

**9055.0290 APPLICATION PROCESS.**

Subpart 1. **Information.** The commissioner must make available information explaining the eligibility requirements and the application processes of the state soldiers assistance program.

Subp. 2. **Application for benefits from state soldiers assistance program.**

A. An applicant must apply for benefits through a county veterans service office, a department field operations claim representative, or department Tribal veterans service officer using the standard application and supplemental forms and checklists provided by the commissioner.

B. The county veterans service officer, department field operations claim representative, or department Tribal veterans service officer must review each completed application for benefits, provide a recommendation to the commissioner, and sign and date the application. The commissioner must not accept a recommendation from any person other than a county veterans service officer, department field operations claims representative, or department Tribal veterans service officer.

C. An applicant applying for the surviving children and surviving spouse education benefit is not required to apply for the benefit through or receive a recommendation from a county veterans service officer, department field operations claims representative, or department Tribal veterans service officer.

Subp. 3. **Processing applications.**

A. The commissioner must request additional information and supporting documentation from the applicant if necessary to establish eligibility and a need for assistance.

B. The commissioner must send a request for additional information and documentation to the applicant and to the county veterans service officer, department field operations claims representative, or department Tribal veterans service officer assisting the applicant.

C. The commissioner must close an application if the requested information and documentation is not received within 60 days of the date of request for more information.

Subp. 4. **Reporting requirements.** An applicant must report any changes in circumstances that affect the applicant's eligibility or need for benefits to the commissioner and the county veterans service officer, department field operations claims representative, or department Tribal veterans service officer who assisted the applicant while the application is pending.

Subp. 5. **Determining eligibility.** The commissioner must administer benefits on a per-application basis. An applicant must complete a new application with current information and supporting documents to reestablish eligibility and need for assistance if the most recent application is closed.

Subp. 6. **Rescinding applications; terminating benefits.**

A. An applicant or a recipient may rescind the application for benefits or terminate benefits at any time.

B. To rescind an application for benefits or terminate benefits, an applicant or a recipient must submit a written request to the commissioner through the county veterans service officer, department field operations claim representative, or department Tribal veterans service officer who assisted the applicant or recipient.

C. The commissioner must not reopen an application that is rescinded or a benefit that is terminated.

Subp. 7. **Right to notice of decision.** The commissioner must provide written notice of approval, partial approval, or denial to an applicant. A notification of approval or partial approval must explain the type of benefit, the amount approved or partially approved for the benefit, and the time periods covered by the benefit. A notification of denial must state the reasons why the benefit was denied and the right to appeal the denial.

Subp. 8. **Appeal rights and procedures.**

A. An applicant or a recipient has the right to appeal the denial of a benefit and submit additional or corrected information to the commissioner. The applicant or recipient must state in writing the reasons for disagreeing with the commissioner's decision and sign and date the appeal.

B. An applicant or a recipient denied a benefit must submit an appeal within 60 days of the denial notice. Failure to appeal in the allotted time forfeits all rights to the appeal process. The commissioner must issue a decision to approve, partially approve, or deny the benefit. The commissioner's decision is the final agency action.

C. A county veterans service officer, a department field operations claim representative, or a department Tribal veterans service officer must not appeal the denial of a benefit without the written consent of the applicant or recipient. A county veterans service officer, a department field operations claims representative, or a department Tribal veterans service officer may assist in the appeal process.

D. A vendor or contractor must not appeal a denial of benefits that would have resulted in payment to the contractor or vendor.

Subp. 9. **Overpayment status.**

A. A recipient of a benefit who receives an amount greater than what is authorized is in overpayment status.

B. Overpayment includes a direct payment from the commissioner to the recipient of the benefit or payment to a vendor or contractor on behalf of the recipient in an amount greater than what is authorized.

C. Overpayment status is a bar to all members of a household from receiving future benefits until the overpayment is corrected.

D. A person in overpayment status must correct the overpayment by making a direct payment to the commissioner.

**Subp. 10. Responsibility to pay for services.**

A. The commissioner is not responsible to pay for charges incurred from a vendor or contractor by a recipient of benefits that are over the authorized benefit amount.

B. A recipient of benefits incurring the charges over the authorized benefit amount is responsible for paying the overage to the vendor or contractor who provided the services.

**Statutory Authority:** *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

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