

Proposed

Title III – Social and Human Services 7 – Veterans Assistance Program Code of Ordinances, Cass County, Iowa

Ordinance 7 – Veterans Emergency Assistance Program

The Veterans Emergency Assistance program provides assistance to Cass County military veterans who are unable to meet their basic needs because of an emergency situation.

Section 1 – Definitions

The definition of terms as used in this ordinance is:

“Emergency” is a sudden, urgent need for help or relief, created by some unexpected event and occasion requiring immediate action.

“Veteran” is a Cass County resident who has served honorably in the U.S. armed forces beyond “boot camp” and initial training, unless discharged during those times for a service-connected disability. The veteran must present proof of honorable discharge; a discharge “under honorable conditions” or less is a disqualifier for assistance.

“Veteran” also includes a Cass County resident who served in the Reserves or Iowa National Guard for at least 20 years or who was activated to federal service for 90 continuous days, not including “boot camp” or initial training, unless discharged with less service for a service-connected disability.

“Assistance” means food, rent, transportation, utilities, medical services, and burial. Assistance can be provided for surviving spouse and dependent children if the veteran is deceased.

“Net worth” includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and value of all other real and personal property.

Excluded from net worth consideration are clothing, engagement and wedding rings, usual household furniture, one automobile, and a homestead.

“Household” means the individual veteran applying and all members of the immediate family (spouse and dependent children). If the veteran is deceased, “household” shall mean the veteran’s surviving spouse who has not remarried and minor dependents.

“Commission” shall mean the Cass County Veterans Commission and/or its Director.

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Section 2 – Application Requirements

In applying for benefits, the veteran must submit to the Cass County Veterans Office, along with the application, the following documents:

- DD Form 214 “Report of Separation from the Armed Forces” or similar documentation indicating what type of discharge from military service.
- Certificate of Marriage, if applicable.
- Birth Certificates, if applicable.

Section 3 – Forms of Assistance

Assistance shall be purchased directly from the supplier. No cash will be provided to the applicant.

Section 4 – Eligibility

Assistance is to be provided to a veteran who is in need of immediate assistance due to reasons beyond the veteran’s control and not obtainable from any other source. Income for the household cannot exceed 150 percent of federal poverty level.

In extreme cases, assistance may be provided for veterans earning more than 150 percent of federal poverty level if income has been delayed for reasons outside the veteran’s control. In those cases, veteran shall agree to re-pay assistance at an agreed upon date. Failure to repay per agreement will result in termination of future assistance.

Section 5 – Level of Benefits

Assistance can be provided for a maximum of three requests per fiscal year. Additional assistance must be approved by the Commission. The maximum level of benefits shall be:

- **Food:** Maximum benefit is \$100 per request. Food does not include tobacco products, alcoholic beverages, or “junk” food. Products for personal hygiene and cleanliness may be purchased. Receipts must be submitted to the Director.
- **Rent:** The reasonable rental value not to exceed \$400.00 per month. Higher rent may be paid upon approval of the Commission. The rental agreement must be in the name of the veteran/spouse seeking assistance. Security deposits and first month’s rent will not be paid.
- **Utilities:** Utilities are defined as electric, natural gas, propane, water and sewer. The amount of assistance paid will be to prevent cancellation (shut-off) of these services. Telephone assistance is limited to basic landline phone service, up to a maximum of \$50.

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- **Medical and dental services and prescriptions:** The reasonable value of these services actually needed on an emergency basis. Dental services limited to emergency extractions only. **Essential prescriptions will be limited to a 10-day supply.**
- **Transportation:** **Fuel assistance may be provided for indigent veterans to travel to VA medical centers. If the veteran qualifies for VA travel reimbursement, no county assistance will be provided.**

Section 6 – Application for Assistance

The Director will provide applications for emergency assistance during normal business hours or by prearranged appointment.

If the applicant appears to be eligible for assistance from any other federal, state, or local source, the Director will immediately refer the applicant to that source. It is the obligation of the applicant to immediately apply to that source as a condition of being eligible for further assistance under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of emergency assistance and to prove his/her need for any item of assistance. If requested, the applicant will provide the Director with a verified statement of net worth (federal and state income tax returns) for the past five (5) years, medical reports, medical authorization, and anything else requested by the Director that pertains to the person's eligibility for assistance.

The Director will also accept anything that the applicant chooses to submit to establish eligibility or need (including statements or letters, medical reports, shut-off notices, eviction notices, and other written documents as well as verbal statements of the applicant).

The Director will then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. A copy of the applicant's file, documentation, and findings of the Director will be made available to the applicant.

Section 7 – Initial Determination

The Director will make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application. The Director will notify the applicant of the decision within five (5) working days of the determination.

If an applicant has been previously found eligible, the Director need not receive a new application, but may proceed to a determination of whether current assistance is warranted. Notice of such determination will be as provided above.

If assistance is warranted, the Director will notify the appropriate supplier or vendor of the authorized amount required for the benefit of the applicant.

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Section 8 – Appeal

Every applicant denied assistance will be informed of the Director's decision and of the right to appeal such decision to the Commission. The applicant will be informed of the method by which an appeal may be taken, and that he or she may represent himself/herself, or may be represented by an attorney at the applicant's expense.

The Director must be notified of the applicant's appeal within 10 business days of the denial. The appeal must contain the applicant's current address and telephone number, and state the reasons for the appeal.

Once the Director receives notice of applicant's appeal, the Director shall schedule a time on the Commission agenda (in accordance with state law) at its next regularly-scheduled meeting.

Section 9 – Appeal Hearing

The Commission will hear the applicant's appeal in executive session at the time scheduled in the agenda, unless the applicant requests continuance. The appeal hearing will be tape-recorded.

The Commission may set reasonable time limits for the presentation of evidence. The Director will present the Commission with the reasons for the denial. The applicant's file will be subject to review by the Commission.

Once the Director has completed presentation of the evidence for denial, the Director will leave the hearing, so the Commission members may discuss the application for assistance with the applicant.

The applicant may present evidence in support of the appeal including oral testimony from the applicant and/or others, documentation, and reasonable cross-examination of other witnesses, if present.

The appeal is not a court proceeding, so technical rules of evidence will not apply.

When the applicant has presented his/her evidence and reasoning for the appeal, the applicant will leave the hearing to allow the Commission to deliberate. Once the Commission has reached its decision, the Director and applicant will be called back into the hearing.

If the appeal is granted, the requested assistance will be provided as soon as possible. If the appeal is denied, the applicant may appeal to the Cass County Board of Supervisors and follow its procedures for appeals.

An appeal by the veteran to the Board of Supervisors will be allowed within the time limits and the manner and procedures established under Code of Iowa, Title 1, Subtitle 6, Chapter 17A.