

Chapter VA 2

EMERGENCY, CORRESPONDENCE AND PART TIME STUDY, RETRAINING AND TUITION AND FEE REIMBURSEMENT GRANTS

VA 2.01	Emergency grants.	VA 2.03	Retraining grants.
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Note: Chapter VA 2 as it existed on December 31, 1979 was repealed and a new chapter VA 2 was created effective January 1, 1980. Chapter VA 2 as it existed on April 30, 1986 was repealed and a new chapter VA 2 was created effective May 1, 1986.

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 Act 22 repealed and recreated Ch. 45, Stats.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 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.

(an) "Certificate of entitlement" means certification issued by the department which assures that health care aid will be provided for health care received by an eligible person under the terms of the certificate.

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

(d) "Health care" means essential medical services, other than medications taken as an outpatient or alterations to real property, 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.

(em) "Illness or disability" means a medically verifiable physical or mental health problem including, but not limited to, pregnancy, childbirth and death.

(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 insuffi-

cient 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, dentures and denture repairs, unless related to health care provided as a result of accidental injury. The department shall expend not more than 50% of the total amount appropriated for the health care aid grant program in any fiscal year for the payment of all claims for dentures under s. 45.40 (2), Stats.

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. U.S. department of veterans affairs. A veteran with a service-connected disability, seeking care for that disability, shall use a U.S. department of veterans affairs facility when it is available. This use shall include a transfer to the facility when transfer is medically feasible and when the facility is available. If this transfer is not made, only that portion of health care expenses

incurred on and 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.

10. Health care application deadline. Health care aid may be granted for health care received during the period beginning 90 days prior to actual receipt by the department of an application for health care aid for health care. If the application is received by the department more than 90 days after the provision of health care, aid may be granted if the applicant shows good cause for the delayed receipt.

13. Time limit. If at any time after the application for health care aid is received by the department, 60 days have passed without contact from the applicant, the applicant's dependents, the county veterans service officer, or any other representative of the applicant, health care aid may not be provided to pay for the cost of the health care for which the application was made.

14. Bills and payments. Final payment for health care may be made only when the department has received itemized bills, or other acceptable documentation, showing the date of service, the service performed, the cost of that service and the explanation of benefits statement, or other acceptable documentation showing the name of the payor, the amount of the payment and the date of service to which the payment refers.

15. Low income applicants. Health care aid may be granted to single applicants whose income is less than \$900 per month or to married applicants whose income, when added to the income of the applicant's spouse, is less than \$1,300 per month. These monthly amounts shall be increased by \$125 per month for each dependent of the applicant residing in the applicant's household. No applicant may be required to contribute to the cost of the health care as a condition of receiving health care aid. The monthly limits shall be adjusted on January 1 of each year by the percentage of the increase in the consumer price index for all urban consumers during the preceding calendar year rounded to the nearest dollar.

18. Duration of a certificate of entitlement. The department may authorize health care aid through the issuance of a certificate of entitlement for designated health care provided within 60 days of the issuance of the certificate.

19. Payment limitations. The department shall limit health care aid for eyeglasses or contact lenses to \$250 for an eligible person per 12 month period and for hearing aids to \$1,000 per ear for an eligible person per 12 month period.

(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. Subsistence aid may not be granted for the payment of loans, 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.

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. Subsistence aid may not be granted for the purchase of a motor vehicle.

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; am. (1) (b), (c), (2) (b) 2., 7., 13., 14., and (c) 4., cr. (1) (em), r. and recr. (2) (c) 3., Register, June, 1992, No. 438, eff. 7-1-92; am. (1) (d), (2) (b) 13. and 14., cr. (2) (b) 15. to 17., Register, January, 1996, No. 481, eff. 2-1-96; cr. (1) (an) and (2) (b) 18. and 19., r. (1) (c), (f), (2) (b) 3., 9., 16. and 17., am. (1) (d), (2) (b) 7., 10. and 13., Register, July, 1998, No. 511, eff. 8-1-98; emerg. am. (2) (b) 2., eff. 10-12-98; am. (2) (b) 2., Register, March, 1999, No. 519, eff. 4-1-99; am. (2) (b) 15., Register, July, 2000, No. 535, eff. 8-1-00; CR 03-024; am. (2) (b) 2. Register July 2003 No. 571, eff. 8-1-03.

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. 45.20, Stats., may be reimbursed in whole or in part for the cost of such courses to the extent authorized under this section and s. 45.20, 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.

Note: Section 45.396 (2) and (4), Stats., no longer exists since the repeal and recreation of ch. 45, Stats., by 2005 Wis. Act 22.

(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. 45.20, 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. 45.20, Stats., for enrolled part-time classroom study courses completed during that school term (even though the veteran received a grant under s. 45.28, 1991 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., any postgraduate degree shall be deemed to be the equivalent of a master's degree.

Note: Section 45.396 (5), Stats., no longer exists since the repeal and recreation of ch. 45, Stats., by 2005 Wis. Act 22.

(6) **NOTICE OF COMPLETION.** The veteran may be reimbursed for the cost of tuition, fees, and required textbooks to the extent authorized, 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.

(8) **SATISFACTORY COMPLETION.** Reimbursement may be made for a course graded by letter grades only if the veteran achieves a grade of "C" or better. Courses graded on a pass-fail or satisfactory/unsatisfactory basis may be reimbursed if the veteran achieves a grade of "pass" or "satisfactory."

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; am (5), Register, August, 1993, No. 452, eff. 9-1-93; **CR 04-080: cr. (8) Register November 2004 No. 587, eff. 12-1-04.**

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) "FAO" 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 approved retraining program, whichever is earlier.

(f) "Underemployed" means the status of a veteran whose annual income from employment does not exceed the federal poverty guidelines, as established by the department of health and human services, for the veteran's family size. The department shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

(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.** (b) *Amount of grant.* Applicants who qualify for a retraining grant under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal to their need during the grant period or the statutory maximum grant, whichever is less. Except as provided in par. (h), need shall be determined by deducting 75% of earned income and all unearned income to be received by the applicant during the grant period, available liquid assets in excess of \$2,400 plus 6 months living expenses computed as set forth in s. VA 9.03 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.

(d) *Completion date.* The anticipated completion date of a course of instruction or a structured on-the-job training program 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 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. No more than 2 grants may be given to a veteran.

(f) *Qualifying prior employment.* The veteran shall demonstrate a work history of at least 6 consecutive months of employment with one employer or in the same or similar occupations. Loss of that employment or a reduction in earnings may not be caused by the voluntary actions of the veteran.

(g) *Grant payments.* The department may make partial grant payments to assure that the veteran continues to pursue an approved course of instruction or engage in an approved structured on-the-job training program during the grant period. If the veteran discontinues pursuit of the course of education or engagement in the structured on-the-job training program the department may cancel any unpaid portion of the grant.

(h) *Earned income.* Income from an employer who is providing an approved structured on-the-job training program to the veteran shall be disregarded in determining the veteran's need under par. (b).

(3) **GRANT APPLICATION.** (a) *Required information.* A grant application, including required exhibits and supplements, shall contain information that is necessary to satisfy the department that the applicant has a qualifying need for the grant, has a period of qualifying prior employment, is enrolled in a qualifying course of instruction or is engaged in a structured on-the-job training program which meets the requirements of s. VA 2.03 (5) which will lead to gainful employment and has become unemployed, underemployed or received a notice of termination of employment within the year prior to the date the application is received by the department or has received a retraining grant within 13 months prior to the date the department receives an application for a second grant. 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.

(b) *Procedure for a school-based course.* 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 by the applicant. The applications shall include verification that the applicant has received counseling from an assessment counselor and the counselor approves of the retraining to be taken.

(c) *Procedure for structured on-the-job training program.* Applications shall be initiated, completed and submitted by the office of a county veterans service officer. Each application shall contain a certification by the employer that the requirements of sub. (5) are met. The department shall evaluate the program and determine whether the requirements of s. VA 2.03 (5) are met.

(4) **COORDINATION WITH OTHER OCCUPATIONAL TRAINING PROGRAMS.** The department shall stay in regular contact with and shall promote cooperation with the United States department of labor, the United States department of veterans affairs, the department of industry, labor and human relations, the department of health and social services and any other occupational training program

administrator as appropriate. The department may exchange program literature with the agencies and encourage county veterans service officers to provide information about other programs to veterans who participate in or inquire about the retraining grant program.

(5) **ON-THE-JOB TRAINING PROGRAMS.** All of the following requirements shall be met for approval of a grant for engagement in a structured on-the-job training program:

(a) The employer is planning, upon completion of the veteran's training program, to employ the veteran for the position for which the veteran has been trained and the employer reasonably expects that such a position will be available to the veteran on a stable and permanent basis at the end of the training period.

(b) The training program is not for employment which consists of seasonal, intermittent or temporary jobs.

(c) The training content of the program is adequate to accomplish the training objective of the program taking into account the occupation for which training is to be provided and the content of comparable, available training opportunities which lead to the occupation.

(d) The wages and benefits to be paid to the veteran participating in the training program will not be less than the wages and benefits normally paid to other employees participating in a comparable training program.

(e) The employment of a veteran under the program will not result in the full or partial displacement of currently employed workers.

(f) The employment of a veteran under this program will not be in a job while any other individual is on layoff from the same or substantially equivalent job or the opening for which was created as a result of having terminated the employment of any regular employee or otherwise having reduced the work force with the intention of hiring a veteran under this program.

(g) The employer will not employ in this program a veteran who is already qualified by training or experience for the job for which training is to be provided.

(h) The employer will consider the veteran's prior training in the field for which he or she is being trained and will shorten his or her training program appropriately.

(i) Each participating veteran will be employed full time in the program of job training.

(j) The training period under the proposed program is not longer or shorter than the training period that employers in the community customarily require new employees to complete in order to become competent in the occupation for which training is to be provided.

(k) There are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective.

(L) The employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements of the program for at least 3 years. The employer will make these records and accounts available for examination by the department as may be required.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; am. (1) (d), (2) (e) and (3) (a), Register, June 1992, No. 438, eff. 7-1-92; r. (1) (f), am. (2) (b) (3) (a), cr. (2) (f), (4), Register, August, 1993, No. 452, eff. 9-1-93; cr. (1) (f), am. (2) (f) and (3) (a), Register, January, 1996, No. 481, eff. 2-1-96; am. (1) (e), (2) (b), (d), (3) (a) and (b), r. (2) (a) and (c), cr. (2) (g), (h), (3) (c), and (5), Register, July, 1998, No. 511, eff. 8-1-98.

VA 2.04 Tuition and fee reimbursement grants.

(1) **DEFINITIONS.** In this section the following terms shall have the designated meanings:

(a) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.

(b) "Veteran" means a veteran as defined in s. 45.01 (12), Stats.

(2) **GRANT APPLICATION.** A grant application under s. 45.20, Stats., may be obtained at a county veterans service office. The application shall meet the requirements of s. 45.20 (2) (c), Stats., and may not be submitted until the semester for which reimbursement is requested has been completed.

(3) **LIMITATIONS.** (a) *Fees.* Reimbursement for fees shall be limited to those fees which are mandatory and uniform for the courses in which the veteran was enrolled and which were paid to the educational institution, center or school identified in s. 45.20 (2) (a) 1., Stats.

(b) *Undergraduate enrollment.* Reimbursement may be made only if a representative of the educational institution, center or school certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought.

(c) *Credit and semester restrictions.* Veterans attending school on a part-time basis shall have each 15 credits converted to a full semester and veterans attending school on a full-time basis shall have each full semester converted to 15 credits in determining eligibility. A veteran attending an educational institution, center or school which operates on other than a semester basis shall be considered to be attending on a part-time basis for the purpose of evaluating eligibility.

(d) *Transfer of credits.* Credits transferred to or from a technical college under ch. 38, Stats. or any institution or center within the university of Wisconsin system shall count towards the credit limitations provided in s. 45.20 (2) (d), Stats., if the transferred credits have been reimbursed under s. 45.20, Stats.

(e) *Income.* No veteran may receive a grant under s. 45.20, Stats., if the department determines that the income of the veteran and his or her spouse exceeds the amount under s. 45.20 (2) (b), Stats.

(f) *Effective date.* Reimbursement may be made only for semesters which begin after December 31, 1994.

(g) *Satisfactory completion of semester.* No veteran may receive a grant under s. 45.20, Stats., if the veteran does not attain a "C" or a 2.0 average for the semester for which reimbursement is sought.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; correction in (3) (a) made under s. 13.93 (2m) (b) 7., Stats.; **CR 04-080; cr. (3) (g) Register November 2004 No. 587, eff. 12-1-04; correction made under s. 13.93 (2m) (b) 7., Stats., Register November 2004 No. 587.**

VA 2.05 Recovery of erroneous payments. (1) CRITERIA.

The department may recover payments made as a grant under s. 45.20 or 45.21, Stats., if any of the following apply:

(a) The information provided by the applicant or the school is inaccurate.

(b) The department incorrectly calculated the grant amount.

(c) The applicant is not entitled to a grant or is entitled to a lower grant amount as a result of a change in circumstances that affects the applicant's eligibility to receive the grant.

(2) **AMOUNT OF RECOVERY.** The department may recover only the portion of the grant to which applicant would not have been entitled if the correct information had been provided or the grant had been properly calculated, or as a change in circumstances warrants.

(3) **REMEDIES.** The department may request repayment of the amount due under sub. (2). In lieu of a lump sum payment, the department may enter into an agreement under which the applicant may repay the amount due within a 12-month period. If the applicant fails to repay the amount due within 30 days of a request for repayment or fails to comply with the terms of a repayment agreement, the department may offset future grants that the applicant may be entitled to under s. 45.20 or 45.21, Stats. until the amount due has been recovered. The department may also suspend other benefits available to the applicant until the amount due

has been recovered, except that the department may not suspend benefits available under s. 45.40, Stats.

(4) WAIVER. The department may temporarily or permanently waive its authority to recover payments under sub. (1) or suspend benefits under sub. (3) if the applicant's household income is totally exempt from garnishment under s. 812.34 (2) (b), Stats.

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

History: CR 04-003: cr. Register June 2004 No. 582, eff. 7-1-04.