

108 CMR 12.00 DISTRICTS AND DUTIES OF VETERANS' AGENTS

Section

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12.01: ~~Providing Districts Shall Provide~~ Required Services to the Veterans and Dependents

- (1) The directors of veterans' services of every district shall perform the duties of their office in each of the municipalities comprising such district.
- (2) The Secretary requires every district, whether existing or newly formed, to maintain a central office within the district to insure that veterans and their dependents will be able to contact and receive such proper advice and assistance by a district's director of veterans' services.
- (3) Districts are encouraged to maintain satellite offices in the municipal buildings in other municipalities within said district where veterans and their dependents can meet in confidence with the district director.
- (4) In every central office maintained within the district, the hours of operation shall be the hours of operation of the main municipal building of that municipality. In every office or municipal building, the name of the District Director, hours of operation, locations of every office within said district, and telephone numbers shall be posted conspicuously and readily accessible for all to read.

12.02: Prior Approval of Secretary Necessary to Form or Expand a District

- (1) The Secretary, ~~relying upon the statutory authority pursuant to~~ of M.G.L. c. 115, §§ 10 and 14, ~~requires~~ shall require any municipalities contemplating the formation or expansion of a district to submit a request for approval prior to forming or expanding a district.
- (2) To provide a rational basis upon which the Secretary will consider any request for approval to form a district, the following information must be provided:
 - (a) the names of each municipality seeking to form a district,
 - (b) the population of each municipality,
 - (c) the position title of each person to be employed
 - (d) the central office location,
 - (e) any satellite office location, and
 - (f) hours of operation for the central office and every satellite office

12.03: Requirements of St. 1972, c. 471 for Full-time Veterans' Agents

Notwithstanding any provision of the law to the contrary, any city or town having a population over 12,000 and having a part-time veterans' agent or part-time director or veterans' services shall, at the end of term of such agent or director, whether by resignation, retirement or otherwise, either join a veterans' service district in manner provided by M.G.L. c. 115 § 10, or appoint a full-time veterans' agent or director of veterans' services. These provisions shall not apply to any city or town so long as the incumbent of the office of part-time veterans' agent or part-time director of veterans' services holds such office by reappointment.

12.04: Additional General Duties of Veterans' Agents

(1) With the approval of the Secretary, a municipality may assign non-veterans' business to full-time veterans' agents for the municipality, provided he or she is available to perform veterans' business during normal hours of town or city hall business. The full-time veterans' agent shall not hold any other full-time position in the municipality. The non-veterans' business so assigned to the agent must be subordinate to the agent's duties and must not interfere with his or her assistance to veterans pursuant to M.G.L. c. 115 and Title 108 CMR.

(2) A full-time veterans' agent shall maintain office hours during the regular business day in the city or town in which he or she is employed. A full time veterans' agent shall not act in an "as-needed" capability or leave his or her office unattended, unless the agent is out of the office in order to provide services to veterans and their dependents.

(32) In addition to administering public assistance benefits under M.G.L. c. 115, the veterans' agent shall also assist veterans in obtaining VA compensation and pension.

(43) The veterans' agent shall furnish information, advice and assistance to veterans and their dependents to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, and other veterans' benefits.

(5) The veterans' agent shall acquire and have on hand copies of current booklets and other printed matter pertaining to statutory rights of veterans provided under state and federal laws. They shall also work in close coordination with existing federal agencies established for the aid of veterans, and they shall enlist the support of hospitals within their respective communities or districts for carrying out their mission.

(65) The veterans' agent shall maintain the city or town's office of veterans' services in compliance with the requirements of M.G.L. 115 and Title 108 of the CMR. If, during an audit or inspection of such office, the Secretary finds Secretary finds that the maintenance or operation of the veterans' services office is deficient, the city or town may be found to be not in compliance with the requirements of M.G.L. Ch. 115, §3, and the finding of non-compliance shall result in the reduction of the reimbursement allowance, paid by the Commonwealth under M.G.L. Ch. 115, §6, to 50 per cent.

12.05: Veterans' Bill of Rights

(1) The veterans' agent shall, in very interaction with veterans, whether they are initial applicants, or recipients of ongoing benefits, or inquiring about benefits or other information, treat every veteran in compliance with the Veterans' Bill of Rights as set forth below:

(a) The veteran has the right to file a written application for veterans' benefits at any time and the veterans' services agent/veterans' agent must accept and process that application as required by the provisions of Chapter 4.

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(b) The veteran has the right to be provided assistance from the veterans' services agent/veterans' agent in completing his or her application.

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(c) The veteran has the right to receive from the veterans' services agent/veterans' agent a full explanation of the services and benefits available under M.G.L. ch. 115, as well as other available benefits under state and federal law.

(d) The veteran has the right to receive a written notice and explanation of the approval or denial of his or her application for benefits, or any change or termination of his or her benefits, pursuant to the provisions of Chapter 8.

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(e) The veteran has the right to be treated with dignity and respect and to receive accurate, courteous, and timely service, including the prompt response by the veterans' services agent/veterans' agent to telephone calls, e-mails, letters, faxes, or in-person visits.

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(f) The veteran has the right to appeal and request a hearing if he or she disagrees with any action taken in his or her case, and to be informed of the procedures for exercising those rights of appeal.

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(g) The veteran has the right to expect confidentiality; personal information of the veteran and/or his dependents shall not be collected or used except for the purpose of determining eligibility for benefits.

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(h) The veteran has the right to receive fair and equal treatment without regard to sex, gender preference, race, religion, handicap, ethnicity, national origin, or place or residence within the Commonwealth.

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(2) A copy of the Veterans' Bill of Rights shall be provided to every applicant, recipient or person seeking and information, and the provisions of the Bill of Rights shall be explained to every applicant. Both the applicant and the veteran's agent shall sign the Bill of Rights and a copy of the signed document shall be provided to the applicant. The original of the signed Bill of Rights shall be kept by the veterans' agent.

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(3) The Veterans' Bill of Rights, in a form approved by the Secretary, shall be prominently posted and displayed by the veterans' agent in his or her office.

(3) Any failure by the veterans' agent to comply with the Veterans' Bill of Rights in his or her treatment of or interaction with a veteran and his or her dependents, and which results in a city or town not paying benefits to the veteran and his or her dependents, where the Secretary has determined that said benefits must be paid, shall be considered a refusal or failure to pay. The Secretary shall notify the state treasurer of such refusal or failure and thereafter such benefits shall be paid to the applicant by the Commonwealth.

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(4) If the Commonwealth shall be called upon to pay any such benefits on behalf of any such city or town, the total of any such benefits paid in any such calendar year shall be assessed upon such city or town, or deducted from funds that may be due such city or town from the Commonwealth.

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REGULATORY AUTHORITY

108 CMR 12.00: M.G.L. c. 115, §§ 2-and-c. 10A, § 3; St. 1972 c. 471.