

Chapter VA 2

**EMERGENCY CORRESPONDENCE AND PART TIME STUDY
AND RETRAINING GRANTS**

VA 2.01 Emergency grants

VA 2.03 Retraining grants

VA 2.02 Educational grants for correspon-
dence courses and part-time
classroom study

Note: Chapter VA 2 as it existed on December 31, 1979 was repealed and a new chapter VA 2 was created effective January 1, 1980. Chapter VA 2 as it existed on April 30, 1986 was repealed and a new chapter VA 2 was created effective May 1, 1986.

VA 2.01 Emergency grants. (1) DEFINITIONS. (a) "Available liquid assets" means cash on hand, including cash in checking or savings accounts, liquid investments, including stocks and bonds and amounts deposited in IRA or Keogh plans, owned by the applicant's dependents either individually or jointly with the applicant, or owned individually and jointly by the applicant and the applicant's spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce as established by the criteria set forth in s. VA 1.12 (4), but does not include the cash surrender value of life insurance policies, funds necessary for temporary basic subsistence or those assets which are the essential capital of a self-employed person, the lack of which would seriously affect the person's livelihood.

(am) "Dental care" means health care limited to the care, restoration or replacement of teeth.

(b) "Emergency aid" means temporary emergency aid in the form of health care aid or subsistence aid.

(c) "Emergency health care" means health care provided where the need for essential medical services was sudden and urgent enough to be considered an emergency by a doctor, follow up care related to the emergency situation and any health care provided a student veteran or a student veteran's dependents.

(d) "Health care" means essential medical services including but not limited to doctors' services, hospital charges, corrective lenses, prostheses, leasing or purchase of medical appliances and equipment and dental care.

(e) "Health care aid" means payment by the department for health care.

(f) "Nonemergency health care" means health care other than emergency health care.

(g) "Subsistence" means essential living expenses including rent or mortgage payments on the veteran's or veteran's dependent's residential living quarters, food, clothing, medical insurance premiums, prescribed medications, essential travel, moving expenses, child care required because of employment, education or medical reasons, household utilities expenses including heat, electricity, gas and telephone, and, in exceptional cases, such other items relating to emergency aid as the department may deem necessary.

(h) "Subsistence aid" means payment by the department for subsistence.

(i) "VA" means the federal veterans administration.

(j) "Want and distress" means the condition which exists when an applicant for emergency aid has insufficient available liquid assets and resources to cover the cost of health care or subsistence, is ineligible for sufficient aid under federal, state or other assistance programs (except for direct general relief), and has insufficient income to repay a loan from the department or a conventional lender which could be used to provide necessary health care or subsistence.

(2) LIMITATIONS. (a) *All emergency aid.* 1. Available liquid assets. Applicants and their dependents shall apply all medical insurance benefits and all available liquid assets toward the cost of their health care or subsistence before the department may approve emergency aid.

2. Evidence required. Emergency aid may be granted only if the department has sufficient evidence in its files upon which to base a determination that the applicant qualifies for such aid and, when deemed necessary, the department may conduct a direct investigation prior to acting upon an application for emergency aid.

3. Duplication of assistance. If assistance is available from other agencies, emergency aid may be approved only as a supplement to this assistance and may never be used to duplicate this assistance. Assistance from other agencies (excepting only general relief) must be applied for if it is available.

4. Delinquent loans. Emergency aid may not be used to repay a department loan from the veterans trust fund in whole or in part but a delinquent department loan shall not bar emergency aid from the department.

(b) *Health care aid.* 1. Maternity care. Except for applications involving recently service separated veterans who were unable to qualify for maternity insurance coverage and students who might be forced to drop out of school unless health care aid is provided, health care aid for expenses of maternity care may be granted only for that portion of the expenses of maternity due to a medical emergency.

2. Dental care. Health care aid for dental care shall be limited to extractions, fillings, and denture repairs, unless related to health care provided as a result of accidental injury. In cases where the cost of a new denture is less than the cost of denture repair, payment for the new denture may be authorized.

3. Alcohol and other drugs. Health care aid may not be authorized to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse.

4. Out-of-state health care. Emergency health care received outside the boundaries of the state of Wisconsin and nonemergency health care received in a state bordering Wisconsin shall be treated the same as health care received in this state. Health care aid for other nonemergency out-of-state health care may be approved only if the secretary determines that appropriate health care is not available in this state.

6. Available agencies. Health care and payment for health care shall be obtained from federal, state, county or local agencies if possible for the veteran or the veteran's dependent for whom health care aid is requested.

7. Transfer to VA hospital. Veterans shall be transferred to a VA hospital when transfer is medically feasible and when a VA hospital is available. If this transfer is not made, only that portion of health care expenses incurred prior to the date on which transfer could have been made will be eligible for payment.

8. Available aid. Aid available from other agencies and programs shall be applied for and used for payment of health care expenses. Health care aid may not exceed the difference between the cost of health care and the amount of the available aid.

9. Prior authorization. Health care aid may only be granted for non-emergency health care in cases where the department has given prior authorization.

10. 'Emergency health care application deadline.' Health care aid may be granted for health care received during the period beginning 120 days prior to actual receipt by the department of an application for health care aid for health care that has been or is being received for an emergency condition. If the application is received by the department more than 120 days after the provision of health care, aid may be granted if the applicant shows good cause for the delayed receipt.

13. Time limits. When one year has passed without contact with the applicant, the applicant's dependents, the county veterans service officer, or other representative, the temporary emergency period shall be deemed to have expired and health care aid may not be provided to pay for the cost of the health care for which application was made.

14. Itemized bills. Final payment for health care may be made only when the department has received itemized statements showing adjustments for payments received from all other available sources.

(c) *Subsistence aid.* 1. Loss of income. Subsistence aid may be provided only when illness or disability, including alcoholism or drug addiction, causing loss of income, results in want or distress or, even though there is no loss of income, during periods while veterans are being treated in a VA hospital for post-traumatic stress disorder, or are being treated for this disorder on a regular outpatient basis at a VA hospital or at a clinic or counseling center under contract with the VA. Subsistence aid may also be provided even though there is no loss of income as a solution to the temporary problems of students where necessary to enable them to pursue their courses of education or training without interruption and to veterans who require subsistence aid as a result of a disaster, such as severe damage to or destruction of their homes by fire or tornado.

3. Non-qualifying items. Subsistence aid may not be granted for the purchase of or payment for luxury or convenience items or for the payment of loans or credit purchases or existing debts except for debts which were incurred to pay essential living expenses during the period of incapacitation for which the applicant seeks subsistence aid, or for the purchase of or payment for luxury or convenience items.

4. Motor vehicle expenses. Subsistence aid for the payment of motor vehicle expenses, including fuel, repairs, and monthly motor vehicle payments if necessary to prevent repossession, and continuation of vehicle insurance may be provided only when use of the motor vehicle is required for medical care, employment, transportation to school or day care, or in other situations where the department determines that the use of the motor vehicle is required during the period of incapacitation.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86; am. (1) (a), (c), (d), (g), (2) (b) 1., 2., 7., 10., 13., and 14., (2) (c) 4., cr. (1) (am), r. (2) (b) 11, and 12, and (2) (c) 2., Register, February, 1989, No. 398, eff. 3-1-89; am. (2) (b) 2. and 10., r. (2) (b) 5., Register, January, 1990, No. 409, eff. 2-1-90; am. (2) (b) 2., Register, September, 1990, No. 417, eff. 10-1-90.

VA 2.02 Educational grants for correspondence courses and part-time classroom study. Veterans who establish eligibility for reimbursement for the cost of enrollment in part-time classroom study courses or direct correspondence courses under the provisions of this section and s. 45.396, Stats., may be reimbursed in whole or in part for the cost of such courses to the extent authorized under this section and s. 45.396, Stats., subject to the following terms, conditions and limitations:

(1) LIMITATIONS ON REIMBURSEMENT FOR TUITION, FEES AND TEXTBOOKS. Reimbursement for fees shall be limited to those fees which are mandatory and uniform for the courses in which the veteran is enrolled and which are paid to schools set forth in s. 45.396 (2), Stats. Reimbursement shall not include the cost or value of meals and lodging which may be included in such fees. Reimbursement for tuition shall be limited to tuition paid to schools eligible under the provisions of s. 45.396 (2), Stats. Reimbursement for any course shall not exceed either the cost of tuition, fees, and required textbooks or the per course limit set forth in s. 45.396 (4), Stats., whichever is less.

(3) SUBSTITUTE COURSES. Reimbursement may be made if a veteran satisfactorily completes either the course listed on the application, or a substitute course offered by the same school during the same semester or other school term, which substitute course otherwise meets the conditions of s. 45.396, Stats. Reimbursement may also be made for a qualifying course not listed on an application taken during the same school term as an ineligible course listed on the application.

(4) DUPLICATION. A veteran who starts a school term as a full-time student and completes the school term as a part-time student may receive reimbursement under s. 45.396, Stats., for enrolled part-time classroom study courses completed during that school term even though the veteran received a grant under s. 45.28, Stats., for the school term. The amount of reimbursement the veteran is entitled to receive shall be the maximum part-time study reimbursement payable to the veteran for the specific courses completed less the amount of the full-time grant received and retained by the veteran. A veteran who receives reimbursement for part-time classroom study courses completed during the same school term for which the veteran received a full-time grant shall be considered to have received reimbursement for part-time classroom study for all purposes and the full-time grant shall be considered null and void.

(5) DEGREE LIMITATION. For the purposes of s. 45.396 (5), Stats., an L.L.B. degree shall be deemed to be the equivalent of a master's degree.

(6) NOTICE OF COMPLETION. The veteran may be reimbursed for the cost of tuition, fees, and required textbooks to the extent authorized, Register, September, 1990, No. 417

only upon receipt by the department of a fully completed part-time study grant application. The application shall be signed by the approved school's veterans coordinator and should list the official satisfactory completion date and costs of tuition, fees, and required textbooks.

(7) **REIMBURSEMENT FROM OTHER SOURCES.** Subject to the other provisions of this section, a veteran may be reimbursed to the extent that payment or reimbursement specifically for tuition, fees, and required textbooks is not available from any other source, or in cases where reimbursement or payment from another source is not specifically for tuition, fees, and required textbooks, reimbursement from the department may be made to the extent that reimbursement or payment from another source is insufficient to cover all other costs incurred in connection with the veteran's educational program including, but not limited to, the costs of food, housing, utilities, transportation, and medical or dental treatment.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86; r. (2), am. (3) and (6), Register, February, 1989, No. 398, eff. 3-1-89.

VA 2.03 Retraining grants. (1) DEFINITIONS. In this section:

(a) "Available liquid assets" means cash on hand, cash in a checking or savings account, stocks, bonds, certificates of deposit, treasury bills, money market funds and other liquid investments owned individually or jointly by the applicant and the applicant's spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce as established by the criteria set forth in s. VA 1.12 (4), but does not include funds deposited in IRAs, Keogh plans, deferred compensation plans, or cash surrender value of life insurance policies.

(b) "Course of instruction" has the meaning specified in s. VA 9.01 (3).

(c) "Earned income" has the meaning specified in s. VA 9.01 (5).

(d) "FOA" has the meaning specified in s. VA 9.01 (6).

(e) "Grant period" means one year from the date the application is received by the department or until the anticipated completion date of the applicant's course of instruction, whichever is earlier.

(f) "Income" means the total of 75% of earned income and all unearned income less unusual expenses.

(g) "Unearned income" has the meaning specified in s. VA 9.01 (14).

(h) "Unusual expenses" has the meaning specified in s. VA 9.01 (16).

(2) **LIMITATIONS.** (a) *Income.* No applicant may receive a grant under this section if the department determines, after disregarding any payment described under s. 45.85, Stats., that the applicant's annual income exceeds the current limit for the economic assistance loan program as described in s. 45.351 (2) (b) 2., Stats. If the applicant is employed at the time of application but has received a notice of termination from the employer, the income received from that employer will not be included.

(b) *Amount of grant.* Applicants who qualify for a retraining grant under the provisions of this section and s. 45.397, Stats., are entitled to a grant equal to their need during the grant period or the statutory maximum grant, whichever is less. Need will be determined by deducting all income to be received by the applicant during the grant period, available

liquid assets in excess of the retained asset limit stated in s. VA 3.02 (2) (a) held by the applicant at the time of application and all other financial aid which will be received by the applicant during the grant period from the amount needed during the grant period. The amount needed will be the sum of the amount shown on the standard student budget described in s. VA 9.03 for the appropriate time period and for the appropriate number of family members plus the cost of tuition, fees, supplies and books as reported by the school for the courses to be taken during the grant period plus any unusual expenses reported by the applicant.

(c) *Enrollment.* The applicant must be enrolled or accepted for enrollment in an institution of education, as defined in s. 39.32 (1) (a), Stats., in this state. Education may be part-time or full-time, but must be directed toward specific employment.

(d) *Completion date.* The anticipated completion date of a course of instruction may not be more than 2 years from the date the application is received by the department.

(e) *Number of retraining grants.* A veteran may receive only one such grant in a 12 month period. A check for an additional grant may not be mailed until a year has passed since the date the check for the previous grant was mailed.

(3) GRANT APPLICATION. (a) *Required information.* A grant application, including required exhibits and supplements, shall contain such information as is necessary to satisfy the department that the applicant has a qualifying need for the grant, is or will be enrolled in a qualifying course of instruction which will lead to gainful employment and has become unemployed or received a notice of termination of employment within the year prior to the date of application. Required exhibits and supplements shall include a statement written by the applicant explaining the circumstances leading to the need for retraining and an explanation as to why the applicant feels that the desired retraining will lead to gainful employment. The exhibits and supplements shall also include verification that the applicant has received counseling from an assessment counselor and the counselor approves of the retraining to be undertaken.

(b) *Procedure.* Applications shall be initiated in the office of a county veterans service officer and completed and submitted by the FAO or other appropriate official representing the school attended or to be attended by the applicant.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.