

Clearinghouse Rule 10-111

DEPARTMENT OF MILITARY AFFAIRS

8 September 2010

SUBMISSION TO LEGISLATIVE COUNCIL STAFF OF PROPOSED RULE

Relevant Court Decisions

None

Agency Contact Person

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SECTION 1. Chapter DMA 1 is created to read:

CHAPTER DMA 1

MILITARY FAMILY FINANCIAL AID RULE

DMA 1.01	Purpose
DMA 1.02	Definitions
DMA 1.03	Military Family Financial Aid
DMA 1.04	Eligibility Criteria
DMA 1.05	Application Process
DMA 1.06	Eligible and Ineligible Costs
DMA 1.07	Payments
DMA 1.08	Governance Board
DMA 1.09	Record Retention
DMA 1.10	Fund Expenditure Limitation
DMA 1.11	Multiple Payment
DMA 1.12	Appeal Process

1.01 PURPOSE. The purpose of this chapter is to establish the eligibility criteria, the amount of financial aid and the application process for military family financial aid as required in s. 321.45, Stats.

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1.01 PURPOSE. The purpose of this chapter is to establish the eligibility criteria, the amount of financial aid and the application process for military family financial aid as required in s. 321.45, Stats.

1.02 DEFINITIONS. In this chapter:

- (1) "Applicant" means a service member or member of the immediate family of a service member that applies for military family financial aid under this chapter.
- (2) "Department" means the Wisconsin department of military affairs.
- (3) "Emergency situation" means a situation that arises suddenly, is unforeseen and urgent, and requires immediate attention.
- (4) "Fund administrator" means a board appointed by the Adjutant General to oversee and distribute Military Family Financial Aid funds.
- (5) "Immediate family" has the meaning given in s. 321.45 (1) (a), Stats.
- (6) "Service member" has the meaning given in s. 321.45 (1) (b), Stats.
- (7) "State" means the state of Wisconsin.

1.03 MILITARY FAMILY FINANCIAL AID.

Military family financial aid's purpose is to provide financial support to service members and their immediate families dealing with emergency situations.

1.04 ELIGIBILITY.

(1) The department may make payments to eligible applicants under this chapter upon receipt and consideration of an application if the fund administrator determines all of the following:

- (a) The applicant is eligible.
- (b) Assistance is authorized for the claimed emergency situation.
- (c) The financial need is beyond the means of the applicant at the time of the application.

(2) In making a determination under sub. (1)(a), the fund administrator shall verify all of the following:

- (a) The applicant is a service member or a member of the immediate family of a service member;
- (b) The service member and the applicant are residents of the state; and
- (c) The service member is serving on active duty in the U.S. armed forces.

(3) In making a determination under sub. (1)(b), the fund administrator shall consider all of the following:

- (a) Whether the situation is an emergency situation.
- (b) The eligibility of costs for which financial aid is requested.
- (c) Whether the applicant has received previous Military Family Financial Aid.
- (d) Whether financial aid will relieve the situation.
- (e) Any other factors the fund administrator considers relevant.

(4) In making a determination under sub. (1)(c), the fund administrator shall consider the following:

- (a) The total value of actual and projected eligible costs presented in the application.
- (b) Information on applicant's income from all sources, including other sources of financial aid and spousal income, when applicable.
- (c) Itemized statement of monthly and other expenses.

1.05 APPLICATION PROCESS.

(1) The department shall prepare application materials which may be updated as needed. The application materials shall set forth the application instructions and requirements for funding under this chapter.

(2) Application materials are available on request without charge from the Service Member Support Division, Wisconsin Department of Military Affairs, 2400 Wright Street, P.O. Box 8111, Madison, WI 53708-8111, telephone (800) 292-4964. Application materials may also be accessed from the Wisconsin Department of Military Affairs at: <http://dma/wi.gov/>

(3) The completed forms and supporting documentation shall be mailed to the Service Member Support Division, Wisconsin Department of Military Affairs, 2400 Wright Street, P.O. Box 8111, Madison, WI 53708-8111.

A completed application form signed by the applicant containing the following information:

- (a) A description of the emergency situation for which Military Family Financial Aid is requested.
- (b) A statement and representation of status eligibility.
- (c) A description of the type and amount of eligible costs incurred.
- (d) A description of financial status and sources of income for the service member's immediate family.
- (e) Any other information that the fund administrator considers relevant.

(4) The fund administrator shall review the application and supporting documentation for completeness and may return the application with a request for more detailed information. The fund administrator may consult with the applicant to ensure the application reflects the extent of the eligible costs and to reconcile any differences. The application is not complete until the fund administrator receives all requested information.

(5) An application returned to the applicant with a request for more detailed information or for correction of deficiencies must be resubmitted within 30 days from receipt by applicant. The failure of the applicant to provide in a timely manner the requested information without a reasonable explanation shall be cause for denial of the application.

(6) For purposes of this section, an application and supporting documentation is deemed complete when the fund administrator determines the application fully complies with the requirements under this chapter. When the application is complete, a notice will be provided to the applicant of the fund administrator's receipt and acceptance of the application.

(7) If the fund administrator determines that a review of the application and supporting documentation cannot be completed because the records, documents and other evidence were not maintained in accordance with generally accepted accounting principles and practices consistently applied, or were for any reason inadequate to demonstrate the reasonableness of the eligible costs claimed, the fund administrator may reject the application or make adjustments, if possible. Further consideration of such amounts will depend on the adequacy of subsequent documentation submitted by the applicant. Any additional information requested by the fund administrator must be resubmitted by the applicant within 30 days from receipt unless specifically extended by the fund administrator. The failure of the applicant to provide in a timely manner the requested information without a reasonable explanation shall be cause for denial of the application.

(8) The fund administrator shall take no longer than 14 days from the time the application is deemed complete in which to approve or deny the application. Applications that are approved shall be paid in accordance with s. 1.07 of this chapter. A letter of denial shall be sent upon decision by the fund administrator that the application is denied.

1.06 ELIGIBLE AND INELIGIBLE COSTS.

(1) ELIGIBLE COSTS. Costs eligible for payment under this chapter shall include, but are not limited to:

- (a) Loss of funds, normally attributable to theft or not safeguarding funds.
- (b) Medical, dental, and hospital expenses.
 - 1. Medical treatment or hospital expenses are not elective but medically required.
 - 2. Paying bills or a required down payment cannot be deferred through usual repayment period.
 - 3. Programmed treatment involves a significant down payment that the individual cannot meet.
 - 4. Assistance for prosthetics, such as orthopedic shoes, hearing aids, glasses if supported by a statement from a medical authority

attesting that the device is essential for the health and welfare of the individual.

- (c) Funeral expenses for expenses incurred by immediate family members.
 - (d) Required travel expenses to meet unforeseen required travel and related maintenance expenses such as transportation, lodging, and food due to emergency leave, emergency travel, or convalescent leave authorized by medical authorities.
 - (e) Rental assistance for payment of initial rent and deposit, payment of rent, house and trailer payments and emergency shelter.
 - (f) Food assistance.
 - (g) Utilities assistance for payment of required deposits and payment of utility bills.
 - (h) Assistance for privately owned vehicles for the cost of repairs essential to maintain a vehicle in safe operating condition and routine maintenance, vehicle insurance premium for period of emergency need, cost of emergency operation need and car payment.
 - (i) Clothing financial aid when the clothing is needed for everyday living.
 - (j) Fire or other disaster financial aid based on undue hardship.
 - (k) Other valid reasons not otherwise identified.
- (2) **INELIGIBLE COSTS.** Costs ineligible for payment under this chapter shall include, but are not limited to:
- (a) Divorces.
 - (b) Marriage.
 - (c) Education expenses.
 - (d) Rental, lease or purchase of a new or used privately owned vehicle and costs associated with rental, lease, or purchase such as taxes, registration, and insurance.
 - (e) Ordinary leave or vacation.
 - (f) Liquidation or consolidation of debts.

- (g) Business ventures or any similar investment.
- (h) Funds to replace those overdrawn from bank account.
- (i) Civilian court fees, fines, judgments, liens, bail, legal fees, and income tax.
- (j) Goods or items for convenience, comfort, or luxury.
- (k) Gambling losses.
- (l) Funeral expenses that are reimbursed by insurance, Social Security, veterans benefits.

1.07 PAYMENT.

- (1) A grant shall be paid to an eligible applicant in an amount to be determined by the fund administrator.
- (2) Payment procedures.
 - (a) Military Family Financial Aid may be paid only when funds are available.
 - (b) Payments that cannot be made because of insufficient funding will be paid to the extent funding is available.

1.08 GOVERNANCE BOARD.

- (1) A Governance Board shall be established to provide oversight of the management of the Military Family Financial Aid process. The Governance Board shall be comprised, at minimum, of the following:
 - (a) the Adjutant General,
 - (b) the Executive Director,
 - (c) WING J-1,
 - (d) the Staff Judge Advocate, and
 - (e) DMA General Counsel.
- (2) The Governance Board shall meet at least once every 6 months, or with greater frequency if necessary.

1.09 RECORD RETENTION. The department shall maintain all applications for Military Family Financial Aid for five years.

1.10 FUND EXPENDITURE LIMITATION. Expenditures from the Military Family Financial Aid fund shall not exceed the amount available in 25.38, Stats. Balances shall be reconciled at the end of the state fiscal year.

1.11 MULTIPLE PAYMENTS. A service member's immediate family may receive multiple payments if eligible, funds are otherwise available and if disbursement is deemed appropriate within the sound discretion of the fund administrator.

1.11 APPEAL PROCESS.

(1) Applicant shall have 30 days after receipt of the final determination by the fund administrator in which to file a written appeal of denial of funds.

(2) The applicant shall first appeal directly in writing to the fund administrator detailing the rationale and basis for overturning the original determination.

(3) Following an appeal determination by the fund administrator, an applicant may appeal within 30 days, in writing, to the adjutant general of the department of military affairs. This appeal must include all materials submitted by the applicant to the fund administrator in the first level of appeal as well as any additional material the applicant deems necessary.