

9055.0015 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Accredited claims representative.** "Accredited claims representative" means a person recognized by the United States Department of Veterans Affairs for the purpose of helping people make claims for federal veterans benefits defined in United States Code, title 38.

Subp. 2a. **Administering entity.** "Administering entity" means a nonprofit or governmental entity including, but not limited to, an incorporated county or municipality, a housing development authority, or a community action organization, that provides local administration of public, not-for-profit housing programs.

Subp. 3. **Assets.** "Assets" means money in bank accounts, or cash or financial instruments readily convertible into cash. "Assets" does not include proceeds available from life insurance or burial insurance policies.

Subp. 4. **Claim.** "Claim" means a formal or informal communication in writing requesting a determination of eligibility for federal benefits defined in United States Code, title 38.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of veterans affairs.

Subp. 6. **Congressionally chartered veterans organization.** "Congressionally chartered veterans organization" means a veterans organization granted a national charter by the United States Congress to assist veterans in making claims.

Subp. 7. **Contested claim.** "Contested claim" means a claim by more than one party that is based on a single person's eligibility.

Subp. 8. **County veterans service officer.** "County veterans service officer" means a person employed by a county in Minnesota to assist veterans and their dependents in making claims.

Subp. 9. **Department.** "Department" means the Department of Veterans Affairs.

Subp. 10. **Department claims division.** "Department claims division" means the accredited claims representatives and their support staff.

Subp. 11. **Dependent.** "Dependent" means a spouse, a widow or widower, an unmarried child under the age of 19 years, a child who is a student under the age of 25 years and who is financially dependent upon the parent, a child of any age who is disabled and dependent upon the parent, or a parent of the applicant or applicant's spouse who lives in the applicant's household and is financially dependent upon the applicant. "Child," as used

in this subpart, includes legally adopted children, financially dependent stepchildren, foster children, and children under the guardianship of the applicant or the applicant's spouse.

Subp. 12. **Deputy commissioner.** "Deputy commissioner" means the deputy commissioner of veterans affairs for veterans services.

Subp. 13. **Discharge papers or equivalent.** "Discharge papers or equivalent" means a federal form issued at the time of separation from the armed forces of the United States indicating dates of service, character of service, and other pertinent data relating to the individual's military service. This may include, but is not limited to, form DD 214, form DD 215, or a report of separation.

Subp. 14. **Emergency medical treatment.** "Emergency medical treatment" means an unexpected occurrence or a set of circumstances demanding immediate professional medical attention to alleviate pain and suffering.

Subp. 15. **Income.** "Income" means earned and unearned income from any source, including windfalls, income tax refunds, property tax refunds, and rebates, reduced by amounts paid or withheld for federal and state income taxes, and social security taxes.

Subp. 16. **Institution of university grade.** "Institution of university grade" means the University of Minnesota, a state university, a community college, a technical college, or any other school of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the supreme court, a nursing school approved by the State Board of Nursing, a trade, business, or vocational school in the state approved by the Department of Education, or a theological seminary.

Subp. 17. **Schedule of allowances.** "Schedule of allowances" means the schedule of maximum monthly allowances created by the department to determine the amount of assistance authorized under the state soldiers assistance fund. The schedule is incorporated by reference, is available in the State Law Library or from the commissioner at the Department of Veterans Affairs, Veterans Building, St. Paul, Minnesota 55155, and is subject to frequent change.

Subp. 17a. **Under honorable conditions.** "Under honorable conditions" as used in Minnesota Statutes, section 197.447, means that the discharge or release from active duty military service is not under conditions which constitute a bar to the payment of benefits under Code of Federal Regulations, title 38, section 3.12.

Subp. 18. **United States Department of Veterans Affairs.** "United States Department of Veterans Affairs" means that federal agency formerly known as the Veterans Administration, which administers federal benefits for veterans and their dependents arising out of service in the armed forces of the United States.

Subp. 19. **Utilities.** "Utilities" means electricity and fuels, including heating oil, natural and liquid propane gas, wood used for heating or cooking, coal used for heating

or cooking, water service, whether provided through a common line or from a privately owned well, trash removal, and sewerage, whether provided through a common line or through a privately owned system.

Subp. 20. **Veteran.** "Veteran" has the meaning given in Minnesota Statutes, section 197.447. A veteran with more than one period of active duty military service must have at least one period of active duty military service which is characterized as having been under honorable conditions.

Subp. 21. **War orphan.** "War orphan" means the child of a veteran who has died as a result of active duty service in the armed forces of the United States, as determined by the United States Department of Veterans Affairs or other instrumentality of the United States.

Statutory Authority: *MS s 196.04; 197.608*

History: *16 SR 1709; 18 SR 273; L 1995 1Sp3 art 16 s 13; 21 SR 460; L 2003 c 130 s 12*

Published Electronically: *July 31, 2006*