

**CHAPTER 4.10**  
**VETERAN'S ASSISTANCE PROGRAM**

*SECTIONS*

- 4.10.010 *POLICY*
- 4.10.020 *DEFINITIONS*
- 4.10.030 *VETERANS ASSISTANCE PROGRAM MANUAL*
- 4.10.040 *REQUIREMENTS FOR RECEIVING ASSISTANCE*
- 4.10.050 *FORM*
- 4.10.060 *NOTIFICATION OF DECISION*
- 4.10.070 *APPEAL TO COMMISSION*
- 4.10.080 *APPEAL TO BOARD OF SUPERVISORS*
- 4.10.090 *RULES OF EVIDENCE*
- 4.10.100 *EX PARTE CONTACT*
- 4.10.110 *LIMITATION OF ASSISTANCE*
- 4.10.120 *REIMBURSEMENT OF ASSISTANCE*
- 4.10.130 *CONFIDENTIALITY OF RECORDS*
- 4.10.140 *DESTRUCTION OF RECORDS*
- 4.10.150 *DATE OF APPLICATION*

4.10.010 **POLICY:** Veteran's Assistance shall be administered by the Commission Veteran's Affairs or the Director as the Commission's designee to veterans when such persons are not supported by their own means, their relatives, or other public or private resources, and in accordance with policies and guidelines established by this Ordinance including the Veterans Assistance Program Manual. Members of the Commission shall be appointed by the Pottawattamie County, Iowa, Board of Supervisors. *(September 8, 1983)*

4.10.020 **DEFINITIONS:** For the purpose of this Chapter, the following terms and words are hereby defined.

- .01 **ASSISTANCE:** County payment to vendors for household provisions (including food and non-food items, but excluding cigarettes and alcoholic beverages), shelter, utilities, clothing, supplies, transportation, medical attention, prescriptions and non-prescription drugs, and burial. Cash may be authorized within limited circumstances where vendor payment is not possible. *(September 8, 1983)*
- .02 **COUNTABLE PROPERTY:** Real and personal property and liquid assets of the person and family unit, including all income, savings in any form, and cash value of life insurance. There are provisions within the Veterans Assistance Program Manual to exclude certain basic assets for countable property. *(September 8, 1983)*
- .03 **DOMICILED:** The person's principal home for legal purposes is within Pottawattamie County, Iowa, and the person's verbalized intent is to remain within Pottawattamie County, Iowa. *(September 8, 1983)*
- .04 **FAMILY UNIT:** The individual applying, spouse, children under 18 of age, older children who are dependent on parents due to school attendance or incapacity, and anyone else domiciled with the applicant and dependent upon the applicant per Law. *(September 8, 1983)*
- .05 **LIQUID ASSETS:** Cash or other items of net worth of the family unit that can be readily converted to cash within seven (7) days. *(September 8, 1983)*
- .06 **VENDOR PAYMENT:** A County Treasurer's check to the supplier of services. *(September 8, 1983)*
- .07 **VETERAN:** A person or the family unit of a person who has discharged from the Armed Forces under honorable conditions and who was on active duty with the Armed Forces during the following dates:

- a. World War I: April 6, 1917 to November 11, 1918;
- b. World War II: December 7, 1941 to December 31, 1946;
- c. Korean War: June 25, 1950 to January 31, 1955;
- d. Vietnam War: August 5, 1964 to May 7, 1975. *(September 8, 1983)*

4.10.030 **VETERAN ASSISTANCE PROGRAM MANUAL:**

- .01 The Veterans Assistance Program Manual, along with the forms relating to the Manual, shall be subject to approval of the Pottawattamie County, Iowa, Board of Supervisors and the Pottawattamie County, Iowa, County Attorney, to insure that policies and procedures therein adhere to the requirements of Chapter 250, Code of Iowa, "Veterans Affairs". *(September 8, 1983)*
- .02 The Veterans Assistance Program Manual shall be available to the general public in the office of the Director of Veteran Affairs and the office of employees who are delegated by the Director to administer the programs. *(September 8, 1983)*
- .03 Amendments to the Veterans Assistance Program Manual shall be acted upon by the Pottawattamie County, Iowa, Board of Supervisors at their meeting. Notifications of amendments shall be given by the posting of the Board of Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa. *(September 8, 1983)*

4.10.040 **REQUIREMENTS FOR RECEIVING ASSISTANCE:** The following requirements may be conditions of eligibility for receiving assistance:

- .01 Applicants for assistance are to be determined eligible or ineligible if they are veterans according to standard circumstances, income and resources as set forth in the Pottawattamie County Veterans Assistance Program Manual. *(September 8, 1983)*
- .02 Applicant Procedures as set forth in the Veterans Assistance Program Manual must be adhered to. *(September 8, 1983)*
- .03 Signed Release of Information forms must be provided by applicant if the County official requests same, provided the information sought reasonably relates to the applicant's eligibility for assistance. *(September 8, 1983)*
- .04 Applicant/recipient must register at Job Service of Iowa and accept placement for any employment. Exceptions to this requirement are as follows:
  - a. Required in home care for minor children.
  - b. Physically or mentally incapable of performing job skills.
  - c. Transient: In County less than 36 hours with no domicile in Pottawattamie County, Iowa. *(September 8, 1983)*
- .05 If incapacity is claimed, applicant/recipient must provide medical verification or cooperate by allowing physical diagnosis. *(September 8, 1983)*

- .06 Application must be made for any/all applicable State/Federal Assistance Programs, to which referred including cooperation with a Social Services plan. *(September 8, 1983)*
  - .07 Applicant/recipient must accept benefits offered by family, friends, benevolent organizations in lieu of Veterans Relief. *(September 8, 1983)*
  - .08 Eligibility for assistance shall be determined without regard to age, race, creed, religion or sex. *(September 8, 1983)*
  - .09 Able-bodied adult recipients of assistance may be required to work for the County as a condition of their eligibility for assistance. *(September 8, 1983)*
- 4.10.050 **FORM:** The assistance shall be purchased by the County directly from the supplier for eligible veterans. *(September 8, 1983)*
- 4.10.060 **NOTIFICATION OF DECISION:** Notification of the decision rendered on the application for assistance shall be given in the following manner:
- .01 The Veterans Affairs Director of designees shall notify by telephone or in writing to the applicant of the decision to grant or deny the requested relief within five (5) days of receipt of completed application. *(September 8, 1983)*
  - .02 The notice of the applicant/recipient shall state the factual basis for the decision rendered. The notice shall include notice of right of appeal to the Board of Supervisors and the procedures necessary to appeal. *(September 8, 1983)*
  - .03 If an emergency and immediate need is present the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director shall inform the applicant and issue a written decision as provided above. *(September 8, 1983)*
  - .04 Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and notify the Commission of Veteran Affairs. *(September 8, 1983)*
- 4.10.070 **APPEAL TO COMMISSION:** Any written or oral communication to the Director by or on behalf of an applicant requesting review of a decision or an allegation of failure to act shall be a request for a fair hearing. A request must be made within thirty (30) days after the denial or failure to act complained of. *(September 8, 1983)*
- .01 A request for a fair hearing shall not be denied or dismissed except where it has been withdrawn by the applicant or recipient in writing, or abandoned. *(September 8, 1983)*
    - a. A request for a hearing shall be considered as withdrawn only upon receipt of a written statement before the hearing or on the record of the hearing. *(September 8, 1983)*
    - b. A request for a hearing shall be considered abandoned if neither the appellant nor his representative appears at the time and place agreed upon for the hearing, and if within ten (10) calendar days after the mailing of an inquiry by the Commission as to whether the appellant or his/her representative wishes any further action taken on his/her request for a hearing, no reply is received by the Commission on Veteran Affairs. *(September 8, 1983)*
  - c. In the event the appellant informs the Veteran Affairs Executive Secretary that he/she is satisfied and no longer wishes to pursue his/her request for a fair hearing, he/she shall be advised that he/she must address a written withdrawal to the Commission on Veteran Affairs. *(September 8, 1983)*
- .02 Upon receipt of a request for a fair hearing, as soon as practicable, the Commissioners shall:
- a. Review the application, and the Director's case summary and decision.
  - b. Based upon the documents, issue a written decision finding for or against the appellant, sending copies to the Director, the appellant, and the appellant's representative.
  - c. Direct the Veteran Affairs Director to initiate any action deemed necessary by the Commissioner's decision. *(September 8, 1983)*
- 4.10.080 **APPEAL TO BOARD OF SUPERVISORS:** An individual whose application for assistance has been denied, or whose treatment is inconsistent with the Ordinance or Manual, may appeal said decision in the following manner: *(September 8, 1983)*
- .01 Written notice of appeal must be made by the individual to the Board of Supervisors. The Board shall set the appeal on their agenda for hearing within twenty (20) days from the date of receipt of said appeal. *(September 8, 1983)*
  - .02 Notice of hearing to be held by the Board of Supervisors on the appeal shall be given to the applicant/recipient at least five (5) days before the hearing by mail and/or personal service, at the applicant/recipients last known address. Notice of said hearing shall include a statement of time, place and nature of the hearing. *(September 8, 1983)*
  - .03 If a party fails to appear, after proper notice was given, the Board of Supervisors may proceed with the hearing to make a decision in the absence of the party. *(September 8, 1983)*
  - .04 Opportunity shall be afforded all parties to respond, present evidence, argue all issues and be represented by counsel at their own expense. office of Veteran Assistance Director or the county Office of the County Attorney will represent the County. *(September 8, 1983)*
  - .05 The appeal can be terminated informally be stipulation, agreed settlement, consent order or default, or by any other means agreed to by the parties in writing. *(September 8, 1983)*
  - .06 The record shall consist of only the evidence, testimony, or things agreed to presented at the hearing. *(September 8, 1983)*
  - .07 Findings of facts shall only be based on the record. Findings and the decision shall be made in writing to applicant/recipient within five (5) days by mail and/or personal service at their last known address. *(September 8, 1983)*

- .08 All evidence required to be kept confidential by State or Federal Law shall remain confidential before, during and after the hearing. The proceedings must be held in accordance with the Open Meeting Law, Chapter 28A, Code of Iowa, and thus the procedures to hold a closed meeting must be followed. Only the evidence required to be kept confidential shall be received at a closed session. *(September 8, 1983)*
- .09 The hearing shall be held, as much as possible, to comply with Chapter 250.10 and Chapter 28A of the Code of Iowa. The hearing will be closed and same tape recorded, unless that right is waived by the applicant. *(September 8, 1983)*
- 4.10.090 **RULES OF EVIDENCE:** In conducting the appeal hearing, as set forth in Section 4.10.080, the following rules of submission of evidence shall apply: *(September 8, 1983)*
- .01 Irrelevant, immaterial or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form. *(September 8, 1983)*
- .02 Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available. *(September 8, 1983)*
- .03 Witnesses at the hearing, or persons whose testimony has been submitted in written form if available, shall be subject to cross re-examination by any part as necessary for a full and true disclosure of the facts. *(September 8, 1983)*
- .04 Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions, or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts. *(September 8, 1983)*
- .05 The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. *(September 8, 1983)*
- 4.10.100 **EX PARTE CONTACT:** The Board of Supervisors shall not communicate directly or indirectly in connection with any issue of fact or law after the decision on the case by the Veteran Affairs Director, except upon notice and opportunity for all parties to participate. The Board of Supervisors may make requests of the parties to present evidence the Board feels is necessary. *(September 8, 1983)*
- 4.10.110 **LIMITATIONS OF ASSISTANCE:** The Board of Supervisors may put an absolute limit on the funds appropriated for assistance to the poor and needy in any year. It shall be the responsibility of the Director of Veteran Assistance to notify the Board of Supervisors thirty (30) days in advance if that limit is expected to be reached prior to the end of the fiscal year. *(September 8, 1983)*
- 4.10.120 **REIMBURSEMENT OF ASSISTANCE:** Recipients of assistance may refund to the County Treasurer all or parts of the assistance received. If assistance is given to a person who has one (1) year residency in another county, that other county may be billed for the amount of assistance given. If a poor or needy person has legally responsible relatives or real property, legal recoupment of assistance may be pursued by the County Attorney. *(September 8, 1983)*
- 4.10.130 **CONFIDENTIALITY OF RECORDS:** The record of present or past applicants/recipients shall be confidential within the confines of the Director of Veteran Assistance or his/her designees. Confidential information shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits, and other purposes directly connected with the administration of relief. *(September 8, 1983)*
- 4.10.140 **DESTRUCTION OF CASE RECORDS:** Client records may be destroyed when the case has been closed for three (3) years and there is no County litigation pending for recoupment of Veteran Assistance funds and/or clients appeal in process. *(September 8, 1983)*
- 4.10.150 **DATE OF APPLICATION:** For purposes of determining benefits, the date of application shall be the date of first contact by telephone or person with the office of Veteran Affairs; provided, however, that formal written application be received within ten (10) days of first contact. *(September 8, 1983)*