

**VETERANS' BONUS APPEAL BOARD
STANDING ORDER 2017-1**

1. Applicability.

This standing order governs practice before the Veterans' Bonus Appeal Board ("Board") in all matters arising out of appeals to the Board from bonus decisions of the Veterans' Bonus Division. This standing order shall be construed to secure the just, speedy, and fair determination of every matter. In any situation in which this standing order does not specifically apply, the Board may exercise discretion so as to achieve a just, speedy, and fair determination of the issue.

2. Board Members.

The Board consists of the Adjutant General or their designee, a Treasury staff member designated by the State Treasurer, and an Assistant Attorney General designed by the Attorney General.

3. Filing an Appeal.

Any person ("applicant") that is aggrieved by a decision of the Veterans' Bonus Division ("Division") may appeal to the Board and shall be entitled to a hearing after due notice. An applicant, or authorized representative, may appeal any action taken by the Division by filing a timely written appeal to the Division. The Division must receive the appeal within 60 days of the date of the notice of denial.

4. Notice of Hearing.

After receipt of an appeal, the Division will notify the Treasury staff member designated by the State Treasurer to the Board and that Board member will issue a Notice of Hearing on behalf of the Board. The Notice of Hearing shall include the date, time, and place of the hearing. The Notice of Hearing will be issued by U.S. Mail. If the date scheduled by the Board is a hardship for the applicant or the Division, the Board requests that the applicant and the Division communicate and propose at least two jointly-agreed-upon alternative dates to the Board no later than fifteen (15) business days before the scheduled hearing date.

5. The Record.

The record of an applicant's appeal to the Board shall consist of the applicant's application for a bonus and the Division's response thereto. The applicant and Division may each supplement the record by submitting additional supporting documents with their pre-hearing memorandum.

6. Conduct of Hearings.

Except as otherwise provided herein, the Board hearings shall be conducted pursuant to the State Administrative Procedure Act, M.G.L. c. 30A, §§ 1-17 and the Informal Rules of Adjudicatory Practice and Procedure, 801 CMR 1.02.

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7. Submission of Filings.

All pre-hearing memoranda, post-hearing memoranda, and other party submissions shall be submitted via U.S. Mail or other similar service or in-hand delivery to the Veterans' Bonus Appeal Board, at the below address. All such filings must also be served on the opposing party.

Veterans' Bonus Appeal Board
c/o Treasurer's Designee
Office of the State Treasurer
One Ashburton Place, 12th Floor
Boston, MA 02108

The Board may accept submissions via other methods if necessary and appropriate, as determined by the Board.

8. Certificates of Service.

The last page of every filing served in accordance with this standing order shall contain a brief statement showing the date on which and the manner in which service of the paper was made on each other party. The statement may be in the following form:

I certify that on (date), I caused a true copy of the (name of filing) to be served by (method of service) to (each recipient with address). (Signature).

9. Representation.

An applicant may appear on his or her own behalf, or may be represented or advised by their own attorney or another duly authorized representative. Attorneys or individuals acting on behalf of the applicant must file a written notice of appearance that includes their name, address, telephone number, e-mail address, and, if available, facsimile transmission number. The filing of any pleading, motion, or other paper by an attorney is deemed to constitute the filing of an appearance unless the paper states otherwise.

10. Submission Without a Hearing.

An applicant may elect to waive a hearing and to submit their case upon written submissions, and shall so notify the Board and the Division prior to the scheduled time for the hearing. Subject to special circumstances as determined by the Board, an applicant must notify the Board and the Division of their election to waive a hearing and to submit their case upon written submissions no later than fifteen (15) business days before the scheduled time for the hearing. Submission of a case without a hearing does not relieve the parties from the necessity of supplying evidence sufficient to prove the facts supporting their allegations or defenses. Consistent with 80I CMR 1.02(I0) affidavits and stipulations may be employed to supplement other documentary evidence in the record.

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11. Pre-Hearing Memoranda.

All parties must submit pre-hearing memoranda no later than ten (10) business days before the scheduled time for the hearing. Each parties' pre-hearing memoranda¹ shall include:

- A. A concise written statement, not to exceed five (5) pages, articulating why the Division's denial of the bonus was or was not proper,
- B. A list of names and addresses of all prospective witnesses, including a curriculum vitae for each expert witness the party intends to call, and
- C. Any and all documents that the party wishes to present in support of their argument. Please note that the applicant's application and the Division's responses thereto will be part of the record and therefore copies of these documents need not be submitted.

12. Post-Hearing Memoranda.

The Board has the discretion to request post-hearing memoranda. A party may request the leave to submit post-hearing memoranda and the Board has the discretion to grant or deny that request. If the request is granted, the Board shall allow the opposing party the opportunity either to submit post-hearing memoranda concurrently or via a reply.

13. Protection of Personal Information.

The parties must redact personal identifying data from any documents that will be included in the record in accordance with Supreme Judicial Court Rule 1:24 Protection of Personal Identifying Information in Publicly Accessible Court Documents. If such data are not essential to the Board's ability to adjudicate the matter, the following data should be redacted:

- 1. social security numbers
- 2. taxpayer identification numbers
- 3. credit card numbers
- 4. bank account or other financial account numbers
- 5. driver's license numbers
- 6. state-issued identification card numbers
- 7. passport numbers
- 8. a person's parent's birth surname, including maiden name, if it is identified as such (e.g., "mother's maiden name: XXX")

¹ At any point, the Board may alter the requirements of the parties' pre-hearing memoranda if it deems necessary and appropriate.

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9. dates of birth [if an individual's date of birth must be included, redact all but the year of birth]

10. home addresses of non-parties [but if where a non-party lives is potentially relevant, include only the city/town and state]

14. Decision.

After reviewing the evidence, the arguments of the parties, and any post-hearing memoranda and/or briefs submitted by the parties, the Board shall, within a reasonable time after the close of the record, render a decision. A majority vote of the Board shall be necessary and sufficient for any action and/or decision taken by the Board. The applicant or their attorney or representative shall be provided with notice of the Board's decision. The decision of the Board is final.

15. Right of Appeal.


Any party aggrieved by a final decision of the Board may appeal pursuant to the provisions of M.G.L. c. 30A, § 14.

Authority: Chapter 731 of the Acts of 1945, Chapter 210 of the Acts of 1946, Chapter 581 of the Acts of 1946, Chapter 574 of the Acts of 1947, Chapter 440 of the Acts of 1953, Chapter 563 of the Acts of 1954, Chapter 498 of the Acts of 1957, Chapter 646 of the Acts of 1968, Chapter 692, § 1 of the Acts of 1973, Chapter 130, § 16 of the Acts of 2005, Chapter 132, § 11 of the Acts of 2009, Chapter 112, § 32 of the Acts of 2010, Chapter 171, § 3 of the Acts of 2011, Chapter 47, § 86 of the Acts of 2017, Chapter 218, § 2 of the Acts of 2018, M.G.L. c. 30A, §§ 1-17, 801 CMR 1.02.

VETERANS' BONUS APPEAL BOARD


SHANNON MCLAUGHLIN, LLC
Adjutant General's Designee


CRYSTAL MATTHEWS
Treasurer's Designee


MATTHEW P. MANDRY
Attorney General's Designee

Adopted on November 16, 2017; as amended on January 9, 2019