
TITLE 915 INDIANA VETERANS' AFFAIRS COMMISSION

Proposed Rule
LSA Document #18-243

DIGEST

Adds [915 IAC 3](#) to establish qualifications and requirements for obtaining assistance from the military family relief fund. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[915 IAC 3](#)

SECTION 1. [915 IAC 3](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 3. MILITARY FAMILY RELIEF FUND

Rule 1. Purpose

[915 IAC 3-1-1 Purpose](#)

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 1. The purpose of this article is to establish criteria and procedures to be utilized by the commission and executed by the department in the administration of the fund under [IC 10-17-12](#). This article sets forth criteria used in determining whether an applicant is eligible to receive assistance from the fund, the establishment of a hardship justifying assistance from the fund, criteria examined by the commission in determining an applicant's need, and a description of the application process.

(Indiana Veterans' Affairs Commission; [915 IAC 3-1-1](#))

Rule 2. Definitions

[915 IAC 3-2-1 Scope of definitions](#)

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 1. The definitions in this rule apply throughout this article.

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-1](#))

[915 IAC 3-2-2 "Active duty" defined](#)

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-16-7-0.5](#); [IC 10-17-12](#)

Sec. 2. "Active duty" has the meaning set forth in [IC 10-16-7-0.5](#) as verified by Title 10 orders of the United States Code.

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-2](#))

[915 IAC 3-2-3 "Armed forces" defined](#)

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 3. "Armed forces" has the meaning set forth in [IC 10-17-12-2](#).

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-3](#))

[915 IAC 3-2-4](#) "Commission" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 4. "Commission" has the meaning set forth in [IC 10-17-12-3.5](#).

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-4](#))

[915 IAC 3-2-5](#) "DD214" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 5. "DD214" refers to the United States Department of Defense Form 214.

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-5](#))

[915 IAC 3-2-6](#) "Declared war" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 6. "Declared war" means a war declared by an act of Congress under Article 1, Section 8 of the United States Constitution.

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-6](#))

[915 IAC 3-2-7](#) "Department" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 7. "Department" has the meaning set forth in [IC 10-17-12-4](#).

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-7](#))

[915 IAC 3-2-8](#) "Fund" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 8. "Fund" has the meaning set forth in [IC 10-17-12-6](#).

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-8](#))

[915 IAC 3-2-9](#) "National conflict" defined

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 9. "National conflict" means a military engagement authorized or funded by either the United States Congress or the President of the United States. It can be part of a formal declaration of war, but a declaration is not a required element.

(Indiana Veterans' Affairs Commission; [915 IAC 3-2-9](#))

[915 IAC 3-2-10](#) "National guard" definedAuthority: [IC 10-17-12-10](#)Affected: [IC 10-17-12](#)**Sec. 10. "National guard" has the meaning set forth in [IC 10-17-12-7](#).***(Indiana Veterans' Affairs Commission; [915 IAC 3-2-10](#))***[915 IAC 3-2-11](#) "NGB Form 22" defined**Authority: [IC 10-17-12-10](#)Affected: [IC 10-17-12](#)**Sec. 11. "NGB Form 22" refers to the National Guard Bureau Form 22.***(Indiana Veterans' Affairs Commission; [915 IAC 3-2-11](#))***Rule 3. National Conflicts****[915 IAC 3-3-1](#) List of accepted national conflicts**Authority: [IC 10-17-12-10](#)Affected: [IC 10-17-12](#)**Sec. 1. This section states eligible national conflicts as of October 1, 2017:**

Name	Start Date	End Date
Gulf War & Global War on Terrorism	August 2, 1990	Present
Vietnam	August 5, 1964	May 7, 1975
Korean Peninsula Service (Airspace & Waters – 30 Consecutive Days)	January 1, 1950	Present
World War II	December 7, 1941	December 31, 1946
Quemoy and Matsu Islands	August 23, 1956	June 1, 1963
Lebanon (1958 Lebanon Crisis)	July 1, 1958	November 1, 1958
Taiwan Straits (2nd Taiwan Straits Crisis)	August 23, 1958	January 1, 1959
Berlin (Berlin Crisis)	August 14, 1961	June 1, 1963
Cuba	October 24, 1962	June 1, 1963
Congo (Operation Dragon Rouge)	November 23, 1964	November 27, 1964
Dominican Republic (Operation Power Pack)	April 28, 1965	September 21, 1966
Cambodia (Operation Eagle Pull)	April 11, 1975	April 13, 1975
Vietnam (Operation Frequent Wind)	April 29, 1975	April 30, 1975
Mayaguez Operation	May 15, 1975	Date to be determined
Grenada (Operation Urgent Fury)	October 23, 1983	November 21, 1983
Libya (Operation El Dorado Canyon)	April 12, 1986	April 17, 1986
Persian Gulf (Operation Earnest Will)	July 24, 1987	August 1, 1990
Panama (Operation Just Cause)	December 20, 1989	January 31, 1990
Haiti (Operation Uphold Democracy)	September 16, 1994	March 31, 1995
Kuwait (Operation Southern Watch)	December 1995	March 2003
Saudi Arabia (Operation Southern Watch)	December 1995	March 2003
Haiti (Operation Secure Tomorrow)	February 29, 2004	June 15, 2004
Yugoslavia	January 1, 2014	Date to be determined
Democratic Republic of Congo	July 14, 1960	September 1, 1962
Somalia (Operation Restore Hope)	December 5, 1992	March 31, 1995
Somalia (Operation United Shield)	December 5, 1992	March 31, 1995
Yugoslavia (Operation Joint Endeavor)	June 1, 1992	June 20, 1998
Yugoslavia (Operation Joint Guard)	June 1, 1992	June 20, 1998

Yugoslavia (Operation Joint Forge)	June 21, 1998	December 2, 2004
Vietnam (General Service)	July 1, 1958	July 3, 1965
Laos	April 19, 1961	October 7, 1962
Cambodia (Vietnam Support Operations)	March 29, 1973	August 15, 1973
Thailand (Vietnam Support Operations)	March 29, 1973	August 15, 1973
El Salvador	January 1, 1981	February 1, 1992
Lebanon	June 1, 1983	December 1, 1987
SW Asia (Operation Southern Watch)	December 1, 1995	March 18, 2003
SW Asia (Operation Maritime Intercept Operation)	December 1, 1995	March 18, 2003
SW Asia (Operation Vigilant Sentinel)	December 1, 1995	February 15, 1997
SW Asia (Operation Northern Watch)	January 1, 1997	March 18, 2003
SW Asia (Operation Desert Thunder)	November 11, 1998	December 22, 1998
SW Asia (Operation Desert Fox)	December 16, 1998	December 22, 1998
SW Asia (Operation Desert Spring)	December 31, 1998	March 18, 2003

(Indiana Veterans' Affairs Commission; [915 IAC 3-3-1](#))

[915 IAC 3-3-2](#) List of accepted national conflicts expansion

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 2. The list in section 1 of this rule is not exhaustive, and the list may be expanded after the publication date of this rule. Any national conflicts identified by the commission and supported by recognition from the United States Department of Defense shall also qualify.

(Indiana Veterans' Affairs Commission; [915 IAC 3-3-2](#))

Rule 4. Administration

[915 IAC 3-4-1](#) Staffing and administration of the fund

Authority: [IC 10-17-1-4](#)

Affected: [IC 10-17-12](#)

Sec. 1. (a) The commission shall utilize the staffing and resources of the department in carrying out the purposes and functions of this rule. The department shall institute those procedures and methodologies consistent with this rule in administering the application process.

(b) The department shall report to the commission, no less than quarterly, as to the status of all applications filed with the commission during the previous quarter, including applications received, awards granted, and denials of assistance for any reason.

(Indiana Veterans' Affairs Commission; [915 IAC 3-4-1](#))

[915 IAC 3-4-2](#) General application process; guidelines and time frames

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 2. The general application process for applying for assistance from the fund shall be consistent with the following guidelines and time frames:

- (1) The application shall be available in both print form and on the department's website where it can be filled out and submitted electronically.
- (2) The department shall only consider the application after it has received a complete application including all supporting documentation. The department shall mark and date-stamp every application as received when the application is received.
- (3) The department will first conduct an eligibility review under [915 IAC 3-6-2](#).

- (4) The department will next conduct a need determination review under [915 IAC 3-6-3](#), [915 IAC 3-6-4](#), and [915 IAC 3-6-5](#). The department will determine the appropriate amount of assistance to award based on the need determination criteria and other procedures in this rule.
- (5) If the applicant is deemed eligible, the department shall effect prompt payment to the applicant, identified vendor, or utility provider in the amount established in the need determination review, not to exceed two thousand five hundred dollars (\$2,500). Payment shall be made consistent with the state's payment procedures as established by the auditor of state.
- (6) If the applicant is deemed ineligible, the department will generate a denial letter to the applicant under [915 IAC 3-7-1](#).
- (7) The applicant shall have the right to appeal the department's determination under [915 IAC 3-7-2](#)

(Indiana Veterans' Affairs Commission; [915 IAC 3-4-2](#))

Rule 5. Application Procedures

[915 IAC 3-5-1](#) Application for a military family relief fund grant

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12-8](#)

Sec. 1. An applicant shall submit an application on a form prescribed by the department. The application shall be available in both print form and on the department's website where it can be filled out and submitted electronically. The application shall include the following information:

- (1) The name and address of the applicant and the applicant's spouse.
- (2) Proof of Indiana residency.
- (3) Proof that the applicant is a qualified service member or the dependent of a qualified service member as follows:
 - (A) If the applicant is a qualified service member, the applicant shall provide documentation of each of the following:
 - (i) That the applicant is currently or was previously a member of the armed forces of the United States or national guard.
 - (ii) That the applicant is serving or has served on active duty during a time of national conflict or war.
 - (iii) If not currently serving, the applicant's DD214 or other appropriate documentation of service in the armed forces or national guard.
 - (B) If the applicant is the dependent of a qualified service member, the applicant shall provide documentation listed in clause (A) for the relevant qualified service member and documentation establishing that the applicant qualifies as a dependent of the qualified service member under 37 U.S.C. 401, as in effect on January 1, 2009.
- (4) Documentation of and a statement explaining the need for short term financial assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, or other essential family support expenses that have become difficult to afford for the applicant. The documentation should include copies of all recent bills, invoices, or demand letters for the expenses.
- (5) The amount of assistance being requested.
- (6) Documentation of the federal gross income of the applicant and the applicant's spouse, if any, including the following:
 - (A) A copy of the applicant's and the applicant's spouse's most recent federal income tax return.
 - (B) A copy of any Internal Revenue Service Form W-2 for the applicant and the applicant's spouse used to prepare the most recent federal income tax return.
 - (C) Documentation of any other income included in the federal gross income of the applicant and the applicant's spouse for the most recent federal income tax return.
 - (D) Copies of any pay stubs for the two (2) pay periods immediately preceding the date of application from any employer of the applicant or the applicant's spouse.
- (7) A list of any other income or assets available to the applicant or the applicant's spouse that could be used to meet the need for short term financial assistance. If there are no other income or assets, the applicant and the applicant's spouse shall affirmatively state that no other income or assets are available to meet the need for short term financial assistance and that no income or assets have been assigned or transferred to other persons or entities to circumvent this requirement.
- (8) Documentation of any other income or assets of the applicant and the applicant's spouse,

including the following:

- (A) Bank statements for any checking, savings, or other financial accounts held by the applicant or the applicant's spouse.
 - (B) Copies or statements of any certificates of deposit, savings bonds, stocks, mutual funds, annuities, or other financial assets or investments held by the applicant or the applicant's spouse.
 - (C) Documentation of any homes, automobiles, all terrain vehicles, watercraft, recreational vehicles, timeshares, or vacation homes.
 - (D) Documentation of any interests or ownership in other assets, businesses, or properties.
 - (E) Any other information or documentation that relates to an applicant's wealth or financial resources.
- (9) A detailed list of any financial assistance received by the applicant or the applicant's spouse from another federal, state, or local government program or from a nonprofit organization during the preceding three hundred sixty-five (365) days, the amount received, and the amount expended to date.
- (10) The signature of the applicant and the applicant's spouse, attesting that all information provided in the application is true and accurate.

(Indiana Veterans' Affairs Commission; [915 IAC 3-5-1](#))

[915 IAC 3-5-2](#) Complete application

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12-8](#)

Sec. 2. (a) The department shall notify the applicant in writing when the application is complete. An application shall not be considered complete until all required information and documentation have been received by the department. The department may request additional information not listed in section 1 of this rule that it deems necessary to determine the applicant's (or the applicant's spouse's) income, assets, wealth, or financial condition.

(b) The department may deny an incomplete application if all required documentation is not received within thirty (30) days of the first submission. If the deadline falls on a weekend or holiday, the deadline for receiving the documentation shall be the next business day.

(Indiana Veterans' Affairs Commission; [915 IAC 3-5-2](#))

[915 IAC 3-5-3](#) Changes in application information

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12-8](#)

Sec. 3. Prior to the award of any grant from the fund, the applicant shall notify the department of any changes in the application information or documentation in writing within ten (10) days of the change.

(Indiana Veterans' Affairs Commission; [915 IAC 3-5-3](#))

Rule 6. Eligibility Requirements and Need Determination

[915 IAC 3-6-1](#) Requirements for assistance from the fund

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 1. In order to be eligible for assistance from the fund, an applicant must meet all of the following:

- (1) The military service eligibility criteria established by section 2 of this rule.
- (2) The financial criteria established by section 3 of this rule.
- (3) The hardship criteria established by section 4 of this rule.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-1](#))

915 IAC 3-6-2 Eligibility criteria

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 2. (a) In order to be eligible to receive assistance from the fund, an applicant must satisfy all of the following conditions:

- (1) The applicant must be a resident of the state of Indiana.
- (2) The applicant must be a qualified service member or dependent of a qualified service member.
- (3) The applicant must demonstrate a need for short term assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, or other essential family support expenses that have become difficult to afford.
- (4) Subject to section 3 of this rule, the applicant must satisfy the income eligibility requirement by demonstrating that the federal gross income of the individual and the individual's spouse is less than or equal to two (2) times the federal poverty guideline.
- (5) The individual must demonstrate that there are no other income or assets available to the individual or the individual's spouse reasonably available and sufficient to meet the need for short term financial assistance.
- (6) The individual must demonstrate that the individual has made reasonable efforts to secure assistance from other assistance programs to meet the need for short term assistance.
- (7) The applicant must demonstrate that the applicant has incurred a genuine hardship as set forth in section 4 of this rule.

(b) An individual is not eligible for a grant from the fund if:

- (1) the individual has been discharged and the discharge is less than under honorable conditions; or
- (2) the term of qualifying military service is less than twelve (12) months.

(c) The term of service of a qualified service member who has been discharged shall be calculated using the following information:

- (1) DD214.
- (2) NGB Form 22.
- (3) Any other appropriate documentation of service in the armed forces or national guard.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-2](#))

915 IAC 3-6-3 Financial criteria

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 3. (a) The commission shall utilize the most recent available federal poverty guidelines in its evaluation of an applicant's financial eligibility. Federal poverty guidelines are published in the Federal Register in January of each year.

(b) The applicant's federal gross income, or combined federal gross income of the applicant and the applicant's spouse, shall be based on the most recent two (2) consecutive pay stubs and most recent federal tax returns, including any W-2 tax forms or other income documentation of the applicant and the applicant's spouse.

(c) If the applicant's gross income, or the combined gross income of the applicant and the applicant's spouse, exceeds two (2) times the United States federal poverty guideline amount then the applicant will not be eligible for assistance from the fund.

(d) The commission may waive the gross income threshold established in subsection (a) if the applicant requests a waiver of the threshold in writing to the commission. The applicant must provide supporting documentation indicating that a substantive, negative change or impact in the:

- (1) employment status;
- (2) medical condition (including death);
- (3) increase in the number of dependents; or

(4) housing;

of the applicant, or the applicant's spouse, has occurred, and that the change or impact would support a reasonable conclusion that the applicant's gross income is not likely to exceed two (2) times the most recent federal poverty guideline in the current calendar year as a result of the change or impact.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-3](#))

[915 IAC 3-6-4](#) Hardship criteria

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 4. (a) An applicant must establish that the applicant has incurred a genuine hardship in order to be eligible to receive assistance from the fund. The hardship incurred by the applicant must:

(1) be a reasonable and logical consequence of the applicant's service in the armed forces or the national guard; and

(2) directly impact the applicant's most central and basic living needs, such as food, housing, utilities, medical services, necessary vehicle repairs, child care, education, employment or workforce, or other essential family support expenses.

(b) Awards from the fund may not be used to cover luxury or entertainment expenses, such as sports cars, second homes, vacations, concerts, weapons, and other nonessential or recreational expenses.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-4](#))

[915 IAC 3-6-5](#) Need determination considerations

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 5. (a) The department shall consider an applicant's financial condition and needs when making determinations regarding awards of assistance from the fund. The department shall use this information to make a comprehensive assessment of the applicant's financial resources and need.

(b) The department will assess the applicant's financial condition based upon the financial information submitted by the applicant and will establish an amount of award associated with the application.

(c) The department may, within its discretion, engage directly with the applicant's identified vendor or utility provider and pay those costs or debts specifically identified by the applicant or the vendor in lieu of making an award directly to the applicant.

(d) If the department determines, upon initial receipt of the application, that the applicant's situation constitutes an emergency condition affecting the applicant's health or safety, the commission will make appropriate efforts to expedite that application.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-5](#))

[915 IAC 3-6-6](#) Amount of assistance

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 6. The department will determine, based upon the need determination process outlined in section 5 of this rule, the amount and method of distribution of any award from the fund. An applicant may not receive more than two thousand five hundred dollars (\$2,500) in total assistance from the fund.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-6](#))

[915 IAC 3-6-7](#) Priorities when fund has limited amounts available

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12](#)

Sec. 7. (a) Awards of grants from the fund shall be made on a rolling basis until the maximum total dollar amount of grants that may be expended in a state fiscal year, as determined by the commission and the state budget agency, is reached. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until additional funds are made available.

(b) In the event of limited or diminished funds available to support the fund, the commission shall set priority among applicants seeking assistance from the fund in the following order:

- (1) Priority shall be given to those applicants who have not received an award from the fund in the past.
- (2) Priority shall be given to those applicants who have not received assistance from any other assistance programs.
- (3) Applications will be processed in the order in which they are received.

(Indiana Veterans' Affairs Commission; [915 IAC 3-6-7](#))

Rule 7. Denials and Appeals

[915 IAC 3-7-1](#) Denial of application

Authority: [IC 10-17-12-10](#)

Affected: [IC 10-17-12-8](#)

Sec. 1. If the commission denies an applicant's request for short term financial assistance, the commission shall notify the applicant in writing within seven (7) business days of making the determination. The notice shall include the following:

- (1) A statement indicating that application for assistance has been denied.
- (2) The specific reasons for the denial.
- (3) The factual reasons for denial of the application, whether related to eligibility or to financial need.
- (4) The time and date that the commission received the application for assistance.
- (5) An explanation of the process that the applicant may take to appeal the decision to the commission.
- (6) A statement that the applicant has fifteen (15) business days to file an appeal.
- (7) A statement that the failure to file an appeal within fifteen (15) business days of receipt constitutes acceptance of the denial and waives the right to appeal.

(Indiana Veterans' Affairs Commission; [915 IAC 3-7-1](#))

[915 IAC 3-7-2](#) Appeals

Authority: [IC 10-17-12-10](#)

Affected: [IC 4-21.5](#); [IC 10-17-12-8](#)

Sec. 2. (a) An applicant whose request for short term financial assistance is denied may appeal the determination to the commission within fifteen (15) days of the date the applicant receives notice of the denial. The commission shall conduct a hearing and issue a final determination on the matter in accordance with the provisions of the Administrative Orders and Procedures Act, [IC 4-21.5](#).

(b) Any appeal shall be heard in accordance with the provisions of the Administrative Orders and Procedures Act found at [IC 4-21.5](#).

(c) The commission may officially appoint a standing subcommittee comprised of commission members or department staff to hear and decide appeals filed under this article.

(Indiana Veterans' Affairs Commission; [915 IAC 3-7-2](#))

[Notice of Public Hearing](#)

Posted: 08/15/2018 by Legislative Services Agency

An [html](#) version of this document.