

Chapter VA 2

GRANTS; NEEDY VETERANS, VETERANS TUITION REIMBURSEMENT AND RETRAINING; NONPROFIT ORGANIZATIONS

VA 2.01	Assistance to needy veterans program.	VA 2.05	Recovery of erroneous payments.
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Note: Chapter VA 2 as it existed on December 31, 1979 was repealed and a new chapter VA 2 was created effective January 1, 1980. Chapter VA 2 as it existed on April 30, 1986 was repealed and a new chapter VA 2 was created effective May 1, 1986.

Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 2.01 Assistance to needy veterans program.

(1) DEFINITIONS. In this section:

(a) “Applicant” means an individual who meets the requirements of s. 45.40, Stats.

(b) “Applicant’s family” means the applicant’s spouse and dependents or, where the applicant is a dependent, the parents, stepparents, or any custodial guardians of the dependent.

(c) “Approved treatment programs” means treatment programs approved by the United States Department of Veterans Affairs (USDVA) or alcohol and other drug treatment programs certified by the Wisconsin department of health services.

(d) “Available liquid assets” means cash on hand, including cash in checking, savings, money market or similar accounts, cash value of life insurance policies, liquid investments, including stocks and bonds and amounts deposited in any retirement plans, owned, either jointly or solely, by the applicant or the applicant’s family.

(e) “Declaration of aid” means a written determination regarding the availability of county, state, or federal aid administered by the county for an applicant. A declaration of aid must be signed by a county official authorized to determine whether aid is available for an applicant and the applicant’s family and whether the applicant has accepted the aid available.

(f) “Dental care” means any care given to teeth, the supporting natural and artificial structures for teeth, and any replacement or restoration of teeth.

(g) “Denture” means a dental device that replaces one or more teeth and includes all dental preparation and the manufacture and fitting of the device.

(h) “Department” means the Wisconsin department of veterans affairs.

(i) “Description of benefits” means a written determination that an applicant is eligible for health care aid or subsistence aid or both. A description of benefits expires 90 days after the date of eligibility is established and printed by the department unless extended by the department.

(j) “Earned income” means all anticipated family monthly take home earnings from employment including armed forces reserve and national guard pay, and work study payments, after all payroll deductions of the applicant and the applicant’s family except payroll deductions for savings plans and payment of debts.

(k) “Economic emergency” means a natural disaster which damages an applicant’s primary living residence, a medical emergency, the failure of the applicant’s sole means of transportation, or a severe disruption in essential household systems caused by a failure of the applicant’s stove, refrigerator, heating system, ventilating and air conditioning system, plumbing system, or electrical

system such that it materially compromises the applicant’s ability to live.

(L) “Health care” means dental care, dentures, hearing care, and vision care.

(m) “Health care aid” means the payment by the department for health care.

(n) “Hearing care” means any care related to hearing, including, but not limited to, hearing exams or hearing aids.

(o) “Illness or injury” means a physical or mental health problem that has been diagnosed by a licensed physician, dentist, optometrist, or audiologist.

(p) “Month” means any consecutive 30–calendar day period.

(q) “Natural disaster” means a catastrophic occurrence over which the applicant or family members living with the applicant has no control, including, but not limited to, a fire, flood, tornado, blizzard, or earthquake.

(r) “Subsistence” means essential living expenses including current rent or mortgage payments on the applicant’s primary residence, food, current medical insurance premiums, current costs for prescribed medications, essential travel, child care required because of employment, educational or medical reasons, and current costs for electricity, heat, and basic telephone service for the applicant’s primary residence. Subsistence also means any repairs or purchases required due to an economic emergency.

(s) “Subsistence aid” means the payment by the department for subsistence.

(t) “Unearned income” means the estimated amount the applicant and the applicant’s family receives in benefits or grants during any month from the USDVA or other federal agencies, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the applicant or the applicant’s family or to the school on behalf of the applicant or applicant’s family for vocational rehabilitation by the USDVA or any other agency, income from trusts or inheritances, unemployment compensation, worker’s compensation, social security payments, net rentals from real estate, interest or dividend income or other income not included under earned income. It shall not include death benefits paid by the USDVA or other federal agencies.

(u) “Vision care” means a vision exam by a licensed vision care provider and a prescription for lens and frame.

(v) “Change in refractive error” means an increase or decrease of sphere, cylinder or power of at least the following: sphere power of + or – .25 diopter; cylinder power of + or – .5 diopter; axis change of + or –.25 to .75 diopters at 5 degrees, + or – 1 to 2 diopters at 3 degrees or + or –2.25 or more diopters at 2 degrees.

(2) GRANT APPLICATION. (a) *Forms required.* A grant application shall be submitted on a department approved form. It may be submitted through a county veterans service officer, through any other department authorized agent, or directly to the department, either manually or electronically. The application shall specify the type of care being requested and if the care requested is subsistence aid, the application shall be submitted no later than the 91st day following the verified loss of income due to illness, injury or

natural disaster. A declaration of aid shall be submitted with the application. The declaration shall state that the applicant has applied for all aid offered through or administered by the county, including aid from the federal or state government and shall list all assets available to the applicant or the applicant's family. If requested by the department the applicant shall submit evidence establishing that all other available aid has been applied for and accepted. The department may request additional verification of any information provided in the application. The department shall notify the applicant or applicant's county veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department shall terminate an application if such documentation or verification does not arrive at the department's central office within 30 days of that notification.

Note: Application and declaration of aid forms may be obtained at the Department's web site at <http://dva.state.wi.us>.

Note: The department's central office is located at 201 West Washington Avenue, P.O. Box 7843, Madison, Wisconsin 53707.

(b) *Eligibility.* 1. 'All applicants.' Except for applicants who are eligible under subd. 3., the applicant's income shall not exceed 180 percent of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence. An applicant may apply for subsistence aid, health care aid, or both. Applications approved by the department shall have the balance of the maximum available aid allocated towards each type of aid requested, unless the applicant indicates a lesser amount in writing. Applications shall be denied if no unallocated funds are available at the time of application. The department shall indicate on each description of benefits the type of health care or subsistence aid authorized, the date the department confirmed that the applicant was eligible for the grant, a date 90 calendar days from that date, the unallocated amount available for each type of aid and for the cumulative limits of this section, and the amount of aid being authorized. No more than one description of benefits may be outstanding at any time, except where all health care providers have submitted binding quotes prior to the issuance of more than one description of benefits, and are willing to accept payment from this program in full for any service rendered to the applicant in accordance with the description of benefits. The department shall pay the lesser of the actual cost of services invoiced or the binding quote submitted by the health care provider. No payment shall be made by the department unless an itemized written invoice is received by the department within 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits. Authorized applications for health care aid may not be withdrawn without the agreement of the provider of the health care aid.

2. 'Unremarried surviving spouses and dependents of veterans who die in the line of duty.' Unremarried surviving spouses and dependents claiming eligibility due to the death of a veteran in the line of duty shall submit evidence from the appropriate military service indicating that the veteran died in the line of duty.

3. 'Spouses and dependents of activated or deployed members.' Spouses and dependents of a member of the U.S. armed forces or of the Wisconsin National Guard claiming eligibility shall submit evidence that the service member has been deployed or activated, that due to the activation or deployment a loss of income has occurred, that an economic emergency has occurred during the activation or deployment, and that the spouse and dependents are residents of the state.

(3) **LIMITATIONS.** (a) *Health care aid.* A health care provider may provide health care within 90 days after the department confirms that the applicant is eligible only after a description of benefits has been transmitted to the applicant or the county veterans service officer. The department may accept a second application for the health care listed on the first description of benefits if the department receives a statement from the health care provider,

within 7 calendar days before the expiration listed on the first description of benefits, that the health care authorized is still being provided and that the patient will not incur costs.

(b) *Subsistence aid.* Subsistence aid is available for the 90-day period following the date of the verified loss of income due to illness, injury, or a natural disaster. Applications may be made for any 30-day period within the 120 days following the date of the verified loss of income. No more than 3 30-day periods of subsistence aid may be granted for any verified loss of income due to illness, injury, or natural disaster. Subsistence aid shall be limited to the difference between the amount of earned and unearned income available before the loss of income and the earned and unearned income being received after the loss of income, subject to the limitations under s. 45.40 (1m) (b) and (3), Stats. The applicant shall verify the loss of income by submitting verification of income forms, certified public accounting statements, or any other evidence the department deems credible. Illness or injury shall be verified in writing on a form approved by the department. When the department has evidence that the incapacitation will cause an income loss for 90 days or longer, subsistence grants will be prorated for each of the 30-day periods unless the department determines that an alternate distribution of the grant would benefit the applicant. If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify current participation in an approved treatment program.

(c) *Restrictions.* Aid granted for subsistence or health care under s. 45.40, Stats., is subject to a \$7,500 cumulative total based on the aid granted to a veteran and his or her spouse and dependents. The maximum amount of subsistence aid payable in a consecutive 12-month period is \$3,000. The department may provide a grant only if the provider accepts the grant, available health insurance, third party payments on behalf of the applicant and any department-approved payment from the veteran as payment in full. The department may approve a payment by the veteran when a provider refuses to accept the maximum grant available to the veteran as payment in full if the veteran has sufficient available liquid assets to contribute an amount that will induce the provider to accept the aggregate payment as payment in full.

(d) *Dental care aid.* A dental health care professional shall indicate in writing that the dental procedures performed were directly necessary to dental care. Such procedures shall not exceed \$500.00 in any consecutive 12 month period except where a full or partial upper / or a lower denture is required. The grant for such denture or dentures shall not exceed \$1,875 for one or \$3,750 for both in any consecutive 48 month period.

(e) *Hearing care aid.* Hearing care shall not exceed \$200.00 in any consecutive 12 month period except where a left and / or right ear hearing aid is required. The grant for each hearing aid shall not exceed \$1,875 in any consecutive 48 month period. A participant may obtain a grant to fund an additional or more costly hearing aids and a related examination, if a licensed audiological health care professional identifies, in writing, compelling medical circumstances which have required this added assistance.

(f) *Vision care aid.* A grant for vision care shall not exceed \$400.00 in any consecutive 12 month period; however a participant may obtain a grant for replacement glasses before 12 consecutive months have elapsed if the eyewear is prescribed because of a documented change in refractive error.

(g) *Vision care replacement.* A participant may obtain a grant for an additional visit to a licensed vision care provider and for a more costly set of corrective eyewear or for an additional set of corrective eyewear where an optometrist or an ophthalmologist identifies in writing a compelling medical circumstance which has required this added assistance.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86; am. (1) (a), (c), (d), (g), (2) (b) 1., 2., 7., 10., 13., and 14., (2) (c) 4., cr. (1) (am), r. (2) (b) 11., and 12., and (2) (c) 2., Register, February, 1989, No. 398, eff. 3-1-89; am. (2) (b) 2. and 10., r. (2) (b) 5., Register, January, 1990, No. 409, eff. 2-1-90; am. (2) (b) 2., Register, September, 1990, No. 417, eff. 10-1-90; am. (1) (b), (c), (2) (b) 2., 7., 13., 14., and (c) 4., cr. (1)

(em), r. and recr. (2) (c) 3., Register, June, 1992, No. 438, eff. 7-1-92; am. (1) (d), (2) (b) 13. and 14., cr. (2) (b) 15. to 17., Register, January, 1996, No. 481, eff. 2-1-96; cr. (1) (an) and (2) (b) 18. and 19., r. (1) (c), (f), (2) (b) 3., 9., 16. and 17., am. (1) (d), (2) (b) 7., 10. and 13., Register, July, 1998, No. 511, eff. 8-1-98; emerg. am. (2) (b) 2., eff. 10-12-98; am. (2) (b) 2., Register, March, 1999, No. 519, eff. 4-1-99; am. (2) (b) 15., Register, July, 2000, No. 535, eff. 8-1-00; CR 03-024; am. (2) (b) 2. Register July 2003 No. 571, eff. 8-1-03; CR 05-097 r. and recr. Register January 2006 No. 601, eff. 2-1-06; CR 09-026; am. (2) (a), (b) 1., (3) (b) and (c) Register October 2009 No. 646, eff. 11-1-09; correction in (1) (c) made under s. 13.92 (4) (b) 6., Stats., Register October 2009 No. 646; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register June 2010 No. 654; CR 09-091; cr. (1) (u), (v), (3) (d) to (g) Register August 2010 No. 656, eff. 9-1-10; titles created in (3) (d) to (g) under s. 13.92 (4) (b) 2. Register August 2010 No. 656; 2013 Wis. Act 189; am. (2) (b) 1., (3) (b) Register April 2014 no. 700, eff. 5-1-14.

VA 2.02 Veterans tuition reimbursement program.

(1) DEFINITIONS. In this section the following terms shall have the designated meanings:

- (a) "Department" means the department of veterans affairs.
- (b) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.
- (c) "Tuition" has the meaning specified in s. 45.20 (1) (d), Stats.
- (d) "Undergraduate degree" means a bachelor's degree.
- (e) "Veteran" means a person who meets the requirements of s. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. An application shall be submitted on a form approved by the department. It may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. Applications shall be received by the department or an authorized agent no later than 60 days after the starting date of the course, term or semester for which reimbursement is requested. Applications are considered received if all student information is completed and a physical or electronic date stamp is affixed to the application. The school veterans coordinator shall list the completion date of the semester, the cost of tuition, other assistance received or applied for by the applicant, the number of credits enrolled in during the semester, and the semester grade point average. Applications are considered complete when all required information has been provided and the completed application is submitted to the department manually or electronically. Completed applications submitted more than 60 days following the last day of the course, term or semester for which reimbursement is requested shall be denied unless good cause can be shown for the delay in submission.

Note: Application forms may be obtained at the department's web site at <http://dva.state.wi.us>.

(3) LIMITATIONS. (a) *Undergraduate enrollment.* Reimbursement may be made only if a representative of the educational institution, center or school certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

Note: Pre-application forms may be obtained at the department's web site at <http://dva.state.wi.us>.

(c) *Veterans benefits.* A veteran may not receive reimbursement for any semester or course for which he or she is eligible for or received a grant under s. 321.40, Stats., or 10 USC 2007. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action which might disqualify him or her from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether he or she is entitled to reimbursement under this section.

(d) *Duplicate benefits.* Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions the veteran is entitled to receive under any other program.

(e) *Grade point average.* The department shall utilize the grade point average calculated and reported by the school.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86; r. (2), am. (3) and (6), Register, February, 1989, No. 398, eff. 3-1-89; am (5), Register, August, 1993, No. 452, eff. 9-1-93; CR 04-080; cr. (8) Register November 2004 No. 587, eff. 12-1-04; CR 05-096; r. and recr. Register January 2006 No. 601, eff. 2-1-06; CR 07-083; am. (3) (b) Register February 2008 No. 626, eff. 3-1-08; correction in (3) (c) made under s. 13.92 (4) (b) 7., Stats., Register October 2009 No. 646; EmR0944; emerg. am. (2), eff. 1-4-10; CR 09-122; am. (2) Register June 2010 No. 654, eff. 7-1-10; 2013 Wis. Act 189; r. (3) (b) Register April 2014 No. 700, eff. 5-1-14.

VA 2.03 Retraining grants. (1) DEFINITIONS. In this section:

(a) "Available liquid assets" means cash on hand, cash in a checking or savings account, stocks, bonds, certificates of deposit, treasury bills, money market funds and other liquid investments owned individually or jointly by the applicant and the applicant's spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce as established by the criteria set forth in s. VA 1.12 (4), but does not include funds deposited in IRAs, Keogh plans, deferred compensation plans, or cash surrender value of life insurance policies.

(b) "Course of instruction" means any series of classroom or shop courses that have a unified purpose and lead to a diploma or degree or to an occupational or vocational objective.

(c) "Earned income" means all anticipated monthly and academic year take-home earnings from employment, including armed forces reserve and national guard pay and work-study pay, after all payroll deductions of the veteran and the veteran's spouse, except payroll deductions for savings plans and payment of debts.

(d) "FAO" means a school's financial aids officer.

(e) "Grant period" means one year from the date the application is received by the department or until the anticipated completion date of the applicant's approved retraining program, whichever is earlier.

(f) "Underemployed" means the status of a veteran whose annual income from employment does not exceed the federal poverty guidelines, as established by the department of health and human services, for the veteran's family size. The department shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

(g) "Unearned income" means the estimated amount the veteran and spouse will receive during the academic year from VA educational assistance allowance (G.I. Bill) benefits, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the veteran or to the school on behalf of the veteran for vocational rehabilitation by the VA or any other agency, income from trusts or inheritances, unemployment compensation, worker's compensation, social security payments, net rentals from real estate, interest or dividend income, or other unearned income, but does not include disability compensation paid to the veteran by the VA for service-connected disabilities, armed forces disability retirement pay, or parental contributions.

(h) "Unusual expenses" means monthly or academic year payments that a veteran will be required to make on medical and dental expenses or alimony being paid under a final judgment or decree of divorce.

(2) LIMITATIONS. (b) *Amount of grant.* Applicants who qualify for a retraining grant under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal to their need during the grant period or the statutory maximum grant, whichever is less. Except as provided in par. (h), need shall be determined by deducting 75 percent of earned income and all unearned income to be received by the applicant during the grant period, available liquid assets in excess of \$2,400 plus 6 months' living expenses computed as set forth in s. VA 2.04 held by the applicant at the time of application and all other financial aid which will be received by

the applicant during the grant period from the amount needed during the grant period. The amount needed will be the sum of the amount shown on the standard student budget described in s. VA 2.04 for the appropriate time period and for the appropriate number of family members plus any unusual expenses reported by the applicant.

(d) *Completion date.* The anticipated completion date of a course of instruction or a structured on-the-job training program may not be more than 2 years from the date the application is received by the department.

(e) *Number of retraining grants.* A veteran may receive only one grant in a 12 month period. A check for an additional grant may not be mailed until a year has passed since the date the check for the previous grant was mailed. No more than 2 grants may be given to a veteran.

(f) *Qualifying prior employment.* The veteran shall demonstrate a work history of at least 6 consecutive months of employment with one employer or in the same or similar occupations. Loss of that employment or a reduction in earnings may not be caused by the voluntary actions of the veteran.

(g) *Grant payments.* The department may make partial grant payments to assure that the veteran continues to pursue an approved course of instruction or engage in an approved structured on-the-job training program during the grant period. The department may require written verification from the school or the employer that the veteran is making satisfactory progress towards completion of the course of instruction or the structured on-the-job training program. If the veteran is unable to verify satisfactory progress towards completion or discontinues pursuit of the course of education or engagement in the structured on-the-job training program, the department may cancel any unpaid portion of the grant.

(h) *Earned income.* Income from an employer who is providing an approved structured on-the-job training program to the veteran shall be disregarded in determining the veteran's need under par. (b).

(i) *Grant limit.* The maximum grant payable under this section for each grant period is \$3,000.

(j) *Lifetime limit.* The total cumulative amount that a veteran may receive under this section is \$6,000.

(k) *Other available assistance.* The department may not provide a grant payment under this section if other assistance is available to meet the veteran's needs.

(3) GRANT APPLICATION. (a) *Required information.* A grant application, including required exhibits and supplements, shall contain information that is necessary to satisfy the department that the applicant has a qualifying need for the grant, has a period of qualifying prior employment, is enrolled in a qualifying course of instruction or is engaged in a structured on-the-job training program which meets the requirements of s. VA 2.03 (5) which will lead to gainful employment and has become unemployed, underemployed or received a notice of termination of employment within the year prior to the date the application is received by the department or has received a retraining grant within 13 months prior to the date the department receives an application for a second grant. Required exhibits and supplements shall include a statement written by the applicant explaining the circumstances leading to the need for retraining and an explanation as to why the applicant feels that the desired retraining will lead to gainful employment.

(b) *Procedure for a school-based course.* Applications shall be initiated in the office of a county veterans service officer and completed and submitted by the FAO or other appropriate official representing the school attended by the applicant. The applications shall include verification that the applicant has received counseling from an assessment counselor and the counselor approves of the retraining to be taken.

(c) *Procedure for structured on-the-job training program.* Applications shall be initiated, completed and submitted by the office of a county veterans service officer. Each application shall contain a certification by the employer that the requirements of sub. (5) are met. The department shall evaluate the program and determine whether the requirements of s. VA 2.03 (5) are met.

(4) COORDINATION WITH OTHER OCCUPATIONAL TRAINING PROGRAMS. The department shall stay in regular contact with and shall promote cooperation with the United States department of labor, the United States department of veterans affairs, the department of workforce development, and any other occupational training program administrator as appropriate. The department may exchange program literature with the agencies and encourage county veterans service officers to provide information about other programs to veterans who participate in or inquire about the retraining grant program.

(5) ON-THE-JOB TRAINING PROGRAMS. All of the following requirements shall be met for approval of a grant for engagement in a structured on-the-job training program:

(a) The employer is planning, upon completion of the veteran's training program, to employ the veteran for the position for which the veteran has been trained and the employer reasonably expects that such a position will be available to the veteran on a stable and permanent basis at the end of the training period.

(b) The training program is not for employment which consists of seasonal, intermittent or temporary jobs.

(c) The training content of the program is adequate to accomplish the training objective of the program taking into account the occupation for which training is to be provided and the content of comparable, available training opportunities which lead to the occupation.

(d) The wages and benefits to be paid to the veteran participating in the training program will not be less than the wages and benefits normally paid to other employees participating in a comparable training program.

(e) The employment of a veteran under the program will not result in the full or partial displacement of currently employed workers.

(f) The employment of a veteran under this program will not be in a job while any other individual is on layoff from the same or substantially equivalent job or the opening for which was created as a result of having terminated the employment of any regular employee or otherwise having reduced the work force with the intention of hiring a veteran under this program.

(g) The employer will not employ in this program a veteran who is already qualified by training or experience for the job for which training is to be provided.

(h) The employer will consider the veteran's prior training in the field for which he or she is being trained and will shorten his or her training program appropriately.

(i) Each participating veteran will be employed full time in the program of job training.

(j) The training period under the proposed program is not longer or shorter than the training period that employers in the community customarily require new employees to complete in order to become competent in the occupation for which training is to be provided.

(k) There are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective.

(L) The employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements of the program for at least 3 years. The employer will make these records

and accounts available for examination by the department as may be required.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; am. (1) (d), (2) (e) and (3) (a), Register, June 1992, No. 438, eff. 7-1-92; r. (1) (f), am. (2) (b) (3) (a), cr. (2) (f), (4), Register, August, 1993, No. 452, eff. 9-1-93; cr. (1) (f), am. (2) (f) and (3) (a), Register, January, 1996, No. 481, eff. 2-1-96; am. (1) (e), (2) (b), (d), (3) (a) and (b), r. (2) (a) and (c), cr. (2) (g), (h), (3) (c), and (5), Register, July, 1998, No. 511, eff. 8-1-98; CR 05-091: am. (2) (g), cr. (2) (i) to (k) Register January 2006 No. 601, eff. 2-1-06; corrections in (4) made under s. 13.92 (4) (b) 6., Stats., Register October 2009 No. 646; 2013; Wis. Act 189: am. (1) (b) to (d), (g), (h), (2) (b) Register April 2013 No. 700, eff. 5-1-14.

VA 2.04 Standard student budgets. Standard single and married student educational budgets shall include standard living expenses budgets for single or married students, to which shall be added \$117.00 per dependent other than spouse per month, and all actual expenses for tuition, course fees, and book and materials costs for the academic year. Standard living expenses budgets shall be based upon 9 months living expenses of \$7,355 for single veterans or upon 9 months living expenses of \$11,289 for married veterans, per academic year. Standard living expenses budgets and amounts to be added to these budgets for dependents shall be increased on July 1 of every year by the amounts computed on the basis of the percentage of the increase in the consumer price index for all urban consumers during the preceding calendar year rounded to the nearest dollar.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74; emerg. am., eff. 10-1-74; emerg. am., eff. 1-29-75; emerg. am., eff. 6-25-75; emerg. am., eff. 10-25-75; emerg. am., eff. 1-30-76; emerg. am., eff. 6-1-76; emerg. am., eff. 9-28-76; emerg. am., eff. 2-3-77; emerg. am., eff. 6-4-77; emerg. am., eff. 10-3-77; emerg. am., eff. 1-30-78; emerg. am., eff. 5-31-78; am. Register, September, 1978, No. 273, eff. 10-1-78; am. Register, December, 1979, No. 288, eff. 1-1-80; am. Register, October, 1980, No. 298, eff. 11-1-80; am. Register, April, 1986, No. 364, eff. 5-1-86; am. Register, February, 1989, No. 398, eff. 3-1-89; 2013 Wis. Act 189: renum. from VA 9.03 Register April 2013 No. 700, eff. 5-1-14.

VA 2.05 Recovery of erroneous payments. (1) CRITERIA. The department may recover payments made as a grant under s. 45.20 or 45.21, Stats., if any of the following apply:

(a) The information provided by the applicant or the school is inaccurate.

(b) The department incorrectly calculated the grant amount.

(c) The applicant is not entitled to a grant or is entitled to a lower grant amount as a result of a change in circumstances that affects the applicant's eligibility to receive the grant.

(2) AMOUNT OF RECOVERY. The department may recover only the portion of the grant to which applicant would not have been entitled if the correct information had been provided or the grant had been properly calculated, or as a change in circumstances warrants.

(3) REMEDIES. The department may request repayment of the amount due under sub. (2). In lieu of a lump sum payment, the department may enter into an agreement under which the applicant may repay the amount due within a 12-month period. If the applicant fails to repay the amount due within 30 days of a request for repayment or fails to comply with the terms of a repayment agreement, the department may offset future grants that the applicant may be entitled to under s. 45.20 or 45.21, Stats., until the amount due has been recovered. The department may also suspend other benefits available to the applicant until the amount due has been recovered, except that the department may not suspend benefits available under s. 45.40, Stats.

(4) WAIVER. The department may temporarily or permanently waive its authority to recover payments under sub. (1) or suspend benefits under sub. (3) if the applicant's household income is totally exempt from garnishment under s. 812.34 (2) (b), Stats.

(5) ADMINISTRATIVE REVIEW. Any department decision under this section is subject to appeal under s. VA 1.03.

History: CR 04-003: cr. Register June 2004 No. 582, eff. 7-1-04.

VA 2.06 Tribal college tuition reimbursement program. (1) DEFINITIONS. In this section:

(a) "Tuition" has the meaning given in s. 45.20 (1) (d), Stats.

(b) "Veteran" has the meaning given in s. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. (a) An applicant for tuition reimbursement under this section shall submit an application on a form approved by the department. The applicant may submit the application electronically, and the applicant shall submit the application either directly to the department or through a county veterans service officer or other agent authorized by the department. Each initial application shall be received by the department or its designee no later than 60 days after the starting date of the course, term, or semester for which reimbursement is requested. The department shall consider an initial application received under this paragraph once all required student information in the initial application is completed and a physical or electronic date stamp is affixed to the application.

(b) The tribal college veterans coordinator shall complete an application submitted under par. (a) by verifying the applicant's semester completion date and cost of tuition, any other assistance received or applied for by the applicant, the number of credits in which the applicant enrolled during the semester, and the applicant's semester grade point average. The department shall deny each application that is not completed within 60 days after the last day of the course, term, or semester for which reimbursement is being requested unless the applicant shows good cause for the delay. An application is considered completed under this paragraph once the department has received all of the information required for reimbursement.

(3) LIMITATIONS. (a) *Undergraduate enrollment.* The department may make a reimbursement under this section only if a representative of the tribal college certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not already have a bachelor's degree.

(b) *Veterans benefits.* A veteran may not receive reimbursement for any semester or course for which he or she is eligible or received a grant under s. 321.40, Stats., or 10 USC 2007. A veteran who is eligible for but does not receive a grant under s. 321.40, Stats., or 10 USC 2007 because the veteran fails to comply with applicable procedural requirements for the grant or maintain the requisite grade point average to receive the grant, or who takes any other action that prevents the veteran from receiving the grant, is considered eligible for the grant for purposes of this paragraph.

(c) *Duplicate benefits.* Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions to which the veteran is entitled under any other program.

(d) *Grade point average.* The department shall utilize the grade point average calculated and reported by the veteran's school.

History: 2013 Wis. Act 189: cr. Register April 2014 No. 700, eff. 5-1-14; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2016 No. 732.

VA 2.07 Grants to nonprofit organizations.

(1) AUTHORITY AND PURPOSE. The purpose of this section is to establish rules for the implementation and administration of grants to nonprofit organizations that provide financial assistance or other services to Wisconsin veterans and their dependents, as authorized under s. 45.46, Stats.

(2) APPLICABILITY. This section applies to grants awarded under s. 45.46, Stats.

(3) DEFINITIONS. In this section:

(a) "Applicant" means a nonprofit organization that applies for a grant to provide financial assistance or other services to veterans or their dependents.

(b) "Department" means the Wisconsin department of veterans affairs.

(c) "Evaluation committee" means a committee comprised of members of the board of veterans affairs that evaluates applications made under this section.

(d) "Nonprofit organization" is an organization described in section 501 (c) (3) of the internal revenue code which is exempt from federal income tax under s. 501 (a) of the internal revenue code.

(4) **ELIGIBLE APPLICANT.** A nonprofit organization is eligible to receive a grant under this section when all of the following apply:

(a) It provides financial or other assistance to veterans or to the dependents of veterans.

(b) It is current on all federal and state tax obligations.

(c) It is a financially viable nonprofit organization. In this subsection, a nonprofit organization is financially viable if the nonprofit organization can meet its financial obligations for the duration of the grant period.

(d) It is in current good standing with the Wisconsin Department of Financial Institutions.

(5) **APPLICATION.** (a) *Competitive solicitation.* The department shall ensure that all solicitations are conducted in a manner that provides for fairness and competition.

(b) *Public notice.* The department shall provide reasonable public notice of all solicitations of grant proposals under s. 45.46, Stats. Notice may be made through the print, broadcast or telecommunications media, including the Internet, at the discretion of the department. The notice shall include the purpose of the grant, the selection criteria, application procedures, and all applicable solicitation deadlines that an applicant is required to meet, or shall contain instructions for obtaining this information.

(c) *Application requirements.* All applications for a grant under s. 45.46, Stats., shall be submitted to the department as directed in the notice provided under par. (b). All applications shall be fully completed and signed by a representative of the applicant having authority to act for the applicant, and submitted by the required filing deadline. Applications shall include all of the following:

1. Proof of nonprofit status and other financial eligibility criteria listed in sub. (4) (b) to (d).
2. Information about the organization.
3. A description of the financial or other assistance or other services it provides to veterans and their dependents.
4. A description of the need for the requested funds.

(6) **EVALUATION OF APPLICATIONS.** (a) *Evaluation criteria.* The evaluation committee shall evaluate grant applications submitted under sub. (5) utilizing all of the following criteria:

1. Organizational experience providing services to veterans.
2. Understanding and ability to communicate the needs of veterans and their dependents.
3. Stated purpose and objectives for the grant funds and method and timetable for expending funds.
4. Budget clarity and justification.
5. Evaluation plan for the project.
6. Outreach and referral plan to identify and assist veterans or their dependents with services.
7. Program implementation timeline.
8. Integration of outreach and employment services into plan.
9. Past performance.
10. Experience serving underserved populations or underserved geographic areas.
11. Past working relationships with veteran service organizations.

(b) *Rating applications.* The evaluation committee shall weight the importance of each evaluation criterion by assigning points to it. Using the evaluation criteria specified in par. (a) the evaluation committee shall evaluate each application against each applicable criterion and assign points signifying the degree to which the application meets the criterion up to the maximum number of points. The total points assigned to the application for all

applicable criteria will be the score for the application. The evaluation committee shall numerically rank each solicitation for grant proposals under this section.

(7) **NOTIFICATION.** Each applicant shall be notified in writing of the department's decision in accordance with the public notice.

(8) **GRANT AWARDS.** (a) The department shall award a grant to the applicants with the highest numerical score as funds are available.

(b) A grant awarded under this section shall be made on forms prepared by the department. The award shall be signed by the authorized representative of the department and shall list the conditions to which the award is subject.

(c) The authorized representative of the recipient nonprofit organization shall accept the grant award by signing the award document and returning it to the department. The department may terminate a grant award if the award is not accepted within 10 calendar days of the date of issuance by the department.

(9) **AVAILABILITY OF FUNDS.** All grants awarded under this section shall be contingent upon availability of funds under s. 20.485 (2) (tf), Stats.

(10) **RESTRICTIONS.** (a) *Prohibited use of funds.* Grant funds shall be used only for the payment or reimbursement of expenses which are reasonable, necessary, and properly assignable to the purposes of the approved grant. Any other use of grant funds is prohibited. A grantee may not use the grant funds to supplant existing employee wages and compensation. A grantee may not use grant funds to purchase capital equipment unless specified in the grant award.

(b) *Violation of prohibited use of funds.* If a grantee uses grant funds for prohibited activities under par. (a), the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified in the grant award.

(c) *Record keeping.* A grantee shall maintain grant records for at least 3 years and shall provide information to the department as required by the department for the purposes of program or fiscal audits and, at the request of the department, shall appear before the department to respond to any questions about the grant and use of grant funds.

(11) **AMOUNT OF GRANTS.** (a) Subject to pars. (b) and (c), the amount of a grant award shall be based on the amount requested by the applicant and the amount approved by the evaluation committee.

(b) The maximum amount of a grant that the department may make to any nonprofit organization during any fiscal year is \$25,000.

(c) The amount of a grant award is subject to the availability of funds under s. 20.485 (2) (tf), Stats.

(12) **REPORTING REQUIREMENTS.** A grantee receiving a grant under this section shall submit to the department data and information on the use and effect of the grant funds as specified in this section and in the grant award by the later of 6 months from the date of award or June 30 of the fiscal year in which the grant is awarded. The grantee shall authorize the department to audit and inspect its records.

(13) **ASSURANCES AND CERTIFICATIONS.** (a) *Authority to sign and accept funds.* The grantee shall certify that the designated signatory official has the authority to sign on behalf of the grantee and has the authority to accept funds.

(b) *Compliance statement.* Before the department releases grant funds, the grantee shall provide a statement that it is in compliance with applicable state and federal laws, rules, and regulations, including tax laws, the requirements of this section, and the grant award.

(c) *Nondiscrimination and equal opportunity.* In accordance with s. 16.765, Stats., the grantee may not discriminate in violation of state or federal law and shall follow equal employment

opportunity practices in the administration and delivery of program services to eligible applicants.

History: EmR1416; emerg. cr., eff. 8–14–16; CR 14–058; cr. Register September 2017 No. 741, eff. 10–1–17; correction in (5) (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register September 2017 No. 741.

VA 2.08 Veterans employment and entrepreneurship grants. (1) AUTHORITY AND PURPOSE. The purpose of this section is to establish rules for the implementation and administration of grants to assist veteran entrepreneurs, to give employers in this state incentives to hire veterans, especially disabled veterans, and to help fund employment training for veterans, especially disabled veterans, as authorized under s. 45.437, Stats.

(2) APPLICABILITY. This section applies to grants awarded under s. 45.437, Stats.

(3) DEFINITIONS. In this section:

(a) “Applicant” means an employer or nonprofit organization located in this state that applies for a grant to improve employment outcomes for veterans living in this state.

(b) “Certification Request” means a department approved form used to verify the employee is a veteran and a resident of this state in accordance with ss. 45.01 (12) and 45.02, Stats.; and has a service–connected Federal VA disability rating of at least 50 percent, under 38 USC 1114 or 1134.

(c) “Department” means the Wisconsin department of veterans affairs.

(d) “Disabled veteran” means a veteran who is verified by the department to have a service–connected disability rating of at least 50 percent under 38 USC 1114 or 1134.

(e) “Employee” means a person who is hired for a wage, salary, fee, or payment to perform work for an employer.

(f) “Employer” means a person or organization located in the state that employs people, but does not include local, state, and federal government agencies.

(g) “Evaluation committee” means a committee comprised of members of the board of veterans affairs that evaluates applications made under sub. (5).

(h) “Full–time job” means a regular, nonseasonal full–time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays.

(i) “Grant” means an agreement between the department and the grantee whereby the department provides funds from the appropriation under s. 20.485 (2) (qm), Stats., for the purposes specified in s. 45.437, Stats.

(j) “Grantee” means an employer or nonprofit organization receiving a grant from the department.

(k) “Grant participant” means a person who meets the requirements of s. 45.01 (12), Stats., and receives services under sub. (5).

(L) “Nonprofit organization” is an organization described in section 501(c)(3) or 501(c)(6) of the Internal Revenue Code that is exempt from federal income tax under section 501(a) of the Internal Revenue Code.

(m) “Part–time job” means a regular, nonseasonal part–time position in which an individual, as a condition of employment, is required to work fewer than 2,080 hours per year, including paid leave and holidays.

(n) “Underserved geographic areas of the state” means rural communities.

(o) “Underserved veteran populations” means minority groups, women, low–income, or veterans with disabilities.

(p) “Veteran” means a person who meets the requirements of s. 45.01 (12), Stats., and resides in the state.

(4) VETERANS EMPLOYMENT GRANTS. (a) From the appropriation under s. 20.485 (2) (qm), Stats., the department may award a grant in any of the following amounts to any employer who hires a disabled veteran to work at a business in this state:

1. For each disabled veteran the employer employs for 12 consecutive months to work a full–time job at the employer’s business in this state, \$2,500 following the first 6 months of employment, and \$2,500 following the second 6 months of employment.

2. Subject to par. (d), for each disabled veteran the employer employs for 12 consecutive months to work a part–time job at the employer’s business in this state, \$1,250 following the first 6 months of employment, and \$1,250 following the second 6 months of employment.

(b) A grant application shall be submitted on a department approved form. The application shall specify employer and employee contact information and verification of employee employment status. The department may request additional verification of any information provided in the application. A certification request shall be submitted with the application. The certification shall be used to verify the employee is a veteran and a resident of this state in accordance with ss. 45.01 (12) and 45.02, Stats., and has a service–connected Federal VA disability rating of at least 50 percent, under 38 USC 1114 or 1134. The form shall be submitted directly to the department, either manually or electronically.

(c) The department shall not pay a grant to an applicant if the veteran voluntarily or involuntarily leaves his or her employment with the applicant.

(d) The department shall determine the amount of the grant under sub. (4) (a) as follows:

1. Divide the number of hours that the disabled veteran worked for the applicant for 6 consecutive months of employment by 1040, or for 12 consecutive months of employment by 2,080, and then

2. Multiply the number determined under subd. 1 by \$1,250 for 6 consecutive months of employment or \$2,500 for 12 consecutive months of employment.

(5) VETERANS ENTREPRENEURSHIP GRANTS. (a) *Eligible applicant.* A nonprofit organization is eligible to receive a grant under this subsection when the organization meets all of the following conditions:

1. It provides entrepreneurship training, technical or business assistance, financial assistance, or other assistance to veteran entrepreneurs to improve employment outcomes.

2. It is current on all federal and state tax obligations.

3. It is a financially viable nonprofit organization. In this subsection, a nonprofit organization is financially viable if the nonprofit organization can meet its financial obligations for the duration of the grant period, as disclosed in the notice described in par. (c).

4. It is registered and in good standing with the Wisconsin department of financial institutions.

(b) *Competitive solicitation of grant proposals.* The department shall ensure that it conducts all solicitations of grant proposals in a fair and competitive manner.

(c) *Public notice of solicitation of grant proposals.* The department shall provide reasonable public notice of all solicitations by the department for proposals for the award of grants by the department under s. 45.437, Stats. Notice may be made through print, broadcast, or telecommunications media, including the Internet, at the discretion of the department. The notice shall include the purpose of the grants and the selection criteria, application procedures, and all applicable solicitation deadlines that an applicant is required to meet, or shall contain instructions for obtaining this information.

(d) *Grant application requirements.* A representative of the applicant having authority to act for the applicant shall sign the application, ensure that it is complete, and submit it by the deadline. Applications shall include all of the following:

1. Application on a form created by the department.

2. Proof of nonprofit status as an organization registered under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code.

3. Grant request cover letter that includes a synopsis of the grant proposal and amount of grant requested.

4. A description of the entrepreneurship training, technical, business, or financial assistance, or other entrepreneurship assistance that it provides to veterans.

5. Most recent annual report or other literature summarizing programs.

6. List of board members and executive officers including titles and affiliations.

7. Income statement and balance sheet for the most recent fiscal year, as well as a budget and income projection for the grant period, as disclosed in the notice described in sub. (5).

8. Information that demonstrates that the applicant has achieved all of the following required program goals during the previous year:

a. Expansion of entrepreneur opportunities for veterans by providing services that may include entrepreneurship training, technical and business assistance, financial assistance, or other entrepreneurship services to veterans.

b. Increase of collaboration with other agencies to strengthen the delivery of programs, resources, and services to veteran entrepreneurs.

c. Expansion of outreach to underserved geographic areas of the state and underserved veteran populations.

(e) *Evaluation of grant applications.* The evaluation committee shall evaluate grant applications submitted under this subsection against selection criteria. The department shall develop criteria to evaluate applicants with regard to all of the following rating categories:

1. The applicant's background and organizational history.
2. The applicant's organizational qualifications and past performance.
3. The applicant's experience working with veterans.
4. The applicant's need for grant funding, including a detailed budget.
5. The applicant's outreach and referral plan.
6. The applicant's program implementation timeline.
7. The applicant's monitoring and program evaluation.
8. The applicant's program goals and objectives.
9. The applicant's past working relationships with other start-up businesses and entrepreneurship programs.

(f) *Notification of award or denial of grant.* The department shall notify each applicant in writing of its decision to award or not award a grant in accordance with the public notice under this subsection.

(g) *Grant awards.* The department shall award grants to the applicants with the highest numerical scores determined under the criteria developed under par. (e) as funds are available. A grant awarded under this section shall be made on forms prepared by the department. The award shall be signed by the authorized representative of the department and shall list any conditions to which the award is subject.

(h) *Grant acceptance.* The authorized representative of the recipient nonprofit organization shall accept the grant award by signing the award document and returning it to the department. The department may terminate a grant award if the award is not accepted within 10 calendar days of the date of issuance by the department.

(i) *Amount of grants.* The amount of each grant will be based on the amount requested and the amount approved by the evaluation committee. The grant award shall not exceed the amount requested.

(j) *Restrictions.* 1. 'Prohibited use of funds.' a. Grant funds shall be used only for the payment or reimbursement of expenses assignable to the approved purposes of the grant. Any other use of grant funds is prohibited. A grantee may not use the grant funds to supplant existing employee wages and compensation. A grantee may not use grant funds to purchase capital equipment unless specified in the grant award.

b. A grantee agrees that no grant appropriated funds will be paid to any person for influencing or attempting to influence an officer or employee of any agency, any member of the Wisconsin legislature, or an employee of a member of the legislature in connection with the awarding of any state contract, the making of any state grant, the making of any state loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any state contract, grant, loan, or cooperative agreement.

2. 'Violation of prohibited use of funds.' If a grantee uses grant funds for prohibited activities under par. (a), the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified in the grant award.

3. 'Record keeping.' A grantee shall maintain grant records for at least 3 years and shall provide information to the department as required by the department for the purposes of program or fiscal audits and, at the request of the department, shall appear before the department to respond to any questions about the grant and use of grant funds.

(k) *Eligibility and certification.* In order for a grant participant to receive services from the grantee that are funded by a grant awarded under this subsection, a grantee must submit a certification request to the department to verify eligibility of each grant participant. Services can only be provided by the grantee to grant participants verified by the department as eligible on forms created by the department.

(L) *Reporting requirements.* A grantee receiving a grant under this subsection shall submit to the department data and information on the use and impact of the grant funds as specified in this section and in the grant award by 6 months from the date of the award of the grant or June 30 of the fiscal year in which the grant is awarded, whichever is later. Such data and information includes:

1. The number of veterans assisted by the grantee with grant funds.
2. The dollar amount of the grant funds applied to each veteran assisted.
3. The type of assistance given to each veteran with grant funds.
4. The measurable outcomes of the grant funds applied to each veteran assisted as defined by the department at the time of awarding the grant.

(m) *Assurances and certifications.* 1. 'Authority to sign and accept funds.' The grantee shall certify that the designated signatory official has the authority to sign on behalf of the grantee and has the authority to accept funds.

2. 'Compliance statement.' Before the department releases grant funds, the grantee shall provide a statement that it is in compliance with applicable state and federal laws, rules, and regulations, including tax laws, the requirements of this section, and the grant award.

3. 'Nondiscrimination and equal opportunity.' In accordance with s. 16.765, Stats., the grantee may not discriminate in violation of state or federal law and shall follow equal employment opportunity practices in the administration and delivery of program services to eligible applicants.

History: CR 17-003: cr. Register March 2018 No. 747, eff. 4-1-17; correction in (3) (b), (g), (k), (L), (o), (4) (b), (5) (a) 3., (d) 2., 7., made under s. 35.17, Stats., and (4) (b) (title) deleted under s. 13.92 (4) (b) 2., Stats., Register March 2018 No. 747.