



VA 1 to 4, 6

Filed Sept. 18, 1967  
11:40 am

# The State of Wisconsin

DEPARTMENT OF VETERANS AFFAIRS

ROOM 700 STATE OFFICE BUILDING

1 WEST WILSON STREET

MADISON, WISCONSIN 53702

WARREN P. KNOWLES, GOVERNOR

JOHN R. MOSES, DIRECTOR

September 15, 1967

## CERTIFICATE CERTIFYING RULES

STATE OF WISCONSIN )  
 ) SS  
 DEPARTMENT OF VETERANS AFFAIRS)

I, John R. Moses, Secretary of the State of Wisconsin, Department of Veterans Affairs, and custodian of the official records of said department, do hereby certify that the annexed amendment to the rules and regulations of said department relating to the renumbering of VA 4.04 to VA 4.03; the repeal of VA 1.10(13), 1.11(6) and 3.03(9) (e); the amendment of VA 1.01, 1.04, 1.05, 1.10(intro.), (4), (6), (8), (9), (10) (caption), and (12), 1.11(4), (5) and (7), 2.01(1), 2.02, 3.01, 3.03(1) and (7), 3.05(3), 4.01, 4.03(1), (5), (8), (9) and (10), 4.05(2) and (7) (d), 4.06(9), 6.01(3), (6), (9) and (13), 6.02(12) and 6.04(3); the repeal and recreation of VA 1.10(1), 3.04(1) and 4.09(11); and the creation of VA 1.06 and 4.04 of the Wisconsin Administrative Code, Rules of the State of Wisconsin, Department of Veterans Affairs, pertaining to basic eligibility for benefits from the department, department loans and grants and the Grand Army Home for Veterans at King, was duly approved by the Board of Veterans Affairs, of the State of Wisconsin, Department of Veterans Affairs, on September 15, 1967, and will be effective November 1, 1967.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto  
 set my hand and affixed the official  
 seal of the Department at the Wilson  
 Street State Office Building, in the  
 City of Madison, this 15th day of  
 September, A.D. 1967.

JOHN R. MOSES, Secretary  
 STATE OF WISCONSIN  
 DEPARTMENT OF VETERANS AFFAIRS



# The State of Wisconsin

DEPARTMENT OF VETERANS AFFAIRS

ROOM 700 STATE OFFICE BUILDING

1 WEST WILSON STREET

MADISON, WISCONSIN 53702

WARREN P. KNOWLES, GOVERNOR

JOHN R. MOSES, DIRECTOR

September 15, 1967

## ORDER OF THE BOARD OF VETERANS AFFAIRS ADOPTING RULES

Pursuant to authority vested in the Board of Veterans Affairs, of the State of Wisconsin, Department of Veterans Affairs, by section 45.35(4), Wis. Stats., the Board of Veterans Affairs hereby rennumbers VA 4.04 to VA 4.03; repeals VA 1.10(13), 1.11(6) and 3.03(9)(e); amends VA 1.01, 1.04, 1.05, 1.10(intro.), (4), (6), (8), (9), (10)(caption), and (12), 1.11(4), (5) and (7), 2.01(1), 2.02, 3.01, 3.03(1) and (7), 3.05(3), 4.01, 4.03(1), (5), (8), (9), and (10), 4.05(2) and (7)(d), 4.06(9), 6.01(3), (6), (9) and (13), 6.02(12) and 6.04(3); and repeals and recreates VA 1.10(1), 3.04(1) and 4.09(11); and creates VA 1.06 and 4.04 of the Wisconsin Administrative Code, Rules of the State of Wisconsin, Department of Veterans Affairs, pertaining to basic eligibility for benefits from the department, department loans and grants and the Grand Army Home for Veterans at King, as shown on the annexed copy which is a true and correct copy of said changes. These changes shall take effect on November 1, 1967.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a Resolution duly and legally adopted by the Board of Veterans Affairs at a legal meeting held on the 15th day of September, 1967.

STATE OF WISCONSIN,  
DEPARTMENT OF VETERANS AFFAIRS

JOHN R. MOSES  
Secretary of Veterans Affairs

CODE CHANGES ADOPTED BY BOARD OF VETERANS AFFAIRS OF  
STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS  
AT A LEGAL MEETING HELD SEPTEMBER 15, 1967

Section VA 1.01 is amended to read as follows:

VA 1.01 LIBERAL STATUTORY CONSTRUCTION. The department of veterans affairs shall administer the provisions of chapter 45, Wis. 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.

Section VA 1.04 is amended to read as follows:

VA 1.04 BENEFITS TO THOSE WHO QUALIFY. The department shall give assistance to all resident ex-servicemen 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 will not be extended to veterans or dependents where need for such aid arises or results from the willful misconduct of the veteran or the beneficiary.

Section VA 1.05 is amended to read as follows:

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.

Section VA 1.06 is created to read:

VA 1.06 DEFINITION - "VETERAN". For the purposes of this chapter and chapters 2, 3 and 4, "veteran" shall mean either a veteran as defined in sec. 45.35 (5a) Wis. Stats., or a deceased veteran's unremarried widow, widower or minor or dependent child who is a resident of and living in this state at the time of making application for benefits.

Section VA 1.10(intro.) is amended to read as follows:

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 his military or naval service and to confidential information contained in applications for benefits will be respected.

Section VA 1.10(1) is repealed and recreated to read:

(1) VETERANS ADMINISTRATION RECORDS AND SEPARATION DOCUMENTS. Notwithstanding anything to the contrary contained in Wis. Adm. Code, sections VA 1.10(4) through (10) 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 sections 45.36(2) and (3), Wis. Stats.

Section VA 1.10(4) is amended to read as follows:

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

Section VA 1.10(6) is amended to read as follows:

(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 physical or mental health, in which case the information will be released only to his 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 request and the submission of a written authorization from the veteran or beneficiary, or in the event he is incompetent, from his 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, such information may be released without the consent of the veteran or his representative when a request for such information is received from the Veterans Administration, 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.

Section VA 1.10(8) is amended to read as follows:

(8) DISCLOSURE TO GOVERNMENTAL AGENCIES. Information contained in department or service office files pertaining to applications for benefits from the department which is required for official purposes by any agency of the United States government or by any agency of the State of Wisconsin or by any law enforcement or public welfare agency of any Wisconsin county or municipality may be furnished in response to an official request, written or oral, from such agency. The requesting agency shall be asked to specify the purpose for which such information is to be used.

Section VA 1.10(9) is amended to read as follows:

(9) DISCLOSURE TO MEMBERS OF STATE LEGISLATURE. 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 for official use.

Section VA 1.10(10) (caption) is amended to read as follows:

VA 1.10(10) INSPECTION OF DEPARTMENT RECORDS BY COUNTY VETERANS SERVICE OFFICERS.

Section VA 1.10(12) is amended to read as follows:

(12) 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 Wis. Adm. Code, sections VA 1.10(5) through (10). When an address is requested by a person to whom it may not be furnished, the person making the 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. At the time the correspondence is forwarded, the return address of only the department or service office will be placed on the envelope. If undelivered mail is returned to the department or service office, 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 harrassment. This section shall not apply to the furnishing of addresses by service officers to the department or vice versa.

Section VA 1.10(13) is repealed.

Section VA 1.11(4) is amended to read as follows:

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

Section VA 1.11(5) is amended to read as follows:

(5) He shall administer the economic assistance and housing loan programs for veterans.

Section VA 1.11(6) is repealed.

Section VA 1.11(7) is amended to read as follows:

(7) He shall 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, or whose service entitled them to receive either the Armed Forces Expeditionary Medal or the Vietnam Service Medal.

Section VA 2.01(1) is amended to read as follows:

(1) OBJECTIVE. The department may grant to any veteran or eligible dependent such temporary emergency aid from the veterans trust fund as may be necessary to prevent want or distress.

Section VA 2.02 is amended to read as follows:

VA 2.02 EDUCATIONAL GRANTS. (1) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. Enrolled part-time classroom study or direct correspondence courses from the University of Wisconsin, the University of Wisconsin Extension Division, any state college or its extension division, or from any other institution of higher education located in Wisconsin which was accredited by the North Central Association of Colleges and Secondary Schools on April 1, 1967, or from any school of vocational, technical and adult education established under section 41.15, Wis. Stats., may be authorized and the veteran reimbursed in whole or in part by the department when such courses are related to his occupational, professional, or educational objective, and to the extent that payment or reimbursement is not available from any other source.

(2) TIME FOR APPLYING, REIMBURSEMENT. To be approved an application must be received by the department prior to satisfactory completion of the course or courses for which application for reimbursement is made. The veteran will be reimbursed for the cost of textbooks and fees to the extent authorized, upon the receipt of a notice of satisfactory completion from the school. Reimbursement for fees shall be limited to the fees paid to schools set forth in sub. (1) and such reimbursement shall not include the cost or value of meals and lodging which may be included in such fees.

Section VA 3.01 is amended to read as follows:

VA 3.01 OBJECTIVE. The department may loan to any veteran not more than the statutory limit from the veterans trust fund to provide economic assistance for the purposes set forth in section 45.351(2), Wis. Stats., where the veteran's need is established to the satisfaction of the department and he is unable to meet that need from his own resources or available credit.

Section VA 3.03(1) is amended to read as follows:

(1) REPAYMENT OF LOANS. All loans will be amortized on a monthly basis and the initial term of all loans shall not exceed a maximum of 5 years but the department may require a shorter repayment period.

Section VA 3.03(7) is amended to read as follows:

(7) REAL ESTATE LOANS. Such loans may be made for repairing or adding to a veteran's home or business property or for the construction of a garage. No economic assistance loan for repairing or adding to his home or for the construction of a garage will be made to complement a department housing loan when the combination of such loans will exceed the statutory limit for a housing loan and no economic assistance loans may be made to provide all or any part of the down payment on home purchase.

Section VA 3.03(9) (e) is repealed.

Section VA 3.04(1) is repealed and recreated to read:

(1) VALUE OF SECURITY. A loan secured by a mortgage will only be made where the department is satisfied that the property will provide adequate security therefor.

Section VA 3.05(3) is amended to read as follows:

(3) CHILDREN'S EDUCATION. A loan to a veteran or a veteran's widow, whether remarried or not, for the education of the veteran's child or children may be granted upon approval of the course or courses of instruction by the department.

Section VA 4.01 is amended to read as follows:

VA 4.01 OBJECTIVE. The department may loan to any veteran not more than the statutory limit for a housing loan from the veterans trust fund to assist him in providing a home for himself and his family. Such loan shall be limited to the amount required after the veteran has applied his own funds and has obtained the maximum amount of financing available from local lending agencies. The department shall give priority to the most necessitous cases. In considering such loans the department shall determine that such house is adequate for the veteran and his family, that the veteran's total commitments will not exceed his ability to repay, and that the total cost of a home to be purchased or constructed by a veteran does not exceed its fair market value.

Section VA 4.04 is renumbered VA 4.03.

Section VA 4.03(1) is amended to read as follows:

(1) STATUTORY LIMIT. No housing loan will be made to complement an economic assistance loan made for repairing or adding to a veteran's home or for the construction of a garage when the combination of such loans will exceed the statutory limit for a housing loan.

Section VA 4.03(5) is amended to read as follows:

(5) REFINANCING. A loan for refinancing of existing housing indebtedness may only be made to assist a veteran who is in danger of losing his home through legal action, where the department is satisfied that the property will provide adequate security for its mortgage and where such loan will permit him to place his housing indebtedness on a sound financial basis.

Section VA 4.03(8) is amended to read as follows:

(8) BUILT-INS CONSIDERED REAL ESTATE. Built-in ovens and stoves and carpeting will be considered a part of the real estate.

Section VA 4.03(9) is amended to read as follows:

(9) EXCHANGE OF HOUSING. A housing loan may be made to a veteran who has previously owned a home and sold it if the reason for the sale is acceptable to the department and if he uses the net proceeds realized from the sale to acquire his new dwelling. The department may, however, approve a loan where the veteran has paid or allow a veteran to pay non-housing obligations from such net proceeds if it is determined that such obligations were incurred for medical, hospital and funeral expenses, or for any other obligations for necessitous items which were incurred prior to the sale of the former home which would impair his ability to make future shelter cost payments. A sale of a home which has occurred more than one year prior to the date of application will not be subject to the provisions of this section.

Section VA 4.03(10) is amended to read as follows:

(10) SECOND APPLICATIONS. Favorable consideration will be given to a veteran's second application for a housing loan where he sold his previous home for an acceptable reason, such as removal to another city by his employer, change of employment to increase his earning potential or job stability, or need for a larger home due to increase in his family. Where the veteran has sold his home within one year prior to date of second application he must show that the net proceeds received from the sale of his former home are used to acquire his new home, except that the department may approve a loan where the veteran has paid or allow the veteran to pay from the net proceeds obligations which were incurred for medical, hospital or funeral expenses. An existing department housing loan may be increased to finance improvements qualifying under subsection (6).



Section VA 4.04 is created to read:

VA 4.04 COST OF HOUSING ACCOMMODATION AND GARAGE. The following bases will be used to determine cost of housing accommodation and garage for the purposes of s. 45.352(4)(d), Wis. Stats,

(1) CURRENT APPRAISAL. In construction loan applications where the cost of the land and improvements are integral parts of the total property cost and in purchase loan applications, the cost of the housing accommodation and garage shall be based upon a current appraisal thereof. If the appraised value of the entire property exceeds its cost, the percentage of the total appraised value attributable to the housing accommodation and garage multiplied by the total cost of the property will be the cost of the housing accommodation and garage.

(2) COST OF CONSTRUCTION. In construction loan applications where the lot is purchased separately, the cost of the housing accommodation and garage shall be the cost of construction thereof which shall not include the cost of laterals to the lot line, grading, backfilling, fill, landscaping, septic tank, dry well, well, driveway, street, sidewalk, curb and gutter, assessments for sewer and water mains or other ancillary improvements to the land.

(3) ORIGINAL COST OR VALUE. In improvement and refinance loan applications the original cost of the housing accommodation and garage shall be the cost of construction thereof if constructed by the veteran. If purchased by the veteran the original cost of the housing accommodation and garage shall be based upon either the assessed or appraised value thereof at the time of acquisition of the property by the veteran and shall be the product of the percentage of the total appraised or assessed value attributable to the housing accommodation and garage multiplied by the cost of the entire property.

Section VA 4.05(2) is amended to read as follows:

(2) MINIMUM CONTRIBUTION. A veteran must contribute or have contributed funds or assets in an amount or value equal to at least 5% of the total cost of the home he proposes to purchase, construct or improve, and he must be financially able with the aid of a department housing loan to complete the purchase, improvement or construction of such home. If such contribution has been or is to be acquired by borrowing, his application will not be approved.

Section VA 4.05(7)(d) is amended to read as follows:

(d) The income shown on his income tax return for the prior year is the "income" of a self-employed veteran or of a veteran who must pay his own job-connected expenses; however, in proper cases, the department may accept a recent profit and loss statement covering a period not less than 6 months or a recent profit and loss statement covering a lesser period and a copy of the income tax return of the former owner of the veteran's business as evidence of the "income" of such veteran. Depreciation of property used in earning income shall be considered as a business expense in determining "income".

Section VA 4.06(9) is amended to read as follows:

(9) EXCESSIVE LAND VALUE. The appraised value of a dwelling located on land in a residential area, on land with water frontage, on land in a commercial area or on rural non-farm property must equal or exceed 50% of the total cost of the land, dwelling and other improvements. In the case of application for a loan for the construction or improvement of a dwelling or for the construction of a garage on a farm with farm land and farm buildings, the department shall determine that the value of the land and non-housing improvements thereon is not disproportionate to the value of the dwelling before the application can be approved.

Section VA 4.09(11) (intro.) is repealed and recreated to read:

(11) SUBORDINATION AGREEMENT. The department may execute a subordination agreement to permit an increase in a veteran's present primary mortgage or to replace his present primary mortgage with another when it is satisfied that the property will provide adequate security for its mortgage.

Section VA 6.01(3) is amended to read as follows:

(3) EXHIBITS REQUIRED. Each application must be accompanied by a complete financial statement of the applicant, a physician's report of physical examination of the applicant, 2 affidavits attesting to the applicant's Wisconsin residence, and original or certified copies of reports of separation or discharges of the applicant or the veteran upon whose eligibility the applicant is relying for all periods of active service in the armed forces of the United States during one war-time period as enumerated in section 45.35(5a)(a) through (g), Wis. Stats., or which establish that the veteran was entitled to receive either the Armed Forces Expeditionary Medal or the Vietnam Service Medal or service pursuant to section 1 of executive order 10957.

Section VA 6.01(6) is amended to read as follows:

(6) MOTHER. A mother of a veteran shall also furnish with her application a certified copy of the public record of birth of the veteran through whom eligibility is claimed, and either a complete physician's report of physical examination of her veteran son and a complete financial statement and 2 residence affidavits pertaining to her veteran son or a certified copy of her veteran son's death certificate.

Section VA 6.01(9) is amended to read as follows:

(9) DEPENDENTS OF MEMBERS. Nonmember dependents of members will not be quartered or maintained at the Home, except under the policy for quests established by the commandant, unless employed by the Home in a capacity requiring them to live in available housing on the Home grounds.

Section VA 6.01(13) is amended to read as follows:

(13) ASSETS. Prior to admission, applicants must turn over all assets in excess of \$1,000 to the state for the sole use and benefit of the Home. Property or any interest therein conveyed or disposed of by the applicant within 5 years immediately prior to application for admission by gift or for less than adequate consideration shall be considered assets upon admission to the extent of the value of the gift or to the extent consideration therefor was inadequate, unless such assets were conveyed to the state or unless it is determined by the department that the conveyance or disposal of such assets had no relation to prospective entrance into the Home. An applicant's just and legal debts will be taken into consideration for the purpose of determining the amount of excess assets due the state. An applicant who turns over encumbered property to the state out of the proceeds of the sale of which property he is to receive all or any part of the amount which he is permitted to retain upon admission, shall receive such amount from the proceeds of the sale of such property only after such proceeds have paid all encumbrances against such property and all costs of its sale, but in the event such property is not sold within 6 months of the date of the member's admission, the department may advance to the member up to one-half of the difference between the assets retained by the member upon admission and \$1,000 from the appropriation provided by section 20.840 (1)(h), Wis. Stats., if the department is satisfied that the value of the property is sufficiently in excess of all encumbrances against such property and costs of management and sale of such property to warrant such advance.

Section VA6.02(12) is amended to read as follows:

(12) SAFEGUARDING RECORDS. He shall safeguard all records of the Home and maintain the confidential nature of medical and personal information regarding employes and members pursuant to section 45.36, Wis. Stats., and Wis. Adm. Code section VA 1.10.

Section VA 6.04(3) is amended to read as follows:

(3) DEFINITION OF INCOME. Income for the purpose of this chapter means money, property or anything of monetary value received from any source to which a member may become entitled subsequent to admission, to include, without limitation by reason of enumeration, pensions, annuities, compensation, social security, railroad retirement, public or private retirement, insurance benefits, wages, salaries, alimony, rents, interest, dividends, profits, returns on investment, monies received for loss, damage or injury, awards, gifts, devises, bequests and hereditaments. Income shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof, income received by a member from the sale of products through the hobby shop, or the personal property of a deceased member which is received by the decedent's member spouse.