

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-

cational, 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 History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. Register, October, 1966, No. 130, eff. 11-1-66.

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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.

History: Cr. Register, October, 1967, No. 142, eff. 11-1-67.

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 Applicant's false statement. (1) SUSPENSION OF BENEFITS. When it appears that an applicant has made a false statement in his application, the county veterans service officer will be advised and requested to investigate and report on the apparent false statement. In any case, where the department shall find after investigation that any applicant has willfully made or caused to be made or conspired, combined, aided or assisted in, arranged for or in any wise procured the making or presentation of any false affidavit or statement submitted relative to any application or claim for veterans benefits from the department, the department may suspend all benefits available to such applicant under Wisconsin Statutes.

(2) **RIGHT TO APPEAL.** Before such suspension is made effective, the applicant may within 30 days request that he be permitted to appear before the loan advisory committee in person, with or without counsel, to present reasons why such action should not be taken. In such cases, recommendations by the loan advisory committee shall be submitted promptly to the board for review and final action on the appeal. In proper cases the facts in possession of the department shall be forwarded to the local district attorney for necessary action.

(3) **REINSTATEMENT OF BENEFITS.** The department may, upon application and after investigation and submission of a written report by the county veterans service officer concerned, reinstate benefits. If the department shall find that such application is made without sufficient cause to justify reinstatement it may deny the same.

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

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 his application for reduction or deferment when the following statements are submitted:

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

(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

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.

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(7) **DISCLOSURE OF LOAN INFORMATION.** Information contained in loan files may be made available to any party having an interest in such loan transaction upon approval by the secretary or pursuant to rules and regulations promulgated by him.

(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.

(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.

(10) **INSPECTION OF DEPARTMENT RECORDS BY COUNTY VETERANS SERVICE OFFICERS.** A county veterans service officer may be permitted to inspect records pertaining to any application for benefits in which his office may be directly involved upon the condition that only such information contained therein as may be properly disclosed will be disclosed by him only to the applicant or, if the applicant is incompetent, to his legally constituted representative.

(11) **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.

(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 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.

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

(13) He shall make such regular reports to the board as the board may request of him.

(14) He shall conduct an adequate program of public relations for the department.

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

(16) He shall attempt to obtain full collection of all loans and may take all available legal steps to effect collection provided, however, that he shall have the authority to approve compromise settlements in appropriate cases.

(17) He shall administer the functions of the department in a careful and businesslike manner.

(18) He may refer any problems arising from the discharge of the above duties to an appropriate committee 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.