

Chapter VA 1

GENERAL

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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.

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, be subscribed and sworn to by the veteran and spouse, if married, or by an eligible dependent, and contain a warranty that neither the applicant nor his spouse has paid or will pay any commission to anyone 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.

VA 1.03 Appeal. Any applicant for any benefit available through this department may, in addition to making a supplemental written presentation, appear in person, with or without counsel, to present the merits of his case or to appeal from a decision of the department before the appropriate departmental committee. In such cases, recommendations by the committee shall be submitted promptly to the board for review and final action on the appeal.

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

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.

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

VA 1.05 Cooperation with other agencies. In addition to coordinating the activities of all state agencies relating to the medical, edu-

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

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

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.

(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.

(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 Wis. Adm. Code, sections VA 1.10 (4) through (10), and any person making application for benefits shall hereinafter be referred to as the applicant.

(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.

(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 his legally constituted representative if the applicant is incompetent or deceased. Where for proper reason no such representative has been or will be appointed, his spouse, an adult child or if the applicant is unmarried, either of his 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

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 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.

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 by him under the rules and regulations of the department and subject to and in accordance with the policies established by the board.

(1) He shall employ a commandant for the Grand Army Home, he shall designate an employe of the department as his deputy, he shall appoint such persons as may be necessary to carry out the functions of the department, and shall, with the approval of the board, appoint a superintendent of the G.A.R. Memorial Hall.

(2) He shall administer and supervise all programs of the department, and he shall serve as an ex-officio member of all advisory, standing and special committees appointed by the board, unless specifically exempted.

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

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

(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.

(8) He shall direct the operation of the Grand Army Home for Veterans at King through the commandant so as to provide that members receive complete personal maintenance and medical care.

(9) He shall direct the operation of the G.A.R. Memorial Hall through the superintendent so as to make the memorial collection instructive and attractive to visitors to the state capitol.

(10) He shall formulate and present the department's budget to the legislature.

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