

108 CMR 11.00 PERSIAN GULF WAR BONUS UNDER St. 1992, c. 153

Section

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11.01: Determination of Eligibility

~~(1) Military Service, Massachusetts Domicile Requirements.~~ Upon application, as hereinafter provided, there shall be allowed and paid by the Secretary the payment of a bonus to Persian Gulf War veterans of Operations Desert Shield and Desert Storm who meet the requirements for eligibility as set forth in this Chapter.

~~(1) General Military Service and Character of Discharge Requirements.~~ Every applicant must meet the general military service and character of discharge requirements set out in Chapter 3.03, with the exception of presently active service members as set out in Section 11.01(4), below. A Persian Gulf War veteran of Operations Desert Shield and Desert Storm who shall must have performed active service in the Armed Forces of the United States for a period of 30 days or more during the period of August 2, 1990 to April 11, 1991. "Active service in the Armed Forces", as used in 108 CMR 11.00 shall not include active duty for training in the Army National Guard or Air National Guard or active duty for training as a reservist in the Armed Forces of the United States.
~~shall have performed active service in the Armed Forces of the United States for a period of 30 days or more during the period of August 2, 1990 to April 11, 1991 and who were released from active service or discharged under honorable conditions from such service the sum hereafter specified; provided, however, that the domicile of every person on account of whose service the application is filed shall be in the Commonwealth. Any such Persian Gulf War veteran who served in said Armed Forces during the period specified in 108 CMR 11.01(1) and was awarded a service-connected disability by the United States Department of Veterans Affairs or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed eligible for the payments provided for in 108 CMR 11.00 notwithstanding his or her failure to complete 30 days of active service.~~

~~(2) Massachusetts Residence.~~ Every applicant for the Bonus must have been domiciled in the Commonwealth of Massachusetts at the time of his or her entry in to active service.

~~(3) Southwest Asia Service Medal.~~ To be considered a Persian Gulf War veteran of Operations Desert Shield and Desert Storm for purposes of the Bonus, the applicant must fall into one of two categories: (1) be in receipt of the Southwest Asia Service Medal established by executive order of the President on March 13, 1991, or (2) have been called to active service in support of said operations as members of the Army National Guard or Air National Guard or as a reservist in the Armed Forces of the United States and served in an area other than the Persian Gulf area.

~~(4) Currently Serving Members of the Armed Forces.~~ A service member who is currently a member of the Armed Forces may apply for the Bonus, so long as he or she meets the eligibility requirements set out in Section 11.01(1) to (3).

11.02: Amounts of the Bonus ~~Payment of Bonus, Eligibility.~~

(a1) \$500 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;

(b2) \$300 to all other such Persian Gulf veterans who were called to active service in support of said operations as members of the Army National Guard or Air National Guard or as a reservist in the Armed Forces of the United States and served in an area other than the Persian Gulf area.

11.02: Definition of the Term "Armed Forces"

(1) ~~The words "Armed Forces" as used in 108 CMR 11.00, shall mean the following: United States Army, United States Army Reserve, Army National Guard, United States Marine Corps, United States Marine Corps Reserve, United States Navy, United States Navy Reserve, United States Air Force, United States Air Force Reserve, Air National Guard, United States Coast Guard, and United States Coast Guard Reserve.~~

(2) ~~"Active service in the Armed Forces" as used in 108 CMR 11.00 shall not include active duty for training in the Army National Guard or Air National Guard or active duty for training as a reservist in the Armed Forces of the United States.~~

11.03: Application Procedures

Applications hereunder shall be filed with the Secretary of DVS, upon forms ~~or in the manner as determined by~~ ~~to be furnished by~~ him or her. The Secretary may accept the written statement of the clerk of a city or town that a person claiming pay or on whose account pay is claimed or on whose account pay is claimed by a dependent or heir-at-law, under the provisions of 108 CMR 11.00 ~~this Chapter, was domiciled therein on the first day of January, 1990 or 1991 as prima facie evidence of domicile at the time of his or her entry into active service, and he or she may accept such other evidence of domicile as he or she may consider adequate or necessary. The clerks of the several cities and towns shall, at the request of the Secretary, forthwith furnish such information relative to such domicile as their records may disclose. The Secretary may require and accept such additional evidence as he or she may consider necessary to establish the fact of domicile within the Commonwealth as provided for under the provisions of 108 CMR 11.01(1) this Chapter.~~

11.04: General Provisions

(1) ~~The failure to complete 30 days of active service shall not disqualify a Persian Gulf War veteran who meets the requirements of 11.01 (1) through (3) and who was awarded a service-connected disability by the U.S. Department of Veterans Affairs, received or a Purple Heart, or who died in said service under conditions other than dishonorable.~~

(2) ~~A person, who was killed in action while serving in Operations Desert Shield and Desert Storm during the period of August 2, 1990 to April 11, 1991 shall be eligible for payment of the sum of \$500.00, notwithstanding the lack of the Southwest Asia Service Medal. Said payment shall be made to his or her heirs-at-law.~~

(3) ~~In the case of the decease of any person who would, if alive, be entitled to the benefits of 108 CMR 11.00, the sum named therein shall be paid to his or her heirs-at-law, provided, however, that if there is more than one heir-at-law, payments shall in either case be made in such proportions as the Secretary shall determine, and in determining the order of precedence so far as practicable the following order shall be observed: wife and children; mother or father; brother or sister; other dependents; provided, however, that~~

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~~(4) No right or payment under 108 CMR 11.00 shall be subject to the claims of creditors, capable of assignment, regarded as assets, legal or equitable, of the estate of the deceased or made the basis for administration thereof.~~

~~(2) In the case of the decease of any person who died while in active service as specified in 108 CMR 11.01(1), there shall be paid the sum of \$500.00 subject to, and in the manner provided by, 108 CMR 11.04(1).~~

~~(5) In the case of any person who is mentally incompetent and is entitled to the benefits of 108 CMR 11.00 and for whom no legal guardian or conservator has been appointed by the court, the sum named therein shall be paid to his or her dependents, and in determining the order of precedence so far as practicable the following order shall be observed: wife and children, mother or father, brother or sister, other dependents.~~

~~(5+) Any person aggrieved by a decision of the Secretary in the matter of payments provided for by 108 CMR 11.00 may appeal to a board to consist of a member of DVS, a city or town veterans' agent appointed pursuant to the provisions of M.G.L. c. 115, § 3, both of whom shall be designated by the Secretary, and the Adjutant General or his or her designee. The appellant and shall be entitled to a hearing, after due notice, upon such appeal. The decision of such board shall be final. Such appeal shall be in writing and addressed to the Persian Gulf War Bonus Appeal Board, 400 Cambridge Street, Room 4002 Department of Veterans' Services, 600 Washington Street, 7th Floor, Boston, MA 02102-02111, and must be received within 30 days of the receipt of Secretary's decision. The decision of such appeal board shall be final.~~

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~~11.05: Penalty Provision:~~

~~Whoever knowingly makes a false statement, oral or written, relating to a material fact in supporting a claim under the provisions of 108 CMR 11.00 shall be punished by a fine of not more than \$1,000.00, or by imprisonment for not more than three years, or both. Offenses under 108 CMR 11.05 may be prosecuted by the Attorney General, or under his or her direction, in any court within the Commonwealth, and all fines collected thereunder shall be paid into the Treasury of the Commonwealth.~~

REGULATORY AUTHORITY

108 CMR 11.00: St. 1992, c. 153; St. 2009, c. 132, §14.