

960 CMR: OFFICE OF THE STATE TREASURER
AND RECEIVER GENERAL

960 CMR 7.00: PROCEDURES FOR THE ADMINISTRATION OF CERTAIN BONUSES
AWARDED TO ELEGIBLE SERVICE MEMBERS.

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7.01: Scope and Purpose

960 CMR 7.00 establishes and clarifies procedures for awarding certain bonuses administered through the Veterans' Bonus Division ("Division") of the Office of the State Treasurer and Receiver General (Treasury). 960 CMR 7.00 is promulgated by the Treasury pursuant to St. 1945, c. 731, §§ 1 through 8; St. 1953, c. 440, §§ 1 through 3, 12; St. 1968, c. 646, §§ 1 through 10 as amended; M.G.L. c. 10, § 78; and M.G.L. c. 4, § 78, cl. 43rd. Issues not addressed in 960 CMR 7.00 for which any party seeks clarity are to be considered in light of the aforementioned citations and the entire M.G.L. c. 10.

7.02: Definitions

Unless otherwise enumerated below, all definitions associated with 960 CMR 7.00 shall be the definitions outlined in M.G.L. c. 10, § 78.

Activation. An order to Active Duty, other than for training, in the federal or state service.

Active Duty. Full-time duty in the active military service of the United States. The term does not include full-time duty in the Army National Guard or Air National Guard.

Active Duty for Training. A tour of Active Duty that is used for training members of the reserve component and the Army National Guard and Air National Guard to provide trained units and qualified persons to fill the needs of the Armed Forces of the United States in time of war or national emergency and such other times as national security requires.

Active Guard Reserve. A United States Army and United States Air Force federal military program which places members of the Army National Guard, Army Reserve, Air National Guard, and Air Force Reserve on federal active duty status under Title 10 U.S.C., or full-time National Guard duty under Title 32 U.S.C. 502(f) for a period of 180 consecutive days or greater in order to provide full-time support to National Guard and Reserve organizations for the purpose of leading, organizing, administering, recruiting, instructing, or training the reserve components according to 10 U.S.C. § 101(d)(6)(A).

Active Service. Service on active duty or full-time Army National Guard or Air National Guard duty. Active Service shall not include Active Duty for Training in the Army National Guard or Air National Guard or active duty of training as a reservist in the Armed Forces of the United States.

Adjutant General. A person appointed by the Governor who under M.G.L. c. 33, § 15(a) is the commander of a state's military forces, including the National Guard, Naval Militia, and any state defense forces.

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Applicant. A person(s) or legal entity legally entitled to make a claim for a veterans' bonus that has been authorized under the General Laws or Special Acts. An applicant may be a veteran eligible for the bonus, a family member of the veteran, or a court-appointed representative of a veteran eligible for the bonus. An applicant may be a full-time active service member.

Armed Forces. The United States Army, United States Army Reserve, United States Navy, United States Naval Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Merchant Marine, United States Coast Guard, United States Coast Guard Reserve, Army Nurse Corps, Navy Nurse Corps, United States Air Force, United States Air Force Reserve, United States Space Force, Active Guard Reserve, Air National Guard and Army National Guard and including women's branches of said armed forces.

Armed Forces Expeditionary Medal or AFEM. The medal established on December 4, 1961, to be awarded to members of the United States Armed Forces who, after July 1, 1958, have participated in a United States military operation and encountered foreign armed opposition, or were in danger of hostile action by foreign armed forces.

Commonwealth. The Commonwealth of Massachusetts.

Contingency Operation. A military operation that is designated by the United States Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or results in the call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406, 10 U.S.C. c. 13, 14 U.S.C. § 3713, or any other provision of law during a war or during a national emergency declared by the President of the United States or the Congress of the United States.

COVID-19 Massachusetts State of Emergency. The state of emergency declared on March 10, 2020, by the Governor of the Commonwealth.

Deployment. Movement from a military service member's Home Station, pursuant to orders, which makes it impossible or infeasible for the member to spend off-duty time in their Home Station.

DD Form 214 or DD-214. The term refers to the DD Form 214 or the Certificate of Release or Discharge from Active Duty. The DD Form 214 is issued upon a service member's retirement, separation, or discharge from active duty in the Armed Forces of the United States. As appropriate, DD Form 214 includes a member's Copy 4, or any available long form copy, identifying the veteran's condition of discharge, e.g. Honorable, General (Under Honorable Conditions), Other Than Honorable, Dishonorable or Bad Conduct.

Enlistment Period: The period beginning on the date the service member enters military service and ending on the date the service member is released or discharged from military service or dies while in military service. A service member may re-enter military service following the completion of a previous enlistment thereby establishing a new enlistment period.

Home Station. The permanent location of active duty units and reserve component units.

Global War on Terror or GWOT. An international, United States-led military campaign launched following the September 11, 2001, terrorist attacks.

Global War on Terror Operations. Operation Enduring Freedom, Operation Iraqi Freedom, Operation Noble Eagle, Operation Inherent Resolve, Operation Freedom Sentinel, or any successor or related operation.

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Heir(s)-at-Law. Except as controlled by M.G.L. c. 190B, Art. II, § 2-711, persons, including the surviving spouse and the Commonwealth, who are entitled under the statutes of intestate succession to the property of a decedent.

Hostile Fire or Imminent Danger Location. The areas identified in the United States Department of Defense Financial Management Regulation (DoD 7000.14-R, volume 7A, c. 10), or certified by the appropriate commander.

Operation. A series of tactical actions, such as battles, engagements, and strikes, conducted by combat forces coordinated in time and place, to achieve strategic or operational objectives in an operational area. An Operation may entail the process of carrying on combat, including movement, supply, attack, defense, and maneuvers needed to achieve the objective of any battle or campaign. An Operation need not involve combat.

Veterans' Bonus Appeal Board or Board. The payments' appeal board that consists of a member of the Treasury to be designated by the State Treasurer and Receiver General; an Assistant Attorney General to be designated by the State Attorney General; and the Adjutant General or a designee. The member of the Treasury designated by the State Treasurer and Receiver General shall be the Chair of the Board.

Veterans' Bonus Division. The Department within the Office of the State Treasurer and Receiver General that administers and distributes bonuses for eligible active duty, discharged, and deceased Massachusetts veterans who served during various conflicts in single or multiple deployments.

7.03: Eligibility.

(1) World War II Bonus.

(a) To be eligible for a World War II Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:

1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months immediately prior to entering Active Service of the Armed Forces;
2. Active Service. The Applicant must have served in Active Service in the Armed Forces for a period of at least one day from on or after September 16, 1940 through July 25, 1947; and
3. Characterization of Service. The Applicant shall have received a discharge or release under honorable conditions.

(b) Upon receipt of a completed application, which includes documentation sufficient to the Division, and the Division's determination that the Applicant is eligible for a bonus, the Division shall award the sum of:

1. \$100.00 for one day to six months Active Service in the continental United States;
2. \$200.00 for six months or more Active Service in the continental United States;
3. \$300.00 for overseas Active Service; or
4. If veteran died while on Active Service, the surviving family member(s) are eligible for a \$300.00 payment.

(2) Korean War Bonus.

(a) To be eligible for a Korean War Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:

1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months immediately prior to entering Active Service of the Armed Forces;
2. Active Service. The Applicant must have served in Active Service in the Armed Forces for ninety days or more from on or after June 25, 1950 through January 31, 1955; and

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3. Characterization of Service. The Applicant shall have received a discharge or release under honorable conditions.
 - (b) Upon receipt of a completed application, which includes documentation sufficient to the Division, and the determination that the Applicant is eligible for a bonus, the Division shall award the sum of:
 1. \$100.00 if the Applicant performed not less than 90 days of Active Service, unless discharged or released as the result of injury or disease incurred or aggravated by such services, and not more than six months, but served no part outside of the continental limits of the United States;
 2. \$200.00 if the Applicant performed Active Service for more than six months but served no part thereof outside the continental limits of the United States;
 3. \$300.00 if the Applicant performed Active Service outside the continental limits of the United States; or
 4. In the case of any eligible person who died while in Active Service, there shall be awarded the sum of \$300.00 to the person's Heir(s)-at-Law as provided in 960 CMR 7.03(9).
 - (c) If an Applicant performed less than 90 days of Active Service due to a discharge or release that was the result of injury or disease incurred or aggravated by such service, upon receipt of a completed application, which includes documentation sufficient to the Division, and the determination that the Applicant is otherwise eligible for a bonus, the Division may award the sum of \$100.00.
 - (d) The Division shall not consider the Applicant's Active Duty for Training in the Army National Guard or Air National Guard or time served in Active Duty for Training as a reservist in the Armed Forces of the United States when evaluating the Active Service period requirement.
 - (e) Any award granted under 960 CMR 7.03(2) is a one-time bonus payment.
- (3) Vietnam Conflict Bonus.
- (a) To be eligible for a Vietnam Conflict Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:
 1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months immediately prior to entering Active Service of the Armed Forces;
 2. Active Service. The Applicant must have served in Active Service in the Armed Forces for six months or more with at least one day within the period of July 1, 1958 to May 17, 1975; and
 3. Characterization of Service. The Applicant's discharge or release must have been under honorable conditions.
 - (b) If the Applicant has been released or discharged at or before the time of the application, the Division may rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service. The Division shall deem an Applicant with a "General (Under Honorable)" or "Honorable" discharge as meeting the characterization of service requirement.
 - (c) Upon receipt of a completed application, which includes documentation sufficient to the Division, and the determination that the Applicant is eligible for a bonus, the Division shall award the sum of:
 1. \$300.00 to each veteran who performed Active Service outside the continental limits of the United States in the Vietnam area as described by the proper federal authorities;
 2. \$200.00 to each veteran whose Active Service was performed within the continental limits of the United States or outside the continental limits of the United States in areas other than the Vietnam area; or
 3. In the case of an eligible Applicant who died while in Active Service, the sum of \$300.00 to any Heir(s)-at-Law as provided in 960 CMR 7.03(9).
 4. Any award granted under 960 CMR 7.03(3) is a one-time bonus payment.

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(4) Gulf War Bonus.

(a) To be eligible for a Gulf War Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:

1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months prior to entering Active Service of the Armed Forces;
2. Active Service. The Applicant must have been in Active Service for 30 days, and served during the period August 2, 1990 to April 11, 1991; and
3. Characterization of Service. The Applicant's discharge or release must have been under honorable conditions.

(b) If the Applicant has been released or discharged at or before the time of the application, the Division may rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service. The Division shall deem an Applicant with a "General (Under Honorable)" or "Honorable" discharge as meeting the characterization of service requirement.

(c) If the Applicant is in Active Service at the time of the application, the Division may rely upon a letter from the Commanding Officer or other person in the Applicant's chain of command, or other document acceptable to the Division showing the status of the Applicant's current service to determine the characterization of the Applicant's service.

(d) The Division shall not consider the Applicant's Active Duty for Training in the Army National Guard or Air National Guard or time served in Active Duty for Training as a reservist in the Armed Forces of the United States when evaluating the Active Service period requirement.

(e) Upon receipt of a completed application, which includes documentation sufficient to the Division, and the determination that the Applicant is eligible for a bonus, the Division shall award the sum of:

1. \$500.00 to each such Persian Gulf War veteran who performed Active Service in the Persian Gulf area in Operations Desert Shield and Desert Storm and is in receipt of the Southwest Asia Service Medal established by executive order of the President on March 13, 1991; or
2. \$300.00 to all other such Persian Gulf veterans who were in Active Service in support of said operations as members of the Armed Forces of the United States and served in an area other than the Persian Gulf area.

(f) Any award granted under 960 CMR 7.03(4) is a one-time bonus payment.

(5) GWOT Welcome Home Bonus.

(a) To be eligible for a GWOT Welcome Home Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:

1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months immediately before the time of their entry into the Armed Forces.
2. Active Service.
 - a. The Applicant must have served in the Armed Forces in Active Service on or after September 11, 2001, as part of the GWOT; and
 - b. Applicants must have served in Active Service for at least six months.
3. Characterization of Service. The Applicant must be currently serving or have been discharged or released under honorable conditions for the enlistment period. The Applicant must have served honorably during the enlistment period of the deployment.
 - a. Reenlistment is satisfactory evidence of a preceding enlistment under honorable conditions. Evidence of reenlistment may include Block 18 of the DD-214, the reenlistment contract, or other service documentation.
 - b. If the Applicant has been released or discharged at or before the time of the application, the Division shall rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service.

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- c. If the Applicant is in Active Service at the time of the application, the Division may rely upon a letter from the Commanding Officer or other person in the Applicant's chain of command or other document acceptable to the Division showing the status of the Applicant's current service to determine the characterization of service.
 - (b) Upon receipt of a completed application and determination that the Applicant is eligible for a bonus, the Division shall award the Applicant the sum of \$500.00. The award is a one-time bonus payment.
 - (c) Applicants may be awarded additional GWOT Welcome Home Bonuses if the Division determines that they returned to their Home Station between Deployments and were subsequently deployed for six months of continuous active service within the continental United States or for Deployment outside the continental United States in direct support of a GWOT Operation. The Applicant must submit documentation satisfactory to the Division that establishes each subsequent Deployment with their application to be eligible for additional GWOT Welcome Home Bonus awards. Upon determination that the Applicant is eligible for an additional bonus, the Division shall award the Applicant an additional sum of \$250.00 for each subsequent Deployment.
 - (d) Applicants who qualify for Hostile Fire and Imminent Danger Pay may be eligible for an additional GWOT Welcome Home Bonus.
- (6) Hostile Fire or Imminent Danger Location Bonus.
 - (a) To be eligible for a Hostile Fire or Imminent Danger Location Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:
 - 1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months before the time of their entry into the Armed Forces;
 - 2. Active Service.
 - a. The Applicant must have served in the Armed Forces in Active Service on or after September 11, 2001, and
 - b. Applicants must have served in Active Service in a Hostile Fire or Imminent Danger Location.
 - 3. Hostile Fire or Imminent Danger Location Service. The Applicant must have been in Active Duty in a location designated by the U.S. Department of Defense as a Hostile Fire or Imminent Danger Location. Applicants must provide with the application documentation satisfactory to the Division to establish their Hostile Fire or Imminent Danger Location service; and
 - 4. Characterization of Service. The Applicant must be currently serving or have been discharged or released under honorable conditions for the enlistment period. The Applicant must have served honorably during the enlistment period of the deployment.
 - a. Reenlistment is satisfactory evidence of a preceding enlistment under honorable conditions. Evidence of reenlistment may include Block 18 of the DD-214, the reenlistment contract, or other service documentation.
 - b. If the Applicant has been released or discharged at or before the time of the application, the Division may rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service.
 - c. If the Applicant is in Active Service at the time of the application, the Division may rely upon a letter from the Commanding Officer or other person in the Applicant's chain of command or other document acceptable to the Division showing the Applicant's current service to determine the characterization of service.
 - (b) Upon receipt of a completed application and determination that the Applicant is eligible for a Hostile Fire or Imminent Danger Bonus, the Division shall award the Applicant the sum of \$1,000.00. The award is a one-time bonus payment.

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(c) Applicants may be eligible for additional Hostile Fire or Imminent Danger Bonus awards if the Division determines that the Applicant returned to their Home Station between Deployments. The Applicant must submit with their application documentation satisfactory to the Division that establishes each subsequent Deployment into a Hostile Fire or Imminent Danger Location. Upon determination that the Applicant is eligible for the additional bonus, the Division shall award the Applicant an additional sum of \$500.00 for each Deployment into a Hostile Fire or Imminent Danger Location.

(d) An Applicant who traveled more than once to a Hostile Fire or Imminent Danger Location during a single Deployment is eligible for only one Hostile Fire or Imminent Danger Location Bonus per Deployment.

(7) Armed Forces Expeditionary Medal Bonus.

(a) To be eligible for an AFEM Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing the Applicant meets the following requirements:

1. Massachusetts Domicile. The Applicant must have been domiciled in the Commonwealth for a period of not less than six months immediately before the time of their entry into the Armed Forces.
2. Active Service. The Applicant must have served in the Armed Forces of the United States outside of the continental limits of the United States; and the Applicant must have served in the Armed Forces for a period of not less than 90 days.
3. Characterization of Service. The Applicant must be currently serving or have been discharged or released under honorable conditions.

a. If the Applicant has been released or discharged at or before the time of the application, the Division may rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service.

b. If the Applicant is in Active Service at the time of the application, the Division may rely upon a letter from the Commanding Officer or other person in the Applicant's chain of command or other document acceptable to the Division showing the status of the Applicant's current service to determine the characterization of service.

4. Armed Forces Expeditionary Medal. The Applicant must have received the AFEM for service during a period when no other state wartime bonus is available or for an equivalent expeditionary medal for deployment in support of a combat operation.

(b) The Division may award the AFEM Bonus to an Applicant who satisfies the Massachusetts Domicile, Characterization of Service, and AFEM or equivalent expeditionary medal requirements, but due to conditions of physical incapacity, served in Active Service in the Armed Forces of the United States for less than 90 days.

(c) The Applicant must provide sufficient documentation establishing their award of the AFEM, including DD-214, when submitting their application.

(d) Upon receipt of a completed application and determination that the Applicant is eligible for the AFEM Bonus, the Division shall award the Applicant the sum of \$300.00. The award is a one-time bonus payment.

(8) COVID-19 Bonus.

(a) To be eligible for a COVID-19 Bonus, the Applicant must submit a completed application, which includes documentation satisfactory to the Division, showing that the Applicant meets the following requirements:

1. Active Service. The Applicant must have served in the Massachusetts National Guard in Active Service in the Commonwealth from the start of the COVID-19 Massachusetts State of Emergency to support the Commonwealth's response to the COVID-19 pandemic.

2. Characterization of Service. The Applicant must currently be serving or have been discharged or released under honorable conditions.

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- a. If the Applicant has been released or discharged at or before the time of the application, the Division may rely upon an Applicant's DD-214, including the information contained in Box number 24, to determine the characterization of the Applicant's service.
 - b. If the Applicant is in Active Service at the time of the application, the Division may rely upon a letter from the Commanding Officer or other person in the Applicant's chain of command or other document acceptable to the Division showing the Applicant's current service to determine the characterization of service.
 - (b) Upon receipt of a completed application and determination that the Applicant is eligible for a COVID-19 Bonus, the Division shall award the Applicant the sum of \$500.00.
 - (c) National Guard members activated for additional COVID-19 Massachusetts State of Emergency-related Deployments at any point after March 10, 2020, are eligible to receive a subsequent bonus. The Applicant must submit with their application documentation satisfactory to the Division that establishes each subsequent COVID-19 Massachusetts State of Emergency-related Deployment. Upon determination that the Applicant is eligible for the additional bonus, the Division shall award the Applicant an additional sum of \$250.00 for each Deployment.
- (9) Deceased Service Member.
- (a) In the case of a deceased service member who, if alive, would have been eligible for a bonus(es), the bonus(es) may be paid to the deceased service member's Heir(s)-at-Law. If there is more than one Heir-at-Law, the Division shall pay the bonus(es) in such proportions as it determines in its sole discretion but as practicable in the following order of precedence:
 - 1. spouse and children;
 - 2. mother or father;
 - 3. brother or sister, and
 - 4. other dependents.
 - (b) If the deceased eligible service member's parents are the only Heirs-at-Law, regardless of their marital status, the Division may solicit guidance from the parents to determine how to apportion the bonus(es) payment(s).
 - (c) In the case of a service member who would have been eligible for the GWOT or AFEM Bonus, and who died in Active Service, upon submission of a completed application by the deceased service member's Heir(s)-at-Law and determination that the deceased service member was eligible for a bonus, the Division shall award the Heir(s)-at-Law any unpaid bonus(es) and an additional sum of \$1,000.00, as provided in 960 CMR 7.03(5), 7.03(6) and 7.03(7).

7.04: Application Requirements

- (1) Non-active Duty Applicants. Applicants separated from the Armed Forces when applying for a bonus must submit a completed application, which includes any necessary documentation, to the Division. The Division shall provide an application form upon request.
- (a) For an application to be deemed complete, it must include the following:
 - 1. Veterans' Bonus Application Form that is completed and signed by the Applicant;
 - 2. DD-214: Proof of service and character of service; and
 - 3. Records showing a Massachusetts domicile for six months prior to the Applicant's entering into the Armed Services.
 - (b) The Division may accept the following documents to establish the Applicant's Massachusetts domicile:
 - 1. W2;
 - 2. Excise tax statement;
 - 3. Lease agreement;
 - 4. Written statement of a clerk of a city or town that the Applicant was domiciled therein on the first day of January; or
 - 5. If the Applicant entered the Armed Services the same year that they graduated from high school, a copy of a high school diploma or General Education Degree (GED).

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(c) The Division may deem the Applicant was domiciled in Massachusetts for six months prior to their entering into Active Service if the home of record on the Applicant's DD-214 is Massachusetts and the Applicant cannot provide other documentation sufficient to establish their domicile.

(d) The Division may accept other documentation from the Applicant to establish their Active Duty service, character of service, Massachusetts domicile or other bonus eligibility requirements as it determines appropriate and in its sole discretion.

(2) Active Duty Applicants. Applicants serving in Active Duty when applying for a bonus must submit a completed application, which includes any relevant documentation to the Division. The Division shall provide an application form upon request.

(a) For an application to be deemed complete, it must include the following:

1. Veterans' Bonus Application Form that is completed and signed by the Applicant;
2. Documents evidencing that the Applicant's current Active Duty status is honorable service or a statement signed by the Applicant's Commanding Officer stating that the Applicant is currently honorably serving on Active Duty; and
3. Documentation showing the Applicant's domicile was in the Commonwealth for six months prior to their entry into the Armed Services.

(b) The Division may accept the following documents to establish Massachusetts domicile:

1. W2;
2. Excise tax statement;
3. Lease agreement;
4. Written statement of a clerk of a city or town that the Applicant was domiciled therein on the first day of January; or
5. If the Applicant entered the Armed Services the same year that they graduated from high school, a copy of a high school diploma or General Education Degree (GED).

(c) The Division may deem the Applicant was domiciled in Massachusetts for six months prior to their entering into Active Service if the home of record on the Applicant's DD-214 is Massachusetts and the Applicant cannot provide other documentation sufficient to establish their domicile.

(d) The Division may accept other documentation from the Applicant to establish their Active Duty service, character of service, Massachusetts domicile, or other bonus eligibility requirements as it determines appropriate and in its sole discretion.

(3) National Guard and Reserve Applicants. Applicants serving in the National Guard or Reserve when applying for a bonus must submit a completed application, which includes any relevant documentation to the Division. The Division shall provide an application form upon request.

(a) For an application to be considered complete, it must include the following:

1. Veterans' Bonus Application Form that is completed and signed by the Applicant;
2. Documents evidencing that the Applicant's current Active Duty status is honorable service or a statement signed by the Applicant's Commanding Officer stating that the Applicant is currently honorably serving on Active Duty; and
3. Documentation showing the Applicant's domicile was the Commonwealth for six months prior to their entry into the Armed Services or entry into active duty.

(b) The Division may accept the following documents to establish the Applicant's Massachusetts domicile:

1. W2;
2. Excise tax statement;
3. Lease agreement;
4. Written statement of a clerk of a city or town that the Applicant was domiciled therein on the first day of January; or
5. If the Applicant entered the Armed Services the same year that they graduated from high school, a copy of a high school diploma or General Education Degree (GED).

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(c) The Division may deem the Applicant domiciled in Massachusetts for six months prior to their entering into Active Service if the home of record on the Applicant's DD-214 is Massachusetts and the Applicant cannot provide other documentation sufficient to establish their domicile.

(d) The Division may accept other documentation from the Applicant to establish their Active Duty service, character of service, Massachusetts domicile, or other bonus eligibility requirements as it determines appropriate and in its sole discretion.

(4) Additional Documentation for Certain Applicants. The Division may require additional documentation with an application under the following circumstances:

(a) Name Change. If the service member's name has changed since entering or separating from the Armed Forces, if requested by the Division, the Applicant, or person acting on their behalf, shall provide documentation verifying the name change with the application.

(b) Proof of Authorization to Act on Behalf of a Service Member. If a person or entity is applying for a bonus on behalf of a service member, if requested by the Division, the Applicant or person or entity acting on their behalf shall provide documentation of their authorization to act as the legal representative. The Division may accept a notarized and fully executed power of attorney and/or court appointment.

(c) Proof of Death and Eligibility of Heirs-at-Law. If a person or entity is applying on behalf of a deceased service member, if requested by the Division, the Applicant or person acting on their behalf, shall provide a death certificate and any other documentation the Division deems necessary to determine the eligibility of any Heir(s)-at-Law.

7.05: Allowance of Bonus for Certain Veterans Who Were Other than Honorably Discharged

Applicants Other than Honorably discharged due to their sexual orientation, gender identity, gender expression or HIV status may be awarded a bonus if the Division determines that they otherwise satisfy the Active Duty service, Domicile, and other requirements based on the Applicant's DD-214 form or equivalent documentation.

7.06: Alternative or Additional Documentation

The Division may request alternative and/or additional documentation in its sole discretion to determine an Applicant's eligibility for a bonus.

7.07: Denial of Application

(1) If the Division determines that an Applicant is not eligible for a bonus(es), the Division shall notify promptly the Applicant of the decision by letter sent *via* U.S. Mail and/or E-mail, if available. The letter or e-mail shall include the reason(s) for the denial and advise the Applicant of their right to appeal.

(2) The Applicant, or their authorized representative, may appeal the denial by submitting a written appeal to the Division within 60 days of the Applicant's or authorized representative's receipt of the Division's notice of denial. Appeals submitted to the Division via e-mail are acceptable.

(3) Upon receipt of a written appeal, the Division shall send promptly a letter of acknowledgement to the Applicant or their authorized representative with a copy of the Veterans' Bonus Appeal Board's standing order in effect *via* U.S. Mail and/or e-mail, if available.

(4) The Division shall promptly forward the Applicant's written appeal to the Chair of the Veterans' Bonus Appeal Board to schedule a hearing.

960 CMR: OFFICE OF THE STATE TREASURER
AND RECEIVER GENERAL

7.08: Appeals

- (1) Upon receipt of the notice provided for in 960 CMR 7.07(4), the Chair of the Veterans' Bonus Appeal Board shall promptly issue a Notice of Hearing, *via* U.S. mail, to the Applicant, or authorized representative. The Notice shall include the date, time, and place of the hearing.
- (2) Any hearing shall be conducted in accordance with:
 - (a) The Veterans' Bonus Appeal Board's standing order in effect;
 - (b) M.G.L. c. 30A, §§ 1 through 17; and
 - (c) 801 CMR 1.02: *Informal/Fair Hearing Rules*.
- (3) The decision of the Veterans' Bonus Appeal Board is final.

7.09: Records Management

The Division shall keep records, including electronic records, in accordance with the Commonwealth of Massachusetts Statewide Record Retention Schedule, as follows:

- (1) Summary records: permanent; held by Adjutant General's Office of Military Affairs;
- (2) Applications that are denied and any documents submitted in support of the application: three years after the date of the denial;
- (3) Applications that are approved and any documents submitted in support of the application: seven years after the date of the approval; and
- (4) The Veterans' Bonus Appeal Board shall maintain permanent records pertaining to all Appeals.

7.10: Penalty Provision

Whoever knowingly makes a false statement, oral or written, relating to a material fact in supporting a claim under the provisions of 960 CMR 7.00, shall be punished by a fine of not more than \$1,000.00, by imprisonment for not more than three years, or both such fine and imprisonment. An offense under 960 CMR 7.10 may be prosecuted by the Attorney General, or under the Attorney General's direction, in any court within the Commonwealth, and all fines collected thereunder shall be paid to the Treasury of the Commonwealth.

REGULATORY AUTHORITY:

960 CMR 7.00: M.G.L. c. 10, § 78; M.G.L. c. 4, § 7, cl. 43rd; St. 1945, c. 731; St. 1953, c. 440; St. 1968, c. 646