

February 12, 2014

Dear Veteran:

United States of America Military Veterans and or specific dependents having limited resources ie; exhausted savings below \$3,200.00 and income for each month less than \$1,200.00 after having applied for entitlements from other Federal and or State Programs may be eligible for financial assistance under the provisions of Massachusetts General Law 115 and Commonwealth of Massachusetts Regulation 108 (C.M.R.,108).

Application for Chapter 115 Veteran Financial Assistance is submitted to the local veteran agent assigned to the community in which the applicant resides.

The following information is an extract from CMR 108. It is provided as an overview to utilize in evaluating whether you may qualify.

#### Military Service Requirements

In order to be eligible for M.G.L. c. 115 veterans' benefits, the person asserting to be a veteran must meet eligibility requirements contained in M.G.L. c. 115 section 1 and 6A for active service in the U.S. Army, Marine Corps, Navy, Air Force, or Coast Guard of the United States. Military service also includes service by members of the Merchant Marines who served in armed conflict between December 7, 1941 and August 15, 1945, and who have received discharges from U.S. Army, Navy or Coast Guard; it does not include active duty for training purposes in the Army or Air National Guard, or active duty for training as a reservist in any branch of the Armed Forces. Discharges must have been under honorable conditions.

Eligible Dependents

(1) Categories of Eligible Dependents. The following categories of persons may qualify as dependents eligible to receive veterans' benefits.

- (a) Spouse of the veteran.
- (b) Widow or Widower of the veteran.
- (c) Parent of the veteran.
- (d) Any person who acted as a parent to the veteran for five years immediately preceding the commencement of the veterans' wartime service.
- (e) Child of the veteran until his or her 19<sup>th</sup> birthday.
- (f) Child of the veteran between 19 years and 23 years of age while the child is attending high school, an institution of higher learning or some other accredited educational institution provided that the applicant is in receipt of benefits under the provisions of M.G.L. c. 115.
- (g) Child of the veteran 19 years of age or older who is mentally or physically unable to support himself or herself and was affected by the disability prior to his or her 18<sup>th</sup> birthday.
- (h) Legally adopted children of the veteran, in categories 108 CMR 3.05(1)(e) through (g).

(2) Effect of Divorce on Eligibility. The spouse of a veteran shall lose his or her eligibility upon the issuance by the court of a final judgment; the eligibility for benefits of a veterans' spouse shall not be affected by the issuance of a provisional judgment.

Supporting Documents for Benefits Application.

(1) The applicant shall submit to the veterans' agent, who shall submit to Massachusetts Department of Veteran Services, supporting documents to verify the military service, dependent status, marital status, income, school enrollment verification, and other categories as listed in 108 CMR 3.07: Table 1.

The veterans' agent shall send legible copies of these documents, and any other documents requested by the authorizer to Department of Veteran Services.

**Table 1**

Applicant	Documents
Separated veteran	Separation decree Order for separate maintenance Order for support
Spouse of a veteran	Marriage certificate
Child of a veteran	Birth certificate or adoption record with name of eligible veteran as parent
Widow/widower of veteran	Marriage certificate Death certificate
Child of a deceased veteran	Birth certificate or adoption record with name of eligible veteran as parent Death certificate
Parent of veteran	Birth certificate of veteran with name of parent
Person in place of parent to a veteran	Public record or statements from the veteran or other knowledgeable people, showing that the applicant stood in place of a parent to the veteran for five years immediately preceding the veteran's wartime service

Application Procedures

- (1) Right to File an Application. Every veteran and dependent of a veteran with proof of such status, has a right to file an application for veterans' benefits. If the applicant exercises this right, an application must be taken by the veterans' agent. This right to file shall not be confused with a right to receive benefits.
- (2) Legal Requirements for Application. An applicant for veterans benefits is required by M.G.L. c. 115 section 4 to file with a veterans' agent in the city or town wherein he or she resides a written application on a form prescribed by the Secretary.
- (3) Form of Application. An application for veterans' benefits shall be made on Form VS-1, with the exception of a reapplication for benefits. After the previous application has been inactive for a period of up to six months, and so long as there has been no change in circumstances other than the applicant's financial needs, the reapplication may be made of Form VS-21A.
  - (a) Recipients shall complete a new Form VS- 1 after three consecutive years in receipt of veterans' benefits.
  - (b) The original initialed and signed application and reapplication shall be forwarded to the Secretary
  - (c) Each January recipients shall provide proof of income and shelter expenses, which shall be forwarded to DVS.
  - (d) Information provided on an application shall be either typed or printed legibly.

Who May File Application. The general rule is that the application be filed by the veteran or a dependent of the veteran, depending on who is seeking the veterans' benefits. Exceptions to the general rule are made when the applicant is unable, for good reason satisfactory to the veterans' agent, to file an application. Then, another person may file an application on behalf of the applicant, provided that the name on the application is that of the veteran or dependent seeking veterans' benefits.

### Privacy Concerns

- (1) Notification to Applicants. In accordance with M.G.L. c.66A, every applicant who applies for veterans' benefits must be informed that information contained in the application (Form VS-1) for veterans' benefits may be submitted to the Department of Revenue and Department of Transitional Assistance for the purpose of determining whether they are in receipt of wages, whether they hold bank accounts, and whether they are delinquent in child support payments.
- (2) Consent Notice.
  - (a) The veterans' agent shall give each applicant a Computer Match Consent Notice which the applicant, and any other adult individual for whom benefits are being requested, shall sign and date.
  - (b) Each time a person applies or reapplies for benefits, this process must be repeated.

### General Guidelines for Benefits Determination

- (1) General Rule for Determination of Benefits. Only such amount shall be paid to or for any veteran or dependent as may be necessary to afford him or her sufficient relief or support and such benefits shall not be paid to any person who is able to support himself or herself or who is in receipt of income from any source sufficient for his or her support. The schedule of benefits shall be reviewed and revised periodically by the Secretary and adjusted to assure

that the veteran or dependent is paid benefits as may be necessary to afford him or her sufficient relief support.

(2) Repayment of Veterans' Benefits. The payment of veterans' benefits constitutes a grant of public assistance to the veteran or his or her dependent. In certain circumstances, veterans' agents shall place a recipient who has been overpaid in Refund status in accordance with 108 CMR 8.07 and no agreement for the repayment of such benefits by the veteran or dependent shall be permitted except as provided in M.G.L c. 115 and in 108 CMR 8.03 and 8.07

(3) Calculation of Applicant's Budget. The veterans' agent shall prepare a budget setting forth the amounts of the applicant's financial needs in various categories, as described in 108 CMR 5.02. On the basis of this budget, and after taking into consideration alternative sources of income available to the applicant as described in 108 CMR 6.00, the veterans' agent shall make a determination of the amount of benefits which shall be paid to the applicant, notify him or her of the amount and date of payment, and issue a Notice of Determination on a form prescribed by the Secretary.

(4) Medical Only Calculation. An applicant or recipient who is over the budget allowance for ordinary benefits and fuel may be eligible for a Medical Only budget. The veteran's agent should calculate the total income from all family members receiving M.G.L. c. 115 benefits. If that calculation is equal to or less than 200% of the current federal poverty level (FPL) and the recipient is otherwise qualified, the applicant shall be eligible for a Medical Only budget. If that calculation is over 200% of the current FPL, the applicant or recipient is in a spend-down on a monthly basis, before becoming eligible for Medical Only budget. The veteran's agent shall also determine if the applicant or recipient is eligible for medical assistance under M.G.L. c. 118E and shall complete applications authorized by the Massachusetts Division of Medical Assistance (DMA) under M.G.L. c. 115, and shall file the application for such recipient under M.G.L. c.118E.

(5) Medicare Part-B. In all cases, eligible applicants and recipients shall apply for Medicare-Part B.

(a) A recipient of veterans' benefits who has the Medicare-Part B premium deducted from his or her Social Security or private pension check shall be reimbursed the Medicare-Part B premium. The reimbursement shall not include any penalty fee or surcharge incurred for applying for Medicare-Part B after the age of 65.

(b) Any recipient of veterans' benefits whose Medicare-Part B premium is paid by a third party shall not be reimbursed the cost for their Medicare-Part B premium.

Deduction of Alternative Sources of Income.

(1) General Rule. Except as provided otherwise by statute or regulation, the veterans' agent shall offset the applicant's needs budget with alternative sources of income.

(2) Applicant's Obligations to Report Income. The veterans' agent shall inform the applicant of his or her obligation to report to the veterans' agent all income received from all other sources, including but not limited to merchandise or services received in lieu of money, and credit card advances while receiving veterans' benefits.

(3) Applicant's Obligation to Utilize Alternative Sources of Income. As a prerequisite of eligibility to receive benefits, the veterans' agent shall require that the applicant file applications and submit documentation thereof to receive any and all alternative types of benefits available to him or her. Alternative sources include but not limited to: VA compensation, VA non-service pension, Social Security, railroad retirement, Supplemental Security Income, workmen's compensation or private pension plans. Proof of application for those alternative benefits must be submitted to DVS. If the availability of such other benefits arises

after the applicant has begun receiving veterans' benefits, the veterans' agent shall require the applicant to immediately file appropriate applications. The veterans' agent shall require the applicant to execute an assignment or agreement to reimburse as the circumstances may require under 108 CMR 6.04. The veterans' agent shall explain the meaning of these documents to the applicant. Copies of these must be submitted to DVS with the Form VS-21A.

(4) Types of Exempt Income.

(a) A veteran's income from annuities received under the provisions of M.G.L. 115, section 6B, shall not be counted as income to be deducted in determining veterans' benefits.

(b) Money which an applicant has received from the United States or the Commonwealth as a "bonus" for military service or enrollment shall not be considered as income to be deducted in determining benefits.

(c) Earned income of children attending high school shall not be counted.

(d) Earned income for children attending college shall not be counted.

(e) Payments made to an applicant from the Agent Orange Settlement Fund or any other fund established Pursuant to the settlement in the In Re Agent Orange Product Liability Litigation, M.D.L. No.381 (E.D.N.Y.) and the Radiation Exposure Compensation Program shall not be considered income in determining Veterans' payments.

(5) Calculation of Employment Income. An applicant's monthly wages shall be calculated by subtracting from the weekly gross income federal and state taxes withheld and mandatory retirement, health and hospital insurance payments. From the resulting net weekly income, the following steps shall be applied.

(a) Add four consecutive weekly net paychecks.

(b) Divide by four.

(c) Multiply by 4.33

(d) Deduct \$200 as work incentive.

- (6) Income from Rental Property. Rental income earned by an applicant on property in which he or she resides which produces income shall be considered income. Profits are calculated by deducting from rental income principal and interest on the mortgage, property taxes (current or betterment), fire insurance premiums, water and sewer, and reasonable maintenance costs. An applicant shall not receive benefits to compensate for property losses.

Assets

For the purpose of 108 CMR 6.02, the term "assets" shall include, but not be limited to, bank deposits and accounts, corporate stocks, bonds, and other negotiable instruments. Assets shall not include life insurance policies in amounts which are not excessive for the applicant's needs. The Proceeds from the sale of the home in which the applicant resides shall not be considered assets if they are used, within six months of the sale date, to purchase another home in which the applicant will reside. The value of bank accounts held in more than one name, one of which is the applicant's name, shall be apportioned equally among the co-holders of the accounts. Assets upon application, are permissible up to the limits pursuant to the Secretary's Budget Amounts directive.

Maximum Asset Allowances. The veterans' agent shall not grant benefits to an applicant who possesses assets that exceed the limits for various categories of applicants set forth in the Secretary's Budget Amounts directive of maximum asset allowances. If an applicant's assets exceed his or her allowance, the veterans' agent shall disqualify the applicant from receiving any benefits payments until the assets are spent down below the allowance limit, at which time the applicant may reapply for benefits. Verification of the spend-down is required by the veterans' agent.

The examples below are for illustration only. Rates change as well details for determination.

(1) Budget Allowance - January 2014

Month maximum for single applicant living alone in an apartment with heat included paying rent. Maximum given by Veteran Agent would have been \$1,945.00. Any money received during month would cause the maximum allowance to be reduced. Assets must be less than \$3200.00.

(2) Medical Only - January 2014

Possible reimbursement for medical expenses if single applicant living alone received money during month less than \$1,945.00 and assets were less than \$3200.00 applicant may apply for Chapter 115 medical programs.

Very truly yours,

Paul R. Bergeron  
Director Veteran Services

