

TITLE 915 VETERANS' AFFAIRS COMMISSION

ARTICLE 1. ORGANIZATION AND ADMINISTRATION

Rule 1. Service Officers

915 IAC 1-1-1 Qualifications of service officers

Authority: IC 10-17-1-4

Affected: IC 10-17-1-5

Sec. 1. All District, County and/or City Service Officers shall be honorably discharged veterans who have had at least six months active service in the Armed Forces of the United States and shall be citizens of the United States and the State of Indiana. (*Veterans' Affairs Commission; Service Officers Rule 1; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1935; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-2 Certification of service officers; instruction; examination; proof of honorable discharge

Authority: IC 10-17-1-4

Affected: IC 10-17-1-10

Sec. 2. All District, County and/or City Service Officers shall attend a course of instruction or courses of instruction as prescribed by the Commission of the Department of Veterans' Affairs and must successfully pass a written and oral examination before the Director of the Department of Veterans' Affairs may certify them as qualified for appointment.

Prior to certification by the Department of Veterans' Affairs to the appointing agency, any veteran seeking employment as a district Service Officer or as a County and/or City Service Officer must submit a certified copy of his or her honorable discharge to the Director of the Department of Veterans' Affairs. (*Veterans' Affairs Commission; Service Officers Rule 2; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1935; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-3 Office records and procedures prescribed by director

Authority: IC 10-17-1-4

Affected: IC 10-17-1-6

Sec. 3. All office and interoffice records and procedures shall be as prescribed by the Director and all forms, stationery, and other office details shall conform with that designated by the Director from time to time. (*Veterans' Affairs Commission; Service Officers Rule 3; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1935; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-4 Powers of attorney; restrictions; selection of attorney-in-fact

Authority: IC 10-17-1-4

Affected: IC 10-17-1-7

Sec. 4. All powers of attorney shall run to the authorized agencies or individuals recognized by the Veterans' Administration. No power of attorney shall run to any District, County or City Service Officer, or the Director, Assistants, or any other employee of the Department of Veterans' Affairs, or the Veterans' Affairs Commission for the prosecution of any claim for benefits before the Veterans' Administration. The selection of the persons or organization to act as attorney-in-fact for any claimant shall be made by the applicant making the claim. (*Veterans' Affairs Commission; Service Officers Rule 4; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1935; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-5 Confidentiality of information received by service officers or employees; exception

Authority: IC 10-17-1-4

Affected: IC 10-17-1-4

Sec. 5. Except under the compulsion of the process or order of a court or other public agency having power of subpoena, no State, District, County or City Service Officer or employee shall divulge to any person other than the claimant, his attorney at law

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or in fact, or a person authorized in writing by the claimant, or to other officers or employees of the State, District, County or City Veterans' Affairs offices, or the employees or officers of the Veterans' Administration of the United States, any information given to such Service Officer or acquired by him in the performance of his duty in regard to any such claim. (*Veterans' Affairs Commission; Service Officers Rule 5; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1936; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-6 Remuneration, honorarium, gift or promise of reward from claimant prohibited

Authority: IC 10-17-1-4

Affected: IC 10-17-1-4

Sec. 6. No District, County or City Service Officer or any other employee of the Department of Veterans' Affairs shall receive any remuneration, honorarium, gift or promise of reward from any claimant whomsoever for the processing or servicing of any claim or any other service which such officer or employee may perform for any veteran or any veteran's dependents. (*Veterans' Affairs Commission; Service Officers Rule 6; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1936; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

915 IAC 1-1-7 Discharge of service officers or employees

Authority: IC 10-17-1-4

Affected: IC 10-17-1-6

Sec. 7. If, in the judgment of the Commission of the Department of Veterans' Affairs, any District, County or City Service Officer or employee shall have been determined to have violated any of the rules adopted by the Commission, or otherwise disqualified himself, or in the judgment of the Commission is unfit to perform the duties of his office or employment, the Commission may recommend to the appointing agencies of such officer or employee to his employer that such person be discharged from such office or employment. (*Veterans' Affairs Commission; Service Officers Rule 7; filed Aug 24, 1945, 3:00 pm: Rules and Regs. 1947, p. 1936; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*)

Rule 2. World War II Bonus

915 IAC 1-2-1 Definition of "original application"

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 1. Original application shall mean the first application filed as a claim for a bonus payment based on the service of a particular veteran. (*Veterans' Affairs Commission; World War II Bonus Rule 1; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 159; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-2 Definition of "supplemental claim"

Authority: IC 10-17-1-4

Affected: IC 10-5-14-3

Sec. 2. Supplemental claim shall mean the application filed as a claim for an additional payment by a living veteran or that application filed by next of kin of a veteran who died subsequent to the filing of his original application. (*Veterans' Affairs Commission; World War II Bonus Rule 2; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 159; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-3 Application for bonus made by veteran

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 3. An application by a living veteran for the payment of bonus based upon his or her service in the armed forces of the United States in World War II, must be made by the veteran on Application Form No. 1, regardless of whether the veteran is more or less than 21 years of age, unless such veteran is the ward of a legally appointed or acting guardian, or unless such veteran is mentally or physically incompetent to make an application personally. (*Veterans' Affairs Commission; World War II Bonus Rule 3; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 159; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-4 Veteran under guardianship; application

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4; IC 10-5-14-10

Sec. 4. If a veteran is the ward of a legally appointed or acting guardian, the application must be made by such guardian on Application Form No. 1, which must be filled in by the guardian just as though it were being filled in by the veteran, excepting that in the place in said application form which provides for the applicant's signature, the guardian must sign the ward's name and his own name followed by words to indicate his guardianship, and he must swear to the truth of the application. (*Veterans' Affairs Commission; World War II Bonus Rule 4; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 159; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-5 Incompetent veteran not under guardianship; application

Authority: IC 10-17-1-4

Affected: IC 10-5-14-10

Sec. 5. If a living veteran is mentally or physically incompetent to make an application, and if such veteran is not the ward of a legally appointed and acting guardian, the application may be made by any adult person acting as the next friend of such veteran. Such an application must be made by such next friend on Application Form No. 1, which must be filled in by the next friend just as though it were being filled in by the veteran excepting that at the place in said application form which provides for applicant's signature, the next friend must sign the veteran's name and his own name followed by words to indicate that he is acting as said veteran's next friend, and he must swear to the truth of the application. An application filed by a next friend, as in this paragraph provided for, must be accompanied by a written statement by such next friend briefly describing said veteran's disability and stating the next friend's relationship to said veteran, and the address to which mail for such next friend should be sent. (*Veterans' Affairs Commission; World War II Bonus Rule 5; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 160; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-6 Deceased veteran; application

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 6. An application for the payment of a bonus based upon service in the armed forces of the United States in World War II of a deceased veteran, must be made on Application Form No. 2. If any of the kin of a deceased veteran who may be entitled to a bonus payment shall be the ward of a legally appointed or acting guardian such guardian alone shall be entitled to make the application on behalf of such ward. An application by a guardian must be made on Application Form No. 2, which must be filled in by the guardian just as though it were being filled in by the ward, excepting that at the place in said application form which provides for the applicant's signature, the guardian must sign the ward's name and his own name followed by words to indicate his

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guardianship, and he must swear to the truth of the application. (*Veterans' Affairs Commission; World War II Bonus Rule 6; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 160; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-7 Incompetent kin of deceased veteran; application for

Authority: IC 10-17-1-4

Affected: IC 10-5-14-10

Sec. 7. If any of the kin of a deceased veteran, who may be entitled to bonus payment, is a minor, that is, a person under twenty-one years of age, or is mentally or physically incompetent to make an application himself, and if such kin is not the ward of a legally appointed or acting guardian, the application may be made by any adult person acting as the next friend of such minor or incompetent person. Such an application must be made on Application Form No. 2, which must be filled in by the next friend just as though it were being filled in by the minor or incompetent person, excepting at the place in said application form which provides for the applicant's signature, the next friend must sign the minor's or incompetent person's name and his own name followed by words to indicate that he is acting as such minor's or incompetent person's next friend, and he must swear to the truth of the application. Such an application must be accompanied by a written statement by the next friend briefly describing the minor's or incompetent person's disability and stating the next friend's relationship to such minor, or incompetent person, and the address to which mail for such next friend should be sent. (*Veterans' Affairs Commission; World War II Bonus Rule 7; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 161; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-8 Applications for children of deceased veteran

Authority: IC 10-17-1-4

Affected: IC 10-5-14-5

Sec. 8. If there is no living unremarried widow or widower of a deceased veteran, and if there is more than one living child of such deceased veteran an application for bonus payment must be filed jointly if the address of all children is the same or if they all have the same legal guardian, otherwise separate applications must be made. The total amount of the award by reason of the deceased veteran's service will be divided by the number of children living at the time of the mailing of the order-to-pay and each child will receive its proportionate share thereof. (*Veterans' Affairs Commission; World War II Bonus Rule 8; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 161; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-9 Parents of deceased veteran

Authority: IC 10-17-1-4

Affected: IC 10-5-14-5

Sec. 9. The parent of more than one deceased veteran—if said deceased veteran is not survived by a living unremarried widow or widower, child or children—shall be entitled to bonus based upon the service of each of such deceased veterans. Separate applications for a bonus payment by reason of the death of each such deceased veteran, must be filed by such parent. (*Veterans' Affairs Commission; World War II Bonus Rule 9; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 161; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-10 Application; forms

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 10. Applications for payment of bonus from World War II Bonus Fund must be made to the Administrative Officer of

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the World War II Bonus of the State of Indiana. All applications must be in writing and must be mailed to Orville P. Bray, Administrative Officer of the World War II Bonus, 431 N. Meridian Street, Indianapolis 4, Indiana.

All applications must be made on forms provided therefor by the Administrative officer of the World War II Bonus.

Application Form No. 1 may be obtained at the headquarters of the County Service Officer or the designated County Bonus Committee in each county in Indiana on and after July 8, 1949. They may also be obtained after July 8, 1949, by writing therefor to Orville P. Bray, Administrative Officer of the World War II Bonus of the State of Indiana, 431 N. Meridian St., Indianapolis 4, Indiana.

Application Form No. 2 may be obtained at the Headquarters of the County Service Officer or the designated County Bonus Committee in each county in Indiana on and after July 8, 1949, or by writing therefor to Orville P. Bray, Administrative Officer of the World War II Bonus of the State of Indiana, 431 N. Meridian Street, Indianapolis 4, Indiana. (*Veterans' Affairs Commission; World War II Bonus Rule 10; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 162; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-11 Total disability; amount of bonus

Authority: IC 10-17-1-4

Affected: IC 10-5-14-3

Sec. 11. Regardless of the amount of bonus earned in accordance with the provisions of the Veterans Bonus Law, any veteran eligible under its provisions who is 100% disabled as established by the United States Veterans Administration shall be entitled to the maximum payment of \$600.00. Such maximum payment shall be granted only on the basis of permanent disability ratings. Any temporary rating granted for the purpose of hospitalization and treatment only, shall not be considered as a 100% disability claim under this regulation. This regulation shall include any veteran who has ever received a disability rating of more than 10% based on service in World War II, even though such disability rating has been reduced or discontinued before the application for Bonus is submitted to the Department of Veteran's Affairs of the State of Indiana.

All evidence of disability must be submitted with application for bonus payment. (*Veterans' Affairs Commission; World War II Bonus Rule 11; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 162; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-12 Papers to accompany application on Form No. 1

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4; IC 10-5-14-11

Sec. 12. Every application for a bonus payment of Application Form No. 1, filed by, or on behalf of, a living veteran who has been separated from active duty in the armed forces of the United States, must be accompanied by all of the official papers issued to him by military or naval authorities evidencing his separation from such service. Such papers may consist of one or more of the following documents: Certificate of Discharge; Certificate of Service; Military Record and Report of Separation; Enlisted Record and Report of Separation; Notice of Separation; Report of Separation; Orders; letters; or other official papers, or a certificate in lieu of any of the above papers. (*Veterans' Affairs Commission; World War II Bonus Rule 12; filed Jun 24, 1949, 3:05 pm; Rules and Regs. 1950, p. 163; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-13 Papers to accompany application of veteran on active duty

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4; IC 10-5-14-11

Sec. 13. An application for a bonus payment on Application Form No. 1, filed by, or on behalf, of a living veteran who is now on active duty in the armed forces of the United States must be accompanied by such official papers listed in Rule No. 12 [915 IAC 1-2-12] as will show a separation from service that included any of the period from December 7, 1941, to September 2, 1945

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inclusive. (*Veterans' Affairs Commission; World War II Bonus Rule 13; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 163; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-14 Papers to accompany application on Form No. 2

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4; IC 10-5-14-11

Sec. 14. Every application for a bonus payment on Application Form No. 2, based upon service in the armed forces of the United States of a deceased veteran who died after he was separated from active duty in such forces, must be accompanied by all of the official papers issued to him by military or naval authorities evidencing his or her separation from such service. In the case of children filing separate claims based on the service of a deceased parent, the official papers mentioned in Rule No. 12 [915 IAC 1-2-12] should be filed only with one of the separate applications. Any applications which are not accompanied by such official papers, must specify the name of the person with whose application the official papers are being filed. (*Veterans' Affairs Commission; World War II Bonus Rule 14; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 163; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-15 Papers to accompany application when veteran died on active duty

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4; IC 10-5-14-11

Sec. 15. Every application for a bonus payment on Application Form No. 2, based upon service in the armed forces of the United States of a deceased veteran who died while serving on active duty in such forces, must be accompanied by the Official Notification of Death by the Government of the United States, (letter, not telegram). (*Veterans' Affairs Commission; World War II Bonus Rule 15; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 164; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-16 Application by father of deceased veteran; proof of death of mother

Authority: IC 10-17-1-4

Affected: IC 10-5-14-5; IC 10-5-14-11

Sec. 16. In cases in which a veteran has died before receiving a bonus payment from the World War II Bonus Fund, and in which there is no surviving spouse or child who is entitled to a bonus payment, and in which the father of such deceased veteran applies for bonus payment, when the mother is missing and presumed to be dead, necessary proof to that effect must be submitted. Such proof shall be a certified copy of a court declaration of presumed death. (*Veterans' Affairs Commission; World War II Bonus Rule 16; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 164; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-17 Time for making application

Authority: IC 10-17-1-4

Affected: IC 10-5-14-3; IC 10-5-14-5

Sec. 17. Original applications for bonus from the World War II Bonus Fund must be made on or before January 1, 1951. Applications bearing the postmark later than midnight January 1, 1951, will not be valid.

The above limitations of time for making applications for payment of bonus from the World War II Bonus Fund applies to all persons including minors, persons of unsound mind, or persons under other disabilities. Statutes or rules of law which exempt such persons from the operation of statutes or rules of limitations, do not apply to the limitations set forth herein. All original

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applications for a bonus under this act shall be made to the Commission on or before January 1st, 1951, and no payments shall be made except upon applications received by the Commission on or before that date. Additional information such as: birth or death of children, notice of death of veteran applicant, change of name by marriage or personal preference, or other changes of status, will be accepted after January 1, 1951, provided the original application by the veteran or eligible surviving next of kin shall have been received prior to January 1, 1951. (*Veterans' Affairs Commission; World War II Bonus Rule 17; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 164; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-18 Orders to pay bonus

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 18. Orders-to-pay a bonus awarded on an application will be made payable to the applicant. (*Veterans' Affairs Commission; World War II Bonus Rule 18; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 165; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-19 Order to pay to guardian

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 19. In the case of a bonus payment awarded on an application made by a legally appointed or acting guardian, the order-to-pay shall be made payable to such guardian. (*Veterans' Affairs Commission; World War II Bonus Rule 19; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 165; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-20 Order to pay as full settlement

Authority: IC 10-17-1-4

Affected: IC 10-5-14-4

Sec. 20. The amount indicated on orders-to-pay from the World War II Bonus Fund delivered to applicants for a bonus payment must be understood by the applicants receiving same to be in full settlement of their claims for a bonus unless the order-to-pay is accompanied by a communication from the Administrative Officer of the World War II Bonus indicating otherwise. (*Veterans' Affairs Commission; World War II Bonus Rule 20; filed Jun 24, 1949, 3:05 pm: Rules and Regs. 1950, p. 165; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

915 IAC 1-2-21 Term "100% disability" interpreted

Authority: IC 10-17-1-4

Affected: IC 10-5-14-3

Sec. 21. The term "100% disability" referred to in Section 3(f) of the Indiana Veterans' Bonus Law and the reference thereto and description thereof as "permanent disability ratings" in Rule No. 11 [915 IAC 1-2-11] of these rules is hereby further interpreted as follows:

The \$600.00 disability bonus will be available to all disability cases rated by the Veterans Administration as "100% disabled", under the laws and rating schedules applicable to World War II Service, when so rated at any time since the individual veteran's discharge, including those so rated under Extension 6 of the 1933 Rating Schedule or under the convalescent provisions of the 1945 Rating Schedule, but excluding those cases rated 100% disabled under Extensions 2 and 2-A of the 1945 Rating Schedule by reason of temporary hospitalization after a period of separation from service.

In those cases where the Veterans Administration has reversed (severed) its grant of service connection for injuries or diseases

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suffered by a veteran, by later specifically determining that none of the disabilities involved resulted from military service, no disability award will be made. Where, however, not all of a veteran's disabilities have been severed, additional disability bonus will be paid only on the basis of those remaining service connected. (*Veterans' Affairs Commission; World War II Bonus Rule 21; filed Mar 28, 1950, 9:00 am: Rules and Regs. 1951, p. 340; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-14 concerning benefits of veterans serving between December 7, 1941, and September 2, 1945, was repealed by P.L.6-1978, SECTION 36.

Rule 3. Vietnam Bonus

NOTE: IC 10-5-16.1 was repealed by P.L.2-1978, SECTION 1023, effective July 1, 1978.

915 IAC 1-3-1 Purpose of rule

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-1

Sec. 1. GENERAL. The electorate of this state having approved the payment of a bonus to veterans of prior wars as a means of expressing to such citizens the manifest public gratitude due them, it is the purpose of this chapter [915 IAC 1-3] to provide for the payment of a bonus to those of her citizens qualified hereunder who served in the Armed Forces of the United States in the Viet Nam Conflict on or after July 1, 1958, and prior to the cessation of hostilities in Viet Nam. (*Veterans' Affairs Commission; Vietnam Bonus Prelim; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 641; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-2 "Member of the armed forces of the United States" defined

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-2

Sec. 2. MEMBER ARMED FORCES. "MEMBER OF THE ARMED FORCES OF THE UNITED STATES"

(A) The term "member of the armed forces of the United States" means any person who served on active military or naval service in the land, air or naval forces of the United States.

MERCHANT MARINE

(B) Service in the merchant marine shall not be considered for the purpose of this chapter [915 IAC 1-3].

CIVILIAN WORK AT CIVILIAN PAY

(C) No payment shall be made to any member of the Armed Forces of the United States who did only civilian work at civilian pay.

PUBLIC HEALTH SERVICE

(D) Service in the United States Public Health Service when assigned to units of the Armed Forces and qualifies under all other provisions of this law, may be considered for payment of the bonus in the amount they would qualify for upon determination by the Commission, Department of Veterans' Affairs, only ...

U.S. COAST & GEODETIC SURVEY

(E) Service in the U.S. Coast & Geodetic Survey, when assigned to units of the Armed Forces, and qualified under all other provisions of this law, may be considered for payment of the bonus in the amount they would qualify for upon determination by the Commission, Department of Veterans Affairs, only ...

DEFINITION MEMBER ARMED FORCES

(F) The definition "Member of the Armed Forces of the United States", whether in dispute or as a matter of information shall be referred to Section 101, Title 38, United States Code, as official and binding determinations, in all matters of claims before the Bonus Division, Indiana Department of Veterans' Affairs. (*Veterans' Affairs Commission; Vietnam Bonus Rule 1; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 642; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

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915 IAC 1-3-3 Residency requirements

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-4

Sec. 3. "RESIDENCY, STATE OF INDIANA". 6 MONTHS

(A) Had been a resident of the State of Indiana for at least six (6) months immediately prior to enlistment, induction, or call to active duty.

AFFIDAVITS ON RESIDENCY

(B) Providing the applicant's separation or discharge records does not reflect "INDIANA" as their "Home of Record", it will be necessary to furnish the Department, three (3) separate and distinct affidavits, properly notarized, from residents of the State of Indiana that attest to the claimants actual residence in the State of Indiana at least six (6) months prior to enlistment, induction, or call to active duty.

DEFINITION OF RESIDENCY

(C) Absence from the State on business or pleasure, in federal employment or service, or for reasons of education or health, is not of itself inconsistent with residence in the State if, in fact such absence is temporary and was, or is intended to be, substantially limited to the occasion therefor. Residence of a married person is generally considered to be at the place where his spouse and children reside. Residence in Indiana cannot be gained by living temporarily in the State without evidence of intention to stay in Indiana permanently. The burden of proof rests upon the applicant. (*Veterans' Affairs Commission; Vietnam Bonus Rule 2; filed Aug 13, 1973, 3:00 pm; Rules and Regs. 1974, p. 643; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-4 Filing of claims; eligibility

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-2; IC 10-5-16.1-4; IC 10-5-16.1-14

Sec. 4. "ELIGIBILITY AND APPLICATIONS". FILING CLAIMS

(A) All claims for compensation shall be filed with the Department by the member of the armed forces of the United States, or, if he (she) is deceased, by his (her) next-of-kin, in the order indicated in Section 2 (d) of this Public Law.

MINIMUM DUTY

(B) Spent at least 90 (ninety) days minimum duty, unless duty was terminated for medical reasons determined to be service-connected by either the military or the Veterans Administration.

ELIGIBILITY PERIOD

(C) Has served during the period of eligibility as evidenced by separation papers or discharge from the United States Armed Forces, or proper correction thereto.

AFFE MEDAL DATES

(D) Earned the Armed Forces Expeditionary Medal for service in Southeast Asia for the period of July 1, 1958 through July 3, 1965, as evidenced by the separation or discharge papers, or a correction thereto.

VIET NAM SERVICE MEDAL-DATES

(E) For any period of service in Viet Nam between July 4, 1965, and a future date to be announced by the United States Government, as the official date for cessation of hostilities, and earned the "Viet Nam Service Medal", as evidenced by separation papers or discharge, or a correction thereto.

DEADLINE FOR RECEIVING APPLICATIONS OR "CORRECT FORMS"

(F) All applications for a bonus under this Public Law shall be made to the Department of Veterans' Affairs on or before a three-year (3) period following the cessation of hostilities as declared by the President of the United States or the United States Congress, and no payment shall be made except upon applications furnished and received by the Department of Veterans' Affairs on or before that date.

OFFICIAL NOTICE OF 3 YEAR PERIOD

(G) When the date has been officially set for termination of hostilities as referred to in the preceding paragraph, (Rule 3, F [subsection F of this section]), the Indiana General Assembly with the Governor concurring, may wish to amend this Public Law to advise all concerned the official ending date for applications to be received for payment of the Bonus, however, official note from

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the United States Government will suffice to determine the official ending date of hostilities in Southeast Asia or Viet Nam, following which the three-year (3) period will commence, as referred to in SECTION 14, of this Public Law. (*Veterans' Affairs Commission; Vietnam Bonus Rule 3; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 643; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-5 Honorable separation; requirement

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-4

Sec. 5. "HONORABLE SEPARATION OR SERVICE". TYPE OF SEPARATION

(A) A bonus payment shall be allowed to every member of the Armed Forces of the United States who has been separated or discharged from the armed forces under "honorable" conditions and who was on active duty with the armed forces in Southeast Asia, according to Rule #3 [915 IAC 1-3-4], of these rules.

UNDER HONORABLE CONDITIONS

(B) The term "Honorable", also includes the term "Under Honorable Conditions" as used by the various branches of the armed forces.

MORE THAN PERIOD OF SERVICE-DISCHARGE

(C) If an applicant received an "Honorable" or "Under Honorable Conditions" separation or discharge for service as set forth in Rule #3 [915 IAC 1-3-4], these Rules, and is otherwise eligible for a bonus payment, he may receive the bonus payment even though he subsequently re-entered the armed forces and later received a separation or discharge of a "dishonorable" or "less than honorable" condition. (*Veterans' Affairs Commission; Vietnam Bonus Rule 4; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 644; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-6 Continuous service

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-4

Sec. 6. "CONTINUOUS SERVICE". CONTINUOUS SERVICE CERTIFICATION

(A) All applicants who have continued service in the armed forces and who would otherwise qualify for a bonus payment, must have a certification signed by his (her) Commanding Officer (or designated person with their unit) as prescribed on the application form provided by the Department of Veterans' Affairs. The certificate states that the applicant has continued on honorable and faithful service and that the applicant was entitled to the awarding of the medals as described in Rule #3 [915 IAC 1-3-4], of these Rules. (*Veterans' Affairs Commission; Vietnam Bonus Rule 5; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 645; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-7 Amount of bonus payment

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-3

Sec. 7. "AMOUNTS OF BONUS PAYMENT". \$200 BONUS

(A) All persons eligible to the preceding rules [915 IAC 1-3-4 through 915 IAC 1-3-6] will be entitled to a bonus payment of \$200.00.

\$500 BONUS

(B) All persons eligible in the proceeding Rule #7 [915 IAC 1-3-8] shall be entitled to a bonus payment of \$500.00.

\$600 BONUS

(C) All persons eligible in Rule #9 [915 IAC 1-3-10], shall receive a bonus payment of \$600.00. (*Veterans' Affairs Commission; Vietnam Bonus Rule 6; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 645; readopted filed Jul 3, 2001, 1:50*

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p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-8 Disability as result of service in the armed forces

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-3

Sec. 8. "DISABILITY AS RESULT OF SERVICE IN THE ARMED FORCES". 10% DISABILITY RATING

(A) The applicant must have been eligible under all other provisions of this Public Law, and met the following conditions for a bonus payment of \$500.00.

10% DISABILITY RATING

(1) Provided that the applicant has a Veterans Administration Rating; Department of Defense disability retirement benefits; or appropriate branch of the military service disability rating of ten (10) per cent or more.

PENDING DISABILITY RATING

(2) Provided further, that if an applicant has a claim against the Veterans Administration or appropriate branch of the Armed Forces for a service-connected disability and the claim has not been adjudicated by either of those agencies for determination of per centum of disability or a previous finding of less than ten per centum (10%) is under appeal, the individual claimant may request that payment of his or her bonus be delayed until a final determination has been rendered by the appropriate agency, in order that they may qualify for the higher payment, under these disability provisions.

REDUCTION OF 10% RATING

(3) An award of a disability rating of 10% or more by the appropriate agency during the periods of eligibility as set forth in other provisions of the Public Law and these Rules [915 IAC 1-3], even though reduced at a later date by the agency administering the ratings shall qualify the claimant for the disability payment by providing the IDVA Bonus Division with documentation that such rating did exist and was incurred during the eligibility period set forth.

DOCUMENT DISABILITY

(4) The applicant must provide documentation as to the disability rating from the source under which he claims such disability.

CHECKING OF DOCUMENTS

(5) In cases of doubt as to the authenticity of such documentation, the Department of Veterans' Affairs will request verification from such source prior to authorizing any bonus payments.

ADDITIONAL PAYMENT

(B) Provided further, that if a veteran (or claimant) timely filed an application for the bonus and was paid the minimum of \$200.00, and later during the remaining period of entitlement to file for the bonus, establishes a service-connected disability of the (10) per cent or more and meets all other requirements, shall be eligible for an additional payment of \$300.00, for a maximum amount of \$500.00 as allowed under the provisions of the law and the Rules and Regulations. It is further stipulated that this additional payment will only be allowed for those persons who incurred the service-connected disability prior to the official date for cessation of hostilities as announced by the U.S. Government. (*Veterans' Affairs Commission; Vietnam Bonus Rule 7; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 645; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

915 IAC 1-3-9 Beneficiary payments

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-2; IC 10-5-16.1-14

Sec. 9. "BENEFICIARY PAYMENTS". ORDER NEXT-OF-KIN

(A) Payment of the bonus under Rule 6(A) and Rule 7 [915 IAC 1-3-7(A) and 915 IAC 1-3-8], these Rules will be made to the Next-of-Kin, in order named in Section 2(d), of this Public Law, of any deceased person that would be entitled to the bonus under other provisions of this Public Law, if living.

BENEFICIARY FORMS

(B) Beneficiary payments will be made upon proper application forms provided by the Department of Veterans Affairs, and with such documentation as provided for under other provisions of these General Rules [915 IAC 1-3]. (*Veterans' Affairs*

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Commission; Vietnam Bonus Rule 8; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 646; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-10 Service connected death

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-2; IC 10-5-16.1

Sec. 10. "SERVICE CONNECTED DEATHS". FATALLY INJURED PAYMENTS SERVICE-CONNECTED

(A) Provided further, that if an individual killed while serving in the United States Armed Forces would otherwise have qualified for the bonus provided by this Public Law, a bonus of six-hundred dollars (\$600.00) shall be paid to the next-of-kin of said individual, in the order indicated in Section 2(d) of this Public Law.

FATALLY INJURED NEXT-OF-KIN PAYMENTS SERVICE-CONNECTED

(B) For the purpose of this Public Law, a bonus shall be paid to the next-of-kin as determined under Section 2(d) if the veteran qualified under all other provisions of these Rules [915 IAC 1-3] and of this Public Law, and died while serving with the Armed Forces of the United States, and was determined to be service-connected, by either the appropriate branch of the military or the Veterans Administration.

LINGERING DEATH CASES – SERVICE-CONNECTED

(C) The provisions of this Public Law and these Rules [915 IAC 1-3] are extended to those persons who were wounded in Viet Nam and subsequently died as a result of such wounds or injuries and were determined to be service-connected by the appropriate branch of the military of the Veterans Administration. Documentation will be required to the effect that the injury was either the principal or contributory cause of death.

WILLFUL MISCONDUCT

(D) Death payments in the amount of \$600.00 will not be allowed when the cause of death was held to be "of willful misconduct" on the part of the serviceman, but will not be a bar to other payments allowed under other provisions of this Public Law, and these Rules [915 IAC 1-3], upon proper application and documentation by the next-of-kin as heretofore or hereafter stipulated. *(Veterans' Affairs Commission; Vietnam Bonus Rule 9; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 646; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

915 IAC 1-3-11 Next of kin applications and proof of death

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-2; IC 10-5-16.1

Sec. 11. "NEXT-OF-KIN APPLICATIONS AND PROOF OF DEATH". OFFICIAL ORDER–NEXT-OF-KIN AND BENEFICIARIES

(A) All beneficiary payments will be made in the following order, and none other:

- (1) Widow, not remarried
- (2) Widower, not remarried
- (3) Children (See Item 2(D) below)
- (4) Mother
- (5) Father
- (6) Persons standing in loco parentis (of any member of the Armed Forces of the United States)

HUSBAND OR WIFE

(B) The beneficiary making application for payment of the bonus shall furnish the following proof:

(1) HUSBAND AND WIFE making application must prove:

(a) Death of person rendering military service. (Photostatic copy or certified copy of official notification of death shall be attached.)

(b) Marriage of the parties, and that such marriage existed at the time of death of persons through who claim is made.

CHILD OR CHILDREN

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(2) CHILD OR CHILDREN making application must prove:

- (a) Death of person rendering military service. (Photostatic copy or certified copy of official notification of death shall be attached.)
- (b) Marriage of deceased and other parent of child or children.
- (c) That surviving spouse is dead, or was divorced.

DEFINITION CHILD—CHILDREN

- (d) CHILD OR CHILDREN, Definition of: The term child or children shall include all legitimate children and legally adopted children. (Photostatic copies of birth records and/or adoption records must be furnished.)

MOTHER OR FATHER

(3) MOTHER, FATHER, making application must prove:

- (a) Death of person rendering military service. (Photostatic copy or certified copy of official notification of death should be attached.)
- (b) That such person was unmarried, or if married that spouse of such person is dead or was divorced. (Certified or photostatic copy of death certificate or divorce decree shall be furnished.)
- (c) That if such person is married there were no children, or if there were children, all are deceased. (Photostatic copy of death certificate shall be furnished.)

FATHER

- (d) If FATHER is applicant that Mother is deceased. (Photostatic copy of death certificate shall be furnished.)
- (e) That the deceased upon whose military service claim is made was the son or daughter of the claimant. (Photostatic copy of the birth certificate shall be furnished.)

LOCO PARENTIS

(4) PERSON STANDING IN LOCO PARENTIS must prove:

- (a) That he or she stood in relation of parent toward the person rendering military service and comply with the Rules 3 (a) through 3 (e) [subsection (B)(3) (a) – (e) of this section], above section, MOTHER, FATHER, AND etc.

(Veterans' Affairs Commission; Vietnam Bonus Rule 10; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 647; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-12 Assignment of right to bonus payments

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-12

Sec. 12. "ASSIGNMENT OF RIGHT TO BONUS PAYMENTS". ASSIGNMENTS

(A) No rights or claims to compensation under this Public Law shall be assigned and no payment shall be made to any person other than the approved applicant as determined by the Department of Veterans' Affairs. *(Veterans' Affairs Commission; Vietnam Bonus Rule 11; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 648; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

915 IAC 1-3-13 When payment made

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-3

Sec. 13. "BONUS PAYMENTS (INDIANA)". PAYMENT AUTHORIZED

(A) Applications having been found to meet the requirements of eligibility payment will be made in the amounts indicated by these Rules [915 IAC 1-3] and the Public Law. *(Veterans' Affairs Commission; Vietnam Bonus Rule 12; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 649; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

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915 IAC 1-3-14 Bonus payments from other states

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-4

Sec. 14. "BONUS PAYMENTS FROM OTHER STATES". BONUS OR COMPENSATION OTHER STATES

(A) No payment will be made to persons who have received from another State, a bonus or compensation of a like nature as is provided in this Public Law.

(B) Requests on other States will be made in cases of doubt as determined by the Bonus Division, Department of Veterans' Affairs. (*Veterans' Affairs Commission; Vietnam Bonus Rule 13; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 649; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-15 Mentally incompetent

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-11

Sec. 15. "MENTALLY INCOMPETENT". PAYMENT TO "MENTALLY INCOMPETENT"

(A) In case any compensation is payable under this Public Law to a mental incompetent, the compensation shall be paid to the person who is legally constituted his guardian, provided, however, if there is no such guardian, payment shall be made to the chief administrative officer of any State or Federal Hospital or institution in which such person (an incompetent) is placed where such officer is authorized to accept monies for the benefit of the incompetent.

DEFINITION OF MENTALLY INCOMPETENT

(B) Definition of a mentally incompetent person for the purposes of this Public Law is as follows:

(1) "A Mentally incompetent person, is a person found to be incompetent by a court of competent jurisdiction of any State or the District of Columbia, or by a proper official of the Veterans Administration."

VOLUNTARY MENTAL COMMITMENTS

(2) Also, a person who voluntarily commits themselves for treatment in an institution for mentally incompetents shall cause their compensation under this Public Law to be placed with an officer of such institution for their (the veteran's) benefit. (*Veterans' Affairs Commission; Vietnam Bonus Rule 14; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 649; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-16 Applicants under age 18

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-11

Sec. 16. "APPLICANTS UNDER AGE 18". PAYMENTS UNDER AGE 18

(A) In case any compensation is payable under this Public Law, to a person under eighteen (18) years of age, the compensation shall be paid to the person who is legally constituted his or her guardian, provided, however, if there is no such guardian, payment shall be made to the chief administrative officer of any State or Federal Hospital or Institution in which such person under eighteen (18) of age is placed where such officer is authorized to accept monies for the benefit of the person under eighteen (18) years of age.

UNDER 18 AND MENTALLY INCOMPETENT

(B) If the person under eighteen (18) years of age is adjudged as a mental incompetent, the provisions contained in Rule #14 [915 IAC 1-3-15], these General Rules [915 IAC 1-3] and the Public Law itself, shall govern.

PROPORTIONATE SHARE

(C) The total amount of the award by reason of the deceased veterans service will be divided by the number of children living at the time of the mailing of the order-to-pay or state warrant and each child will receive its' proportionate share thereof. (*Veterans' Affairs Commission; Vietnam Bonus Rule 15; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 649; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was

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repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-17 Rejection of bonus claims

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-8; IC 10-5-16.1-9

Sec. 17. "REJECTION OF THE BONUS CLAIMS". ALLOW OR REJECT CLAIMS

(A) The Department of Veterans' Affairs shall allow or reject, either in whole or in part, all claims filed under the provisions of this Public Law.

WRITTEN NOTICE OF REJECTION

(B) Written notice of any rejection of a claim, either in whole or in part, shall be served on the claimant either personally or by certified mail addressed to the last known address of claimant and deposited in the United States mails. (*Veterans' Affairs Commission; Vietnam Bonus Rule 16; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 650; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-18 Appeal of rejected claims

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-9

Sec. 18. "APPEAL OF REJECTED BONUS CLAIMS". REVIEW AND APPEAL PROCEDURE

(A) Any claimant whose claim is so rejected may apply for a review of the determination by the following procedures:

(1) Provide a written request for a review within four (4) months after the serving of the notice of rejection.

TIME LIMIT 4 MONTHS

(1) Provide a written request for a review within four (4) months after the serving of the notice of rejection.

TIMELY REVIEW

(2) If such written request for a review is timely made, the determination shall be reviewed by a reviewing officer appointed by the Commission itself.

PERMANENT REJECTION

(3) Advice from claimants that they have no further evidence to support a further consideration or review of their claim shall be cause to make permanent their rejection of a claim by the Department of Veterans' Affairs.

(*Veterans' Affairs Commission; Vietnam Bonus Rule 17; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 650; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-19 Review of rejected claims; beneficiary selections

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-9

Sec. 19. "BOARDS". REVIEW BOARD

(A) For the purposes of review and appeals, two (2) Boards are hereby created by these Rules and Regulations [915 IAC 1-3]:

(1) All written requests by claimants for review of their rejected claim, shall be heard or reviewed by the Director, Department of Veterans' Affairs, or from time to time, such person or persons as may be appointed by the Director as disinterested parties to any claims under this Public Law, may review or publicly hear from claimants as to why their claims should be allowed.

REVIEWS TO APPEAL BOARD

Any or all claims reviewed by the Director, and rejected further, shall automatically be forwarded to the Appeal Board as hereinafter described, and notice shall be given to the claimant or claimants as to action taken.

APPEAL BOARD QUORUM

(B) The Commission, Department of Veterans' Affairs shall constitute an "APPEAL BOARD", with three (3) of the four (4) person Commission constituting a quorum.

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REVIEWING REJECTIONS

(1) The Commission shall consider all rejections given it by the provision of Rule 18 (A) (1) [subsection (A)(1) of this section], heretofore described.

BENEFICIARY SELECTIONS

(2) The Commission shall determine, on appeal those instances where disagreement has arisen on the selection of beneficiary or the distribution of beneficiary funds, as hereto provided by this Public Law or these Rules and Regulations [915 IAC 1-3].

DECISIONS ARE FINAL

(3) Decisions of the Commission are final, and no further hearings will be held unless new and material evidence is presented in writing by the claimants.

(Veterans' Affairs Commission; Vietnam Bonus Rule 18; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 650; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

915 IAC 1-3-20 False or fraudulent statements of material fact

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-12

Sec. 20. "FALSE OR FRAUDULENT STATEMENTS OF MATERIAL FACT". PENALTY CLAUSE FRAUD

(A) Whoever makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this Public Law or of any Rules and Regulations made by the Commission, Department of Veterans Affairs, shall be guilty of a felony and upon conviction thereof be fined not more than one thousand dollars (\$1,000) or imprisoned for any determinate term of not more than two (2) years or both, at the discretion of the court.

INVESTIGATION OF FRAUD AND POSSIBLE PROSECUTION

(B) The personnel of the Bonus Division, Department of Veterans' Affairs, shall advise the Director, Department of Veterans' Affairs of any actual or attempted fraud or furnishing of false statements in connection with any claims filed with the Department. The Director, upon investigation shall report the findings to the proper Indiana State officials for further investigation and/or prosecution. *(Veterans' Affairs Commission; Vietnam Bonus Rule 19; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 651; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

915 IAC 1-3-21 Fees for assisting in filing claims unlawful

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-13

Sec. 21. "UNLAWFUL TO CHARGE FEES FOR ASSISTING IN FILING CLAIMS". PENALTY CLAUSE FOR CHARGING FEES

(A) Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a Viet Nam veteran or next-of-kin in obtaining any of the benefits to which they may be entitled under the provisions of this Public Law, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred (\$500) or imprisoned for a term of not more than six (6) months, or both, at the discretion of the court. *(Veterans' Affairs Commission; Vietnam Bonus Rule 20; filed Aug 13, 1973, 3:00 pm: Rules and Regs. 1974, p. 652; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.*

915 IAC 1-3-22 Severability of rule

Authority: IC 10-5-16.1-6

Affected: IC 10-5-16.1-6

Sec. 22. "VALIDITY OF SEPARATE OR ALL PROVISIONS". VALIDITY OF THE PUBLIC LAW AND THESE RULES AND REGULATIONS

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(A) If any provision of this Public Law, or of these Rules and Regulations [915 IAC 1-3], or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Public Law or these Rules and Regulations [915 IAC 1-3] which can be given effect without the invalid provision or application, and to this end the provisions of this Public Law and Rules and Regulations [915 IAC 1-3] thereto, are declared severable. (*Veterans' Affairs Commission; Vietnam Bonus Rule 21; filed Aug 13, 1973, 3:00 pm; Rules and Regs. 1974, p. 652; readopted filed Jul 3, 2001, 1:50 p.m.: 24 IR 3824*) NOTE: IC 10-5-16.1 concerning benefits of veterans serving during the Viet Nam conflict was repealed by P.L.2-1978, SECTION 1023.

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