

1 Department of Veterans Affairs

2

3 Adopted Permanent Rules Relating to Administration and Operation

4

5 Rules as Adopted

6 9055.0010 PURPOSE.

7 This chapter governs the administration and operation of
8 the Department of Veterans Affairs and must be interpreted to
9 give effect to Minnesota Statutes, chapters 196 and 197.

10 9055.0015 DEFINITIONS.

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

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

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

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

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

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

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

35 Subp. 8. **County veterans service officer.** "County

1 veterans service officer" means a person employed by a county in
2 Minnesota to assist veterans and their dependents in making
3 claims.

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

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

9 Subp. 11. **Dependent.** "Dependent" means a spouse, an
10 unmarried child under the age of 19 years, a child who is a
11 student under the age of 25 years and who is financially
12 dependent upon the parent, a child of any age who is disabled
13 and dependent upon the parent, or a parent of the applicant or
14 applicant's spouse who lives in the applicant's household and is
15 financially dependent upon the applicant. "Child," as used in
16 this subpart, includes legally adopted children, financially
17 dependent stepchildren, foster children, and children under the
18 guardianship of the applicant or the applicant's spouse.

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

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

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

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

1 taxes.

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

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

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

25 Subp. 19. **Utilities.** "Utilities" means electricity and
26 fuels, including heating oil, natural and liquid propane gas,
27 wood used for heating or cooking, coal used for heating or
28 cooking, water service, whether provided through a common line
29 or from a privately owned well, trash removal, and sewerage,
30 whether provided through a common line or through a privately
31 owned system.

32 Subp. 20. **Veteran.** "Veteran" means a person who has been
33 separated under honorable conditions from a branch of the armed
34 forces of the United States after having served on active duty
35 for 181 consecutive days or by reason of disability incurred
36 while serving on active duty, and who is a citizen of the United

1 States or resident alien, or who has active military service
2 certified under Public Law Number 95-202, section 401. This
3 active military service must be certified by the United States
4 Secretary of Defense as active military service and a discharge
5 under honorable conditions must have been issued to the
6 individual by the United States Secretary of Defense.

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

12 9055.0020 STATE SOLDIERS ASSISTANCE FUND.

13 Subpart 1. **Use of fund.** The commissioner shall administer
14 the state soldiers assistance fund to financially assist
15 veterans who reside in Minnesota and their dependents. The
16 assistance may be in the form of temporary emergency assistance,
17 payments for the costs of emergency medical treatments and
18 services, and maintenance of the veteran's dependents during the
19 time the veteran is disabled and without adequate means of
20 supporting the veteran or the veteran's dependents.

21 Subp. 2. **Financial need.** Veteran applicants and their
22 dependents shall demonstrate financial need for the assistance
23 available under the state soldiers assistance fund. Need must
24 be determined based on the schedule of allowances and the
25 financial assets and income of the applicant, as stated on the
26 application for assistance.

27 Subp. 3. **Medical need.** An applicant shall demonstrate
28 medical disability severe enough to preclude the applicant from
29 pursuing a normal occupation. The medical disability must be of
30 at least 30 days' duration and must be verified by the
31 applicant's physician. Continued medical disability must be
32 demonstrated for continued financial assistance beyond the
33 initial eligibility period.

34 Subp. 4. **Veteran status required.** An applicant must be a
35 veteran as defined in Minnesota Statutes, section 197.447, or

1 the widow or widower or dependent of a veteran.

2 Subp. 5. **Residency required.** An applicant for assistance
3 must reside in Minnesota at the time of application. The
4 applicant must also have resided in Minnesota for at least six
5 months before applying for assistance under this program or must
6 have been a legal Minnesota resident at the time of entry into
7 military service.

8 Subp. 6. **Assistance not to be used to supplement.**
9 Benefits available to individuals under the state soldiers
10 assistance fund must not be used to supplement or to add to
11 assistance available to or received by the applicant from the
12 general assistance or aid to families with dependent children
13 programs.

14 9055.0025 STATE SOLDIERS ASSISTANCE FUND; HOW SPENT.

15 The state soldiers assistance fund must be spent to
16 temporarily assist eligible veterans and their dependents.
17 Payments must be made in 30-day increments, beginning with the
18 date of eligibility, as determined by the application.

19 9055.0030 STATE SOLDIERS ASSISTANCE FUND; AMOUNT OF ASSISTANCE
20 GRANTED; HOW CALCULATED.

21 Subpart 1. **Comparison.** The amount of assistance granted
22 must be calculated by comparing the applicant's income and
23 assets to the amount appropriate for the applicant's household
24 size on the schedule of allowances.

25 Subp. 2. **Subtract income from schedule amount.** The amount
26 of assistance granted must be calculated by subtracting the
27 applicant's income from the amount appropriate for the
28 applicant's family size, as determined from the schedule of
29 allowances.

30 **EXAMPLE:** A veteran with a spouse and dependent child
31 applies for assistance. Total income available to the
32 household is \$75 per week, which is the spouse's take-home
33 pay.

34 \$75 times 4.3 weeks per month equals \$322.50 average
35 monthly income to the household. Schedule of allowances
36 for a family of three is \$490. \$490 minus \$322.50 equals
37 \$167.50, which would be issued to the veteran and family.
38 In addition, current utility bills would be paid upon
39 submission.

1 Subp. 3. **Asset limitation.** A person who has assets at or
2 in excess of twice the monthly budgetary allowance according to
3 the schedule of allowances may not receive financial assistance
4 from the department under the state soldiers assistance fund.

5 Subp. 4. **Assistance limited to six consecutive months.**
6 Applicants may not receive more than six consecutive months of
7 financial assistance under the state soldiers assistance fund
8 unless assistance beyond six months is authorized by the
9 commissioner.

10 Subp. 5. **Assistance beyond six consecutive months.**
11 Assistance beyond six consecutive months may be authorized only
12 when the applicant has applied for long-term benefits such as
13 Social Security retirement or disability benefits, workers'
14 compensation, United States Department of Veterans Affairs
15 disability compensation or pension benefits, private pension
16 benefits, or similar benefits and a determination of eligibility
17 for those benefits has not been rendered or benefits have not
18 been paid by the responsible agency.

19 9055.0035 DETERMINING INCOME FROM SELF-EMPLOYMENT.

20 Subpart 1. **Gross income.** Gross income from
21 self-employment includes, but is not limited to, income from the
22 sale of goods or services, crops, livestock, produce, and
23 machine rental, including wages paid to the owner or operator
24 and capital gains or losses. Income must be calculated by
25 subtracting allowed expenses from gross income.

26 Subp. 2. **Allowed expenses.** Allowed expenses include:
27 A. interest paid on mortgages and loans;
28 B. employee wages, other than wages paid to members
29 of the applicant's household or paid to another person who must
30 contribute to the applicant;
31 C. FICA paid on employee wages;
32 D. costs of raw materials, including seed and
33 fertilizer;
34 E. maintenance and repairs that are not capital
35 expenditures;

1 F. tools and supplies that are not capital
2 expenditures;

3 G. rent, utility payments, and insurance costs; and

4 H. other expenses normally allowed by the Internal
5 Revenue Service, except as specifically excluded in subpart 3.

6 Subp. 3. Self-employment expenses not allowed. Expenses
7 from self-employment specifically not allowed are:

8 A. net losses from another period of operation,
9 federal, state, and local income taxes;

10 B. the employer's own share of FICA;

11 C. money set aside for the self-employed applicant's
12 own retirement;

13 D. work-related personal expenses, such as meals
14 consumed on the premises;

15 E. payments on loan principal;

16 F. capital expenditures;

17 G. charitable contributions;

18 H. depreciation;

19 I. wages or other benefits paid to members of the
20 applicant's household or to persons who must contribute to the
21 applicant;

22 J. personal business and entertainment expenses;

23 K. the costs of building an inventory; and

24 L. any other expenses not specifically allowed by the
25 Internal Revenue Service.

26 Subp. 4. Determining monthly income. Self-employment
27 income must be averaged over 12 months. If the business has
28 been in operation less than 12 months, income and expenses must
29 be averaged over the number of months the business has been in
30 operation to determine the average monthly income.

31 Subp. 5. Irregular income periods. If the applicant does
32 not receive income on a monthly basis, the applicant's income
33 and expenses must be averaged over the number of months the
34 applicant earned the income to determine the average monthly
35 income. No more than 12 months may be used to calculate monthly
36 income.

1 9055.0040 CALCULATION OF INCOME; EFFECT OF COURT-ORDERED CHILD
2 SUPPORT PAYMENTS.

3 Subpart 1. **Inclusion in calculation.** Court-ordered child
4 support payments, whether received or paid by the applicant's
5 household, must be included in the calculation of household
6 income and assets unless the applicant specifically asks that
7 they not be included in the calculation of household income as
8 outlined in this part.

9 Subp. 2. **Child support payments received.** Child support
10 payments received by the applicant's household must be included
11 in the calculation of income and assets if the child for whom
12 support is received is included in the total number of members
13 of the applicant's household for whom assistance is sought under
14 the state soldiers assistance program. Child support payments
15 under this calculation are considered available to the entire
16 household.

17 Subp. 3. **Child support payments disregarded.** An applicant
18 may elect not to include a child for whom support is received
19 and who is a member of the applicant's household in the
20 computation of the total number of members of the applicant's
21 household. If the child is excluded from this computation,
22 child support for payments for that child must also be excluded
23 from the calculation of household income and assets.

24 Subp. 4. **Child support payments excluded.** An applicant
25 for the state soldiers assistance program who is paying
26 court-ordered child support payments may exclude the full amount
27 of payments in the calculation of household income and assets if
28 the following conditions are met:

29 A. the applicant shall provide a current copy of the
30 court order that orders child support payments; and

31 B. court-ordered child support payments made by the
32 applicant must be current and up to date as of the date of the
33 application. The applicant shall provide a written statement
34 from the recipient of the claimed court-ordered child support
35 payments that all support payments are current as of the date of

1 the application for assistance under the state soldiers
2 assistance program.

3 9055.0050 METHOD OF PAYMENT.

4 Payments authorized by the commissioner must be made by the
5 Department of Finance.

6 9055.0055 ASSISTANCE AUTHORIZED.

7 Upon receipt of a properly completed application for
8 assistance, verification of the veteran's eligibility, and a
9 determination of the financial need for assistance, the
10 department shall authorize the issuance of assistance according
11 to the schedule of allowances.

12 9055.0060 TYPES OF ASSISTANCE AUTHORIZED.

13 Subpart 1. **Payments to be made.** Upon approval by the
14 department, the payments in subparts 2 to 6 must be made to
15 temporarily assist applicants.

16 Subp. 2. **Shelter payments.** Shelter payments must be made
17 in the lesser amount of either the shelter allowance as
18 determined by the schedule of allowances or the actual cost of
19 the applicant's housing as determined by the application.

20 Subp. 3. **Room and board, rent payments.** Payments for room
21 and board and rent for the applicant's housing unit must be made
22 in the lesser of the following amounts: the actual charges for
23 room and board or rent, or the allowance for room and board or
24 rent as established by the schedule of allowances. Payment for
25 room and board or rent may be made to the applicant's landlord,
26 following receipt of a properly completed Landlord's Statement,
27 Department of Veterans Affairs form number 0003-02.

28 Subp. 4. **Utility payments.** Payment of the cost of
29 utilities is limited to current utility bills only. No payment
30 may be authorized or made on any utility bills that are past due
31 or in arrears. Delivery of bulk utilities, such as heating and
32 cooking fuels including liquid propane gas, heating oil, coal,
33 and wood, must be limited to a normal one-month supply, as
34 determined by the applicant's past usage rates, unless the

1 commissioner determines that it is more beneficial to either the
2 applicant or the department to authorize the delivery of a
3 greater amount. Prior authorization for delivery of bulk
4 utilities must be received from the commissioner.

5 Subp. 5. Utility payments not to include durable goods.
6 Payment of the cost of utilities must not include any amounts
7 included on utility bills for purchases of durable goods, such
8 as, but not limited to, water heaters, refrigerators, heating
9 units, and similar products. Payment must be authorized only
10 for the purchase of expendable heating and cooking fuels.

11 Subp. 6. Health insurance payments. Payment for health
12 insurance premiums is limited to current bills for health
13 insurance premiums. No payment may be authorized or made on any
14 health insurance premiums that are past due or in arrears.
15 Payments must not be authorized or made for any other types of
16 insurance.

17 9055.0070 NOTICE REQUIRED; ASSISTANCE GRANTED.

18 Applicants granted financial assistance must be notified in
19 writing that assistance will be granted. The notification must
20 include the amount of assistance to be issued, the time periods
21 covered by the assistance, and any requirements of the applicant
22 for further assistance.

23 9055.0075 NOTICE REQUIRED; ASSISTANCE DENIED.

24 Applicants whose claim for assistance has been denied must
25 be notified of that denial in writing. The notice must state
26 the reasons for the denial and must inform the applicant of the
27 right to appeal the decision to deny assistance.

28 9055.0080 APPEAL PROCEDURE; DENIAL OF ASSISTANCE.

29 Subpart 1. Right to appeal. An applicant may appeal a
30 decision by the department not to grant assistance. Appeals
31 must be in the manner described in this part.

32 Subp. 2. Submitting appeals. Appeals must be submitted to
33 the commissioner in writing within 60 days of the applicant's
34 receipt of the denial letter.

1 Subp. 3. **Appeal options.** An applicant may elect to pursue
2 either a written appeal or a personal hearing, or both.

3 Subp. 4. **Reasons.** An applicant shall state any reasons
4 why the applicant disagrees with the decision to deny
5 assistance. The applicant may submit any additional evidence or
6 documentation for consideration.

7 Subp. 5. **Personal hearing.** An applicant may request a
8 personal hearing before the commissioner to present further
9 evidence or documentation or to request a reconsideration of an
10 original application. All expenses incurred by the applicant
11 are the obligation of the applicant. The commissioner shall
12 provide a room for the personal hearing at no cost to the
13 applicant. A request for a personal hearing to appeal a
14 decision to deny assistance must be filed, in writing, with the
15 commissioner within 60 days of the applicant's receipt of the
16 denial letter.

17 Subp. 6. **Determination.** The commissioner shall issue a
18 determination to grant or deny the assistance sought within
19 seven working days of the review or personal hearing. All
20 determinations of the commissioner are final.

21 Subp. 7. **Issuance of assistance.** If the commissioner
22 determines that the issuance of assistance is appropriate, the
23 assistance must be issued within 14 working days of the
24 commissioner's decision. If the commissioner determines not to
25 issue the requested assistance, the applicant must be informed
26 of this determination in writing, stating the commissioner's
27 reasons for this determination.

28 Subp. 8. **Failure to appeal.** Failure by the applicant to
29 appeal a decision by the department not to grant assistance
30 within the 60-day period allowed for appeals is a bar to further
31 appeals.

32 9055.0085 STATE SOLDIERS ASSISTANCE FUND; DENTAL OR OPTICAL
33 ASSISTANCE.

34 Subpart 1. **Dental or optical needs.** The commissioner may
35 provide financial assistance to applicants to meet basic dental

1 or optical needs, according to the schedule of allowances.

2 Subp. 2. **Excess assets a bar to assistance.** Assets at or
3 in excess of twice the monthly budgetary allowance according to
4 the schedule of allowances for the number of eligible persons in
5 the applicant's household are a bar to receiving assistance
6 under this part.

7 Subp. 3. **Excess income a bar to assistance.** Income at or
8 in excess of 2-1/2 times the monthly budgetary allowance
9 according to the schedule of allowances for the number of
10 eligible persons in the applicant's household is a bar to
11 receiving assistance under this part.

12 Subp. 4. **Amount of assistance.** The amount of financial
13 assistance granted under this part must be determined by the
14 schedule of allowances and dental and optical benefits schedule,
15 according to Department of Human Services maximum payment
16 standards and procedure codes.

17 Subp. 5. **Frequency of assistance.** Applicants must be
18 eligible to receive assistance under this part once every
19 calendar year as determined by the date of the exam for the type
20 of assistance sought.

21 9055.0090 STATE SOLDIERS ASSISTANCE FUND; EMERGENCY MEDICAL
22 TREATMENT.

23 Subpart 1. **Emergency medical assistance.** The commissioner
24 may provide financial assistance, limited to the cost of
25 treatment provided or the maximum allowed under the schedule of
26 allowances, to veteran applicants who require emergency medical
27 treatment and who lack the financial resources or insurance to
28 defray the cost of this treatment.

29 Subp. 2. **Excess assets a bar to assistance.** Assets at or
30 in excess of twice the monthly budgetary allowance according to
31 the schedule of allowances for the number of eligible persons in
32 the applicant's household are a bar to receiving assistance
33 under this part.

34 Subp. 3. **Excess income a bar to assistance.** Income at or
35 in excess of 2-1/2 times the monthly budgetary allowance

1 according to the schedule of allowances for the number of
2 eligible persons in the applicant's household is a bar to
3 receiving assistance under this part.

4 Subp. 4. **Amount of assistance.** The amount of financial
5 assistance granted under this part must be determined by the
6 schedule of allowances, medical benefits schedule, according to
7 the Department of Human Services maximum payment standards and
8 procedure codes.

9 9055.0095 STATE SOLDIERS ASSISTANCE FUND; CLOTHING ALLOWANCE.

10 Subpart 1. **Clothing needs.** The commissioner may provide
11 financial assistance to applicants to meet minimal clothing
12 needs under one or more of the conditions in subparts 2 to 4.

13 Subp. 2. **Catastrophic loss.** Financial assistance may be
14 given if the applicant has lost all available clothing as a
15 result of a fire or other disaster and the loss is not covered
16 by insurance.

17 Subp. 3. **Suitable clothing required.** Financial assistance
18 may be given to clothe children of veterans who are currently
19 receiving assistance from the department under the state
20 soldiers assistance fund in suitable clothing to attend school
21 or to provide suitable clothing for the applicant to return to
22 employment.

23 Subp. 4. **Amount of assistance.** The amount of assistance
24 granted under this part must be according to the schedule of
25 allowances.

26 9055.0100 CLAIMS DIVISION.

27 Subpart 1. **Purpose of division.** The department's claims
28 division has been established to assist veterans and their
29 dependents with claims.

30 Subp. 2. **Representation.** The claims division shall
31 represent veterans or their dependents upon the request of the
32 veteran or veteran's dependent. The representation is without
33 charge. The claims division shall also represent a veteran or a
34 veteran's dependent who has designated a federally recognized
35 veterans organization as the veteran's or dependent's

1 representative if the veterans organization has requested in
2 writing that the department provide the claims representation on
3 its behalf.

4 Subp. 3. **Termination.** The department's claims division
5 may terminate its representation of individuals who threaten the
6 personal safety of employees of the department.

7 Subp. 4. **Federal law to govern procedure.** The
8 department's claims division operates under the regulations of
9 the United States Department of Veterans Affairs as to methods
10 of operation in the representation of a veteran claimant and as
11 to the presentation of claims.

12 Subp. 5. **Citation.** The specific federal law governing the
13 federal oversight of the operation of the department's claims
14 division is at Code of Federal Regulations, title 38, chapter 1,
15 sections 14.628(b) to 14.669.

16 Subp. 6. **Contested claims not accepted.** The claims
17 division shall not act as accredited claims representative for
18 more than one party to an action or claim based upon a single
19 individual's eligibility.

20 9055.0105 EDUCATION.

21 Subpart 1. **State education benefits.** The legislature has
22 established educational programs to assist veterans and the
23 dependents of veterans who were killed in the line of duty or
24 who died as a result of wounds, illness, or injury incurred in
25 the line of duty.

26 Subp. 2. **Veteran.** Veteran residents who have exhausted
27 through use all federal education benefits to which they may
28 have been entitled are eligible for a single educational grant
29 from the department in an amount approved by the legislature.
30 Veterans who lost four or more months of entitlement to federal
31 veterans educational benefits due to the termination of
32 eligibility by the United States Department of Veterans Affairs
33 effective December 31, 1989, are also eligible for this benefit.

34 Subp. 3. **Veteran; defined.** For purposes of this part,
35 "veteran" has the meaning given it in Minnesota Statutes,

1 section 197.447.

2 Subp. 4. **Residence required.** For purposes of this part, a
3 veteran applicant must have been a resident of Minnesota before
4 the applicant's entrance into the armed forces of the United
5 States and for six months immediately before the applicant's
6 application for this benefit.

7 Subp. 5. **Application required.** Veteran applicants are
8 required to submit the following forms and documentation:

9 A. a completed and signed Department of Veterans
10 Affairs form VA-00024-02;

11 B. a copy of the veterans discharge papers or
12 equivalent; and

13 C. a statement from the United States Department of
14 Veterans Affairs that the veteran applicant has exhausted
15 through use all educational benefits to which the veteran may
16 have been entitled, as provided by federal law.

17 Subp. 6. **Approval; notification.** Upon verification of
18 eligibility of the veteran applicant, and approval of the
19 request, notice must be sent to the veteran applicant and to the
20 veteran applicant's educational institution that payment has
21 been approved.

22 Subp. 7. **Disapproval; notification.** Veteran applicants
23 who do not meet the eligibility requirements prescribed in
24 Minnesota Statutes, section 197.75, must be notified in writing
25 to that effect. This notification must state all reasons why
26 the veteran's application has not been approved. Veteran
27 applicants must also be notified of their right to appeal a
28 determination not to grant educational benefits, as well as of
29 the appeals process.

30 Subp. 8. **Appeals process.** Veteran applicants who have
31 been denied educational benefits under this part may appeal this
32 determination to the commissioner. The written appeal must cite
33 any errors in the original determination, as well as any
34 arguments that the veteran applicant may wish to offer,
35 detailing why the educational benefits should be granted.

36 Subp. 9. **Commissioner's determination.** The commissioner

1 shall review the veteran's written statement and the original
2 application and supporting documentation. The commissioner
3 shall issue a final determination to grant or deny the benefit
4 sought within seven working days of the commissioner's receipt
5 of the veteran's appeal. The commissioner's determination is
6 final.

7 Subp. 10. **Approval; payment.** Upon verification of
8 eligibility, payment, within budgetary constraints, must be made
9 directly to the educational institution the veteran is
10 attending. Upon receipt of proof of payment of tuition costs,
11 this payment must be made directly to the veteran applicant.

12 9055.0110 EDUCATIONAL ASSISTANCE; WAR ORPHAN.

13 Subpart 1. **Free tuition.** The children of veterans who
14 died as the result of active duty service in the armed forces of
15 the United States are eligible to attend state universities and
16 community colleges in Minnesota free of tuition until they
17 receive a bachelor's degree or its equivalent.

18 Subp. 2. **Grant for costs of education.** Children of
19 veterans who died as a result of active duty service in the
20 armed forces of the United States are also eligible for a grant
21 each fiscal year, in an amount approved by the legislature, to
22 defray the costs of tuition, fees, room and board, books, and
23 supplies.

24 Subp. 3. **Residency required.** Applicants under this part
25 must have resided in Minnesota for at least two years before the
26 date of their application for benefits under this part. The
27 deceased veteran parent must also have been a resident of
28 Minnesota at the time of entrance into the armed forces of the
29 United States.

30 Subp. 4. **Application required.** Applicants under this part
31 shall complete the same forms and provide the same documentation
32 as required for a veteran applicant, as provided in part
33 9055.0105, subpart 5.

34 Subp. 5. **Proof required.** Applicants for war orphan
35 benefits under this part shall also provide evidence from the

1 United States Department of Veterans Affairs of the
2 service-connected death of the veteran parent.

3 9055.0115 FILES AND RECORDS.

4 Subpart 1. Information on individuals. The department
5 generates and maintains information on individuals who apply for
6 benefits, programs, and services administered by the
7 department. Release of or access to all information on
8 individuals held by the department is governed by the Government
9 Data Practices Act under Minnesota Statutes, chapter 13.

10 Subp. 2. Classed as confidential. Information on
11 individuals, gathered or generated by the department pertaining
12 to any claims or benefits is confidential and privileged under
13 Minnesota Statutes, section 196.08. Release of this information
14 is also governed by the Government Data Practices Act, under the
15 definition of private data on individuals.

16 Subp. 3. Release of private data. Information on
17 individuals held by the department that meets the definition of
18 private data on individuals must be released only under the
19 conditions in part 9055.0120.

20 9055.0120 NO DISCLOSURE.

21 Subpart 1. Exceptions. Records maintained by the
22 department may not be disclosed without the written consent of
23 the individual named in the records, except:

24 A. when the individual has been adjudicated
25 incompetent; or

26 B. as in subparts 2 to 4.

27 Subp. 2. Release to individuals. Records maintained by
28 the department must be released to the claimant personally, a
29 duly appointed guardian, an attorney in fact, a duly authorized
30 representative, and as to personal matters, when the
31 commissioner has determined that disclosure would not be
32 injurious to the mental or physical health of the claimant.

33 Subp. 3. Release to organizations. Records maintained by
34 the department must be released to the duly certified
35 representatives of veterans organizations recognized by the

1 United States Department of Veterans Affairs.

2 Subp. 4. Release under court order. Records maintained by
3 the department must be released when ordered by a court of
4 competent jurisdiction in Minnesota, and then only in open court
5 as evidence, only after a judge has ruled that the records are
6 relevant and competent evidence in an action or proceeding
7 according to the laws and statutes of Minnesota.

8 9055.0125 ADJUSTED COMPENSATION; MERCHANT MARINERS, WORLD WAR II.

9 Subpart 1. Eligible persons. Former members of the United
10 States Merchant Marine with wartime ocean-going service in a
11 combat zone during World War II have been determined to be
12 veterans by the United States Secretary of Defense. As
13 veterans, they are eligible for adjusted compensation payments
14 from the state as were other veterans of World War II. Public
15 Law Number 95-202, section 401, established that members of the
16 United States Merchant Marine who were in active ocean-going
17 service during World War II from December 7, 1941, to August 15,
18 1945, are eligible to receive discharge certificates from the
19 United States armed forces. The discharge confers full veteran
20 status.

21 Subp. 2. Eligibility. To qualify for an adjusted
22 compensation payment for service in the Merchant Marine during
23 World War II, an applicant must meet all of the following
24 requirements.

25 A. The applicant must possess an honorable discharge
26 certificate issued by a branch of the United States armed
27 forces, indicating the member served in ocean-going service.

28 B. The applicant must have been a Minnesota resident
29 at the time of entry into the Merchant Marine and for six months
30 immediately before the time of entry.

31 C. The applicant must have had at least one period of
32 30 consecutive days of active ocean-going service.

33 Subp. 3. Applicants not eligible. Applicants who had five
34 or more years of service in the Merchant Marine before December
35 7, 1941, are not eligible for payments under this program.

1 Subp. 4. Amount of payment; how calculated. Eligible
2 applicants must be paid at the rate of \$15 per month for each
3 month or major portion (15 days or more) of a month of active
4 duty or ocean-going service as determined by the secretary of
5 defense during the effective dates of the bonus period. Periods
6 of service of less than 15 days per month must be combined.
7 This combined total must be divided by 30 to determine the
8 number of months of eligibility. Remainders after this
9 calculation of less than 15 days must be disregarded in
10 calculating the total number of months of eligibility.

11 Subp. 5. Proof of residency; acceptable verification.
12 Applicants for this payment shall provide verification of
13 resident status at the time of entry into the Merchant Marine
14 and for the six months immediately before. Acceptable forms of
15 verification are:

- 16 A. copies of voting records;
- 17 B. tax records;
- 18 C. school records if entry immediately followed
19 school;
- 20 D. affidavits from three persons not related to the
21 applicant attesting to the applicant's resident status for six
22 months immediately before entry; or
- 23 E. other forms of verifiable evidence.

24 Subp. 6. Maximum payment. The maximum amount payable
25 under this program is \$400 per applicant.

26 Subp. 7. Other groups recognized under Public Law Number
27 95-202, section 401. Adjusted compensation payments to members
28 of other groups recognized as veterans under Public Law Number
29 95-202, section 401, must be calculated using the same methods
30 of calculation as outlined in this part.

31 9055.0130 COMMISSIONER'S TECHNICAL STAFF.

32 Subpart 1. Definition. "Commissioner's technical staff"
33 means those persons whose primary job duties are those detailed
34 in Minnesota Statutes, section 196.05.

35 Subp. 2. Requirements. Individuals on the commissioner's

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1 technical staff must have the same qualifications as the
2 commissioner, as outlined in Minnesota Statutes, section 196.02,
3 subdivision 1.