

Chapter VA 1

GENERAL

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VA 1.01 Liberal statutory construction. The department of veterans affairs shall administer the provisions of ch. 45, 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 s. Bkg. 80.85, Wis. Adm. Code 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 Procedure for appeals by applicants for benefits. (1) APPEALABLE ACTIONS. Any applicant for any benefit available through the department may appeal from a decision of the department concerning any such application. Any applicant for benefits whose benefits have been suspended pursuant to s. 45.35 (17), Stats., may appeal such suspension.

(2) APPLICATIONS PENDING APPEAL FOR DENIAL OF SUSPENSION OF BENEFITS. During the pendency of an appeal of a suspension of benefits from the department, no decision shall be issued by the department concerning any of the appellant's applications for benefits from the department which were pending in the department at the time of the decision to suspend benefits, or which are submitted by the applicant during the pendency of the appeal even if the decision is not related to the matter being appealed. If the final decision in the appeal affirms the suspension of benefits, any of the appellant's applications shall be denied by the department. If the final decision in the appeal reverses the suspension of benefits, the department shall then determine whether or not the applications should be approved.

(3) **TIME AND MANNER FOR FILING APPEAL.** An appeal shall be in writing and shall be filed with the state of Wisconsin, Department of Veterans Affairs, 77 N. Dickinson St., Madison, WI 53702. An appeal must be received by the department within 60 calendar days after the date of the department decision appealed. Any questions about time computations for procedural matters shall be resolved by reference to s. 801.15 (1), Stats.

(4) **CONDUCT OF HEARING.** The hearing on the appeal shall be held before a hearing examiner designated by the secretary. The hearing examiner shall have the powers enumerated under s. 227.46, Stats. The department shall present evidence first unless the hearing examiner varies the order of proceeding in the interest of obtaining the most cogent presentation of the case. An appellant may appear in person, with or without counsel, or by counsel or other agent of the appellant's choice.

(5) **EVIDENCE.** In accordance with s. 227.45, Stats., the hearing examiner shall not be bound by common law or statutory rules of evidence. Parties may stipulate to some or all of the facts, and the hearing examiner may base the proposed decision upon the stipulation. All exhibits shall be marked and made available for inspection by the opposing party before being shown to a witness, unless the exhibit shall have been marked and a copy made available to the opposing party prior to hearing.

(6) **RECORD OF APPEAL.** A stenographic, electronic, or other record of the hearing shall be kept, and shall be transcribed at the request of any party. Such transcription shall be at the department's expense if the purpose for transcription is deemed reasonable to the department's or hearing examiner's satisfaction. Copies of the tape recordings, transcripts, or other record shall be furnished to any party upon request at the cost of production to the department, except that copies may be provided free of charge to parties who can demonstrate that they are indigent.

(7) **PROPOSED DECISION.** The hearing examiner shall issue a proposed written decision to the board of veterans affairs, including findings of fact, conclusions of law, order and opinion pursuant to s. 227.46 (2), Stats.,. The proposed decision shall be served on all parties at least 20 calendar days before it is submitted to the board of veterans affairs for final decision unless the 20 calendar day period is waived by all parties. Each party adversely affected may file objections to the proposed decision, briefly stating the reasons and authorities for each objection, and may file a brief and present oral argument to the board at the meeting of the board at which the party's case is to be heard.

(8) **FINAL DECISION.** The board of veterans affairs shall issue in writing the final decision, findings of fact, and conclusions of law.

(9) **PETITION FOR REHEARING.** A party aggrieved by a final decision may petition the board for rehearing pursuant to s. 227.49, Stats. Any other party shall have 20 days from the date the petition for rehearing is mailed to them at their last know address to file a reply to the petition.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr., Register, January, 1984, No. 337, eff. 2-1-84; am. (4) to (7) and (9), Register, February, 1989, No. 398, eff. 3-1-89.

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 Register, February, 1989, No. 398