

## 108 CMR 2.00: GENERAL PROVISIONS

### Section

- 2.01: Scope and Purpose
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- 2.03: Compliance with Executive Order No. 145

#### 2.01: Scope and Purpose

(1) Scope and Purpose. ~~The scope and purpose of 108 CMR, and any directives promulgated pursuant to them thereunder by the Secretary of Veterans' Services of the Commonwealth of Massachusetts, by is to govern the operations of the Department of Veterans' Services govern its operations, including in its interaction and relations with the local departments of veterans' services cities and towns in the . The purpose of 108 CMR is to ensure the proper administration of public assistance and benefits to veterans and their dependents under M.G.L. c. 115, and all other benefits to veterans and their dependents, in a consistent and objective manner.~~

(2) Severability. If any provision of 108 CMR or its application is held to be invalid, such invalidity shall not affect other provisions or their application.

#### 2.02: Definitions

Unless the context otherwise requires, terms used in 108 CMR shall have the following meanings:

Applicant is any person who applies for assistance pursuant to M.G.L. c. 115.

Authorizer is Department of Veterans' Services personnel designated to review and authorize requests for reimbursement from municipalities.

Commonwealth means the Commonwealth of Massachusetts.

Continuous Unwholesome Habits ~~means repetitive behavior which is self destructive or destructive to others and for which a person fails to seek the necessary help to prevent its recurrence.~~

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Department of Veterans' Services, Department, or or "DVS" means the Massachusetts Department of Veterans' Services.

Dependent means any person who satisfies the definition of "dependent" in M.G.L. c. 115, § 1 and 108 CMR 3.0504.

District is the combination of two or more adjoining towns or municipalities and is governed by the provisions of M.G.L. c. 115 § 10 through § 15.

Gold Star Spouse or Gold Star Parent means a spouse or parent who meets the criteria for membership in the Gold Star Wives of America as established by 36 U.S.C.A. §§ 80501-80512 or of the American Gold Star Mothers, Inc. as established by 36 U.S.C.A. §§ 21101-21112, and shall include married same sex couples, and their children, in accordance with Massachusetts law.

Gross Income means income received from any source without regard for deductions.

Imputed Income means the monetary value assigned to a benefit that an applicant or recipient is entitled to, but not actually in receipt of.

Income means the combined money or its earned or unearned equivalent as further defined in 108 CMR 6.01(4).

Institution means any homeless shelter, hospital, nursing home, Soldiers' Homes at Chelsea and Holyoke, United States Department of Veterans' Affairs residential home, or other facility at which the applicant or recipient receives shelter, food and other services at no cost.

Military Service means such war time service as defined in M.G.L. c. 4, § 7, clause forty-third and M.G.L. c. 115, §§ 1 and 6A; and also includes Merchant Marine members who served in armed conflict between December 7, 1941 and August 15, 1945, and who have received discharges under honorable conditions from the U.S. Army, Navy or Coast Guard.

Recipient is any person to whom, or for whom, financial or medical assistance is provided pursuant to M.G.L. c. 115, including any dependent receiving benefits under M.G.L. c. 115 and 108 CMR.

Reside means to be present within a city or town of the Commonwealth notwithstanding the lack of present abode, with no present intention of definite and early removal, but not necessarily with the intention of remaining permanently. However, any such person who enters the Commonwealth solely for the purpose of obtaining veterans' benefits shall not be considered to reside in the Commonwealth.

Secretary means the Secretary of Veterans' Services of the Commonwealth of Massachusetts.

Suspension means cessation of M.G.L. c. 115 benefits, but resumption of benefits does not necessarily require a new application.

Termination means discontinuance or end of M.G.L. c. 115 benefits, but upon resumption of benefits a new application will be required.

Transitional Housing means facilities in which residents must pay for shelter or food and they return to the same bed each night. Other services may be provided at no cost.

VA means the United States Department of Veterans' Affairs.

Veteran means any person who satisfies the definition of Veteran in M.G.L. c. 4, § 7, clause forty-third, and M.G.L. c. 115, §§ 1 and 6A.

Veterans' Agent means a Veterans' Services Officer appointed pursuant to M.G.L. c. 115, § 3 and St. 1972, c. 471, if applicable or a Veterans' Benefits and Services Officer as referenced in St. 2014 c. 62 and M.G.L. c. 115, § 3B.

Voluntary Unemployment means ~~unemployment brought about by one's own acts or failure to act, means the failure, without good cause, to follow the work search requirements as set out in 115 CMR 7.01(4) or the refusal, without good cause, to accept a good faith offer of employment for which the applicant or recipient is reasonably qualified~~

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based on his or her skills, training, physical condition and present circumstances.

Web-VSMIS means the web-based Veterans Services Management Information System.

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2.03: Compliance with Executive Order No. 145

The Secretary has reviewed 108 CMR and determined that it has no impact on those municipalities already in compliance with it.

REGULATORY AUTHORITY

108 CMR 2.00: M.G.L. c. 115.