

CHAPTER 1
COMMISSION ON VETERAN AFFAIRS
TITLE VII - SOCIAL AND HUMAN SERVICES

SECTION 1. PURPOSE

Pursuant to Iowa Code Chapter 35B, the Jones County Board of Supervisors hereby creates the Jones County Commission of Veteran Affairs for the benefit of veterans in Jones County, Iowa.

The primary purpose of the Jones County Commission of Veteran Affairs Program shall be to provide for the assistance of poor veterans in Jones County who are ineligible for, or who are in immediate need and are awaiting approval and receipt of assistance under, programs provided by the State of Iowa, or the United States Government. It is intended to, and shall address, current needs only.

Furthermore, the Jones County Veteran Affairs Program shall attempt to provide for the limited assistance of needy veterans in Jones County.

Eligible veterans may receive rental and utility assistance twice within a twelve month period, unless the costs of the previous assistance have been reimbursed to the Jones County Veteran Affairs Program as per section 252.13, Code of Iowa. For purposes of the Jones County Veteran Affairs Program, assistance through FEMA funds and the Jones County General Assistance Program shall be considered as assistance received through the Jones County Veteran Affairs Program.

SECTION 2. DEFINITIONS

- A. ASSETS/LIQUID ASSETS means cash or any other item of net worth of the family unit that can be readily converted to cash within seven days.
- B. ASSISTANCE/EMERGENCY ASSISTANCE means rent, heating fuel, electric and/or gas utilities, and burial assistance. The Jones County Commission on Veteran Affairs shall also assist with arranging a burial at the Iowa Veteran's Cemetery located in Des Moines, Iowa.
- C. AWAITING APPROVAL AND RECIEPT means a poor or needy veteran who has applied for assistance under any State or Federal law; who has pursued that application with due diligence and who has not had that application denied. This does not include an appeal or denial of benefits. It does include a veteran who had an application denied and who reapplies after 18 (eighteen) consecutive months have expired from the date of the denial.
- D. DIRECTOR/ADMINISTRATOR OF VETERAN AFFAIRS: The position of the Jones County Director/Administrator of Veteran Affairs shall be appointed by the Jones County Board of Supervisors. It shall be the responsibility of the Director/Administrator of Veteran Affairs to determine the eligibility of each veteran for assistance under this Ordinance. In so doing, the Director/Administrator of Veteran Affairs shall determine all real and personal property owned by the veteran and all sources of income for the veteran.

- E. DISABILITY means the physical and/or mental condition of a person which constitutes an inability to maintain a continuous, substantial, gainful employment.
- F. HOME MORTGAGE means a mortgage with first priority recorded upon property owned by the veteran which is the veteran's primary residence. Jones County Veteran Affairs Program shall not provide assistance to someone who owns or is buying their own home, including mobile homes. The Jones County Veteran Affairs Program will assist with lot rent for a mobile home that is located in an established mobile home court. The Jones County Veteran Affairs Commission will not pay rent to a family member.
- G. INCOME
1. COUNTABLE INCOME means the total earned income and unearned income minus exemptions allowed pursuant to the provisions of this Ordinance, or resolution of the Board of Supervisors. Exemptions are limited to documented child support paid for a child that does not reside in the applying household, documented alimony paid to a person that does not reside in the applying household, and documented medical expenses including medical insurance. The applying veteran is responsible for providing documentation, acceptable to the Director/Administrator, for all exemptions to countable income.
 2. EARNED INCOME means income including, but not limited to, gross wages, salaries, fees, or exchanged services derived from labor, professional services, or self-employed earnings.
 3. UNEARNED INCOME means income including but not limited to child support, alimony, interest, income from property such as rent, and workers compensation.
- H. NET WORTH includes, but is not limited to, income or monies from any source, food stamps, subsidized housing, monies due the veteran, savings and other deposits, stocks, bonds, 401K, IRA/Keogh, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property. It excludes clothing, wedding ring, usual household furnishings and bedding, and automobiles of a value not to exceed \$7,500.
- I. VETERAN
1. APPLYING VETERAN means the person who has served on active duty in any branch of the military, including the Army, Navy, Marines, Air Force, Coast Guard, or National Guard. The applicant must be the veteran or someone applying on behalf of the veteran. The veteran must still be serving on active, active reserves, or inactive reserves, or have an Honorable Discharge.
 2. NEEDY VETERAN is a veteran who intends to establish a residence in Jones County, Iowa and who, because of circumstances which are not attributable to that veteran, needs immediate temporary assistance. A needy

veteran is also a person who may have some limited resources, and who meets the eligibility guidelines for assistance. Assistance for needy veterans is provided pursuant to eligibility and benefit guidelines under the discretionary authority of the Jones County Board of Supervisors, and based upon budget availability.

3. POOR VETERAN is a veteran who, in conformity with Iowa Code section 252.1, shall be construed to mean those who have no real or personal property, exempt or otherwise, and who intends to establish a residence in Jones County, Iowa, and who, because of physical or mental disability, are unable to engage in gainful employment and/or to earn a living by labor.

SECTION 3. ELIGIBILITY REQUIREMENTS FOR VETERANS

When applying for benefits, the veteran must submit to the Commission with the application, DD Form 214 - Report of Separation from Armed Forces. This form is entitled "Certificate of Release of Discharge from Active Duty". The Veteran will be requested to have his discharge recorded in the Jones County Recorder's office when he/she is applying for benefits.

- A. VETERAN SERVICE REQUIREMENTS: To be eligible for benefits, the veteran must have served on active duty in any branch of the military, including the Army, Navy, Marines, Air Force, Coast Guard, or National Guard. Applicant must be the veteran or someone applying on behalf of the veteran. The veteran must still be serving on active, active reserves, or inactive reserves, or have an Honorable Discharge.
- B. APPLICATION: Application for assistance shall be submitted by needy and poor veterans to the Jones County Director/Administrator of Veteran Affairs at the Jones County Veteran Affairs office between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. These applications shall be submitted on forms provided by the Director/ Administrator of Veteran Affairs.

If, because of undue hardships, a needy or poor veteran cannot come to the courthouse, the Director/Administrator shall mail the veteran an application form. If the veteran appears to be eligible for further assistance from any other federal, state or local source, the Director/Administrator shall immediately refer the veteran to that source.

The Director/Administrator shall help the veteran apply for any services through the Veterans Administration.

For other programs, it shall be the obligation of the veteran to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further assistance under this Ordinance. Failure to apply for all other assistance programs will automatically disqualify the veteran for Jones County assistance.

It is the obligation of each person applying for assistance to establish his or her eligibility for any category of assistance, and the need for any item of assistance.

If requested, the veteran applying shall provide the Director/Administrator with a verified statement of net worth, federal and state income tax returns, medical reports and authorizations and anything else requested by the Director/Administrator that bears upon the person's eligibility and need for assistance. The Director/Administrator shall proceed to conduct a reasonable investigation concerning the veteran's eligibility and needs.

1. A veteran who may be eligible for general assistance shall apply for assistance through The Veteran Affairs Program first.
2. All veterans must have a physical address; a post office box address will not be accepted.
3. The name of the veteran must match the name on any outstanding bill submitted for payment.
4. Veterans who supply false information will be automatically denied.
5. Veterans who apply for SSI benefits must execute an Interim Assistance Reimbursement (IAR) form and provide it to the Director/Administrator.
6. The veteran's file and the investigation and findings of the Director/Administrator shall be made available to the veteran upon their written request, or the veteran's attorney by written authorization. The veteran, at their own expense, may obtain legal assistance at any time.

C. EMPLOYMENT: A needy veteran, who is not needed in the home to care for a minor child who is not yet enrolled in school or handicapped adults, shall immediately register for employment with the Iowa Workforce Development and otherwise actively seek employment. The needy veteran shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Iowa Workforce Development. A refusal or failure to actively seek employment or failure to accept reasonable employment offered, shall disqualify the needy veteran from receiving future benefits. The needy veteran will be required to provide reasonable proof that he or she is actively seeking employment. The veteran will be required to sign a release of information to the Workforce Development of Iowa. Previously employed veterans must sign up for unemployment benefits. Unemployed veterans may also be referred to a work or vocational training project if appropriate. A veteran who voluntarily quits his or her job shall be disqualified from assistance through the Veteran Affairs Commission for a period of three months. A veteran on strike is presumed a voluntary quit for the purposes of assistance eligibility. Laid-off veterans must apply for unemployment benefits. No attempt to control income level will be allowed. A veteran who voluntarily withdraws from the work force to attend school is not eligible for Veteran Affairs assistance.

D. ELIGIBILITY OF NEEDY VETERAN: Assistance is to be provided to a needy veteran who is in need of immediate assistance. The applying veteran must meet the following criteria:

1. Demonstrate intent to reside in Jones County.
2. The veteran is not eligible for emergency county assistance if they or another member of their household

is eligible for FIP (Families Investment Program through the Department of Human Services), is eligible for housing assistance unless they are on a waiting list, or is eligible for subsidized housing and a unit is available.

3. Is unable to obtain assistance from any other sources, and whose income or assistance from a State or Federal program has been delayed or not actually received by the person because of reasons not attributable to that person.
4. Does not have liquid assets of the family unit from which to pay for the items of assistance being requested.
5. Have a net worth (see definition under Section 2. H.), of less than \$1,000.
6. Have made application for, and complied with, all requirements for all other assistance programs for which the veteran or other members of the household may be eligible.
7. Has registered with those employment and/or job training agencies which are determined by the Director/Administrator to be appropriate, and complies with all requirements of those agencies, and accepts work and training as offered
8. The maximum monthly countable income for the veteran's household shall not exceed 125% of the Federal Poverty Guidelines published each year by the US Department of Human Services.

E. ELIGIBILITY OF A POOR VETERAN: Assistance is to be provided to a poor veteran who is in need of immediate assistance. The applying veteran must meet the following criteria:

1. Demonstrate intent to reside in Jones County.
2. The veteran is not eligible for county assistance if they or another member of their household is eligible for FIP (Families Investment Program through the Department of Human Services), is eligible for housing assistance unless they are on a waiting list, or is eligible for subsidized housing and a unit is available.
3. Is unable to obtain assistance from any other sources, and whose income or assistance from a State or Federal program has been delayed or not actually received by the person because of reasons not attributable to that person.
4. Does not have liquid assets of the family unit from which to pay for the items of assistance being requested.
5. Have a net worth (see definition under Section 2. H.), of less than \$1,000.
6. Have made application for, and complied with, all requirements for all other assistance programs for which the veteran or other members of the household may be eligible.
7. Is unable to earn a living by labor due to a disability.
8. Have provided proof of such a disability to the Director/Administrator of Veteran Affairs, documented by a licensed medical practitioner. Veterans who provide documentation of a disability due solely to substance abuse of drugs and/or alcohol shall also provide proof

of their participation in an appropriate treatment program. Failure to make a good faith effort to enroll in, and participate in, an appropriate treatment program shall result in the veteran being deemed ineligible for assistance under the provisions of this Ordinance until such time as the veteran has made a good faith effort to enroll and participate in an appropriate treatment program.

9. Per Iowa Code section 252.1, have no property as defined by statute and/or Iowa case law, as determined by the Director/Administrator.
10. Have no earned or countable income.

F. TRANSFERS OF PROPERTY FOR INSUFFICIENT CONSIDERATION: In determining eligibility for Veteran Assistance, resources which were not exempt at the time of transfer, which the veteran gave away or sold at less than fair market value for the purpose of establishing eligibility for assistance shall be counted as resources still available to the veteran for the following period of time:

1. For uncompensated value of \$12,000 or less; 24 months from the date of transfer.
2. For uncompensated value of between \$12,001 and \$24,000; 36 months from the date of transfer.
3. For uncompensated value of between \$24,001 and \$36,000; 48 months from the date of transfer.
4. For uncompensated value of between \$36,001 and \$50,000; 60 months from the date of transfer.
5. For uncompensated value over \$50,000; 72 months from the date of transfer.

Transfers of resources described above shall be presumed to be for the purpose of establishing eligibility for Veteran Assistance unless the veteran furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

Convincing evidence to establish that the transaction was exclusively for a purpose other than establishing eligibility may include documents, letters and contemporaneous writings, a well as other circumstantial evidence.

In rebutting the presumption that the resource was transferred to establish eligibility, the burden of proof is on the veteran to establish:

1. The fair market value of the compensation and,
2. That the compensation was provided pursuant to an agreement, contract, to expectation in exchange for the resource and,
3. That the agreement, contact or expectation was established at the time of the transfer.

Uncompensated value is defined as the fair market value of the resource minus the amount of compensation received by the individual in exchange for the resource. In no case will the amount of uncompensated value exceed the amount which would have been counted toward the resource limit if the resource had been retained.

Fair Market value is defined as the price that the item can reasonably be expected to sell for on the open market in the particular geographic area involved and may be established by independent appraisal.

Compensation is defined as all money, real or personal property, food, shelter or services received by the individual in exchange for the resource if such money, property, food, shelter or services are provided in reliance on an agreement made at the time of transfer.

SECTION 4: ASSESSMENT OF NEED AND INCOME GUIDELINES FOR VETERANS

All earned and unearned income available to a veteran and their applying household shall be considered in determining eligibility for Veteran Assistance. Deductions from all earned and unearned income will include:

- A. Court ordered payments for alimony and/or child support which have actually been paid in the four weeks prior to the date of application for assistance.
- B. Necessary medical expenses including doctor, hospital, prescription medications, medical supplies, therapy sessions prescribed by a medical doctor, and paid medical insurance premiums.
- C. Any other deduction from, or reduction to, earned income will not be allowed and the amount of any deduction or reduction in earned income must be added back to determine the countable income.

All sources of countable income, exemptions from countable income, and non-exempt resources, shall be verified by the Director/Administrator of Veteran Affairs prior to approval for benefits. The applying veteran is responsible for providing documentation, acceptable to the Director/Administrator, for all exemptions to countable income.

SECTION 5: MEDICAL ASSISTANCE

Jones County does not provide for medical assistance. The Jones County Director/Administrator will assist the Veteran in applying for medical assistance through the Veterans Hospital in Iowa City or other veteran's medical services throughout the State as appropriate. Further applications for medical assistance for veterans and their families will be directed to the Department of Human Services to make application for Medicaid, Medically Needy, the Hawkeye Plan, or the Iowa Cares Plan.

Jones County does not pay for either prescription or over the counter medication. Veterans will be directed to apply for medication through the Veterans Hospital in Iowa City. If this is not available to the veteran, or the need is for the veteran's family, they may apply to Patient Assistance Programs offered by the various pharmaceutical companies.

Jones County does participate in the National Association of Counties Prescription Discount Card. A card may be obtained at the Veteran Affairs Office. There are no restrictions on who may obtain a card. The card may be used at participating pharmacies.

Medical assistance, including mental health services, is available through the Veterans Hospital in Iowa City. If this service does not meet the needs of the veteran, State Psychiatric papers are available through the

University of Iowa, State Mental Health Institutes, and Broadlawns Hospital in Des Moines. Application is made through the hospitals. The State Psychiatric papers cover only services through these hospitals. Appointments at the University of Iowa Hospitals and Clinics, State Mental Health Institutes, or Broadlawns Hospital are required to begin processing these applications.

Mental health services are available to those who qualify. Applications may be obtained through Jones County Community Services.

SECTION 6: GUIDELINES FOR VETERAN ASSISTANCE

A. Utilities:

1. Assistance granted for current utilities shall be up to \$200.00 per utility or \$250.00 for delivered heating fuel. In addition the utility company must agree to leave the utility connected for at least 30 days after payment is received.
2. Jones County will not pay for utility deposits or delinquent utility bills.
3. Utility payments shall be made directly to the supplier/vendor.
4. The veteran shall apply for all other utility assistance programs for which the applying household is eligible. Failure to make such application shall disqualify the applying household from further consideration for assistance under the provisions of this Ordinance until such time as an application has been completed.

B. Rent:

1. Assistance for rent shall not exceed \$400.00 per month.
2. No rental payments shall be paid to a relative of any member of the applying household.
3. Rental payments shall be made only to the property owners of record, or their designees. Property ownership shall be verified by the County Auditor's Office. An agreement to accept assistance in lieu of rent shall be signed by the property owner or their designee prior to any rental payments being made. The payment of rental assistance will be considered payment in full for the month.
4. Acceptance of the rental assistance payment will constitute an agreement to allow the veteran to remain in the rental unit for 30 days.
5. Rent shall not be paid to a provider of residential services as part of a rehabilitation or treatment program.
6. Assistance payments shall only be used for current rent and shall not be used to satisfy past creditors of the veteran.
7. Rental assistance may not be used as the deposit. It may be used as the first month's rent.

C. Burial Benefits:

1. Burial assistance can be granted only for veterans who have established a residence in Jones County according to Iowa law.
2. Application for burial assistance must be made prior to finalizing any burial arrangements at the funeral home.

3. An application may be obtained at the Veteran Affairs Office or any participating funeral home.
4. For each veteran burial the funeral services firm, for the sum of up to \$1,000, shall provide the following:
 - a) Transfer of the remains from the place of death to the funeral home within a 50 mile radius.
 - b) Provide cremation of the remains.
 - c) Provide a container for the cremated remains.
 - d) Provide arrangements and consultation.
 - e) Provide a hearse to transport the remains to the cemetery within a 50 mile radius of the funeral home.
 - f) Provide a graveside service.
 - g) In addition, the County will pay to the appropriate vendor the actual charge for opening and closing the grave up, to but not exceeding, \$400.00
5. The relatives of the deceased may decide to spend their own money, up to \$1,000.00 for any or all of the following additional services:
 - a) Embalm, dress, and casket the remains.
 - b) Provide visitation at the funeral home preceding the graveside service.
 - c) Provide a flaring square cloth covered casket or equal.
 - d) Funeral services at the funeral home or church.
 - e) Additional cars.
 - f) Flowers, registry book, thank you cards, memorial folders, crucifix, flag case, temporary marker or honorariums.
 - g) Certified copies of the death certificate.
 - h) Grave liner at the cemetery.
 - i) Additional grave opening/closing charge over the \$400.00 County allowance.
 - j) If the family is able to pay more than \$1,000 for burial expenses, Jones County will not provide any burial assistance.
 - k) Any money derived from the deceased individual's life insurance, Social Security, burial benefits, State aid or any other funds which are available from any source shall be deducted from the \$1,000.00 County burial allowance.

The funeral service firm shall submit the complete bill of all services provided to the Jones County Veteran Affairs Office.

SECTION 7: RECOVERY BY THE COUNTY

The provisions of section 252.13, Code of Iowa, for repayment of benefits to Jones County, are applicable to the services provided in the Ordinance and the veteran shall acknowledge the same in writing. An agreement to reimburse Jones County will be signed at the date of application. The Jones County Board of Supervisors may, upon application and good cause, waive the repayment of all or part of the benefits received.

Recipients of assistance may further be required to work for the county as a condition to receipt of such benefits, as provided in Iowa Code section 252.42, Code of Iowa. Benefits provided a recipient may

further be a claim against the homestead of a recipient and a claim in probate, as provided by law.

SECTION 8: EQUAL OPPORTUNITY

Each application for Veteran Assistance shall be decided upon its individual merits. No veteran shall be discriminated against on the basis of race, color, creed, national origin, sex, sexual orientation, age, religious or political affiliation, physical or mental disability, or marital status.

SECTION 9: PROCEDURE FOR DETERMINATION OF BENEFITS

The Director/Administrator shall make an initial determination of the eligibility and needs of the veteran within three working days of the receipt of the application and all supporting records and other documents requested by the Director/Administrator. Following the determination of eligibility, the Director/Administrator shall notify the veteran within two working days after that determination, by ordinary mail, of the Director/Administrator's written decision showing the reasons for the determination together with the specific benefits and the amounts to which the veteran is entitled.

If the Director/Administrator cannot make the initial determination within three working days, the Director/Administrator shall immediately inform the veteran, by telephone, if possible, of the reason why such determination cannot be made. The Director/Administrator shall also mail to the veteran, by ordinary mail, within two working days thereafter, the Director/Administrator's written decision showing the reasons why such a determination could not be made.

If an emergency and immediate need is present, the Director/Administrator may verbally authorize a supplier or vendor to furnish any eligible item of assistance for the benefit of the veteran in the amount allowed for such benefit. The Director/Administrator shall inform the veteran and issue a written decision as provided by above.

Whenever a veteran is eligible and entitled to assistance, the Director/Administrator shall proceed to provide the same and notify the Board of Supervisors.

SECTION 10: APPEAL RIGHTS

Every veteran, whether granted assistance or not, shall be informed in the Director/Administrator's written decision of the veteran's right to appeal such decision to the Board of Supervisors. The veteran shall be informed:

- (1) of the method by which an appeal may be taken, and
- (2) that he or she may represent him or herself, or at their own expense, may be represented by an attorney.

Any written appeal or communication, made by or on behalf of a veteran requesting appeal of the Director/Administrator's determination, shall be made to the Director/Administrator within ten (10) days of the Director/Administrator's determination. The appeal shall provide the veteran's current address and telephone number, and state the reasons for the appeal.

The Director/Administrator shall immediately forward notice of the appeal to the County Auditor to be placed upon the Board of Supervisor's agenda for the next regular Board meeting, provided that

such appeal shall not be heard sooner than five (5) days after the appeal is received by the Director/Administrator.

The veteran shall be informed immediately, by ordinary mail, of the date and time of the hearing before the Board. The veteran and his or her attorney, upon written authorization, shall be granted access by the Director/Administrator to his or her assistance case file if a request is made.

The Board of Supervisors shall hear the veteran's appeal "de novo" at the time scheduled on the agenda unless continuance is requested by the veteran or the Board of Supervisors. The veteran shall be permitted to present whatever evidence is desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence, and reasonable cross examination of the witnesses, if present. The technical value of the evidence shall not apply. The Board may question the veteran, and the Director/Administrator shall present the Board with the reasons for the determination.

The hearing before the Board, and the Board's deliberation, will be conducted as a closed session pursuant to Iowa Code section 21.5(1) a., as the confidential files of the veteran will be in evidence. As required by law, the session will be tape recorded. When the Board deliberates the appeal, no parties shall be present. The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The veteran shall be informed of the decision within four (4) working days thereafter, by ordinary mail. The notice of decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken. Any appeal to the District Court shall be allowed by the veteran regarding the Board's decision with the time, and by the manner and procedures, established under the Iowa Administrative Procedure Act, Chapter 17A Code of Iowa.

In the event the Board of Supervisors, in reviewing the actions of the Director/Administrator of Veteran Affairs, questions any allowance of assistance benefits determined by the Director/Administrator, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the veteran shall be given in the same manner as if the veteran had initiated the appeal. This hearing shall proceed in the same manner as an appeal from the Director/Administrator's determination.

SECTION 11: SEVERABILITY CLAUSE

If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12: EFFECTIVE DATE

This Ordinance shall be in effect after its final consideration, approval, and publication as provided by law.

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