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1:40 pm 3-9-2020

March 9, 2020

Michael Hurley, Senate Clerk  
Office of the Clerk of the Senate  
State House, Room 335  
Boston, MA 02133

**RE: Impediments Facing Incarcerated Veterans Seeking to Apply for Benefits**

Dear Senate Clerk,

In accordance with Chapter 218, Section 45 of the Acts of 2018, the Executive Office of Health and Human Services, in conjunction with the Department of Veterans' Services, submits its report to the General Court, on impediments, through state, county or federal policy, logistical challenges or otherwise, that veterans in custody may face when seeking to apply for benefits under a federal or state program or seeking to access medical evaluations for the purpose of completing, revising or renewing such a benefit's application. This report includes findings relative to the following: (1) determination of eligibility; (2) claim filing; and (3) access to medical evaluations.

Please feel free to contact me should you need additional information.

Sincerely,

Francisco A. Ureña  
Secretary

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor



Marylou Sudders  
Secretary

Francisco Ureña  
Secretary of Veterans' Services

# Impediments Facing Incarcerated Veterans Seeking to Apply for Benefits





## INTRODUCTION

Pursuant to Chapter 218, Section 45 of the Acts of 2018, the Executive Office of Health and Human Services, in conjunction with the Department of Veterans' Services, conducted a study to identify impediments, through state, county or federal policy, logistical challenges or otherwise, that veterans in custody may face when seeking to apply for benefits under a federal or state program or seeking to access medical evaluations for the purpose of completing, revising or renewing such a benefit's application.

While incarcerated, a veteran may be entitled to a variety of Federal benefits including pension, education, disability compensation, health care, home loans, insurance, vocational rehabilitation and employment, and burial. There are circumstances where a veteran's spouse or child may be eligible to receive an apportionment of the benefits. There are also instances where existing benefits including disability compensation, pension, and education benefits may be adjusted once the veteran is incarcerated.

In Massachusetts, there are many organizations that help veterans apply for state and federal benefits they are entitled to. However, when a veteran is justice involved there are barriers to those services and resources that may be needed to apply.

## IDENTIFYING IMPEDIMENTS

There are a number of obstacles a veteran may experience when applying for benefits while incarcerated. The Department of Veterans' Services, in conjunction with the Massachusetts Trial Courts (district) and a representative from the American Legion, identified barriers and steps that can be taken to mitigate them.

The Department of Veterans' Services' Statewide Advocacy for Veterans' Empowerment program ("SAVE") works hand in hand with veterans who are not able to obtain benefits they have earned due to institutional or personal barriers, serving as a liaison between the veteran and various agencies within the state and federal government. Frequently, members of the SAVE team visit jails or prisons to speak with justice involved veterans, aiding them in the claim and referral process.

As identified from the groups involved, there are three major impediments facing incarcerated veterans when applying for state or federal benefits. They include, but are not limited to:

1. **Determination of eligibility**
2. **Access to medical evaluations**
3. **Claim filing assistance**

The three areas, and the impediments within, are caused by two general obstacles: **lack of knowledge and education from both the institution and justice involved veteran.**

## ELIGIBILITY

In order to be eligible for benefits from the United States Department of Veterans Affairs, the veteran must meet the definitional requirements of veteran set forth in 38 US Code §101. It is not

uncommon for a former service member to be unaware that their veteran status entitles him or her to Federal benefits.

Knowledge of eligibility is not just an issue for the veteran. Jails or prisons may also be unaware that a person in custody is a veteran. Currently, Massachusetts county facilities are not required to identify who is a veteran, causing a gap in knowledge as to who may be eligible for state or federal benefits, impeding public and private organizations from reaching out and assisting veterans with their claim.

### **ACCESS TO MEDICAL EVALUATIONS**

Individuals seeking veteran benefits for a service related disability must be evaluated by a physician. An applicant must be evaluated at a VA qualified medical facility. Jails and prisons are not equipped or qualified to perform these evaluations. Transporting an incarcerated individual to a medical facility by the jail or prison is not always an option. If the evaluation is not completed, the claim is stopped in process with no resolution.

Web access resources, such as Telehealth, have allowed access to medical evaluations for veterans in jails or prisons without leaving their institution. Opportunities, such as Telehealth, are not used in all facilities, causing inconsistent access to medical evaluations.

### **CLAIM PROCESS**

Filing a claim can be confusing and burdensome. Throughout the process there are a series of steps, which often take months to complete correctly. There are many public and private organizations throughout the Commonwealth which provide assistance to applicants, but access to these organizations varies by location.

Barriers faced by public or private organizations providing for veterans may be as simple as not having access to facilities and not knowing which individual may be eligible to apply.

### **KNOWLEDGE & EDUCATION**

From the beginning of incarceration to reintegration, the challenges of applying for federal benefits are complex, and the obstacles an individual faces may come from different steps in the application process. These obstacles may be different; however, they are rooted in the lack of knowledge and education to the process from both an institutional and individual level.