

**Henry County Veteran Affairs General Assistance Policy Ordinance  
Revised 01/01/2011**

**This ordinance prescribes the Veteran Affairs general assistance program of Henry County, Iowa. Be it enacted by the Henry County Veteran Affairs Commission of Henry County, Iowa on \_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year.**

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Jim Onorato, Chairman

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Otis Henkle

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Larry Meagher

Chapter 35B of the Code of Iowa outlines the legal basis for the Veteran Affairs Commission Program in counties. In Henry County, the Veteran Affairs Program is administered by the Secretary to the Commission under the general supervision of the Veteran Affairs Commission.

Benefits from the Henry County Veteran Affairs Commission are temporarily granted to indigent veterans, widows, wives, and minor children. Veterans shall make application in person. If the veteran is physically disabled, the necessary information will be obtained from family or a legal representative.

Temporary benefits are granted for up to 60 days in a 12 month period. Appeal can be made to the Henry County Veteran Affairs Commission. The Commission reserves the right to refuse benefits to an applicant who has not proven to be indigent.

**SECTION 1-ELIGIBILITY**

Those persons eligible for assistance in Henry County shall include the following: 1

Applicants who:

a. lawfully reside within the borders of Henry County, meaning a domicile has been established with the intent to remain, which may be demonstrated by a drivers license, apartment rental, enrollment of children in school, registration to vote, or other indicators of good faith residence; and

b. have an "Honorable Discharge" from the United States Armed Forces; and

c. served on "active duty" for at least 90 continuous days for other than training during the following dates:

**WWII December 7, 1941 thru December 31, 1946**

**Korean War June 25, 1950 thru January 31, 1955**

**Vietnam War February 28, 1961 thru May 7, 1975**

**Lebanon or Grenada August 24, 1982 thru July 31, 1984**

**Panama Service December 20, 1989 thru January 31, 1990**

**Gulf War August 2, 1990 thru a date to be set by law or Presidential Proclamation**

d. Veteran includes the following persons:

(1) Former members of the reserve forces of the United States who served at least twenty years in the reserves forces after January 28, 1973, and who were discharged under honorable conditions. However a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code shall be included as a veteran.

(2) Former members of the Iowa National Guard who served at least twenty years in the Iowa national guard after January 28, 1973, and who where discharged under honorable conditions. However a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code shall be included as a veteran.

(3) Former members of the active oceangoing merchant marines who served during World War II at any time between December 7, 1941 and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.

(4) Former members of the women's air force service pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal pub. L. No. 95-202, 38USC. } 106.

Henry County Commission of Veteran Affairs also considers ALL peacetime veterans eligible for assistance with Henry County Veteran Affairs Commission and their spouses and surviving spouses and dependent and minor children.

e. are 18 years old; and

f. are the spouse, widow or dependent of a Veteran who meets the above criteria; and

g. have completed and signed an application for assistance from Henry County Veteran Affairs; and

h. have monthly income and liquid assets combined of less than 125% of the federal poverty guidelines; and

i. have non-exempt resources of less than \$200.00; and

j. have made application for and complied with all requirements of all other assistance programs for which the applicant may be eligible and maybe awaiting approval and receipt; and

k. seek full-time employment and register with Workforce Development and those employment agencies which are determined by the Director to be appropriate, comply with the requirements of those agencies, and accept work and training as offered; and

l. if physically or mentally unable to work, applicant must provide a doctor's written verification of diagnosis and length of illness and state the applicant is unable to work full-time.

## **SECTION 2-FINANCIAL ELIGIBILITY 1**

Determining income eligibility:

a. the total income of the household living unit for thirty (30) days prior to the date of application will be considered; and

b. all income received by the applicant's household shall be considered, including but not limited to net wages, child support, retirement benefits, disability benefits, investment income, rental income, income from trust funds, gifts, loans, and any assistance received from public or private entities, including food stamps; and

c. proof of income shall be required for determining eligibility for general assistance, failure to provide proof of income shall result in denial of benefits or a pended application.

2 Determining countable resources:

a. resources shall include liquid assets including but not limited to checking or savings accounts, cash on hand, stocks, bonds or other investments, the total value of such assets shall be considered an available resource; and

b. all real property shall be considered a resource at net value (value of property less remaining payments/mortgage), except exempted property identified in this ordinance; and

c. excluded as countable resources are household goods, personal effects, a homestead, equity a family home or farm, an equity not to exceed \$2,500 in one motor vehicle (equity is defined as the Blue Book price less remaining loan balance), life insurance with no cash surrender value, equity not to exceed \$2,500 in one funeral contract or burial trust for each member of the household living unit, tools of an actively pursued trade; and

d. when the value of one or more exempted resources exceeds the specified amount, the excess must be counted as available resources; and

e. all resources, other than excluded above, shall be considered as available to meet basic needs and must be used for such; and

f. if resources are available to meet the request at the general assistance standard, no eligibility exists; and

g. if resources are available to partially meet the need, they must be utilized prior to eligibility for assistance.

**SECTION 3-GENERAL ASSISTANCE REQUIREMENTS**

1 Application for Assistance:

a. all applicants for general assistance must complete a Veteran Affairs General Assistance application in its entirety; and

b. discharge document or separation paper which reflects discharge under Honorable Conditions; and

c. social security card; and

d. certificate of marriage (if applicable) or verification of common law marriage; and

e. birth certificates of children under 18 years of age (if applicable); and

f. the applicant must also have an interview with the Director or their designee prior to approval for assistance; and

g. eligibility will be determined within 30 days of receipt of complete application and interview, so long as all required documentation has been provided; and

h. applicants will receive a written notice of eligibility determination.

2 Employment:

- a. applicants for or recipients of general assistance who are under 65 years of age and not disabled will be required to register with the Workforce Development Center; and
- b. applicants who are 65 years of age or older or who are physically or mentally disabled will not be required to register for employment; and
- c. any applicant for general assistance who must seek employment shall be required to provide reasonable proof he or she is actively seeking employment or has registered with the Workforce Development Center; and
- d. a refusal or failure to actively seek employment, or refusal or failure to accept a reasonable employment offer may disqualify the applicant from receiving benefits under this ordinance; and
- e. an applicant who has been laid off from work temporarily shall provide a written statement from the employer stating they will be called back to work; and
- f. an exception to this ordinance is if a person is has written excuse from a medical doctor, physician assistant or accredited registered nurse practitioner stating the individual is unable to work full-time; and
- g. all members of the household living unit 18 years of age or older are required to comply with this section.

**SECTION 4-BENEFITS**

1. Scope of Assistance:

- a. the forms of assistance hereinafter described shall be available only for current bills or expenses; and
- b. assistance is not available for bills or expenses accrued prior to application for general assistance; and
- c. assistance shall not be granted more than twice during a 60 day period; and
- d. general assistance shall not be extended to any applicant or household member where financial assistance has already been provided within 365 days.

2. Rent:

- a. payment for actual rent, up to a maximum of \$200.00 per month; and
- b. no payment will be made for deposits; and
- c. a copy of the lease agreement with the veteran or member of the household members name on the lease shall be required; or
- d. a written statement from the landlord stating the applicant rents from them, the amount of current rent and signature of the landlord with their mailing address; and
- e. no rental payments will be made to relatives of the applicant or member of the household; and
- f. there shall be a 60 day limitation from the date of approval for rental assistance under this ordinance, assistance shall be issued no more than twice in the 60 day period.

3. Utilities:

- a. payment of an actual current utility bill (less sales tax) for lights, heat, water and cooking, not to exceed \$200.00; and
- b. no payment will be made for deposits or re-connections; and
- c. a copy of the current utility bill in the name of the applicant or member of the household shall be required; and
- d. there shall be a 60 day limitation from the date of approval for utility assistance under this ordinance, assistance shall be issued no more than twice during the 60 day period.

4. Food:

- a. food vouchers may be issued in the amount of \$25.00 for a household of one or \$50.00 for a household of two or more; or
- b. the applicant may access the local food pantries for food; and
- c. there shall be a 60 day limitation from the date of approval for a food voucher, assistance shall be granted no more than twice in a 60 day period; and
- d. an applicant may not receive a food voucher and access the food pantry in the same month.

5. Medical and Drugs:

- a. general assistance for prescription drugs and other necessary medical supplies shall not exceed \$150.00 to any applicant or household member within 365 days.

6. Burial costs may be paid to a funeral home when:

- a. payment will only be made for an indigent person who is a legal resident of Henry County; and
- b. the deceased person would have been eligible to receive assistance under the provisions of this ordinance in the month of death; or
- c. income of the available spouse must be within general assistance income standards unless exception is granted; or
- d. application for burial assistance must be made within thirty (30) days of the indigent person's death; and
- e. all of the deceased assets must be applied toward burial expenses, if there is no surviving spouse, including cash on hand and funds in checking and savings accounts, or savings certificates; and
- f. death benefits may be available from employment, railroad retirement, pension plans, VA benefits, life insurance policy, prepaid burial agreements or social security. The family of the deceased must apply for these benefits and apply them to the burial; and
- g. no more than one thousand two hundred dollars (\$1,200.00) will be paid by Henry County per burial and the county shall not provide for partial burial costs if arrangements exceed the established limit; and

- h. costs towards which the \$1,200.00 maybe applied shall include;
  - 1. preparation and embalming of the body
  - 2. services of funeral director and staff
  - 3. use of facilities and equipment
  - 4. casket and grave liner
  - 5. transportation from place of death to internment within Henry County
  - 6. cremation and urn
- i. if death benefits identified in h above exceed \$1,200.00 Henry County will not approve a General Assistance burial application.

#### **SECTION 5-FORM**

Assistance shall be purchased directly from the supplier for the applicant or the applicant's household living unit. Payment will be through a warrant issued out of the Henry County Auditors office and according to the Henry County Auditors monthly disbursement schedule.

#### **SECTION 6-AGREEMENT TO REIMBURSE**

1. Recovery Efforts for Veteran Affairs General Assistance Recipients:

- a. Henry County reserves the right to enact the provisions of Section 252.13, Code of Iowa, if it appears that the possibility of recovery of assistance exists; and
- b. applicants who have applied for federal benefits must sign an Interim Assistance Agreement with Henry County, if applicable.

#### **SECTION 7-WITHELD OR FALSE INFORMATION**

If it becomes apparent that an applicant or recipient has knowingly withheld or provided false information in order to gain eligibility for or continue to be eligible for General Assistance, that applicant or recipient will be ineligible for General Assistance for one year.

#### **SECTION 8-APPEALS**

1. Right to a Hearing:

- a. applicants are entitled to a hearing if assistance is denied; or
- b. failure to determine applicant's eligibility, and if found eligible, grant assistance within 3 days of the of the application; or
- c. amount of assistance granted.

2. Informing of Decision and Right to Appeal:

- a. applicants shall be informed in writing of the decision and basis for the decision relating to their application on the date the application is initially reviewed; and

b. notice to appeal the decision will be in the form of written communication on the Notice of Decision provided regarding the approval or denial of their general assistance application; and

c. the applicant may be represented by themselves or a representative of their choice;

d. if the applicant represents themselves by attorney, attorney fees shall be the responsibility of the applicant;

### 3. Appeal Request:

a. applicants must provide written notice with in ten (10) days of the date on the Notice of Decision to the Director of General Assistance requesting an appeal of the determination; and

b. the applicants written request for an appeal must provide the applicants current address and telephone number and state the reason(s) for the appeal; and

c. the written request for an appeal may be delivered in person to the General Assistance office or by regular mail, if delivered by regular mail the cancellation date on the envelope must be within ten (10) days of the date on the general assistance Notice of Decision; and

d. an appeal request cannot be denied except where the applicant has abandoned or withdrawn the request in writing on or prior to the day of the appeal hearing; and

e. an applicants failure to show for the appeal hearing shall be considered an abandoned appeal and the Notice of Decision will remain in effect; and

f. an applicant withdraws or abandons an appeal they have no further standing to have the original decision reconsidered.

### 4. Appeals Hearing:

a. upon receipt of a properly submitted appeal request the Director shall forward the appeal to the Henry County Veteran Affairs Commission; and

b. the Commissioners shall hold a meeting within 5 business from the date the Director received the appeal notice; and

c. the applicant shall be informed immediately, by telephone and ordinary mail, of the date and time of the hearing before the Henry County Veteran Affairs Commission; and

d. the applicant and his or her representative, upon written authorization, shall be granted access by the Director or designee access to their general assistance file if a request is made; and

e. the Henry County Veteran Affairs Commission shall hear the appeal de novo at the time scheduled unless continuance is requested by the applicant; and

f. the commission may set reasonable time limits for the present action of the parties at any appeal; and

g. the applicant shall be permitted to submit whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present (the technical rules of evidence shall not apply); and

- h. the applicants general assistance file shall be admitted into evidence; and
- i. the Commission may question the applicant and the Director shall present the Commission with reasons for the determination; and
- j. the appeal will be tape recorded and will not be an open meeting under Chapter 21, Code of Iowa, since confidential files will be in evidence; and
- k. when the Commission deliberates the appeal, no parties shall be present; and
- l. the Commission shall make a decision on the appeal within five (5) working days; and
- m. the decision shall be only on the basis of the evidence submitted before the Commission; and
- n. the applicant shall be informed in writing by regular mail to the last known address of the applicant within five (5) working days after the Commission's decision; and
- o. the Commission's decision shall state the reasons for the action, together with any statute or ordinance applied; and
- p. the decision shall state that an appeal may be taken from the Commission's determination and the method by which such appeal may be taken; and
- q. any appeal to the district court shall be allowed by the applicant from the Commission's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 1 7A , Code of Iowa.

#### **SECTION 9-REPEALER**

All ordinances or parts of ordinances presently in force that deal with the subject matter of this ordinance are hereby repealed.

#### **SECTION 10-SEVERABILITY CLAUSE**

If any section, provision, or part of this ordinance shall be adjudicated 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.