appear in either the list of what a "honoree must" have, *id.* § 9A-6-1(a)(1)(A)-(D), or in the list of service medals "a nominee must have been awarded" "to be considered," *id.* § 9A-6-1(b).

Further, both subsections' lists of qualifications apply to veterans who died before leaving military service. For example, recipients of the Medal of Honor—"the nation's highest medal for valor in combat"³—are eligible for admission into the Hall of Fame, *id.* § 9A-6-1(b)(1), and many of the past recipients of this high honor made the ultimate sacrifice for our Country.⁴ Similarly, a nominee who received the Purple Heart during his or her time in service may be considered for induction under W. Va. Code § 9A-6-1(b)(12). That award is for a person who is "killed or wounded" in action, 10 U.S.C. § 1131, and a number of notable West Virginia Purple Heart recipients made that ultimate sacrifice.

All of this shows that the language setting forth the "mission" or purpose of the Hall of Fame is separate and distinct from the eligibility requirements. The mission language does not bar the induction of those who sacrificed their lives in military service. The Military Hall of Fame can fulfill its mission—honoring West Virginia veterans with distinguished military careers and post-service contributions—and honor the men and women of West Virginia who have paid the ultimate sacrifice for this Country.

Truly, it's a standard principle of reading statutes that prefatory clauses—like the one in the Military Hall of Fame statute—may "announce[] an objective," but they do not "change the plain meaning" or the "scope of the operative clause" of a statute. *Kingdomware Techs., Inc. v. United States*, 579 U.S. 162, 173 (2016). That's why, for example, the constitutional right to "keep and bear Arms" under the Second Amendment

² Herbert Joseph Thomas, Stories of Sacrifice, Congressional Medal of Honor Society, <https://www.cmoths.org/recipients/herbert-j-thomas> (last visited Oct. 2, 2026).

³ U.S. Army, Medal of Honor, <https://www.army.mil/medallofhonor/> (last visited Oct. 2, 2026).

⁴ Congressional Medal of Honor Society, <https://www.cmoths.org/recipients/lists/fallen-in-service-recipients> (noting that 697 Medal of Honor recipients died while in service).

isn't limited by the prefatory announcement that "A well regulated Militia" is "necessary to the security of the free State." *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008). The prefatory clause can serve "a clarifying function" but "does not limit or expand the scope of the operative clause." *Id.* at 578. Similarly to how the Second Amendment protects "more than the right to keep and use weapons as a member of an organized militia," *id.* at 600, the qualifications for induction to the Military Hall of Fame isn't limited by its general mission to "honor veterans" who "have distinguished themselves on the field of battle" and "made significant contributions to the state or their communities following their military service." W. Va. Code § 9A-6-1(a)(1). Consequently, valor, combat distinction, and post-service contributions are all factors that the Board considers when evaluating each nominee, *see* W. Va. Code R. § 86-5-7.1, but they are not preconditions for consideration, like the minimum qualifications in W. Va. Code § 9A-6-1(a)(1)(A)-(D), (a)(2), or (b).

All that said, the Department agrees that certain sections of the proposed rule you reference could be clearer. *First*, the Department agrees to modify Section 6.2 as follows:

The Secretary may reject the nomination and does not have to bring it to the attention of the Board for consideration, if the nomination does not meet the minimum qualifications as set forth in W. Va. Code § 9A-6-1(a)(1)(A)-(D), (a)(2), or (b). ~~If a nominee does not meet the minimum requirements set forth in W. Va. Code § 9A-6-1, then the Secretary may reject the nomination, and does not have to bring the nomination to the attention of the Board for consideration.~~

This change clarifies that 6.2 is not intended, as you suggest, to facilitate the induction of individuals who are unqualified under W. Va. Code § 9A-6-1. Instead, it serves an administrative function of letting the Secretary screen out facially deficient applications. When the Secretary confronts an application that does not meet the requirements of the Code, this proposed rule would give him or her the choice to either reject it at the agency level or to present it to the Board so the Board can reject it.

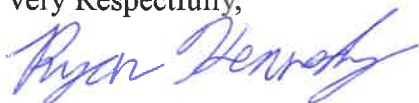
Second, the Department also agrees to modify Section 6.3 as follows:

6.3. The Secretary may present the nomination of a nominee who was killed in action to the Board if the nominee meets the requirements of W. Va. Code § 9A-6-1(a)(1)(A)-(D) (a)(2), and (b). ~~Although contributions to the state or communities following service is noted as the intention of the West Virginia Military Hall of Fame, as set forth in W. Va. Code § 9A-6-1, it is not a strict requirement, and does not preclude the consideration of a nominee, or induction of a veteran, who was killed in action. It also does not preclude the consideration of a veteran who served their career in the military, if that person made significant contributions to West Virginia or West Virginia communities while on active duty.~~

That modification clarifies that a nominee who was killed in action must meet the statutory criteria for induction but appropriately lets the Board consider those nominees whose heroic sacrifice for the State and the Nation should be recognized and honored by the Military Hall of Fame.

We appreciate your engagement and participation in the rulemaking process.

Very Respectfully,



Ryan Kennedy

Cabinet Secretary

WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Roger Conley
304.991.8899
rogerconley4wv@gmail.com

Dear Delegate Conley:

Thank you, Delegate Conley, for your continued leadership and outreach regarding the West Virginia Military Hall of Fame. The Department deeply respects your foundational role in enacting the underlying legislation alongside Woody Williams and Bernie Lyons.

We have added your contact information to our primary stakeholder list and welcome your feedback on the proposed rule.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Mara Boggs
703.955.1172
maraboggsww@gmail.com

Dear Ms. Boggs:

Thank you for providing your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans' Assistance has carefully reviewed and analyzed each of your suggestions in relation to statutory requirements and existing agency policy.

The Department appreciates your recommendation but notes that we are limited by the statute in some realms. The Code requires other criteria to be considered, including residency, and a finding of "good moral character." W. Va. Code 9A-6-1. These requirements preclude automatic induction. But given that Medal of Honor is the nation's highest medal for valor and bestowed only to the "bravest of the brave,"¹ recipients of this award who otherwise qualify are likely to receive significant consideration for induction.

Additionally, we appreciate you bringing the federal funding context for the Donel C. Kinnard State Veterans Cemetery committal shelter to our attention as a potential physical location.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance

¹ U.S. Army, Medal of Honor, <https://www.army.mil/medalofhonor/> (last visited Oct. 2, 2026).

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**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Ron Eagle
President
HQ Aero Management Inc.
866.447.2376
ron@hqaero.com

Dear Mr. Eagle:

Thank you for your feedback and support. Under Section 5.1 of the proposed rule, posthumous nominations are explicitly permitted and considering membership for those Medal of Honor recipients who otherwise meet the statutory criteria will be a recommendation we will present to the Board, once it is appointed. Your proposal to structure annual inductions into distinct categories for deceased heroes and living community leaders will be taken into consideration by the Board once it is appointed. No modification in the proposed rules is necessary to consider these proposals.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

David K. Holstein
SFC USA RET
dholstein64@gmail.com
304.578.8799

Dear Mr. Holstein:

Thank you for your service and for sharing your perspective on Veteran incentives in West Virginia. While state tax policy and property tax structure fall outside the regulatory authority of proposed Legislative Rule 86 CSR 5 and the Department's administrative rulemaking scope, your comments have been recorded and will be shared with agency leadership for legislative discussions.

Very Respectfully

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Charles Blake, Jr.
charlesblakejr@yahoo.com

Dear Mr. Blake:

Thank you for your input and for sharing the committee model used at Fort Campbell. Section 4.1. of the proposed rule specifically encourages appointing representatives from recognized branches of the Armed Forces and Veteran service organizations. Your recommendation to ensure strong representation of decorated enlisted members and officers to guide selection decisions will be submitted to the appointing authority.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Gregory A. Bishop
Major, U.S.. Marine Corps (Retired)
bshp1775@yahoo.com

Dear Mr. Bishop:

Thank you for providing your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans Assistance has carefully reviewed and analyzed each of your suggestions in relation to statutory requirements and existing agency policy.

The Department agrees with your input on the following specific areas and will update the proposed rule language accordingly:

- § 86-4-4.1: The Department agrees to rewrite 4.1. as follows to fix the typographical error and to better reflect the language of W. Va. Code § 9A-6-1(c):

4.1. The composition of the board shall consist of representatives from the recognized branches of the Armed Forces of the United States and may include members of the state's congressionally chartered veteran services organizations.

But the Department chose not to restrict the membership of the West Virginia Military Hall of Fame Board beyond the requirements of the enabling statute as you suggest.

- § 86-5-4.5 (Board Membership): The Department agrees that statutory provisions require the Secretary to be an *ex-officio* member. The language will be updated to: "The Secretary is an *ex officio* member of the Board." Please be advised that an *ex officio* member is also a voting member unless the statute sets forth otherwise, which, in this case, it does not.
- § 86-5.1: The Department agrees to modify 5.1 as follows to clarify that nominees should meet the requirements of W. Va. Code § 9A-6-1 but disagrees with removing the requirement that a nominee be a West Virginia Veteran. That is a mandatory requirement under W. Va. Code § 9A-6-1(a)(1)(A)-(D).

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- § 86-5-5.7 (Dismissal of Nominations): The Department agrees that dismissing a nomination with prejudice is overly harsh. The phrase “with prejudice” will be changed to “without prejudice.”
- § 86-5-6.3: The Department disagrees that the “mission” of the Hall of Fame establishes mandatory qualifications for honorees. Instead, those appear in W. Va. Code § 9A-6-1(a)(1)(A)-(D) (a)(2), and (b). Post-service contribution doesn’t appear in either the list of what a “honoree must” have, *id.* § 9A-6-1(a)(1)(A)-(D), or in the list of service medals “a nominee must have been awarded” “to be considered,” *id.* § 9A-6-1(b). The Department believes that demonstrates that the language setting out the “mission” or purpose of the Hall of Fame isn’t meant to bar the induction of those who sacrificed their lives in combat. Still, the Department also agrees to modify Section 6.3 to simplify and clarify the language as follows:

6.3. The Secretary may present the nomination of a nominee who was killed in action to the Board if the nominee meets the requirements of W. Va. Code § 9A-6-1(a)(1)(A)-(D) (a)(2), and (b). Although contributions to the state or communities following service is noted as the intention of the West Virginia Military Hall of Fame, as set forth in W. Va. Code §9A-6-1, it is not a strict requirement, and does not preclude the consideration of a nominee, or induction of a veteran, who was killed in action. It also does not preclude the consideration of a veteran who served their career in the military, if that person made significant contributions to West Virginia or West Virginia communities while on active duty.

That modification clarifies that a nominee who was killed in action must meet the statutory criteria for induction but appropriately lets the Board consider those nominees whose heroic sacrifice for the State and the Nation should be recognized and honored by the Military Hall of Fame.

- § 86-5-7.1.3: To ensure clarity and conformity with the code, the Department agrees to modify 7.1.3 to read as follows: “Any other factor or criterion which the Board determines is relevant to determining whether the nominee meets the qualifications set forth in W. Va. Code §9A-6-1.”
- § 86-5-7.2: The word “may” in the third sentence of the section will be changed to “made available to the” to correct the identified typographical error and to clarify that the “Records relating to other scoring metrics shall be made available to the public.”
- § 86-5-7.4: The Department agrees to rewrite 7.4 to clarify that the Secretary shall notify each applicant of the final decision of the Board “and the basis for the Board’s decision.” The Department also agrees to modify this subsection to clarify that an “affirmative vote . . . of the members” is necessary to select an honoree. The Department disagrees that supermajority vote of the Board should be required. Majority approval is typical in state boards and commission voting procedures and enables boards of this size to conduct business effectively.
- § 86-5-9.2: The Department agrees to modify 9.2. in part so that the revocation process is triggered when the Secretary “receive credible and material information of any grounds for revocation under section 9.1 of this rule” and to provide that notice of those grounds and an opportunity to be heard be provided public and the honoree, or an appropriate representative of the honoree prior to any decision by the Board on a possible revocation of the induction. The Department disagrees that the rule needs to direct that question of revocation be considered in a “timely” manner because the appropriate timing for a revocation consideration may depend on the relevant parties’ availability and the need to gather appropriate information. Giving the Board flexibility to determine the appropriate timing for consideration of that decision lets it appropriately adjust to the needs of each case.

The Department decided not to adopt certain recommendations due to conflicting statutory requirements or existing provisions:

- § 86-5-4.6. Regarding your proposal to develop disclosure, recusal, or conflict rules for the Board, like any other board, this one will be subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1, so their meetings and decisions will be open and subject to public scrutiny. Likewise, each member of the board will be subject to the same ethical standards as other elected and appointed officials through the Ethics Act, W. Va. Code § 6B-2-5(a). And that Act prohibits financial conflicts of interest, nepotism, and the use of public office for private gain. *See* W. Va. Code § 6B-2-5(b); *see also* W. Va. Code R. § 158-6-3. The Department believes this Board should not be subject to a different set of accountability and ethical standards beyond those that apply to elected officials and other appointed officials.

- § 86-5-5.4: The current statute and the proposed rule indicate that the Board should exercise a high level of care in evaluating nominees to ensure that only qualified individuals receive this high honor. Preserving the Board's ability to request additional information and investigate the nominee's qualifications is necessary to preserve the prestige and quality of the West Virginia Military Hall of Fame. The Department disagrees that additional detailing of the process is needed to ensure transparency and an opportunity to be heard in this area. The proposed rule would let the Board interview nominees or those who served with a nominee, as appropriate, and, like any public body, the board is subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1 so its requests for additional information and its decisions would be open to the public and the relevant parties.

- § 86-5-7.3: The Department disagrees with the suggested modification. The statute permits the Board to structure its scheduling and consideration process and the rule would give the Board appropriate flexibility, as needed, to set minimum or maximum inductions for a given year to preserve the prestige and intent of the West Virginia Military Hall of Fame.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame.

Very Respectfully,



Ryan Kennedy

Cabinet Secretary

WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Chase Harker
President
Hasten Services, LLC
president@hastenservices.com

Dear Mr. Harker:

Thank you for your feedback and perspective as a West Virginia Veteran-owned business. The Veteran employee you reference sounds like a man of high character with a distinguished military career and post-service community that is deserving of great respect. We recognize that certain specialized service records, including classified Special Operations missions, are not listed among the awards a nominee “must have” received “to be considered. W. Va. Code § 9A-6-1(b).

But the law lets the Board receive “a copy of any citation received” and Section 6 and 7 of the proposed rule would task the Board with evaluating cumulative service, leadership, and community impact alongside the statutorily listed military awards. That said, the Department and its rules must align with the statutory qualifications, *see* W. Va. Code § 9A-6-1 including those related to length of residence in West Virginia, *see* W. Va. Code § 9A-6-1(a)(1)(D), and the types of service awards that a nominee “must have been awarded” “to be considered.” We recognize that this is a very high bar, and, as a result, not every remarkable service member or Veteran will be eligible. Our gratitude for their service remains, nonetheless.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Kennedy", with a stylized flourish extending from the end.

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

Chad Conley
304.834.4351
chdconley14@yahoo.com

Dear Mr. Conley:

Thank you, Commander Conley, for your leadership and for establishing a dedicated VFW District 2 Military Hall of Fame Committee. The Department deeply values the partnership of the Veterans of Foreign Wars in spreading public awareness and assisting families with the nomination process. We have noted Brian Combs as your committee chair and look forward to collaborating with District 2 to honor West Virginia's Veterans.

Very Respectfully,

Ryan Kennedy
Cabinet Secretary
WV Department of Veterans Assistance



**STATE OF WEST VIRGINIA
DEPARTMENT OF VETERANS ASSISTANCE**

**E. RYAN KENNEDY
CABINET SECRETARY**

October 6, 2026

James L. McCormick II
CPT (Ret.)
wvpurpleheart1863@gmail.com

Dear Mr. McCormick:

Thank you for providing your feedback and public comments regarding the proposed rule Series 86-5, which pertains to the Military Hall of Fame. The West Virginia Department of Veterans' Assistance has carefully reviewed and analyzed each of the ten categories of your suggestions in relation to statutory requirements and existing agency policy. The Department will address each of these ten items in turn.

- Regarding your first and fourth suggestion on mandatory verification of military service and mandatory integrity review, the Department agrees that each nominee's record should be verified, but the Department believes the current statute and the proposed rule provide for sufficient verification without modification of the rule. W. Va. Code § 9A-6-1(a)(2) empowers the Secretary to create forms for applicants. The same subsection mandates that nominations provide DD214 or other supporting Department of Defense personnel records, or national or state archive records to substantiate military service. Section 5.4 of the proposed rule also empowers the Board to "request additional information" and conduct investigations to determine a nominee's qualifications.

- Regarding your second and third suggestion, the Department agrees that W. Va. Code § 9A-6-1 controls the eligibility for the Military Hall of Fame and that the rule must follow its requirements. The Department agrees to modify the language in 6.1 as follows to clarify that any criteria the Board considers is for the purpose of determining if the nominee meets the qualifications established in W. Va. Code § 9A-6-1:

6.1. The Board will consider the following criteria in determining whether a nominee is eligible for induction in the Military Hall of Fame under W. Va. Code § 9A-6-1:

The Department also agrees to modify Section 7.1.3 as follows to ensure clarity and conformity with the code:

7.1.3. Any other factor or criterion which the Board determines is relevant to determining whether the nominee meets the qualifications set forth in W. Va. Code §9A-6-1.

But the Department disagrees with your suggestion that the rule establish a formal scoring system that gives certain medals listed in W. Va. Code § 9A-6-1(b) greater weight and consideration than others or a special recognition for the “top three levels of valor.” The enabling statute does not establish this type of tiered system, and the Department believes a better approach is to evaluate each nominee holistically, within the parameters set by the Code.

- Regarding your fifth suggestion, the Department disagrees that the rule should be modified to establish a military records review panel. The Department believes that the Department and the Board established by the Legislature and tasked with the evaluation of nominees can handle the verification of necessary records without an additional, non-statutory layer of review.
- Regarding your sixth suggestion and those in your “Recommended: Guiding Statement,” Section 4.2 of the rule already provides for staggered four-year terms for members of the Board. Section 4.1. also already provides for representation from recognized branches of the Armed Forces and that membership is set out in W. Va. Code § 9A-6-1(c) as well. Like any other board, this one will be subject to the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1, so their meetings and decisions will be open and subject to public scrutiny. Likewise, each member of the board will be subject to the same ethical standards as other elected and appointed officials through the Ethics Act, W. Va. Code § 6B-2-5(a). And that Act prohibits financial conflicts of interest, nepotism, and the use of public office for private gain. *See* W. Va. Code § 6B-2-5(b); *see also* W. Va. Code R. § 158-6-3. The Department believes this Board should not be subject to a different set of accountability and ethical standards beyond those that apply to elected officials and other appointed officials.
- Regarding your seventh suggestion, Section 7.2 would already let the Board develop a uniform scoring sheet or metrics and would require that these be made available to the public. The Department believes setting such metrics now, in this rule, would be overly restrictive and deprive the Board of important input on the criteria and guidelines for induction.
- Regarding your eighth suggestion, nothing in the rule would inhibit the fair treatment of posthumous and historical nominees. Section 5.1 would expressly permit posthumous nominations and 5.4 would empower the Board to request additional information, conduct its own investigation, including interviewing other members of the nominee’s family and community. The Department does not believe modifying these provisions is necessary to ensure the fair treatment of posthumous and historical Veterans.
- Regarding your ninth suggestion, with changes proposed through the public comment process, Section 7.2 would require the records relating to scoring metrics be made available to the public. Similar changes to 7.4 would require the Secretary to notify the applicant of the Board’s decision and the basis for that decision. Section 7.2 also empowers the Board to set guidelines and criteria for weighing and scoring candidates. With the modifications already agreed to, these sections provide a sufficient basis for standardizing scoring criteria without becoming overly ridged. The Department disagrees with making further changes on that basis.
- Regarding your tenth suggestion, as proposed Section 9.1 would already provide the basis for revoking an induction including on the basis of material fraud in the nomination process. Additionally, in response to other public comments, the Department agrees to make changes to Section 9.2. to provide the public and honoree, or an appropriate representative, notice of the grounds of a potential revocation and an opportunity to be heard prior to any decision. The Department believes these agreed to changes address your tenth suggestion as well.

We appreciate your engagement and participation in the rulemaking process for the West Virginia Military Hall of Fame.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Kennedy", with a stylized flourish extending from the end.

Ryan Kennedy

Cabinet Secretary

WV Department of Veterans Assistance