

108 CMR 4.00: INTERVIEW AND APPLICATION PROCEDURE

Section

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4.01: Interview Guidelines

The Secretary shall establish forms and additional interview guidelines by directive.

4.02: Application Procedures

- (1) Right to File an Application. Every veteran and dependent of a veteran with proof of such status, has a right to file an application for veterans' benefits. If the applicant exercises this right, an application must be taken by the veterans' agent. This right to file shall not be confused with a right to receive benefits.
- (2) Legal Requirements for Application. An applicant for veterans' benefits is required by M.G.L. c. 115, § 4 to file with a veterans' agent in the city or town wherein he or she resides a written application on a form prescribed by the Secretary.
- (3) Form of Application. An application for veterans' benefits shall be made on Form VS-1, with the exception of a reapplication for benefits. After the previous application has been inactive for a period of up to six months, and so long as there has been no change in circumstances other than the applicant's financial needs, the reapplication may be made on Form VS-21A.
  - (a) Recipients shall complete a new Form VS-1 after three consecutive years in receipt of veterans' benefits.
  - (b) The original initialed and signed application and reapplication shall be forwarded to the Secretary.
  - (c) Each January, recipients shall provide proof of income and shelter expenses, which shall be forwarded to DVS.
  - (d) Information provided on an application shall be either typed or printed legibly.
  - (e) The date which appears on the application shall be the date of the applicant's first contact with the veterans' agent.
- (4) Who May File an Application. The general rule is that the application shall be filed by the veteran or a dependent of the veteran, depending on who is seeking the veterans' benefits. Exceptions to the general rule are made when the applicant is unable, for good reason satisfactory to the veterans' agent, to file an application. Then, another person may file the application on the applicant's behalf. The guardian or conservator of an applicant, may file an application on behalf of the applicant, provided that the name on the application is that of the veteran or dependent seeking veterans' benefits.
- (5) Time Deadline for Veterans' Agents Referral of Application. Within ten working days after the applicant files an application, the veterans' agent shall send the application, with his or her recommendation for action, to DVS. If the veterans' agent is unable to meet this deadline, he or she shall notify the DVS authorizer in advance, stating the reasons for the delay.

4.03: Computer Match Program

Upon the written request from any veterans' agent, DVS shall verify by the Massachusetts Department of Revenue computer linkup whether any applicant for or recipient of veterans' benefits is in receipt of wages or has a bank account, or is delinquent in child support payments. DVS shall also verify whether said applicant or recipient is in receipt of transitional assistance. Requests shall include the applicant's or recipient's name, social security number, and other data required to assure identification.

4.04: Privacy Concerns

(1) Notification to Applicants. In accordance with M.G.L. c. 66A, every applicant who applies for veterans' benefits must be informed that information contained in the application (Form VS-1) for veterans' benefits may be submitted to the Department of Revenue and Department of Transitional Assistance for the purpose of determining whether they are in receipt of wages, whether they hold bank accounts, and whether they are delinquent in child support payments.

(2) Consent Notice.

(a) The veterans' agent shall give each applicant a Computer Match Consent Notice which the applicant, and any other adult individual for whom benefits are being requested, shall sign and date.

(b) Each time a person applies or reapplies for benefits, this process must be repeated.

(3) CORI Requirements. In accordance with the Criminal Offender Record Information (CORI) law, M.G.L. c. 6, § 178, access to criminal records may be had only if a veterans' agent is certified by the Massachusetts Criminal History Systems Board.

REGULATORY AUTHORITY

108 CMR 4.00: M.G.L. c. 115.