

108 CMR 9.00: ANNUITIES AND BURIALS

Section

9.01: Annuities

9.02: Burial Allowance

9.01: Annuities

(1) Eligibility. An applicant veteran who satisfies the following requirements shall be eligible to receive a special benefit payment in the form of an annuity.

- (a) Is a resident of Massachusetts;
- (b) Meets one of the service time requirements set forth in 108 CMR 3.02, or has served on active duty in the Armed Forces of the United States for a period of at least 180 days;
- (c) Has received any discharge from military service other than a dishonorable discharge.
- (d) Meets the requirements for blindness, paraplegia, double amputation or other disability set forth in M.G.L. c. 115, § 6B as so certified by the VA. Proof of service and disability shall be furnished to the Secretary as per M.G.L. c. 115, § 6C;
- (e) Is otherwise determined to be 100% disabled as so certified by the VA; or
- (f) Is a parent or an un-remarried spouse of a deceased member of the Armed Forces of the United States, whose death occurred as a result of injury sustained or disease contracted during active service in time of war or insurrection or combat as set forth in 108 CMR 3.02. The provisions of 108 CMR 9.01(1)(a), (c), and (d) apply to the deceased member whose status forms the basis for the application.

(2) Application Procedure for Annuity Benefit. Whenever a veterans' agent learns, or has reason to believe, that an applicant may be eligible for this annuity, the veterans' agent shall notify DVS, which in turn shall provide the veterans' agent with the necessary application forms and advise him or her on processing procedures. The annuity benefit available under 108 CMR 9.00 is paid directly to the applicant by the Treasurer of the Commonwealth on a warrant from the Comptroller. This annuity is paid in two installments, annually.

(3) Annuity Appeal. An applicant denied an annuity may appeal to the DVS Annuity Appeal Board within 30 days of receipt of the denial notification letter.

9.02: Burial Allowance

(1) Eligibility.

- (a) A veterans' agent shall grant a special allowance for the burial of veterans and adult dependents of veterans who die without sufficient means to defray the funeral expenses, and for the burial of dependent children of a veteran if the veteran and his or her spouse, or his or her surviving spouse alone do not have sufficient means to defray funeral expenses. The veteran in whose name the burial allowance is sought shall have satisfied the military service requirements set forth in 108 CMR 3.02.
- (b) In addition to the veterans in whose name burial allowances are sought pursuant to 108 CMR 9.02(1)(a), an allowance also shall be granted for the burial of the following persons:
 1. A person who served in the Massachusetts State Guard established during World War II and was honorably discharged from such service; and
 2. Who died without sufficient means to defray funeral expenses. An allowance shall not be granted for the burial of dependents of the persons described in 108 CMR 9.02(1)(b).
- (c) A veterans' agent shall not grant a burial allowance to or for the following persons:
 1. A person designated on his or her discharge papers as a conscientious objector.
 2. A person who at the time of entering the federal service was a subject or citizen of a neutral country, who had filed to become a citizen of the United States and who afterward withdrew such intention under the act of congress approved July 9, 1918.

9.02: continued

(2) Amount of Burial Allowance. A veterans' agent shall grant a burial allowance only if the total cost of the burial does not exceed certain limits, and any and all resources have been utilized to defray the cost of the burial. The amount of the burial allowance shall be \$2,000 and the ceiling on the total cost of the burial shall be \$3,000.

(3) Application Procedure.

(a) Within 60 days of the date of death, the veterans' agent shall file with the Secretary a burial allowance application (Form VS-9) which includes a copy of the discharge papers of the veteran in whose name the allowance is sought, a copy of the deceased veteran's death certificate, an itemized bill from the undertaker, and, where appropriate, a copy of a birth or marriage certificate to establish the relationship between the deceased and the applicant. Within three months after the date of death, the burial agent and the treasurer of the appropriate city or town shall certify to the Secretary, on a Form VS-10, Return of Expense, the amount expended on the burial. An application for burial allowance shall not be charged on monthly returns to DVS which pertain to other types of benefits.

(b) DVS shall provide reimbursement for 75% of the amount paid by a city or town as burial allowances.

REGULATORY AUTHORITY

108 CMR 9.00: M.G.L. c. 115.