

April 17, 2020

By [John Ismay](#)

Domestic Correspondent, Magazine



Members of the New York Army National Guard join with others in filling cars with takeaway meals to be delivered to the elderly and those who cannot leave their housing, due to the coronavirus at a community center in Brooklyn on April 14, 2020. Spencer Platt/Getty Images

Dear reader,

As of Thursday morning, there were more than 31,800 Air and Army National Guard troops deployed in their communities in the fight against the novel coronavirus — a number that has been increasing by about 1,000 each day. Though they share a common mission, and are often working alongside active-duty service members, many of these Guardsmen are operating under different kinds of orders depending on the mission assigned to them by their state or territory. Governors who called for the initial pandemic-related mobilizations placed Guard soldiers and airmen under “state orders” that lasted 30 days or less — meaning that those troops were essentially employees of the state. But if they got sick from coronavirus while on short-term state orders, their health care would not have been covered by the federal government. If they died from coronavirus while on those orders, their families would not receive any survivor benefits from the military.

Later, most of those troops were placed under a different kind of orders that gave them some — but not all — of the federal benefits that active-duty service members receive.

The different types of activation orders are related to the kinds of missions the Guardsmen are asked to undertake. For statewide missions, like responding to wildfires or floods, Guard troops are typically mobilized for shorter durations, under 30 days, and are offered state benefits such as workers’ compensation if they get injured on the job. On April 7, the White House made federal funds available to governors to keep Guard troops on orders for longer periods of time. These so-called “31-day” orders made soldiers and airmen eligible for the same benefits that their active-duty counterparts get, including a housing allowance as well as medical care for their dependents.

Right now, about two-thirds of the Guard troops who have been mobilized across the country have been moved to 31-day orders. Some of the remaining third will likely be converted to those orders in the coming weeks, depending on the needs of individual states.

Five hundred, seventy-three National Guard troops had tested positive for Covid-19 as of Thursday, according to the Pentagon. One New Jersey National Guard soldier has died from it.

Capt. Douglas L. Hickok, 57, died in a Pennsylvania hospital on March 28. A physician assistant in civilian life, as well as in the Guard, Hickok’s family said he attended training with his unit on March 16, but went to the hospital four days later after feeling ill. He had planned to check into his unit for a drill later that same day, but he never left the hospital.

Captain Hickok’s sister, Mary Scott-Peavler, described her brother as a man dedicated to serving others, following a family history of military service in war. She was able to say goodbye to him over the phone. “He said, ‘If they put me on a ventilator, sis, I’m gone,’” she recalled. Days later, Captain Hickok’s organs began to fail and his family made the hard decision to take him off life support. “His heart kept beating for at least two days, which was agonizing,” Scott-Peavler said. “I’m almost glad that we weren’t there to have to see him going on like that, because I know my brother, and he was fighting until the very end.”

Had he checked into his unit and died after being mobilized under 31-day orders, Captain Hickok’s widow and two children would be eligible for the same survivors’ benefits that active-duty troops receive, including a death gratuity payment of \$100,000 and G.I. Bill eligibility for his dependents.

There is some legislation in the works to change this policy. Tragedy Assistance Program for Survivors (TAPS), a nonprofit organization that works on behalf of the families of fallen service members, is in talks with the Senate Committee on Veterans’ Affairs to develop legislation that would give active-duty-type survivors’ benefits to the families of Guard members who die of Covid-19-related causes within 21 days of being on orders or attending training. They would apply retroactively to cover the Hickok family.

Until then, some National Guardsmen who serve under state orders continue to face the risk of contracting Covid-19, without the full safety net of government benefits afforded to their active-duty counterparts.

— John

*John Ismay is a staff writer who covers armed conflict for The New York Times Magazine. He is based in Washington. He can be reached at [john.ismay@nytimes.com](mailto:john.ismay@nytimes.com).*