

9055.0440 STATE SOLDIERS ASSISTANCE PROGRAM - DUE TO DEATH OF A VETERAN.

Subpart 1. Applicant requirements.

- A. An applicant for subsistence under this part must be a surviving spouse of a veteran.
- B. To receive subsistence benefits under this part, a surviving spouse must apply for subsistence within 12 months after the veteran's death.
- C. To receive subsistence benefits under this part, a surviving spouse must meet the requirements of this part and parts 9055.0350 to 9055.0430.
- D. This part and parts 9055.0350 to 9055.0430 apply only to subsistence benefits based on a veteran's death.

Subp. 2. Residency requirement. A deceased veteran must have met the residency requirements of Minnesota Statutes, section 197.05, paragraph (b), for the veteran's dependents to be eligible for subsistence benefits under this part.

Subp. 3. Benefit periods. Subsistence benefits under this part are limited to six benefit periods unless:

- A. additional benefit periods are approved by the commissioner under Minnesota Statutes, section 197.05, paragraph (a);
- B. the surviving spouse has applied for all long-term maintenance benefits the surviving spouse is eligible to apply for as required in subpart 5, items A and B; and
- C. an initial determination has not been rendered or benefits have not been paid by the entity administering the benefit.

Subp. 4. Start of subsistence. The commissioner must begin a surviving spouse's benefit periods under this part on one of the following dates if all other eligibility requirements have been met:

- A. the date the veteran passed away if it is 30 days or less before the date of application;
- B. the date of application; or
- C. the earliest date after the date of application when all eligibility requirements have been met.

Subp. 5. Long-term maintenance benefits.

- A. A surviving spouse must apply for:
 - (1) an increase in any long-term maintenance benefit the surviving spouse is currently receiving; and

(2) all long-term maintenance benefits for which the surviving spouse is eligible to apply.

B. A surviving spouse must submit to the commissioner proof of application for long-term maintenance benefits as required in item A before receiving the second benefit period.

C. The commissioner must suspend subsistence benefits under this part after the first benefit period if the surviving spouse has not applied for long-term maintenance benefits as required in items A and B. The commissioner must close subsistence benefits under this part 30 days after the end of the first benefit period if the surviving spouse has not applied for long-term maintenance benefits as required.

D. A surviving spouse is eligible for subsistence benefits under this part while waiting on an increase in a long-term maintenance benefit the surviving spouse currently receives or an initial determination of eligibility and receipt of payment of a long-term maintenance benefit the surviving spouse has applied for from the entity administering the benefit.

E. A surviving spouse already receiving a long-term maintenance benefit that is not affiliated with the veteran is eligible for subsistence benefits under this part.

F. If a surviving spouse is approved for an increase in a long-term maintenance benefit the surviving spouse is already receiving and the increase is not due to the veteran's death, the surviving spouse remains eligible for subsistence under this part if the surviving spouse continues to meet the requirements of this part.

Subp. 6. **Termination of benefits.** The commissioner must close subsistence under this part under any the following conditions:

A. the surviving spouse has received six benefit periods plus any additional periods approved by the commissioner under subpart 3;

B. the surviving spouse begins receiving a long-term maintenance benefit the surviving spouse was not receiving at the time of veteran's death;

C. the surviving spouse receives an increase in a long-term maintenance benefit the surviving spouse is already receiving and the increase is due to the veteran's death; or

D. the surviving spouse no longer meets the requirements of this part.

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

History: *46 SR 928*

Published Electronically: *October 27, 2022*