

Minnesota Attorney General: Administrative Rules Proceedings

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DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: December 24, 1991

TO: TERRENCE A. LOGAN
Director, Agency Relations
Minnesota Department of Veterans Affairs
State Veterans Service Building
20 West 12th Street
St. Paul

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Administration and Operation

The above-referenced rule has been approved as to its legality by the Attorney General on December 19, 1991.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJM:jj
Enclosures
cc: Merwin Peterson
William Brown, Chief Judge
MaryAnn Hruby

Department of Veterans Affairs

Adopted Permanent Rules Relating to Administration and Operation

Rules as Adopted

9055.0010 PURPOSE.

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

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

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

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.

9055.0020 STATE SOLDIERS ASSISTANCE FUND.

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

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

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

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

the widow or widower or dependent of a veteran.

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

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

9055.0025 STATE SOLDIERS ASSISTANCE FUND; HOW SPENT.

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

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

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

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

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

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

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

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

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

9055.0035 DETERMINING INCOME FROM SELF-EMPLOYMENT.

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

Subp. 2. **Allowed expenses.** Allowed expenses include:

A. interest paid on mortgages and loans;

B. employee wages, other than wages paid to members of the applicant's household or paid to another person who must contribute to the applicant;

C. FICA paid on employee wages;

D. costs of raw materials, including seed and fertilizer;

E. maintenance and repairs that are not capital expenditures;

F. tools and supplies that are not capital expenditures;

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

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

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

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

B. the employer's own share of FICA;

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

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

E. payments on loan principal;

F. capital expenditures;

G. charitable contributions;

H. depreciation;

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

J. personal business and entertainment expenses;

K. the costs of building an inventory; and

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

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

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

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

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

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

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

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

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

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

the application for assistance under the state soldiers assistance program.

9055.0050 METHOD OF PAYMENT.

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

9055.0055 ASSISTANCE AUTHORIZED.

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

9055.0060 TYPES OF ASSISTANCE AUTHORIZED.

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

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

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

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

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

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

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

9055.0070 NOTICE REQUIRED; ASSISTANCE GRANTED.

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

9055.0075 NOTICE REQUIRED; ASSISTANCE DENIED.

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

9055.0080 APPEAL PROCEDURE; DENIAL OF ASSISTANCE.

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

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

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

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

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

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

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

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

9055.0085 STATE SOLDIERS ASSISTANCE FUND; DENTAL OR OPTICAL ASSISTANCE.

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

or optical needs, according to the schedule of allowances.

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

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

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

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

9055.0090 STATE SOLDIERS ASSISTANCE FUND; EMERGENCY MEDICAL TREATMENT.

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

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

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

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

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

9055.0095 STATE SOLDIERS ASSISTANCE FUND; CLOTHING ALLOWANCE.

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

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

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

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

9055.0100 CLAIMS DIVISION.

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

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

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

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

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

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

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

9055.0105 EDUCATION.

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

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

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

section 197.447.

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

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

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

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

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

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

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

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

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

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

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

9055.0110 EDUCATIONAL ASSISTANCE; WAR ORPHAN.

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

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

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

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

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

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

9055.0115 FILES AND RECORDS.

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

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

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

9055.0120 NO DISCLOSURE.

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

A. when the individual has been adjudicated incompetent; or

B. as in subparts 2 to 4.

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

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

United States Department of Veterans Affairs.

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

9055.0125 ADJUSTED COMPENSATION; MERCHANT MARINERS, WORLD WAR II.

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

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

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

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

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

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

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

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

A. copies of voting records;

B. tax records;

C. school records if entry immediately followed school;

D. affidavits from three persons not related to the applicant attesting to the applicant's resident status for six months immediately before entry; or

E. other forms of verifiable evidence.

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

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

9055.0130 COMMISSIONER'S TECHNICAL STAFF.

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

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

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

APPROVED AS TO FORM AND LEGALITY
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
12/19 1991
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 20 1991

Joan Anderson Growe
Secretary of State

4:00 PM

PB

MJA
12/9/91

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EMERGENCY RULE _____
TO REVISOR ON 12/9/91
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 12/20/91
RETURNED TO AGENCY ~~12/5~~

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion (if applicable)~~
_____ Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

_____ Notice of Intent to Adopt Rule - Can't find the notice of intent
196.04 Statutory Authority
NO Statement Small Business Statement
no Statement Expenditure of public money statement
~~unsigned~~ Signature - Don't know if it was signed

_____ Statement of Need and Reasonableness (if applicable)
_____ Small Business Statement
_____ Fees - § 16A.128

Didn't mail Affidavit of Mailing Notice of Intent to Adopt Rule
Didn't mail Dated 30/25 days before adoption sent an affidavit of mailing
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
July 29, 1991 Date 30/25 days before adoption

_____ 180-day deadline from:
_____ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing) missed deadline
_____ effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
~~Sept~~ 19, 1991 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Steven Peterson Name of SAAG representing agency

_____ ~~Notice of Submission~~ to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Rules ac1

Stat Authority 196.04
The commissioner shall adopt reasonable rules and proper rules to govern the procedure of the divisions of the department

SOLAR
Scope doesn't justify Def 9055.0015

Rules ~~9055.0015 subd 11~~

no justification 9055.0035 why are subparts 1, 2, 3 reasonable - these subparts are not self-explanatory or its not evident why they are necessary and reasonable

sub 5 what level of income?

9055.0060 not much of justification
9055.0080 very weak
9055.0090 - no explanation just repeating the rule subp 3 why 2½ times the monthly budgetary allowance
subp 4 why Human Services Schedule

why utilities not medical telephone?

9055.0090 Commissioner may provide treatment - when why what circumstances
subp 1 subp 2 why 2½ times
9055.0095 Commissioner may provide?
subp 1, 2 - financial assistance may be give why?
subp 3 financial assistance may when?
9055.0105 - no justification subp 3 why do they have to submit those documents
9055.0110 subp 3 why 2 years of residency
9055.0120 subp 2 how will the commissioner determine if injurious to mental and physical matters

SOLAR

9055.0125 sub-2, B why MN resident for 6 months

subp 2 BE 30 days of active ocean-going service

subp 3 why 5 years

subp 4 why $15 a day

subp -5 why are those forms of verification reasonable

subp 6 why $400

9055.0130 sub 2 same qualifications as the commissioner

180 deadline

14.12 missed deadline - check to see if sent letter

12-9-91- Called Logan - asked him if the letters were sent - he said no - he would send me copies of the letters - I told him there were problems with the SOLAR and the rules ie commissioner may he said he would fax me the letters

cert

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

December 10, 1991

State Representative Tom Osthoff
Chair, House General Legislation,
Veterans and Gaming Committees
Room 591 State Office Building
St. Paul, Minnesota 55155

Dear Representative Osthoff:

Since its' creation by the Legislature in 1943, the Department of Veterans Affairs has, at various times and under previous administrations, attempted to adopt rules governing the operation of the department, as required by the legislation which created the department. These past attempts never resulted in rules being adopted.

The 1957 Legislature enacted Minnesota Statute 14.12, which requires agencies to adopt rules within 180 days of the enactment of legislation authorizing such rules. If the agency does not meet this requirement, the agency is to report this failure to do so and the reason for this failure; to the Governor, the Legislative Commission to Review Agency Rules (LCRAR) and affected legislative committees.

Currently, the department is in the final stages of adopting rules governing the operation of the department. Our current rules were published in the State Register, volume 16, Number 5, July 29, 1991. Prior to publication, the department also prepared statements of need and reasonableness to support the rules as published. The publication of the rules resulted in no comments or requests for copies of the rules.

The department prepared its' findings of fact and conclusions and submitted all required material to the Assistant Attorney General assigned to the department. He reviewed all material and evidence and issued his declaration of counsel, attesting that the Administrative Procedure Act and Minnesota Rules, chapter 2010, had been followed in preparing the rules. He noted no exceptions.

To date, the department failed to successfully adopt rules or to meet the notification requirements of MS 14.12. While I cannot address previous failures to do so, I can state that the reason for the current failure to do so is due entirely to ignorance of the reporting requirement.

612 296 3954 VETERANS AFFAIRS C.O. TEL:612-296-3954 DEC 10 91 12:27 NO.003 P.08

Given the progress of the department in its' current attempts to write rules, and the fact that we followed all requirements of which we were aware and the fact that the rules and the process have been approved by an Assistant Attorney General, I sincerely hope that the failure to report the fact that the department has failed to develop completed rules to date will not substantially affect our current efforts to develop rules.

Should you have any questions regarding the departments' rules writing efforts or the processes involved, please contact me.

Sincerely,

Bernie Melter

Bernie Melter
Commissioner
Minnesota Department of Veterans Affairs

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:27 No.003 P.09
612 296 3954

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

December 10, 1991

State Senator Joe Bertram, Sr.
Chair, Senate Veterans and General Legislation Committee
887 Flanders Drive
Paynesville, Minnesota 56362

Dear Senator Bertram:

Since its' creation by the Legislature in 1943, the Department of Veterans Affairs has, at various times and under previous administrations, attempted to adopt rules governing the operation of the department, as required by the legislation which created the department. These past attempts never resulted in rules being adopted.

The 1957 Legislature enacted Minnesota Statute 14.12, which requires agencies to adopt rules within 180 days of the enactment of legislation authorizing such rules. If the agency does not meet this requirement, the agency is to report this failure to do so and the reason for this failure; to the Governor, the Legislative Commission to Review Agency Rules (LCRAR) and affected legislative committees.

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VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:26 No.003 P.06
612 296 3954

Given the progress of the department in its' current attempts to write rules, and the fact that we followed all requirements of which we were aware and the fact that the rules and the process have been approved by an Assistant Attorney General, I sincerely hope that the failure to report the fact that the department has failed to develop completed rules to date will not substantially affect our current efforts to develop rules.

Should you have any questions regarding the departments' rules writing efforts or the processes involved, please contact me.

Sincerely,

Bernie Melter

Bernie Melter
Commissioner
Minnesota Department of Veterans Affairs

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:25 No.003 P.05
612 296 3954

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

December 10, 1991

Legislative Commission to
Review Agency Rules
55 State Office Building
St. Paul, Minnesota 55155-1201
Attn: Michele Swanson, Commission Secretary

Dear Ms. Swanson:

Since its' creation by the Legislature in 1943, the Department of Veterans Affairs has, at various times and under previous administrations, attempted to adopt rules governing the operation of the department, as required by the legislation which created the department. These past attempts never resulted in rules being adopted.

The 1957 Legislature enacted Minnesota Statute 14.12, which requires agencies to adopt rules within 180 days of the enactment of legislation authorizing such rules. If the agency does not meet this requirement, the agency is to report this failure to do so and the reason for this failure; to the Governor, the Legislative Commission to Review Agency Rules (LCRAR) and affected legislative committees.

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The department prepared its' findings of fact and conclusions and submitted all required material to the Assistant Attorney General assigned to the department. He reviewed all material and evidence and issued his declaration of counsel, attesting that the Administrative Procedure Act and Minnesota Rules, chapter 2010, had been followed in preparing the rules. He noted no exceptions.

To date, the department failed to successfully adopt rules or to meet the notification requirements of MS 14.12. While I cannot address previous failures to do so, I can state that the reason for the current failure to do so is due entirely to ignorance of the reporting requirement.

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:25 No.003 P.04
612 296 3954

Given the progress of the department in its' current attempts to write rules, and the fact that we followed all requirements of which we were aware and the fact that the rules and the process have been approved by an Assistant Attorney General, I sincerely hope that the failure to report the fact that the department has failed to develop completed rules to date will not substantially affect our current efforts to develop rules.

Should you have any questions regarding the departments' rules writing efforts or the processes involved, please contact me.

Sincerely,

Bernie Melter

Bernie Melter
Commissioner
Minnesota Department of Veterans Affairs

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:24 No.003 P.03
612 296 3954

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

December 10, 1991

Governor Arne Carlson
Room 130 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Dear Governor Carlson:

Since its' creation by the Legislature in 1943, the Department of Veterans Affairs has, at various times and under previous administrations, attempted to adopt rules governing the operation of the department, as required by the legislation which created the department. These past attempts never resulted in rules being adopted.

The 1957 Legislature enacted Minnesota Statute 14.12, which requires agencies to adopt rules within 180 days of the enactment of legislation authorizing such rules. If the agency does not meet this requirement, the agency is to report this failure to do so and the reason for this failure; to the Governor, the Legislative Commission to Review Agency Rules (LCRAR) and affected legislative committees.

Currently, the department is in the final stages of adopting rules governing the operation of the department. Our current rules were published in the State Register, volume 16, Number 5, July 29, 1991. Prior to publication, the department also prepared statements of need and reasonableness to support the rules as published. The publication of the rules resulted in no comments or requests for copies of the rules.

The department prepared its' findings of fact and conclusions and submitted all required material to the Assistant Attorney General assigned to the department. He reviewed all material and evidence and issued his declaration of counsel, attesting that the Administrative Procedure Act and Minnesota Rules, chapter 2010, had been followed in preparing the rules. He noted no exceptions.

To date, the department failed to successfully adopt rules or to meet the notification requirements of MS 14.12. While I cannot address previous failures to do so, I can state that the reason for the current failure to do so is due entirely to ignorance of the reporting requirement.

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:24 No.003 P.02
612 296 3954

MN Dept of Veterans Affairs

FACSIMILE TRANSMITTAL FORM

PHONE NUMBER: 612-296-2562

FAX PHONE NUMBER: 612-296-3954

PAGE 1 OF 9

DATE: 12/10/91

TO: Patty Nolte, H.G.

FROM: T. Logon

SUBJ attached letters

COMMENTS: F/I

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:23 No.003 P.01

Given the progress of the department in its' current attempts to write rules, and the fact that we followed all requirements of which we were aware and the fact that the rules and the process have been approved by an Assistant Attorney General, I sincerely hope that the failure to report the fact that the department has failed to develop completed rules to date will not substantially affect our current efforts to develop rules.

Should you have any questions regarding the departments' rules writing efforts or the processes involved, please contact me.

Sincerely

Bernie Melter

Bernie Melter
Commissioner
Minnesota Department of Veterans Affairs

VETERANS AFFAIRS C.O. TEL:612-296-3954 Dec 10 91 12:26 No.003 P.07
612 296 3954

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

STATEMENTS OF NEED AND REASONABLENESS OF PROPOSED RULES, PARTS 9055.0010 TO 9055.0130, GOVERNING THE ADMINISTRATION AND OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS, AS MANDATED BY MINNESOTA STATUTES 196 AND 197.

I. INTRODUCTION

The intent of these proposed rules, Parts 9055.0010 to 9055.0130 is to provide an authoritative basis for the internal functioning and operation of the Minnesota Department of Veterans Affairs. These proposed rules commit to written form the practices currently in use within the Department of Veterans Affairs. These practices were developed in response to state law and the needs of Minnesota's veterans and their dependents.

These rules were developed through analysis of current and past practices, policies and procedures, consultations with staff, the policies procedures and regulations of the United States Department of Veterans Affairs and the Association of Minnesota County Veterans Service Officers.

Numerous drafts of these proposed rules were written, beginning in 1989. Drafts of proposed rules were reviewed by staff. The final draft of these proposed rules were forwarded for review by each of Minnesota's County Veterans Service Officers,

representatives of the United Veterans Legislative Council and the Commanders of the Congressionally Chartered Veterans Organizations.

A. Background:

The function and intent of these rules is to determine eligibility for services to veteran residents and their dependents, as provided for in Minnesota Statutes 196 and 197. The Minnesota Department of Veterans Affairs was created by the Legislature in 1943; prior to the creation of the department, benefits and services to veterans and their dependents were delivered by the Office of the Adjutant General for the State of Minnesota.

II. STATEMENT OF COMMISSIONER'S AUTHORITY

The Commissioner's authority to adopt these proposed rules is found in Minnesota Statutes at 196.04, which states that the "commissioner shall adopt reasonable and proper rules to govern the procedure of the divisions of the department and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same, in order to establish the right to benefits provided for by the law." This statute gives the commissioner the authority to adopt these rules.

III. STATEMENT OF NEED

Minnesota Statutes, chapter 14 (The Administrative Procedures Act) govern the promulgation and adoption of rules. This statute also requires the commissioner to demonstrate the need for, and the reasonableness of, the proposed rules. To the extent that need and reasonableness are separate issues, need has come to mean that a problem exists which is addressed by the proposed rules and

reasonableness has come to mean that the proposed rules are appropriate. Need for the proposed rules is discussed below.

The Minnesota Department of Veterans Affairs has never operated under rules promulgated under Minnesota Statutes, chapter 14. The proposed rules contained in parts 9055.0010 to 9055.0130 represent the commissioner's attempt to meet the legislative requirement for the rules.

IV. STATEMENT OF REASONABLENESS

The commissioner is required by Minnesota Statutes, chapter 14 to make an affirmative presentation of the facts which establish the reasonableness of the proposed rules. Reasonableness means that the proposed rules are neither arbitrary nor capricious; that there is a rational basis for the commissioner's proposed rules. The reasonableness of the proposed rules is discussed below.

The Minnesota Department of Veterans Affairs administers programs and services which are unique to Minnesota's veteran population. The rules as proposed will not place an unreasonable burden on veterans and their dependents who seek benefits and services, while still meeting the legislative intent of the rules. To maintain consistency and order with regard to the broad range of persons served and services offered, these rules, whenever possible, use definitions and standards already in use by other state agencies and programs and the standards of eligibility already in use by the United States Department of Veterans Affairs.

A. REASONABLENESS OF THE RULES AS A WHOLE

The rules as proposed require decisions and determinations

based upon identifiable, objective criteria. Adherence to identifiable criteria is required to eliminate arbitrary decision making and abuse of discretion. All decisions are subject to an appeals process, as defined in these proposed rules.

The extent possible, these proposed rules follow definitions already contained in statute or used by other agencies in their rule text and utilize, either wholly or as a modified to fit the particular needs of the department, rules previously implemented by other agencies.

B. REASONABLENESS OF INDIVIDUAL RULES

DETAIL BY SECTION

9055.0015 Scope.

This provision is necessary to establish the definitions of the terms used throughout the proposed rules.

9055.0020. State Soldiers Assistance Fund.

This provision is necessary to delineate the programs and services delivered by the department and the basic requirements of financial need, medical disability, veteran status and resident status an applicant must meet to receive the benefits offered through the state soldiers assistance fund. These requirements are found in Minnesota Statutes at 197.05. The proposed rule also states that benefits available under this section are not to be used to supplement other state benefits available from the Department of Human Services, which is consistent with the rules and practices of that agency.

9055.0025 State Soldiers Assistance Fund; How Spent.

This proposed rule is necessary to detail the eligibility periods for assistance under the State Soldiers Assistance Fund and the intervals at which assistance will be issued. The thirty day payment interval is consistent with other state and federal agency practice and with the minimum disability period required to obtain assistance under this program.

9055.0030 State Soldier's Assistance Fund; Amount of Assistance Granted; How Calculated.

This proposed rule is necessary to determine the amount of assistance that will be issued to the applicant, under the State Soldiers Assistance Fund. Subparts 1 and 2 detail how the resources, if any, available to the applicant, will be used to determine the amount of assistance issued. The example provided merely reduces this formula to a mathematical equation for purposes of clarity.

Subpart 3. Asset limitation. This is necessary to clearly indicate that applicants with resources at or in excess of the established base level will not be issued assistance. This is consistent with rule and practice at other agencies.

Subpart 4. Assistance limited to six months. This rule is necessary to ensure that the assistance provided is of a temporary nature. Applicants with longer term disabilities are assisted with application for long term benefits, such as Social Security, United States Department of Veterans Affairs or other appropriate long term benefits.

Subpart 5. Assistance beyond six months. This rule is necessary for two reasons. Occasions due arise where an applicant has made a good faith, timely application for long term benefits to which the applicant is entitled, but assistance has not been received. To terminate assistance under such conditions would create an undue and unnecessary financial hardship on the applicant. Secondly, the legislature recently required that all applicants who are on assistance beyond six months be certified as not eligible for long term benefits, as a condition of receiving assistance beyond six months. ???

9055.0035; Subparts 1-3. This rule is necessary to clearly establish how the department will calculate income for assistance purposes for individuals who are self-employed.

Subpart 4. Determining monthly income. This rule is necessary because the department issues assistance at roughly monthly intervals, every thirty days. The amount of assistance issued is calculated based upon thirty day increments.

Subpart 5. Irregular income periods. This rule is necessary as some applicants receive income in other than monthly or bi-weekly increments; grain or cattle farmers are examples which immediately come to mind. This income must be reduced to a monthly average to determine eligibility for assistance, which is based upon a monthly schedule.

9055.0040 Calculation of Income; Effect of Court Ordered Child Support Payments.

This rule is necessary to determine the effect of child support payments in determining income and assets of the applicant's household. Child support payments must be counted as an asset or as income unless the applicant specifically requests that it not be so counted as allowed by this proposed rule. The rule allows the options of either (1) including the child support payments received as income and available to the household and including the child for whom support payments are received as part of the household for program purposes or (2) disregarding the income and not including the child for whom it is received as part of the household for program purposes.

Subpart 4. Child support payments excluded. This rule is necessary so as not to penalize the veteran applicant who is current and up to date with court ordered child support payments. Without this option, the applicant would be forced to count court ordered support payments as income available to the applicant and the applicant's household, when in fact it is paid to someone else and not available.

9055.0050 Method of payment.

This rule is necessary to ensure that all payment transactions under the auspices of the soldier's assistance fund conform to Department of Finance standards, rules and regulations.

9055.0055 Assistance authorized.

This rule is necessary to ensure that applications which are complete and which indicate that the applicant is eligible for assistance will be honored and that assistance will be issued.

9055.0060 Types of assistance authorized.

This rule is necessary to clearly delineate the types of assistance which will be authorized and issued under the auspices of the soldier's assistance fund. This rule is also necessary to clearly establish those types of assistance sought which will not be authorized.

9055.0070 Notice required; assistance granted.

This rule is necessary to ensure that the applicant is made fully aware, in writing, of the type(s) of assistance which has been authorized as well as any requirements for continued assistance beyond the initial 30 day assistance period.

9055.0075 Notice required; assistance denied.

This rule is necessary to ensure that an applicant whose request for assistance has been denied is made fully aware, in writing, of the reason(s) for the denial and of the applicant's right to appeal the denial of assistance.

9055.0080 Appeal procedure; denial of assistance.

This rule is necessary to ensure that an applicant whose request for assistance has been denied is made fully aware, in writing, of the requirement that an appeal must be filed in a timely manner as prescribed by department rules. This rule informs the applicant of the appeal options available, the time frame within which a determination on the appeal will be made and when assistance will be issued if the commissioner determines that assistance will be issued. This rule also informs the applicant that failure to appeal within the specified time frame will result in an inability to pursue further appeals.

9055.0085 State Soldier's assistance fund; dental or optical assistance.

This rule is necessary to make applicants for these types of assistance fully aware of the requirements to receive assistance, the amount of assistance that will be issued and the frequency at which these benefits will be available to the applicant.

9055.0090 Veterans assistance fund; emergency medical treatment.

This rule is necessary to ensure that applicants are made fully aware of all requirements which must be meet to qualify for this assistance, including income and asset limitations and the maximum amount of assistance which is available to them.

9055.0095 Veterans assistance fund, clothing allowance.

This rule is needed to clearly identify the scope of the assistance available to applicants, the requirements which must be met by the applicant in order to receive this assistance as well as the amount of assistance which will be available.

9055.0100 Claims division.

This rule is needed to ensure that applicants are aware of their right to representation by the department in their attempts to gain veterans benefits from the federal government, at no charge to the applicant.

Subpart 3. Termination.

This rule is necessary to protect the physical and mental health of department employees working in the claims division, threats of physical violence and intimidation. While such instances are rare, they do occur. No employee should be required to assist an applicant who threatens the employee if an unfavorable

decision is rendered to the applicants claim for benefits.

Subparts 4, 5.

This rule is necessary to clearly establish the fact that the conduct of department claims employees in the handling of claims for federal veterans benefits is governed by federal regulation. These regulations are found at Title 38, U.S.C., chapter 1, sections 14.628 (b) to 14.669.

Subpart 6. Contested claims not accepted.

This rule is necessary to clearly establish that the department claims office will not accept claims from more than one party to an action for benefits based upon a single individuals eligibility. This rule is consistent with all other organizations which provide assistance to applicants in these matters.

9055.0105 Education.

This rule is necessary to clearly establish the eligibility requirements which applicants for the assistance must meet, the method of application and the notification requirements the department must meet once a determination of eligibility has been made. This rule also is needed as it addresses the issue of appealing an unfavorable eligibility determination and this rule clearly establishes that the commissioner is the final authority in determining eligibility for the benefit, in the appeals process.

Subpart 10. Approval; payment.

This rule is necessary because this benefit is funded at a fixed level, set by legislative appropriation. Should the department receive more qualifying applications than have been funded, the department would have no choice but to delay payment

until such time as additional funding could be requested from the legislature.

9055.0110 Educational assistance; war orphan.

This rule is necessary to ensure that applicants for the benefit are fully aware of all requirements which must be met in order to qualify for the benefit.

9055.0115 Files and records.

This rule is necessary to protect the integrity of confidential and privileged data on individuals, collected and maintained by the department, in the process of providing benefits to applicants. Data collected and maintained by the department is governed by Minnesota Statutes 196.08 and the Government Data Practices Act, Minnesota Statutes, Chapter 13.

9055.0120 No disclosure.

This rule clearly establishes the conditions under which data collected and maintained by the department will be released by the department.

9055.0125 Adjusted compensation; merchant mariners, World War II.

This rule is necessary to ensure that members of the merchant marine in World War II, who have been granted veterans status by the United States Secretary of Defense, are aware of their eligibility for this state benefit. This rule clearly outlines the requirements that applicants must meet in order to qualify for this benefit, the amount of the benefit available and those members of the merchant marine during World War II who are not eligible for this benefit.

Subpart 7. Other groups eligible under Public Law Number 95-202, section 401.

This rule is necessary to allow the department to extend this benefit to other classes of individuals who may be granted veterans benefits at some future date. This would obviate the need for the department to secure legislative authority to provide this benefit each time a new class of veterans has been established.

9055.0130 Commissioner's technical staff.

This rule is necessary to clearly delineate those employees of the department who must possess the same qualifications as the commissioner. Applicants for these positions have the right to know all qualifications required of them at the time of application, as well as the authority for these requirements. The individuals affected by this rule are delineated in Minnesota Statutes at section 196.05; the qualifications they are required to have are delineated in Minnesota Statutes at section 196.02.

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

December 5, 1991

The Office of the Attorney General
Public Finance Division
525 Park Street
Suite 500
St. Paul, Minnesota 55103

Attn: Patty Nolte

Dear Ms. Nolte:

Enclosed please find four (4) copies of rules prepared by the Minnesota Department of Veterans Affairs, as furnished by the Revisor of Statutes. Also enclosed is an affidavit attesting that the Minnesota Department of Veterans Affairs maintains no listing of interested individuals or organizations for the purpose of receiving copies of proposed rules.

Should you require further information or documentation, please contact me.

Sincerely,

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
(612) 296-6728

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

TERRENCE A. LOGAN, being first duly sworn on oath, does depose and say:

1. I am the Director of Agency Relations for the Minnesota Department of Veterans Affairs.

2. In this capacity, I served as the contact person to answer requests for copies of the proposed rules and or statements of need and reasonableness which accompanied the proposed rules.

3. The Minnesota Department of Veterans Affairs does not and never did, maintain a listing of individuals or organizations who registered with the Department, for the purpose of receiving copies of proposed rules or statements of need and reasonableness which accompanied the proposed rules.

Terrence A. Logan
TERRENCE A. LOGAN

Subscribed and sworn to before
me this 5th day of December, 1991.

Beverly Neuharth
Notary Public

BEVERLY NEUHARTH
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES OCTOBER 7, 1997

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

October 21, 1991

Office of the Attorney General
Public Finance Division
525 Park Street
St. Paul, Minnesota 55103

Attn: Patty Nolte

Dear Ms. Nolte:

Enclosed please find the Declaration of Counsel, prepared by Mr. Merwin Peterson, the Assistant Attorney General assigned to the Minnesota Department of Veterans Affairs, as well as the material I furnished to him regarding the Proposed Rules for the Minnesota Department of Veterans Affairs.

Please review this material and let me know the results. We are most anxious to have these rules adopted. Should you require any further information, please contact me.

Sincerely,

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
(612) 296-6728

In the Matter of the Adoption of the Department of Veterans Affairs

DECLARATION OF COUNSEL

I, Merwin Peterson, Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions, of which there are none, are listed below. For Attorney General billing purposes, the four-digit docket client code is 0740.

Merwin Peterson

MERWIN PETERSON
Assistant Attorney General

Dated: October 16, 1991

.AI4

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

October 8, 1991

Mr. Merwin Peterson
Asst. Attorney General
1100 Bremer Tower
7th and Minnesota
St. Paul, Minnesota 55101

Dear Mr. Peterson:

In response to your request for more information regarding the procedures followed in our recent rulemaking process, I offer the following reprint of the rules as published in the July 29, 1991 State Register. I think that the information as published fulfills the notice requirements as listed in the information which you provided.

I have already supplied you with the following: two copies of the proposed rules, with certificates, as provided to this agency by the Revisor of Statutes and as published in the State Register, a copy of the Statements of Need and Reasonableness and the findings of fact and conclusions.

The Department of Veterans Affairs has no list of persons or agencies who have registered with this agency to receive information on the proposed rules, as we have never received such a request.

Copies of the rules were not submitted to the chairs of the house appropriations or senate finance committees, as no fees were set or adjusted by the proposed rules.

We received no requests for copies of the rules, written or oral; therefore, no copies were provided.

A copy of the Statements of Need and Reasonableness was provided to the Legislative Commission to Review Agency Rules; a copy of my letter to that body is attached.

Hopefully, this is all the information which you will require in order to prepare your declaration. Should you require more information, please contact me.

Sincerely,

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
(612) 296-6728

RECEIVED
OCT 0 0 91
ATTORNEY GENERAL'S OFFICE
7TH PLACE EAST

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

September 19, 1991

Mr. Merwin Peterson
Attorney Generals Office
1100 Bremer Tower
7th and Minnesota
St. Paul, Minnesota 55101

Dear Mr. Peterson:

Enclosed for your review please find two (2) copies of our recently published rules, the companion statements of need and reasonableness and our associated findings of fact, conclusions and order.

Please return these with a Recommended Declaration of Counsel.

Should you require any clarification, please contact me.

Sincerely,

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs

(612) 296-6728

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SEPT 2 0 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

STATE OF MINNESOTA
DEPARTMENT OF VETERANS AFFAIRS

In the Matter of the Proposed Adoption
of the Rules of the State Department of Veterans Affairs
Governing the Administration and Operation of the Department
of Veterans Affairs.

FINDINGS OF FACT,
CONCLUSIONS AND
ORDER ADOPTING RULE
WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on July 29, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt rules without a public hearing was prepared and available to the public.

(4) All persons were give the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rules were received by the agency.

(7) No Submissions or comments on the rules were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

(6) Based on the comments and evidence in the record before the agency, I find the following:

(8) The above-mentioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified Minnesota Rules 9055.0010 to 9055.0130 is adopted this 19th day of September, 1991, pursuant to authority vested in me by Minnesota Statutes, section 196.04.

(9) Bernie Melter

Bernie Melter
Commissioner
Minnesota Department of
Veterans Affairs

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ATTORNEY GENERAL'S OFFICE
1100 B
7TH PLACE
ST. PAUL, [illegible] ST

The Minnesota
State Register

Department of Administration—Print Communications Division



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Published every Monday
(Tuesday if Monday is a holiday)

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Volume 16, Number 5

Pages 157-188

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Veterans Affairs

Proposed Permanent Rules Relating to Administration and Operation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Veterans Affairs intends to adopt the above-entitled rules without a publi hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesot Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, Section 196.04.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpa of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for th comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30 day comment period. If 25 or more perso submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficie number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a publi hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 13.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
State Veterans Service Building
20 West 12th Street
St. Paul, Minnesota 55155-2079
(612) 296-6728

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not resu in a substantial change in the proposed rules as noticed.

A copy of the proposed rules are attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision o the proposed rules and identifies the date in information relied upon to support the proposed rules has been prepared and is availabl upon request from:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
State Veterans Service Building
20 West 12th Street
St. Paul, Minnesota 55155-2079
(612) 296-6728

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs
State Veterans Service Building
20 West 12th Street
St. Paul, Minnesota 55155-2079
(612) 296-6728

Dated: 29 July 1991

Bernie Melter
Commissioner of
Veterans Affairs

Rules as Proposed (all new material)

9055.0010 PURPOSE.

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

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. 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, 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 State 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. 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" means a person who has been separated under honorable conditions from a branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, and who is a citizen of the United States or resident alien, or who has active military service certified under Public Law Number 95-202, section 401. This active military service must be certified by the United States Secretary of Defense as active military service and a discharge under honorable conditions must have been issued to the individual by the United States Secretary of Defense.

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.

9055.0020 STATE SOLDIERS ASSISTANCE FUND.

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

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

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

Subp. 4. **Veteran status required.** An applicant must be a veteran as defined in *Minnesota Statutes*, section 197.447, or the widow or widower or dependent of a veteran.

Subp. 5. **Residency required.** An applicant for assistance must reside in Minnesota at the time of application. The applicant must

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also have resided in Minnesota for at least six months before applying for assistance under this program or must have been a legal Minnesota resident at the time of entry into military service.

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

9055.0025 STATE SOLDIERS ASSISTANCE FUND; HOW SPENT.

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

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

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

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

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

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

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

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

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

9055.0035 DETERMINING INCOME FROM SELF-EMPLOYMENT.

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

Subp. 2. **Allowed expenses.** Allowed expenses include:

A. interest paid on mortgages and loans;

B. employee wages, other than wages paid to members of the applicant's household or paid to another person who must contribute to the applicant;

C. FICA paid on employee wages;

D. costs of raw materials, including seed and fertilizer;

E. maintenance and repairs that are not capital expenditures;

F. tools and supplies that are not capital expenditures;

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

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

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

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

B. the employer's own share of FICA;

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

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

E. payments on loan principal;

F. capital expenditures;

G. charitable contributions;

H. depreciation;

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

J. personal business and entertainment expenses;

K. the costs of building an inventory; and

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

Subp. 4. **Determining monthly income.** Self-employment income must be averaged over 12 months. If the business has been in peration less than 12 months, income and expenses must be averaged over the number of months the business has been in operation) determine the average monthly income.

Subp. 5. **Irregular income periods.** If the applicant does not receive income on a monthly basis, the applicant's income and cpenses must be averaged over the number of months the applicant earned the income to determine the average monthly income. No iore than 12 months may be used to calculate monthly income.

)55.0040 CALCULATION OF INCOME; EFFECT OF COURT-ORDERED CHILD SUPPORT PAYMENTS.

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

Subp. 2. **Child support payments received.** Child support payments received by the applicant's household must be included in ie calculation of income and assets if the child for whom support is received is included in the total number of members of the)plicant's household for whom assistance is sought under the state soldiers assistance program. Child support payments under this ilculation are considered available to the entire household.

Subp. 3. **Child support payments disregarded.** An applicant may elect not to include a child for whom support is received and ho is a member of the applicant's household in the computation of the total number of members of the applicant's household. If the iild is excluded from this computation, child support for payments for that child must also be excluded from the calculation of)usehold income and assets.

Subp. 4. **Child support payments excluded.** An applicant for the state soldiers assistance program who is paying court-ordered iild support payments may exclude the full amount of payments in the calculation of household income and assets if the following)nditions are met:

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

B. court-ordered child support payments made by the applicant must be current and up to date as of the date of the application. he applicant shall provide a written statement from the recipient of the claimed court-ordered child support payments that all support iyments are current as of the date of the application for assistance under the state soldiers assistance program.

)55.0050 METHOD OF PAYMENT.

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

)55.0055 ASSISTANCE AUTHORIZED.

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

)55.0060 TYPES OF ASSISTANCE AUTHORIZED.

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

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

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

Subp. 4. **Utility payments.** Payment of the cost of utilities is limited to current utility bills only. No payment may be authorized or made on any utility bills that are past due or in arrears. Delivery of bulk utilities, such as heating and cooking fuels including liquid propane gas, heating oil, coal, and wood, must be limited to a normal one-month supply, as determined by the applicant's past usage rates, unless the commissioner determines that it is more beneficial to either the applicant or the department to authorize the delivery of a greater amount. Prior authorization for delivery of bulk utilities must be received from the commissioner.

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

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

9055.0070 NOTICE REQUIRED; ASSISTANCE GRANTED.

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

9055.0075 NOTICE REQUIRED; ASSISTANCE DENIED.

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

9055.0080 APPEAL PROCEDURE; DENIAL OF ASSISTANCE.

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

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

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

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

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

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

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

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

9055.0085 STATE SOLDIERS ASSISTANCE FUND; DENTAL OR OPTICAL ASSISTANCE.

Subpart 1. **Dental or optical needs.** The commissioner may provide financial assistance to applicants to meet basic dental or optical needs, according to the schedule of allowances.

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

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

ıe schedule of allowances for the number of eligible persons in the applicant's household is a bar to receiving assistance under this art.

Subp. 4. **Amount of assistance.** The amount of financial assistance granted under this part must be determined by the schedule of llowances and dental and optical benefits schedule, according to Department of Human Services maximum payment standards and rocedure codes.

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

055.0090 STATE SOLDIERS ASSISTANCE FUND; EMERGENCY MEDICAL TREATMENT.

Subpart 1. **Emergency medical assistance.** The commissioner may provide financial assistance, limited to the cost of treatment rovided or the maximum allowed under the schedule of allowances, to veteran applicants who require emergency medical treatment nd who lack the financial resources or insurance to defray the cost of this treatment.

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

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

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

055.0095 STATE SOLDIERS ASSISTANCE FUND; CLOTHING ALLOWANCE.

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

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

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

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

055.0100 CLAIMS DIVISION.

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

Subp. 2. **Representation.** The claims division shall represent veterans or their dependents upon the request of the veteran or veteran's dependent. The representation is without charge. The claims division shall also represent a veteran or a veteran's dependent who has designated a federally recognized veterans organization as the veteran's or dependent's representative if the veterans organization has requested in writing that the department provide the claims representation on its behalf.

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

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

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

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

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55.0105 EDUCATION.

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

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

Subp. 3. **Veteran; defined.** For purposes of this part, "veteran" has the meaning given it in *Minnesota Statutes*, section 197.447.

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

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

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

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

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

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

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

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

Subp. 9. **Commissioner's determination.** The commissioner shall review the veteran's written statement and the original application nd supporting documentation. The commissioner shall issue a final determination to grant or deny the benefit sought within seven orking days of the commissioner's receipt of the veteran's appeal. The commissioner's determination is final.

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

055.0110 EDUCATIONAL ASSISTANCE; WAR ORPHAN.

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

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

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

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

Subp. 5. **Proof required.** Applicants for war orphan benefits under this part shall also provide evidence from the United States Department of Veterans Affairs of the service-connected death of the veteran parent.

)055.0115 FILES AND RECORDS.

Subpart 1. **Information on individuals.** The department generates and maintains information on individuals who apply for benefits, rograms, and services administered by the department. Release of or access to all information on individuals held by the department s governed by the Government Data Practices Act under *Minnesota Statutes*, chapter 13.

Subp. 2. **Classed as confidential.** Information on individuals, gathered or generated by the department pertaining to any claims or nefits is confidential and privileged under *Minnesota Statutes*, section 196.08. Release of this information is also governed by the)vernment Data Practices Act, under the definition of private data on individuals.

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

)55.0120 NO DISCLOSURE.

Subpart 1. **Exceptions.** Records maintained by the department may not be disclosed without the written consent of the individual ımed in the records, except:

A. when the individual has been adjudicated incompetent; or

B. as in subparts 2 to 4.

Subp. 2. **Release to individuals.** Records maintained by the department must be released to the claimant personally, a duly appointed ıardian, an attorney in fact, a duly authorized representative, and as to personal matters, when the commissioner has determined ıat disclosure would not be injurious to the mental or physical health of the claimant.

Subp. 3. **Release to organizations.** Records maintained by the department must be released to the duly certified representatives of :terans organizations recognized by the United States Department of Veterans Affairs.

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

)55.0125 ADJUSTED COMPENSATION; MERCHANT MARINERS, WORLD WAR II.

Subpart 1. **Eligible persons.** Former members of the United States Merchant Marine with wartime ocean-going service in a combat)ne during World War II have been determined to be veterans by the United States Secretary of Defense. As veterans, they are eligible)r adjusted compensation payments from the state as were other veterans of World War II. Public Law Number 95-202, section 401, stablished that members of the United States Merchant Marine who were in active ocean-going service during World War II from lecember 7, 1941, to August 15, 1945, are eligible to receive discharge certificates from the United States armed forces. The discharge)nfers full veteran status.

Subp. 2. **Eligibility.** To qualify for an adjusted compensation payment for service in the Merchant Marine during World War II, an pplicant must meet all of the following requirements.

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

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

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

Subp. 3. **Applicants not eligible.** Applicants who had five or more years of service in the Merchant Marine before December 7, 941, are not eligible for payments under this program.

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

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

A. copies of voting records;

B. tax records;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

C. school records if entry immediately followed school;

D. affidavits from three persons not related to the applicant attesting to the applicant's resident status for six months immediately before entry; or

E. other forms of verifiable evidence.

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

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

9055.0130 COMMISSIONER'S TECHNICAL STAFF.

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

Subp. 2. **Requirements.** Individuals on the commissioner's technical staff must have the same qualifications as the commissioner, as outlined in *Minnesota Statutes*, section 196.02, subdivision 1.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Health

Adopted Permanent Rules Relating to Family Planning Special Project Grants

The rules proposed and published at *State Register*, Volume 15, Number 40, pages 2183-2190, April 1, 1991 (15 SR 2183) are adopted with the following modifications:

Rules as Adopted

4700.2000 DEFINITIONS.

Subp. 9. **High risk person.** "High risk person" means an individual whose age, health, prior pregnancy outcome, or socioeconomic status increases her chances of experiencing an unplanned pregnancy or problems during pregnancy. High risk persons include, but are not limited to, women under 18 or over 35; women who have experienced premature labor and delivery; women with existing health problems such as diabetes, anemia, and obesity; and persons whose individual or family income is determined to be at or below 200 percent of the official income poverty line as defined ~~according to~~ by *United States Code*, title 42, section 9902, ~~as amended,~~ and as published by the Federal Office of Management and Budget and revised annually in the Federal Register. A copy of the most current guideline is available from the Office of Planning and Evaluation, Department of Health and Human Services, Washington, D.C., 20201, (202) 245-6141.

4700.2420 FAMILY PLANNING SERVICES GRANT FUNDING.

Subpart 1. **Funding limit.** ~~If the total funds available for distribution under part 4700.2410, subparts 1 and 2, are $2,200,000 per year or less,~~ An applicant, other than ~~one~~ an applicant for a family planning hotline grant, ~~with an approvable application who is also a current recipient of family planning special project grant funds~~ shall be limited to an annual application request of ~~$40,000 or its current award, whichever is greater~~ $75,000 per region. ~~A new applicant with an approvable application shall be limited to an annual request of $40,000. If the funds available for distribution exceed $2,200,000 per year, the funding limit shall increase by a percentage equal to half the percentage increase in the amount of total funds available for distribution.~~ Two or more agencies may submit a joint

Department of Veterans Affairs

Proposed Permanent Rules Relating to Administration and Operation

Rules as Proposed (all new material)

9055.0010 PURPOSE.

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

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. 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.

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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, 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

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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 State 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. 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" means a person who has been separated under honorable conditions from a branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred

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while serving on active duty, and who is a citizen of the United States or resident alien, or who has active military service certified under Public Law Number 95-202, section 401. This active military service must be certified by the United States Secretary of Defense as active military service and a discharge under honorable conditions must have been issued to the individual by the United States Secretary of Defense.

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.

9055.0020 STATE SOLDIERS ASSISTANCE FUND.

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

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

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

Subp. 4. **Veteran status required.** An applicant must be a

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veteran as defined in Minnesota Statutes, section 197.447, or the widow or widower or dependent of a veteran.

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

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

9055.0025 STATE SOLDIERS ASSISTANCE FUND; HOW SPENT.

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

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

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

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

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

$75 times 4.3 weeks per month equals $322.50 average monthly income to the household. Schedule of allowances for a family of three is $490. $490 minus $322.50 equals $167.50, which would be issued to the veteran and family.

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In addition, current utility bills would be paid upon submission.

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

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

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

9055.0035 DETERMINING INCOME FROM SELF-EMPLOYMENT.

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

Subp. 2. **Allowed expenses.** Allowed expenses include:

A. interest paid on mortgages and loans;

B. employee wages, other than wages paid to members of the applicant's household or paid to another person who must contribute to the applicant;

C. FICA paid on employee wages;

D. costs of raw materials, including seed and fertilizer;

E. maintenance and repairs that are not capital

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expenditures;

F. tools and supplies that are not capital expenditures;

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

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

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

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

B. the employer's own share of FICA;

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

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

E. payments on loan principal;

F. capital expenditures;

G. charitable contributions;

H. depreciation;

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

J. personal business and entertainment expenses;

K. the costs of building an inventory; and

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

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

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

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income.

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

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

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

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

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

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

B. court-ordered child support payments made by the applicant must be current and up to date as of the date of the application. The applicant shall provide a written statement from the recipient of the claimed court-ordered child support

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payments that all support payments are current as of the date of the application for assistance under the state soldiers assistance program.

9055.0050 METHOD OF PAYMENT.

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

9055.0055 ASSISTANCE AUTHORIZED.

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

9055.0060 TYPES OF ASSISTANCE AUTHORIZED.

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

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

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

Subp. 4. **Utility payments.** Payment of the cost of utilities is limited to current utility bills only. No payment may be authorized or made on any utility bills that are past due or in arrears. Delivery of bulk utilities, such as heating and cooking fuels including liquid propane gas, heating oil, coal, and wood, must be limited to a normal one-month supply, as

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determined by the applicant's past usage rates, unless the commissioner determines that it is more beneficial to either the applicant or the department to authorize the delivery of a greater amount. Prior authorization for delivery of bulk utilities must be received from the commissioner.

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

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

9055.0070 NOTICE REQUIRED; ASSISTANCE GRANTED.

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

9055.0075 NOTICE REQUIRED; ASSISTANCE DENIED.

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

9055.0080 APPEAL PROCEDURE; DENIAL OF ASSISTANCE.

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

Subp. 2. **Submitting appeals.** Appeals must be submitted to the commissioner in writing within 60 days of the applicant's

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receipt of the denial letter.

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

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

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

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

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

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

9055.0085 STATE SOLDIERS ASSISTANCE FUND; DENTAL OR OPTICAL ASSISTANCE.

Subpart 1. **Dental or optical needs.** The commissioner may

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provide financial assistance to applicants to meet basic dental or optical needs, according to the schedule of allowances.

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

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

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

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

9055.0090 STATE SOLDIERS ASSISTANCE FUND; EMERGENCY MEDICAL TREATMENT.

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

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

Subp. 3. **Excess income a bar to assistance.** Income at or

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in excess of 2-1/2 times the monthly budgetary allowance according to the schedule of allowances for the number of eligible persons in the applicant's household is a bar to receiving assistance under this part.

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

9055.0095 STATE SOLDIERS ASSISTANCE FUND; CLOTHING ALLOWANCE.

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

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

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

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

9055.0100 CLAIMS DIVISION.

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

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

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veterans organization as the veteran's or dependent's representative if the veterans organization has requested in writing that the department provide the claims representation on its behalf.

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

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

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

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

9055.0105 EDUCATION.

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

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

Subp. 3. **Veteran; defined.** For purposes of this part,

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"veteran" has the meaning given it in Minnesota Statutes, section 197.447.

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

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

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

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

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

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

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

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

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Subp. 9. **Commissioner's determination.** The commissioner shall review the veteran's written statement and the original application and supporting documentation. The commissioner shall issue a final determination to grant or deny the benefit sought within seven working days of the commissioner's receipt of the veteran's appeal. The commissioner's determination is final.

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

9055.0110 EDUCATIONAL ASSISTANCE; WAR ORPHAN.

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

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

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

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

Subp. 5. **Proof required.** Applicants for war orphan

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benefits under this part shall also provide evidence from the United States Department of Veterans Affairs of the service-connected death of the veteran parent.

9055.0115 FILES AND RECORDS.

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

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

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

9055.0120 NO DISCLOSURE.

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

A. when the individual has been adjudicated incompetent; or

B. as in subparts 2 to 4.

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

Subp. 3. **Release to organizations.** Records maintained by the department must be released to the duly certified

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representatives of veterans organizations recognized by the United States Department of Veterans Affairs.

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

9055.0125 ADJUSTED COMPENSATION; MERCHANT MARINERS, WORLD WAR II.

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

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

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

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

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

Subp. 3. **Applicants not eligible.** Applicants who had five or more years of service in the Merchant Marine before December

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7, 1941, are not eligible for payments under this program.

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

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

A. copies of voting records;

B. tax records;

C. school records if entry immediately followed school;

D. affidavits from three persons not related to the applicant attesting to the applicant's resident status for six months immediately before entry; or

E. other forms of verifiable evidence.

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

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

9055.0130 COMMISSIONER'S TECHNICAL STAFF.

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

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Subp. 2. **Requirements.** Individuals on the commissioner's technical staff must have the same qualifications as the commissioner, as outlined in Minnesota Statutes, section 196.02, subdivision 1.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Administration and Operation

AGENCY: Department of Veterans Affairs

MINNESOTA RULES: Chapter 9055

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
ST. PAUL, MINNESOTA 55155-2079
(612) 296-2562

Bernie Melter
Commissioner

Copy, Original sent 9/30/91

October 8, 1991

Legislative Commission to Review Administrative Rules
Maryanne Hruby, Director
55 State Office Building
St. Paul, Minnesota 55155-1202

Dear Ms. Hruby:

Enclosed please find a copy of the Statements of Need and Reasonableness for the recently published proposed rules of the Minnesota Department of Veterans Affairs.

Please forgive my oversight in not providing these earlier, as required.

Should you have any questions, please contact me.

Sincerely,

Terrence A. Logan
Director, Agency Relations
Minnesota Department of Veterans Affairs

(612) 296-6728

Waiting for Missing Documents

10-24-91 Missing -
Adopted Rules
Affadavit of Mailing no list
~~No Declaration of Attorney~~
No Dated Notice of Intent signed

Talked about Rules
1991 Conference

10-24-91 - Terrace Logan
Told him to get the adopted rules
- do an affadavit of non-mailing
and a signed Notice of Intent
Terrace Logan said he would send
me the documents - I told him the documents
would not be considered marked in until I received
the missing adopted rules

11-5-91 - left a message for Terry
Terry said he hasn't sent
it yet - doesn't know when
he will send it.