

## DEPARTMENT OF VETERANS AFFAIRS

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## 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, signed by an eligible dependent, or by the veteran and/or such other person as the department may require in connection with the specific benefit application involved. The department may require that a loan application or a credit instrument executed in connection with a loan be signed by the veteran's spouse only in a case where such requirement may legally be imposed under Wis. Adm. Code section Bkg. 80.85 and under the provisions of the Equal Credit Opportunity Act and regulations adopted thereunder. It is unlawful for anyone to charge an applicant or spouse a commission 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; r. and recr., Register, November, 1971, No. 191, eff. 12-1-71; am. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, July, 1976, No. 247, eff. 8-1-76.

**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, educational, economic or vocational rehabilitation of veterans and their dependents, the department shall cooperate with all federal, state, county or other agencies whose functions include rehabilitation of veterans.

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

**VA 1.06 Definition—"veteran".** For the purposes of this chapter and chapters VA 2, 3 and 4, "veteran" shall mean either a veteran as defined in section 45.35 (5) 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; am. Register, June, 1970, No. 174, eff. 7-1-70.

**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 False statements.** (1) **SUSPENSION OF BENEFITS.** (a) *Investigation and suspension.* When it appears that a false statement has been made in connection with an application for benefits from the department, the department shall use such means of investigating such apparent false statement as it deems advisable. In any case where the department finds after investigation that any applicant for benefits from the department has willfully made or caused to be made, or conspired, combined, aided or assisted in, agreed to, arranged for, or in any wise procured the making of a false or fraudulent affidavit, declaration, certificate, statement or other writing, it may suspend all benefits available to such applicant from the department.

(b) *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.

(c) *Reinstatement of benefits.* The department after investigation may reinstate benefits. If the department shall find that an application for reinstatement is made without sufficient cause to justify reinstatement it shall deny the same.

(2) **CRIMINAL PROSECUTION.** In proper cases, where the department is satisfied that a false statement has been made in connection with an application for benefits, it may forward the relevant facts to the appropriate district attorney for necessary action pursuant to section 45.37 (17) (b), [45.35 (17) (b)], Wis. Stats.

**History:** Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr., Register, August, 1972, No. 200, eff. 9-1-72.