TITLE I - POLICY AND ADMINISTRATION

CHAPTER 7

COMMISSION OF VETERANS AFFAIRS

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7.01 PURPOSE. An ordinance prescribing the veterans assistance program in Dallas County, Iowa, pursuant to Iowa Code Chapter 35B. (as may be amended hereafter)

Be it Enacted by the Board of Supervisors of Dallas County, Iowa:

7.02 CATEGORIES. There shall be two(2)categories of veterans assistance in Dallas County, Iowa.
They are:

1. Emergency assistance for veterans.
2. Assistance of an extended nature.

7.03 DEFINITIONS. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Commission" a County Commission of Veterans Affairs as defined in Section 35B.3 of the Iowa Code. (as may be amended hereafter)

2. "Director" a person employed by the Commission as Executive Director with authority as set forth in Chapter 35B of the Iowa Code (as may be amended hereafter)and as delegated by the Commission.

3. "Veteran" means a legal resident of Dallas County who is an indigent honorably discharged person who served in the military or naval forces of the United States during the following wars inclusive of the dates set out below:

a. World War I -April 6, 1917 to November 11, 1918
b. World War II -December 7, 1941 to December 31, 1946
c. Korean Conflict -June 25, 1950 to January 31, 1955

d. Vietnam Conflict -February 1, 1961 to May 7, 1975
e. Lebanon or Granada -August 24, 1982 through July 31, 1984

f. Panama -December 20, 1989 through January 31, 1990

g. Persian Gulf Conflict at any time between August 2, 1990, and the date the President or the Congress of the United States declares a permanent cessation of hostilities. If Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.

4. "Assistance" means food, shelter, clothing, transportation, emergency telephone service, fuel, lights, and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleansers, and other items of non-food nature used for personal hygiene. "Assistance" also includes provisions of any of the above items of assistance by the Commission through the offering of residence through a contract provider with Dallas County. "Assistance" shall also include the burial of veterans, whether resident in this county or not, in an amount to be established by the Board of Supervisors. Burial assistance is mandatory upon the County for all indigent veterans.

All other assistance is optional and shall be granted on a non-discriminatory basis by joint decision of the Commission and Board of Supervisors.

The Director, in determining assistance, shall attempt to direct all applicants to all other available sources of assistance.

5. "Net Worth" includes income or monies from any source, savings, and other deposits, stocks, bonds, real estate (other than homestead), and the value of other real and personal property. Subject to certain exclusions as set forth herein.

6. "Family Unit" means the individual veteran applying and the veteran’s indigent spouse, and minor children not over eighteen (18) years of age who are dependent upon the veteran for food, care and shelter and who reside with the veteran as a family unit member. In case the veteran is deceased, "family unit" shall mean the veteran’s indigent surviving spouse who has not remarried, including minor children of the deceased veteran not over eighteen(18)years of age who are dependent upon the surviving spouse for food, care and shelter and who reside with the surviving spouse as a family unit member.

7. "Liquid Assets" means those assets that can readily be converted to cash and shall include, but not be limited to cash, stocks, bonds, securities, notes or insurance.

8. "Awaiting Approval and Receipt" means a veteran who has

applied for assistance under any state or federal law who has pursued that application, and who has not had that application denied.

7.04 APPLICATION REQUIREMENTS. In applying for benefits, the veteran must submit to the Commission with the application, the following:

1. DD Form 214 - "Reporting of Separation from the Armed Forces". (Request the veteran have his discharge recorded in the County Recorder's Office when the veteran is requesting benefits).

2. Certificate of Marriage, if applicable.

3. Child or Childrens' birth certificate(s), if applicable, and for those under eighteen years of age.

4. Social Security Card.

5. Death Certificate.

In lieu of a Certificate of Marriage, childrens' birth certificate(s) and a Social Security Card, the veteran may provide a copy of his last three years Federal and State income tax return showing the same information. However, when application is made by a surviving spouse a Certificate of Marriage must be submitted with birth certificates of any minor children claimed as the veteran's.

7.05 FORM OF ASSISTANCE. The assistance shall be purchased directly from the supplier for the applicant or the family unit. It may be for one or more of the items of assistance that can be provided.

7.06 ELIGIBILITY OF VETERANS.

(a) Emergency assistance is to be provided a veteran who meets all of the following criteria:

1. Is a legal resident of Dallas County.
2. Is in need of immediate assistance.
3. Cannot obtain sufficient assistance from a State or Federal program.

4. Whose government assistance has been delayed or not actually received by the person, because of reasons not attributable to that person.

5. Who does not have liquid assets of the family unit from which to pay for the items of assistance that can be provided under this ordinance.

(b) Assistance may be granted to veterans who are eligible for, and are awaiting approval and receipt of, benefits under programs provided by State or Federal law, or whose actual need, as defined within the limitations imposed by their Ordinance, cannot be fully met by the assistance furnished under such programs.

7.07 LEVEL OF BENEFITS: The maximum level of benefits which may be provided for each item of assistance for each veteran or that veteran's family unit shall be:

1. Food: If food stamps have not been received at the level of guidelines for food stamps then the Veteran Commission can provide relief.

2. Shelter: The reasonable rental value with a maximum established jointly by the Commission and Board of Supervisors.

3. Clothing: The reasonable value of clothing actually needed if not immediately available from other sources.

4. Heat, Light, and Water: The amount needed to provide these services and supplies with a maximum amount established jointly by the Commission and the Board of Supervisors.

5. Medical Attention: The reasonable value of medical care, dental services, and prescriptions which are actually needed as shown by a statement from a physician, dentist, or optician, if these services are not available from other sources, including other veteran facilities.

6. Transportation Expenses: The cost of gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Commission.

7. Emergency Telephone Service: If a veteran lives in a rural area and the nearest neighbor is too distant to reach

in event of emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.

The total amounts of all the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the veteran of the family unit has available. The balance remaining is the amount of assistance the needy veteran is to receive. The total amounts determined shall be a joint decision of the Commission and the Board of Supervisors.

7.08 REQUIREMENTS FOR RECEIVING ASSISTANCE BY A VETERAN. A veteran who is medically able to work and is not needed in the home to care for minor children, shall immediately register for employment with Iowa Work Force and otherwise actively seek employment.

The veteran shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Iowa Work Force. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the veteran from receiving current benefits. The veteran may be required to provide reasonable proof that employment is being actively sought.

7.09 ASSISTANCE OF EXTENDED NATURE. It is contemplated that items of assistance to be provided to needy veterans or their family unit will not, during any one consecutive twelve(12)month period of time, exceed six(6)months. If it appears that items of assistance are needed beyond(6)months period, the decision to provide assistance will be made at the joint option of the Veterans Commission and the Board of Supervisors whether it will be better for the family unit of needy veterans to continue to receive items of assistance on a monthly basis.

7.10 APPLICATION FOR ASSISTANCE. Applications for assistance shall be submitted by veterans to the Commission at the Veterans Commission Office in Adel, Iowa, during usual business hours upon forms provided by the Commission. If, because of undue hardship, a veteran cannot come to the Commission Office, the Commission shall mail such veteran an application form or deliver to such veteran the application. If the applicant or the family unit is or appears to be eligible for assistance from any other Federal, State, or local sources, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and to pursue such application with due diligence as a condition to be

eligible for further assistance under this ordinance. If requested, the veteran applying shall provide the Commission with a verified statement of net worth, Federal and State income tax return for the past three(3)years, medical reports, medical authorization, and anything else requested by the Commission that bears upon the veterans eligibility and need for assistance. The Commission may also require that the applicants submit to a physical or mental examination to determine applicant’s capacity to labor.

The Commission shall also receive anything that the veteran applying desires to submit to establish his or her eligibility and the amount of assistance requested. These may include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Commission shall then proceed to verify the applicant’s eligibility and the amount of assistance allowed. The applicant’s file and the findings of the Commission shall

be made available to the applicant, upon request, or to the applicant's legal representative by written authorization.

7.11 INITIAL DETERMINATION.

1. The Commission shall make an initial determination for recommendation of the eligibility and needs of the applicant within three(3)working days of the receipt of the application. Upon the determination, the Commission shall notify the applicant by telephone immediately, if possible, and within two(2)working days after the determination, mail the applicant at the last address shown on the application, by ordinary mail, the Commission's written decision showing the reasons for determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the Commission is recommending the applicant be entitled.

2. If the Commission cannot make the initial determination for recommendation within three(3)working days, the Commission shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Commission shall also mail to the applicant, by ordinary mail, within two(2)working days thereafter, the Commission's written decision showing the reasons why such determination could not be made.

3. If an applicant has been previously found eligible, the Commission need not receive a new application, but may proceed to a recommendation of whether or not current assistance is warranted. Notice and mailing of such

recommendation shall be provided as above. The Commission shall inform the applicant and issue written decision as provided above.

4. The Commission shall make the final decision and notify the veteran's family pertaining to burial assistance. All other final decisions for assistance shall be made by a joint decision of the Commission and the Board of Supervisors. Such decision shall be made at the first possible meeting of the Board of Supervisors after proper notice of such hearing. Said hearing shall be conducted in closed session pursuant to Section 35B.12 of the Iowa Code as may be amended hereafter. The Commission shall inform the veterans, in writing, of the final joint decision reached under the application.

7.12 APPEAL.

1. Every applicant, whether assistance is denied in whole or in part, shall be informed in writing of the Commission's decision and of the applicant's right to appeal from such

decision. The applicant shall be informed of the method and time by which an appeal may be taken.

2. Any written appeal or communication to the Commission or to the Director, by or on behalf of an applicant requesting appeal, shall be accepted by the Commission or the Director. This appeal must be made within ten(10)days of the date of the decision, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail of the time and date of the hearing on appeal. Applicant and his or her representative, upon written authorization, shall be granted access by the Commission to his or her case file if requested.

3. If the Director made the decision from which the appeal is taken, the appeal shall be to the Commission itself. An agenda for the appeal before the Commission shall be made and posted as required by Iowa Code Chapter 21.5 (as may be amended hereafter). The appeal shall be heard before the Commission at its next regular monthly meeting provided that the appeal shall not be heard earlier than five(5)days after appeal has been taken. If the Commission's regular monthly meeting is scheduled more than ten(10)days beyond the date appeal is taken, the Commission shall meet specially for the appeal between the fifth and the tenth day after the appeal is filed.

Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 21.5(1)(a)(as may be amended hereafter), because the identity and particulars of the case are confidential under Iowa Code Section 35B as may be amended hereafter.

4. If the Commission made the original decision from which the appeal is taken or if further appeal is taken from the Commission's decision on appeal, it shall be to the Board of Supervisors' agenda in accordance with Iowa Code Chapter 21.5 for the next regular Board meeting, provided that such appeal shall not be heard earlier than five (5) days after appeal is taken. Any appeal before the board shall be closed pursuant to Iowa Code Section 21.5 (as may be amended hereafter)because the identity and particulars of the case are confidential under the Iowa Code Section 35B (as may be amended hereafter). The Board will provide the appellant with a copy of Iowa Code 21.5(1).

7.13 APPEAL HEARING.

1. Applicant's appeal shall be heard De novo (tried anew)

at the time scheduled in the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal, including testimony, having other witnesses testify, offering testimony, offering documentary evidence and reasonable cross the Commission or Board shall keep detailed minutes of all examination of other witnesses, if present. The technical rules of evidence shall not apply. The Commission or Board may question the applicant. On an appeal before the Board, discussions, persons present and action occurring at a closed session and shall also tape record all of the closed sessions pursuant to Chapter 21.5 of the Code of Iowa. When the Commission or Board deliberates on the appeal, no parties shall be present.

2. The Commission or Board shall make a decision on the appeal within five(5)working days. The decision shall be made only on the basis of the evidence submitted. The applicant shall be informed immediately by telephone of the decision and within four(4)working days thereafter, applicant shall be mailed at his or her last-known address, the decision in writing. The decision shall state the

reasons for action, together with any statute or ordinance applied.

7.14 OTHER DUTIES OF THE COUNTY COMMISSION.
The County Commission in charged with securing the information requested by the Commission of Veterans Affairs concerning the burial record of every person having a military service record burial in the County. Such information shall be furnished pursuant to Section 35B.19 of the Iowa Code as may be amended hereafter. The County Commission is also charged with any remaining mandatory duties placed upon it as defined in Chapter 35B of the Iowa Code as may be amended hereafter.

7.15 REVIEW OF THE COMMISSION AND BOARD OF SUPERVISORS.
In the event the Commission, in reviewing the actions of the Director, or the Board of Supervisors, in reviewing the actions of the Commission, questions any allowance of assistance benefits, it shall not take action concerning such allowance until it conducts a hearing. The hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant has taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director to the Commission.

7.16 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

7.17 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional,

such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.