

Training Module 19

1. Supervised Direct Payment (SDP): With supporting on-site evidence, FE may pay all or part of entitlement directly to beneficiary, with at least an annual review visit.
2. Federal Fiduciary
 - a. Spouse-Payee: With no evidence of estrangement or separation, or incapability of spouse to handle finances, the VARO will draw the award to pay the spouse before sending request to Unit to conduct a field exam to confirm suitability of spouse, or establish another fiduciary. Payment of retroactive benefits due will be withheld until FE confirms suitability of payee.
 - b. Legal Custodian: FE establishes someone or some entity, such as the Department of Social Services, as payee, with no court involvement.
 - c. Institutional Award: VARO may certify Director, VAMC, as payee for a veteran with no dependents, without FE involvement. If VARO assigns to FE, they may establish hospital, nursing home, or rest home as fiduciary. If beneficiary is a surviving spouse, dependent parent, or AHC, the institution is certified as Legal Custodian, not as Institutional payee.
Institutional Payee is for veterans only.
 - d. Custodian In-Fact: A temporary payee.
3. Guardian: A guardian is a court appointed fiduciary. The FE has the option of recognizing an established guardianship. The FE can initiate action (i.e. file Petition and Certificate of Incompetency) with the court of jurisdiction. When the unit initiates such action to establish a guardian under North Carolina General Statute Chapter 34, the guardian becomes guardian of the estate, not of the person.
The Court appoints the guardian, not the VA. The Court discharges a guardian, not the VA.

Changing a Fiduciary

1. The fiduciary will not be changed, at the request of the family or beneficiary, unless the fiduciary submits written notification.
2. Upon receipt of written notice that the fiduciary is not acting in the best interest of the beneficiary, a FE will investigate to determine if a change is necessary.
3. Upon receipt of medical evidence that the beneficiary is able to handle their own affairs, rating board will determine competency.

Supervision Provided by The Guardianship Unit

1. While the program endeavors to establish fiduciary arrangements that ensure the needs of beneficiaries are provided with income, it has no authority or responsibility for the protection of the person. It is charged solely with the responsibility of protecting VA benefits.
2. After initial contact, VA files are diaried for regular visits with the beneficiary and contact with the payee, usually at intervals of one to four years, to review the fiduciary arrangements. The success of any fiduciary arrangement is, to a large extent, contingent upon the degree to which the interested parties attempt to meet support requirements and personal needs.

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How Can Veterans Service Officers Help

1. When the beneficiary and/or family members contact the VSO concerning due process letter received, submit the following:
 - a. Physical location of beneficiary with phone number
 - b. Directions to physical location of beneficiary
 - c. Name, address, & telephone number of individual(s) requesting consideration as a possible fiduciary
 - d. Name & telephone number of all other interested parties
 - e. Certified copies of any Court ordered Guardianship, General Power of Attorney, medical evidence not previously submitted

2. Contact Guardianship immediately under the following circumstances:
 - a. Documentation received that beneficiary's funds are not being used in their best interest.
 - b. Beneficiary has moved into a rest/nursing home or other living arrangement
 - c. The payee is no longer able to handle their fiduciary duties and a replacement is needed
 - d. The veteran is incarcerated for a felony
 - e. A veteran with no dependents is hospitalized for an extended period at Government expense

U.S. Small Business Administration Benefits

To ensure that veterans receive the SBA benefits they deserve, the Office of Veterans Affairs was created in 1982. This office works closely with each of the SBA field office staff's to provide veterans with small business support. Each SBA District office has a designated Veterans Affairs Officer who will be the initial point of contact and resource person. The SBA's programs and services can assist veterans in almost every aspect of starting or expanding a small business. SBA offers assistance in developing a business plan, obtaining financing, marketing, management, technical, and counseling services. The following are examples of programs exclusively for veterans.

Transition Assistance Program: TAP provides nationwide assistance and information to all military personnel about to be discharged. The SBA provides veterans with information on starting a business and local agency resources.

Veterans Entrepreneurial Training: Designed primarily for disabled veterans, the VET program provides up to 18 months of in-depth business training. The training covers accounting, marketing, computers, business plan preparation and loan packaging.

Veterans Business Development and Procurement Conferences: At these conferences, co-sponsored by the DOD and DVA, veterans with start up businesses receive information on marketing and financing. Veterans with existing businesses can network with Federal procurement representatives.

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Employment Preference for Disabled Veterans, Spouse or Widow

The U.S. Government extends additional consideration to disabled veterans, their spouses, widows, or natural mother who apply for Federal employment. Applications are made with the Standard Form 15 (Application For 10-Point Veterans Preference) and must be certified by the VA. Applications should include documentation of service and separation under Honorable conditions, documentation of service-connected disabilities/nonservice-connected pension or award of the Purple Heart, documentation of the veteran's death (death certificate or military casualty notice), verification of marital status for spouse, and documentation of a spouse's inability to work for natural mothers. Veterans in good health are offered a 5-point Veterans Preference.

Federal Housing Administration

Special mortgage terms for veterans are provided for mortgage loans for building, buying, or refinancing of homes under the FHA Mortgage Insurance Program, Department of Housing and Urban Development. The benefits in the FHA program are similar in many respects to those in the GI home loan program administered by the VA, but it is open to veterans who are not eligible under the VA home loan program.

Eligibility Requirements

All veterans discharged under other than dishonorable conditions after at least 90 days service, which began prior to 9/8/80 are eligible. Veterans of enlisted service in the Armed Forces, which began after 9/7/80, must have served at least 24 months of service, unless the discharge was for hardship or disability. This may include active duty for training, which is not included within the definition of "active duty" for determining eligibility under the VA home loan program.

Certificate Of Veteran's Status

A veteran wishing to use the FHA home mortgage insurance program must submit a Certificate of Veterans Status, VA Form 26-8261a "Request For Certificate Of Veterans Status", which may be obtained from the VARO.

Mortgage Terms

Eligible veterans may obtain FHA insured mortgages based on the median price of homes in the local area. FHA may guarantee the whole amount of the loan or a portion of the loan value depending on FHA regulations at the time of application.

Social Security Benefits

Active duty or active duty for training in the U.S. military services has counted toward Social Security benefits since January 1957, when taxes were first withheld from a serviceperson's basic pay. Service personnel and veterans receive an extra \$300.00 credit for each quarter in which they received any basic pay for active duty or active duty for training after 1956 and prior to 1978. After 1978, a credit of \$100.00 is granted for each \$300.00 of reported wages up to a maximum credit of \$1200.00 if reported wages are \$3,600.00 or more. No additional Social Security taxes are withheld from pay for these extra credits. Also, noncontributory Social Security credits of \$160.00 per month may be granted to veterans who served after 9/15/40 and prior to 1957.

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Military Base Privileges

Honorably discharged veterans who are permanently and totally disabled due to a VA rated 100% service-connected disability or the surviving spouse in receipt of DIC, are eligible for military base Commissary and Exchange privileges. To obtain these privileges, the applicant must submit VA documentation regarding the level of disability or award of DIC, along with a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) to the closest military ID issuing facility. This application must also include the other supporting documentation needed to apply for an ID card (i.e. DD214, photograph, Marriage Certificate, or Death Certificate) as appropriate. Because a P & T disabled veteran may not be physically able to visit the military base in person, they may designate one adult member of the family as agent in making purchases.

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Review Questions: Special Benefits

Using the assigned references and reading materials, answer the following questions:

1. To qualify for issuance of a prosthetic appliance from VA, the veteran must be: 19-1 (38 CFR 17.150)
 - a. Service-connected for the disability for which the appliance is required.
 - b. Need not necessarily be based on disability, or that a disability be service-connected.
2. The Department of Veterans Affairs will issue an invalid lift for a veteran's use provided: 19-1 (38CFR 17.151)
 - a. The veteran has the service connected anatomical loss or loss of use of both lower extremities and at least one upper extremity.
 - b. The veteran is entitled to additional rates of special monthly compensation or special monthly pension because of being in need of regular aid and attendance.
 - c. The veteran is unable to transfer from bed to a wheelchair and back again without the aid of an attendant.
 - d. All of the above.
3. The Department of Veterans Affairs will issue hearing aids as needed to a veteran who is service-connected for hearing loss, regardless of the rated percentage of disability. To qualify for other assistive devices to help overcome deafness, the service-connected hearing loss must be rated: 19-2
 - a. 40% or more.
 - b. 60% or more.
 - c. 80% or more.
 - d. 100%
4. To qualify for payment of the annual clothing allowance, the Prosthetics and Sensory Aids Service at the VA Medical Center must: 19-2
 - a. In all cases recertify each year that the veteran is required to use or wear a prosthetic or orthopedic appliance or device that wears out the veteran's clothing.
 - b. If the veteran is service-connected for anatomical loss or loss of use of one or more extremities, the allowance is automatically authorized after the initial application. In all other cases, Prosthetics and Sensory Aids Service must certify whether the veteran has a qualifying disability and if so, whether need is permanent. If permanent, the allowance is automatically paid thereafter.
 - c. If need is not shown to be permanent, the veteran must reapply for the allowance each year.
 - d. Both b and c.
5. VA will provide monetary assistance for a veteran to purchase a specially adapted automobile or other conveyance. 19-2
 - a. Only one time.
 - b. For one car at a time.
 - c. Multiple times.
 - d. As long as there is need.

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6. How many autos or other conveyances will VA provide special adaptive equipment for an eligible veteran? 19-2
 - a. Two
 - b. Four
 - c. There is no limit to the number of vehicles VA will equip at any one time.
 - d. There is no limit to the number of vehicles VA will equip, but VA will not authorize adaptive equipment for more than two vehicles at any one time.

7. If a veteran qualifies for both the Special Adapted Housing grant and the Special Home Adaptation grant, which one will be authorized? 19-3

8. To be eligible for a grant under the Home Improvement and Structural Alteration (HISA) program, which of the following are true statements. 19-3
 - a. The disability, which causes the need for alternation of the veteran's home, must be service-connected.
 - b. The disability, which causes the need for alternation of the veteran's home does not have to be service connected.
 - c. There is a difference in the amount of the grant for a service-connected disability and non-service connected disability.
 - d. Both b and c.

9. If the veteran retired from service based on longevity (length of service) and later establishes a service-connected disability ratable at 100%, which coverage is the veteran's spouse eligible for health care insurance coverage under. 19-4
 - a. Both TRICARE and CHAMPVA
 - b. TRICARE
 - c. CHAMPVA
 - d. Neither TRICARE nor CHAMPVA

10. Who is eligible for health care coverage under CHAMPVA? 19-4
 - a. Veteran's spouses or surviving spouses
 - b. Minor children under 18 or children between the ages of 18 and 23 who are attending an approved school.
 - c. Children over age 18 who have been determined to be permanently incapable of self-support (helpless).
 - d. All of the above.

11. Who can be paid the special allowance for spina bifida? 19-5

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12. The Department of Veterans Affairs is responsible for providing the following types of benefits for spina bifida. 19-5

- a. A special month allowance.
- b. All necessary treatment for the spina bifida
- c. Any conditions directly arising from or because of the spina bifida.
- d. All of the above.

13. The CHAMPVA "Meds By Mail" program allows members to what: 19-4

14. CHAMPVA enrolled dependents can apply for CHAMPVA For Life benefits by: 19-4

- a. Submitting a VA Form 10-10D
- b. Submitting a VA Form 10-7959c
- c. Submitting documentation of Medicare Part B enrollment
- d. None of the above

15. Surviving dependents of veterans are entitled to ____ replacement set of U.S. Military awards, medals, and decorations. 19-6

- a. One set for each dependent
- b. One set to next of kin
- c. One set to veteran only
- d. None of the above

16. How can an individual obtain replacements sets of Foreign Government issued awards, medals and decorations. 19-6

17. The VA Fiduciary unit can establish Supervised Direct Payment to the beneficiary and which of following types of payees for VA beneficiaries? 19-7

- a. Custodian-In-Fact, Legal Custodian
- b. Institutional Award, Spouse-Payee
- c. Guardian
- d. Both A & B
- e. Both A & C

18. The VA will establish a Fiduciary appointed payee for VA benefits if 19-7

- a. A Court Order declares the beneficiary incompetent
- b. Medical evidence is submitted to the VA supporting incompetence
- c. A family member with a General Power of Attorney requests
- d. All of the above

19. Veterans seeking to start a business may obtain loans using which of the following? 19-8

- a. U.S. Department of Veterans Affairs
- b. Employment Security Commission
- c. Small Business Administration
- d. U.S. Department of Labor

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20. The following are examples of the SBA co-sponsored programs to assist soon to be discharged service members or veterans in starting a business. 19-8
- a. Transition Assistance Program
 - b. Veterans Entrepreneurial Training
 - c. Veterans Business Development and Procurement Conferences
 - d. All of the above.
21. A retired service member of the Army is entitled to a 10-point veterans preference if: 19-8, 19-9
- a. The member is 20% SC for disabilities by the VA
 - b. The member has wartime service
 - c. The member is in good health
 - d. None of the above
22. A Vietnam era veteran is entitled to what percentage of preference for Federal employment? 19-9
- a. 10-point if nonservice-connected disabled
 - b. 5-point if in good health and Honorably discharged
 - c. 5-point if receiving VA Pension
 - d. 10-point if awarded a Bronze Star

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FORMS

CLOTHING ALLOWANCE

VA FORM 21-8678 – Application for Clothing Allowance

AUTOMOBILE AND SPECIAL ADAPTIVE EQUIPMENT

VA FORM 21-4502 – Application for Automobile Grant and Adaptive Equipment

VA FORM 10-1394 – Application for Adaptive Equipment Motor Vehicle

CHAMPVA

VA FORM 10-10d – Application for ChampVA for Dependents

(Attach the following to application: copy of rating decision, marriage certificate, I.D. cards, birth certificates of eligible dependent children.)

VA FORM 10-7959c – ChampVA Other Health Insurance (OHI) Certification

SPINA BIFID A ALLOWANCE

VA FORM 21-0304 – Application for Spina Bifida Allowance

CLOTHING ALLOWANCE

VA FORM 21-8678 – Application for Clothing Allowance

AUTOMOBILE AND SPECIAL ADAPTIVE EQUIPMENT

VA FORM 21-4502 - Application for automobile grant and adaptive equipment

VA FORM 10-1394 - Application for adaptive equipment motor vehicle

SPECIAL HOUSING ASSISTANCE

VA FORM 26-4555 – Veterans Application For Acquiring Specially Adapted Housing or Special Home Adaptation Grant (Title 38 U.S.C. Sec. 801 (a) or 801 (b))

VA FORM 10-0103 - Veterans Application For Assistance In Acquiring Home Improvement and Structural Alterations (HISA) grant

OTHER FORMS

VA Form 21-4703, Fiduciary Agreement

SF 15, Application for 10-point Veterans Preference