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Chapter VA 1

GENERAL

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Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross−references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 1.01 Liberal statutory construction. The department of veterans affairs shall administer the provisions of ch. 45, Stats., in an expeditious and liberal manner, resolving all reasonable doubt in favor of the veteran, to the end that available benefits are provided to veterans and their eligible dependents as promptly and effectively as possible.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; am. Register, October, 1967, No. 142, eff. 11−1−67.

VA 1.02 Application. An application for benefits from the department must be made on approved departmental forms, signed by an eligible dependent, or by the veteran and/or such other person as the department may require in connection with the specific benefit application involved. The department may require that a loan application or a credit instrument executed in connection with a loan be signed by the veteran's spouse only in a case where such requirement may legally be imposed under s. DFI−WCA 1.85, and under the provisions of the Equal Credit Opportunity Act and regulations adopted thereunder. It is unlawful for anyone to charge an applicant or spouse a commission for assisting them in completing or securing the approval of an application for benefits from the department.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; r. and recr., Register, November, 1971, No. 191, eff. 12−1−71; am. Register, August, 1972, No. 200, eff. 9−1−72; am. Register, July, 1976, No. 247, eff. 8−1−76**;** correction made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1998, No. 511; **correction made under s. 13.93 (2m) (b) 7., Stats.**

VA 1.03 Procedure for appeals by applicants for benefits. (1) APPEALABLE ACTIONS. Any applicant for any benefit available through the department may appeal from a decision of the department concerning any such application. Any applicant for benefits whose benefits have been suspended pursuant to s. 45.03 (16), Stats., may appeal such suspension.

(2) APPLICATIONS PENDING APPEAL FOR DENIAL OF SUSPENSION OF BENEFITS. During the pendency of an appeal of a suspension of benefits from the department, no decision shall be issued by the department concerning any of the appellant's applications for benefits from the department which were pending in the department at the time of the decision to suspend benefits, or which are submitted by the applicant during the pendency of the appeal even if the decision is not related to the matter being appealed. If the final decision in the appeal affirms the suspension of benefits, any of the appellant's applications shall be denied by the department. If the final decision in the appeal reverses the suspension of benefits, the department shall then determine whether or not the applications should be approved.

(3) TIME AND MANNER FOR FILING APPEAL. An appeal shall be in writing and shall be filed with the state of Wisconsin, Department of Veterans Affairs, 30 W. Mifflin St., Madison, WI 53703. An appeal must be received by the department within 60 calendar days after the date of the department decision appealed. Any questions about time computations for procedural matters shall be resolved by reference to s. 801.15 (1), Stats.

(4) CONDUCT OF HEARING. The hearing on the appeal shall be held before a hearing examiner designated by the secretary. The hearing examiner shall have the powers enumerated under s. 227.46, Stats. The department shall present evidence first unless the hearing examiner varies the order of proceeding in the interest of obtaining the most cogent presentation of the case. An appellant may appear in person, with or without counsel, or by counsel or other agent of the appellant's choice.

(5) EVIDENCE. In accordance with s. 227.45, Stats., the hearing examiner shall not be bound by common law or statutory rules of evidence. Parties may stipulate to some or all of the facts, and the hearing examiner may base the proposed decision upon the stipulation. All exhibits shall be marked and made available for inspection by the opposing party before being shown to a witness, unless the exhibit shall have been marked and a copy made available to the opposing party prior to hearing.

(6) RECORD OF APPEAL. A stenographic, electronic, or other record of the hearing shall be kept, and shall be transcribed at the request of any party. Such transcription shall be at the department's expense if the purpose for transcription is deemed reasonable to the department's or hearing examiner's satisfaction. Copies of the tape recordings, transcripts, or other record shall be furnished to any party upon request at the cost of production to the department, except that copies may be provided free of charge to parties who can demonstrate that they are indigent.

(7) PROPOSED DECISION. The hearing examiner shall issue a proposed written decision to the secretary, including findings of fact, conclusions of law, order and opinion pursuant to s. 227.46 (2), Stats. The proposed decision shall be served on all parties at least 20 calendar days before it is submitted to the secretary for final decision unless the 20 calendar day period is waived by all parties. Each party adversely affected may file objections to the proposed decision, briefly stating the reasons and authorities for each objection, and may file a brief and present oral argument to the secretary at the time scheduled for a hearing.

(8) FINAL DECISION. The secretary shall issue in writing the final decision, findings of fact, and conclusion of law. The board shall be furnished with a copy of the final decision, findings of fact and conclusions of law and a brief explanation of the case involved.

(9) PETITION FOR REHEARING. A party aggrieved by a final decision may petition the secretary for rehearing pursuant to s. 227.49, Stats. Any other party shall have 20 days from the date the petition for rehearing is mailed to them at their last known address to file a reply to the petition.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; r. and recr., Register, January, 1984, No. 337, eff. 2−1−84; am. (4) to (7) and (9), Register, February, 1989, No. 398, eff. 3−1−89; am. (7) to (9), Register, May, 1990, No. 413, eff. 6−1−90; correction in (3) made under s. 13.93 (2m) (b) 6., Stats., Register, June, 1992, No. 438.

VA 1.04 Benefits to those who qualify. The department shall give assistance to all resident ex−servicepersons and their dependents in all matters connected with the securing of any aid or benefit which may be due them under federal or state law by reason of service in the armed forces of the United States. Financial aid from the department shall not be extended to veterans or dependents when the need for the aid arises or results from the willful misconduct of the veteran or the beneficiary.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; am. Register, October, 1967, No. 142, eff. 11−1−67; am. Register, August, 1993, No. 452, eff. 9−1−93.

VA 1.05 Cooperation with other agencies. In addition to coordinating the activities of all state agencies relating to the medical, educational, economic or vocational rehabilitation of veterans and their dependents, the department shall cooperate with all federal, state, county or other agencies whose functions include rehabilitation of veterans.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; am. Register, October, 1967, No. 142, eff. 11−1−67.

VA 1.06 Definition—"veteran". For the purposes of this chapter and ch. VA 2 , except as provided in s. VA 2.04, "veteran" shall mean either a veteran as defined in s. 45.01 (12), Stats., or a deceased veteran's unremarried widow or widower or minor or dependent child who is a resident of and living in this state at the time of making application for benefits.

Note: Section VA 2.04 was repealed eff. 2−1−06.

Note: See s. 45.01 (12), Stats.

History: Cr. Register, October, 1967, No. 142, eff. 11−1−67; am. Register, June, 1970, No. 174, eff. 7−1−70; am. Register, September, 1978, No. 273, eff. 10−1−78; am. Register, April, 1986, No. 364, eff. 5−1−86; am. Register, January, 1995, No. 469, eff. 2−1−95; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1999, No. 521; **correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.**

VA 1.07 Strike relief not temporary aid. Aid for direct strike relief does not fall within the definition of temporary aid.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65.

VA 1.08 False statements. (1) SUSPENSION OF BENEFITS. (a) *Investigation and suspension.* When it appears that a false statement has been made in connection with an application for benefits from the department, the department shall use such means of investigating such apparent false statement as it deems advisable. In any case where the department finds after investigation that any applicant for benefits from the department has willfully made or caused to be made, or conspired, combined, aided or assisted in, agreed to, arranged for, or in any wise procured the making of a false or fraudulent affidavit, declaration, certificate, statement or other writing, it may suspend all benefits available to such applicant from the department.

(c) *Reinstatement of benefits.* The department after investigation may reinstate benefits. If the department shall find that an application for reinstatement is made without sufficient cause to justify reinstatement it shall deny the same.

(2) CRIMINAL PROSECUTION. In proper cases, where the department is satisfied that a false statement has been made in connection with an application for benefits, it may forward the relevant facts to the appropriate district attorney for necessary action pursuant to s. 45.03 (16) (b), Stats.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; r. and recr., Register, August, 1972, No. 200, eff. 9−1−72; r. (1) (b), Register, January, 1984, No. 337, eff. 2−1−84; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364.

VA 1.09 Reduced payments because of return to service. When a veteran has returned to military service and desires either a reduction in monthly payments or a deferment of payments, the department can properly act upon an application for reduction or deferment when the following statements are submitted:

(1) A statement from the veteran which discloses present income and demonstrates that the income has been materially decreased by virtue of military service, and

(2) A statement by the county veterans service officer concerned that an investigation indicates that the application is justified and should be approved.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; corrections made under s. 13.93 (2m) (b) 4. and 5., Stats., Register, February, 1989, No. 398.

VA 1.10 Release of information and records. All records and papers of the department or of a county veterans service office, hereinafter in this section referred to as service office, are to be utilized in a manner to best serve the public interest, but the veteran's right of privacy as to information pertaining to military or naval service and to confidential information contained in applications for benefits will be respected.

(1) VETERANS ADMINISTRATION RECORDS AND SEPARATION DOCUMENTS. Notwithstanding anything to the contrary contained in subs. (4) through (13) separation documents and copies thereof evidencing service in the armed forces of the United States and records and papers in the possession of the department or service office which are released to the department or service office by or from the veterans administration or which contain information provided by the veterans administration are confidential. Release of information from such documents, records or papers may be made only as provided in s. 45.04 (2) and (3), Stats. The department may, however, confirm the veteran status of a person where such confirmation will assist the person in obtaining benefits.

(2) PERSONNEL RECORDS. Employee personnel records and information contained therein, the release of which would affect the morale, efficiency or discipline of members of the department will not be released.

(3) RECORDS ARE CONFIDENTIAL. Records pertaining to any application for benefits, whether pending or adjudicated, will be deemed confidential and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in subs. (4) through (15), and any person making application for benefits shall hereinafter be referred to as the applicant.

(4) DISCLOSURE OF INFORMATION TO AN APPLICANT OR DULY AUTHORIZED REPRESENTATIVE. An applicant may not have access to department records concerning himself or herself pertaining to an application for benefits from the department, but information from official records may be disclosed to an applicant or his or her duly authorized representative as to matters concerning the applicant.

(5) PERSONS AUTHORIZED TO REPRESENT APPLICANTS. "Duly authorized representative" shall be defined as any person authorized in writing by the applicant to act for him or her, or his or her legally constituted representative if the applicant is incompetent or deceased. Where for proper reason no representative has been or will be appointed, his or her spouse, an adult child or if the applicant is unmarried, either of his or her parents shall be recognized as the duly authorized representative of the applicant.

(6) DISCLOSURE OF MEDICAL INFORMATION. (a) *To veterans.* Information contained in medical records pertaining to applications for benefits from the department which are on file with the department or service office may be released to the veteran upon request, except information contained in the medical record which would prove injurious to his or her physical or mental health, in which case information will be released only to a duly authorized representative.

(b) *To physicians and hospitals.* Information contained in medical records of veterans and beneficiaries pertaining to medical history, diagnosis, findings, or treatment contained in applications for benefits from the department may be disclosed directly to physicians and hospitals upon written request and the submission of a written authorization from the veteran or beneficiary, or, in the event he or she is incompetent, from his or her duly authorized representative. This information will be released only with the consent of the patient and on the condition that it is to be treated as a privileged communication. However, the information may be released without the consent of the veteran or his or her represen-

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tative when a written request for the information is received from the United States department of veterans affairs, the United States public health service, the superintendent of a state hospital, a commissioner or head of a state department of mental hygiene, or head of a state, county or city health department.

(7) DISCLOSURE OF LOAN INFORMATION. Information contained in loan files, information pertaining to action taken by the department on loan applications, or loan status information may be made available to any party having a security interest in the property securing such loans or any party under contract with either the department or the department of administration to pursue collection of delinquent department loans. Any party receiving information shall maintain the confidentiality of the information. Loan status information that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department may be made available to a consumer reporting agency, as defined in 15 USC 1681a(f).

(8) DISCLOSURE TO GOVERNMENTAL AGENCIES AND SCHOOLS. Information contained in department or service office files pertaining to applications for benefits from the department which is required for official use by any agency of the United States government, by any agency of the state of Wisconsin, by any law enforcement or social service agency of any Wisconsin county or municipality, or by any school participating in the department's grants programs, may be furnished in response to official requests in accordance with the provision of pars. (a) to (c). Such requests must include information as to the purpose for which the information is to be used.

(a) Information relevant to a determination of the amount of benefits, if any, for which veterans and their eligible dependents may be entitled, information which is requested on their behalf or information which is requested for the purpose of assisting them in obtaining rights and benefits to which they may be entitled, may be released in response to official written or oral requests.

(b) Information which identifies individual veterans or their dependents, and which is requested for purposes other than those set forth in par. (a), may be released only upon receipt of an official written request. Within 5 working days after response to such a written request, the department or service office will make a reasonable effort to contact the individual concerning whom the request has been made and notify the individual of the request for information and provide the individual with a statement of the action taken on such request.

(c) The department may routinely furnish information to other agencies which does not identify individual veterans or dependents.

(9) DISCLOSURE TO STATE LEGISLATORS. Individual members of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested, orally or in writing, on behalf of the veterans or their dependents or for the purpose of assisting them to obtain the rights and benefits to which they may be entitled. Committees of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested for official use.

(10) DISCLOSURE TO COUNTY VETERANS SERVICE OFFICERS. A county veterans service officer may be permitted to inspect records pertaining to any application for benefits in which such office may be involved or may be furnished information or exhibits from such an application or the payment status or the payment history pertinent to department loans upon the condition that only such information contained therein or furnished therefrom as may be properly disclosed will be disclosed to the applicant only or, if the applicant is incompetent, the applicant's legally constituted representative. The department shall inform a county veterans service officer whose office is involved in an application for benefits of information necessary to complete such application and of action taken by the department thereon.

(11) DISCLOSURE TO AUDITORS. Department records and files shall be made available for inspection by, and information contained in department files shall be made available to, the legislative audit bureau or the legislative fiscal bureau in accordance with ss. 13.94 (1) to (4) and 13.95 (1) and (2), Stats., or to independent auditors only for statistical or audit reporting purposes upon the condition that information reported by such auditors or bureaus will not identify any specific individual by name or be reported in such manner as to clearly identify a specific individual.

(12) APPLICATION STATUS INFORMATION. Information on the status of an application for a department benefit, or for the establishment of eligibility for a department benefit, may be released to a party having an interest in the veteran or dependent obtaining the benefit applied for or establishing eligibility to apply for a specific department benefit, or to a person who is calling on behalf of an applicant for a department benefit.

(13) RELEASE OF INFORMATION TO AUTHORIZED LENDERS. All information and exhibits in the possession of the department pertaining to primary mortgage loan applications or primary mortgage loans may be released to authorized lenders servicing, closing or processing the applications or loans involved.

(15) JUDICIAL PROCEEDINGS. When records pertaining to any application for benefits are requested for use in any judicial proceedings, they will be released only upon service of a proper subpoena and upon the condition that they will be returned upon conclusion of such proceedings.

(16) ADDRESSES OF APPLICANTS. Addresses of applicants for benefits from the department which are contained in department or service office records will not be furnished, except as provided in subs. (5) through (15). When an address is requested by a person to whom it may not be furnished, the person making the written request will be informed that correspondence enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon and bearing sufficient postage to cover mailing costs, will be forwarded by the department or service office to such addressee's last known address. At the time the correspondence is forwarded, the return address of only the department or service office will be placed on the envelope. If such forwarded mail is returned to the department or service office as not deliverable, the original sender will be notified thereof, but the envelope will be retained by the department or service office. In no case will letters be forwarded for the purposes of debt collection, canvassing, or harassment. This section shall not apply to the furnishing of addresses by service officers to the department or vice versa.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; am. intro. par., r. and recr. (1), am. (4), (6), (7), (8), (9), (12), r. (13), Register, October, 1967, No. 142, eff. 11−1−67; am. (7), Register, June, 1970, No. 174, eff. 7−1−70; am. (7) and (10), Register, November, 1971, No. 191, eff. 12−1−71; am. (1), (3), (6) (b), (9) and (10), r. and recr. (8), renum. (11) and (12) to be (15) and (16), cr. (11), (12) and (13), am. (16), Register, November, 1980, No. 299, eff. 12−1−80; am. (7), Register, September, 1990, No. 417, eff. 10−1−90; am. (4), (5), (6) (b), (13), Register, August, 1993, No. 452, eff. 9−1−93; correction in (intro.) and (6) (a) made under s. 13.93 (2m) (b) 5., Stats., Register, August, 1993, No. 452; am. (7), Register, May, 1999, No. 521, eff. 6−1−99; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.**

VA 1.11 Duties and responsibilities of the secretary. The administrative and executive duties of the department shall be vested in the secretary to be administered under the rules and regulations of the department and subject to and in accordance with the policies established by the board. The secretary shall:

(1) Employ a commandant for the Wisconsin veterans home, designate an employee of the department as deputy secretary, and appoint such persons as may be necessary to carry out the functions of the department.

(2) Administer and supervise all programs of the department, and shall serve as an ex−officio member of all advisory, standing

and special committees appointed by the board, unless specifically exempted.

(3) Coordinate the activities of the department with all state agencies performing functions relating to services available to veterans so as to make the benefits available as promptly and effectively as possible.

(4) Administer the program for temporary emergency grants to prevent want and distress and the program for educational grants for veterans.

(5) Administer the economic assistance and housing loan programs for veterans.

(7) Compile a record of the burial places within the state of persons who served in the armed forces of the United States in time of war, who were called into service in the 1961 Berlin crisis call−up, whose service entitled them to receive either the armed forces expeditionary medal, the navy expeditionary medal, the marine corps expeditionary medal or the Vietnam service medal, or who served in Lebanon, Grenada, Panama or a Middle East Crisis under s. 45.01 (11), Stats.

(8) Direct the operation of the home for veterans at King through the commandant so as to provide that members receive complete personal maintenance and medical care.

(9) Direct the operation of the Wisconsin veterans museum so as to make the memorial collection instructive and attractive to visitors to the state capitol and shall directly supervise the curator of the museum.

(10) Formulate and present the department's budget to the legislature.

(11) Present to the legislature all proposed legislation recommended by the board and shall make such reports to and appearances before the legislature on such other matters as it may request.

(12) Supervise all funds of the department, see that proper records are kept, and account for all funds disbursed for any reason whatsoever.

(13) Make such regular reports to the board as the board may request.

(14) Conduct an adequate program of public relations for the department.

(15) Make and establish rules and regulations necessary to carry out the statutes pursuant to the policies established by the board, and make such publication and distribution of these rules and regulations as the secretary may deem necessary.

(16) Attempt to obtain full collection of all loans and may take all available legal steps to effect collection provided, however, that the secretary shall have the authority to approve compromise settlements in appropriate cases and write−off loans which the department deems uncollectible.

(17) Administer the functions of the department in a careful and businesslike manner.

(18) If the secretary deems it appropriate to do so, or is directed by the board to do so, refer any problems arising from the discharge of the above duties to an appropriate committee or council appointed by the board for counsel and advice.

History: Cr. Register, March, 1965, No. 111, eff. 4−1−65; am. intro. par., (4), (5), r. (6), am. (7), Register, October, 1967, No. 142, eff. 11−1−67; am. (9), Register, November, 1971, No. 191, eff. 12−1−71; am. Register, January, 1984, No. 337, eff. 2−1−84; am. (1), (2) and (7), Register, April, 1986, No. 364, eff. 5−1−86; am. (9), Register, June, 1992, No. 438, eff. 7−1−92; am. (7), Register, August, 1993, No. 452, eff. 9−1−93.

VA 1.12 Applicant and income limitations. (1) NUMBER OF APPLICANTS. The department will not accept more than 2 applicants for any department loan and will not accept more than 2 signers as makers on credit instruments to be executed in connection with such loans. Guarantors will not be accepted by the department for the purpose of making housing loan applications creditworthy.

(2) INCLUSION OF INCOME. A person's income shall not be deemed to be available as regular and dependable for the purposes of s. 45.31 (10), Stats., unless such person is the veteran applicant or is a co−applicant who is either residing with the veteran applicant or who will jointly own and occupy the homestead to be purchased or constructed by the veteran applicant with the assistance of a department loan.

(3) CO−APPLICANTS. Subject to the provisions of subs. (1) and (2), the department shall consider the income, assets and debts of any applicant who is willing to sign all required credit instruments to be executed in connection with the loan for which application has been made and upon whom a complete application has been submitted to the department for the purposes of ss. 45.31 (10) and 45.40, Stats., for the purpose of determining the creditworthiness of the application and for the purpose of determining its compliance with the provisions of s. 45.33 (2) (a) 1., Stats. An application must always be completed on the veteran applicant.

(4) Notwithstanding the provisions of subs. (1) to (3), if a veteran applicant is married and not separated or in the process of obtaining a divorce, such applicant's spouse shall be a co−applicant for any department loan and must complete and sign the loan application and all credit instruments required to be executed in conjunction with the loan. If a veteran applicant is separated or in the process of obtaining a divorce, such veteran's spouse shall not be required to be a co−applicant for loan under subch. III of ch. 45, Stats., and such spouse's income, assets and debts shall not be considered by the department. In order to be considered "separated" for the purposes of this subsection, a veteran and spouse must either be legally separated or must have been living in different dwellings for at least 3 months immediately next preceding the veteran's application for a loan. In order to be considered in the process of obtaining a divorce for the purposes of this subsection, a petition for a divorce of the veteran and spouse must have been filed with a court.

History: Cr. Register, October, 1976, No. 250, eff. 11−1−76; r. (4), Register, December, 1979, No. 288, eff. 1−1−80; cr. (4), Register, February, 1981, No. 302, eff. 3−1−81; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364**;** r. (5), Register, July, 1998, No. 511, eff. 8−1−98; corrections in (2) to (4) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2001, No. 546.

VA 1.13 Discrimination prohibited. Discrimination against properly qualified persons in the provision of veterans assistance under ch. 45, Stats., on the basis of age, race, creed, color, disability, sex, national origin or ancestry, sexual orientation, political affiliation or beliefs or arrest or conviction records, is prohibited, and except that all persons employed by the department shall if possible be veterans as defined in s. 45.01 (12), Stats., and that preference shall be given to disabled veterans, discrimination against qualified persons in the employment of staff on the basis of age, race, creed, color, disability, sex, national origin or ancestry, sexual orientation, political affiliation or beliefs or arrest or conviction records is prohibited.

History: Cr. Register, October, 1976, No. 250, eff. 11−1−76; r. and recr., Register, December, 1979, No. 288, eff. 1−1−80; am, Register, August, 1993, No. 452, eff. 9−1−93; **correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.**

VA 1.14 Lebanon withdrawal. The date of withdrawal of U.S. armed forces from Lebanon is established as August 1, 1984 for the purposes of s. 45.01 (11), Stats.

History: Cr. Register, April, 1986, No. 364, eff. 5−1−86.

VA 1.15 Definitions. For the purposes of this chapter and chs. VA 2 to 9:

(1) "Board" means the board of veterans affairs.

(2) "Department" means the department of veterans affairs.

(3) "Secretary" means the secretary of the department of veterans affairs.

History: Cr. Register, April, 1986, No. 364, eff. 5−1−86; cr. (3), Register, February, 1989, No. 398, eff. 3−1−89; correction made under s. 13.93 (2m) (b) 1., Stats., Register, June, 2001, No. 546.

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VA 1.16 Veteran−owned business. Upon the written request of an owner, the department shall certify as a veteran−owned business a small business, as defined in s. 16.75 (4) (c), Stats., whenever the business is at least 51% owned by one or more veterans, as defined in s. 45.01 (12), Stats. An owner shall submit evidence of the ownership interest and veteran status of each owner with the written request for certification.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94; **correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.**

VA 1.17 Economic assistance loans. (1) SATISFACTION OF LOAN UPON VETERAN'S DEATH. If a veteran who has obtained a loan under s. 45.351 (2), 1995 Stats., dies before completing repayment, the department shall satisfy the loan.

(2) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.351 (2), 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is greater than 10% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

(3) DEFERMENT OF PAYMENTS. Where a veteran who is enrolled in a full−time course of instruction, as verified by the educational institution in which the veteran is enrolled, or in a part−time course of instruction only in cases described in this subsection, applies for deferment of the obligation to commence or continue to make payments on a loan, under s. 45.351 (2), 1995 Stats., the department may grant a deferment if the installments on such loans are less than 90 days delinquent at the time of approval of the deferment and, in the case of a guaranteed loan, if the guarantors consent in writing to the deferment. A deferment may not exceed one year and may not extend more than 3 months beyond the anticipated completion date of the veteran's educational objective but a veteran may qualify for additional deferments if eligible for such deferments under the provisions of this subsection at the time of application. The department may grant deferments to a veteran enrolled in a part−time study course of instruction because such veteran is disabled or unable due to physical or mental disability to enroll in a full−time course of instruction, is a graduate student who has completed the course of work required for a degree but must complete a thesis requirement, or is in the final semester or term of an educational program and needs less than full−time study to meet graduation requirements. Participation in a medical internship program shall be deemed to be enrollment in a full−time course of instruction for the purposes of this subsection.

History: Cr. Register, July, 1998, No. 511, eff. 8−1−98.

VA 1.18 Trust fund stabilization loans. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.356, 1995 Stats. if the mortgagor's equity in the property secured by the mortgage is greater than 10% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

History: Cr. Register, July, 1998, No. 511, eff. 8−1−98.

VA 1.19 Cancellation of indebtedness. (1) CRITERIA. The department may cancel indebtedness and forego collection action on a loan provided under s. 45.356, 1995 Stats., s. 45.80, 1981 Stats. and s. 45.42, Stats., if any of the following apply:

(a) The obligated parties on the note are deceased and claims on the estates have failed to produce any payments.

(b) The obligated parties on the note are unlocatable as documented by non−productive skip tracing efforts.

(c) The obligated parties on the note are discharged in bankruptcy and have not reaffirmed the debt.

(d) Interstate restrictions prevent collection..

(e) The obligated parties on the note have established through the submission of adequate documentation that the parties are unable to pay or that continued collection activity would jeopardize collection of other department loans.

(f) The financial benefit to the department of pursuing collection activity does not exceed the cost of pursuing the debt.

(2) REEVALUATION. Except as provided in s. VA 1.17 (1), the department may reinstate the indebtedness and collection activity based upon a change in the circumstances of an obligated party.

(3) ADMINISTRATIVE REVIEW. Any department decision under this section is subject to appeal under s. VA 1.03.

History: Cr. Register, May, 1999, No. 521, eff. 6−1−99; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535.