

108 CMR 7.00 PAYMENTS TO APPLICANTS AND RECIPIENTS IN SPECIAL CIRCUMSTANCES
Section

- 7.01: Unemployed Applicants and Recipients
- 7.02: Self-employed Applicants and Recipients
- 7.03: Applicants and Recipients Participating in a Substance Abuse or Other Rehabilitation Program
- 7.04: Applicants and Recipients Attending School
- ~~7.05: Applicant's Absence~~ Recipients who are Absent -from the Commonwealth
- ~~7.06: Emergency Services~~ Services to Homeless Veterans and their Families
- 7.07: Additional Emergency Services to Veterans
- 7.08: Utility Arrearages
- 7.09: Emergency Home Repairs
- 7.10: Catastrophe
- 7.11: Moving and Transportation Assistance

7.01: Unemployed Applicants and Recipients

(1) ~~(1) Causes of Unemployment~~ Threshold determination of employability. When an application for benefits is based upon need resulting primarily from the applicant's unemployment, the veterans' agent shall ~~conduct an~~ investigation of reasonable thoroughness to determine the causes of the unemployment. ~~The investigation shall include contact with the applicant's last employer and with the state Division of Employment and Training (DET)~~ make an initial or threshold determination as to whether the applicant is employable.

~~(2) Disqualification from Unemployment Benefits.~~ The threshold determination of employability shall include an assessment of the cause or causes of the applicant's unemployment and shall include contact with the applicant's last employer and with the state Executive Office of Labor and Workforce Development (EOLWD), the state Local Veterans' Employment Representative (LVER), and the federal Disabled Veterans' Outreach Program (DVOP). The fact that ~~DET-EOLWD may have disqualified~~ disqualified the applicant from receiving state unemployment benefits shall not, by itself, constitute a sufficient reason for disqualifying the unemployed applicant from receiving veterans' benefits.

(3) Development of an Employment Plan. The veterans' agent and the employable applicant shall develop an employment plan, and that employment plan should be submitted within 90 days of submission of the application (Form or Screen VS-1). The plan shall identify those efforts the applicant is required to make to find employment and shall include:

- (a) An employment history for the last two years.
- (b) The reason for present unemployment.
- (c) The number of weekly job searches, ~~as set out in 7.01(4), which required by the veterans' agent, and those job search lists shall be verified by the veterans' agent on at least a bi-weekly basis.~~
- (d) The name of any employment counseling agencies the applicant will be required to attend and the required frequency of such attendance.
- (e) The identity of any training programs or courses the applicant may need to find employment.

(f) The types of networking efforts the applicant will undertake to find employment.

(g) The veterans' agent's best estimate of when the applicant will be able to find employment with due consideration for the applicant's skills, age, health, financial circumstances, and job market conditions.

(h) ~~An applicant's failure to follow the employment plan may be cause to find the applicant voluntarily unemployed as per 108 CMR 3.06(1)(b) and uncooperative as per 108 CMR 8.05(1).~~

(4) Job Search Requirements and Recordkeeping

(a) The applicant must engage in a minimum of three job search activities during each week and must keep a detailed written record of work search activities. Such a record must be on a form provided by the Department.

(b) The applicant may satisfy the requirement of a "job search activity" as required by 7.01 (3) (c) and 7.01 (4) (a) with a combination of any or all of the following activities:

(i) Registering for work and employment services with a local One Stop Career Center;

(ii) Completing a job application in person or online with employers who may reasonably be expected to have openings for suitable work;

(iii) Mailing a job application and/or resume, as instructed in a public job notice;

(iv) Making in-person visits to employers who may reasonably be expected to have openings for suitable work;

(v) Sending job applications to employers who may reasonably be expected to have openings for suitable work;

(vi) Interviewing with potential employers in person or by telephone;

(vii) Registering for work with private employment agencies or placement services;

(viii) Using the employment resources available at OneStop Career Centers that may lead directly to obtaining employment, such as obtaining and using local labor market information, participating in skills assessments for occupation matching, participating in instructional workshops, or obtaining and following up on job referrals from the Career Center;

(ix) Attending job search seminars, career networking meetings, job fairs, or employment related workshops that offer instruction on improving individual skills for obtaining employment;

(x) Using online job matching systems, including the Massachusetts One-Stop Employment System's internet-based system, to submit applications/resumes, search for matches or request referrals, and/or apply for jobs;

(xi) Reporting to Union Hall, if that is a primary work search method;

(xii) Contacting professional associations who may have information about job openings;

(xiii) Enrolling in a skill or workforce development program with the intent of gaining employment as a result of successful completion of that program; or

(xiv) Submitting written confirmation of working with LVER or DVOP personnel in a job search, program enrollment, or job skill development process.

(5) The determination on employability, the development of the employment plan, and the participation of the applicant in the weekly job search process shall all take place after the initial decision on benefits is made by the veterans' agent. The veterans' agent shall not require participation in the job search process as a condition of accepting an application or as a condition of the applicant initially receiving benefits.

(6) Determination of Voluntary Unemployment or Refusal to Cooperate. Subsequent to the initial award of benefits

~~to the applicant, the veterans' agent may terminate benefits to employable recipients who (1) fail, without good cause, to follow the work search requirements or (2) refuse, without good cause, to accept a good faith offer of employment for which they are reasonably qualified based on their skills, training, physical condition and present circumstances. A good faith offer of employment may include minimum wage employment. A recipient who does not comply with this section may be considered to be voluntarily unemployed or refusing to cooperate. Any terminations based on voluntary unemployment or refusal to cooperate are subject to the Notice of Intent and Notice of Action requirements set out in 108 CMR 8.02 and 8.03.~~

~~Employability of the Applicant. The veterans' agent shall deny further veterans' benefits to employable applicants who refuse, without good cause, to accept any bona-fide offer of employment for which they are reasonably qualified based on their skills, training, physical condition and present circumstances. Notwithstanding the foregoing, applicants may be required to accept minimum wage employment.~~

(57) Unemployability for Medical Reasons.

(a) If an applicant claims to have left previous employment for medical reasons, ~~or if a recipient leaves employment for medical reasons,~~ the veterans' agent shall obtain from the applicant's ~~or recipient's~~ physician a statement setting forth the following:

1. his or her ~~the~~ diagnosis,
2. prognosis,
3. prescribed treatment, and
4. appraisal of the applicant's ability to work.

(b) Applicants ~~or recipients~~ may be required to undergo an independent evaluation by a doctor chosen by DVS.

(c) The veterans' agent also may gather information from the applicant's ~~applicant's or recipient's~~ former employer on the ~~applicant's~~ working conditions while ~~he or she was~~ employed.

(8)

(d) Unless prevented from doing so by medical reasons, the eligible employable applicant personally should pick up ~~his or her~~ veterans' benefits checks.

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7.02: Self-employed Applicants and Recipients

~~(1) A self-employed applicant or recipient may be eligible for benefits. In order to make that determination, the applicant or recipient must provide to the Department. The review shall include a financial report signed under penalties and perjury, by either the applicant or recipient, the business's the auditor, or a person responsible for handling the company books, that details the business's income, expenses, and financial condition. Based on all the facts, the Secretary will determine eligibility before any benefits are paid. The fact that a business expense is reported as tax deductible; shall not be conclusive evidence that it is a legitimate business expense for the purpose of determining the applicant's income.~~

(2) ~~The veteran's agent shall also require applicants~~ All recipients whose self-employment efforts have failed to

generate income which is adequate enough to afford them sufficient relief or support, and who have no foreseeable prospects of generating income, ~~to~~must complete an employment plan and conduct job searches as required by 108 CMR 7.01(3) and (4) as a condition of receiving benefits.

(3) However, under no circumstances will veterans' benefits subsidize a business.

7.03: Applicants Participating in a Substance Abuse or Other Rehabilitation Program

(1) Responsibilities of Veterans' Agents Handling of These Cases.

(a) Initial Benefits Application

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(a1) The veterans' agent shall ~~handle~~ process a benefits application from an applicant suffering from alcohol or substance abuse or who is participating in a substance abuse or other rehabilitation programs in the same manner as any other application. Prior to making a recommendation on benefits payments to the applicant, the veterans' agent shall discuss his or her the applicant's substance abuse or other ~~problem~~ issues requiring rehabilitation with the applicant. In substance abuse cases and before making a favorable recommendation, the veterans' agent shall have a reasonable belief that the applicant recognizes his or her substance abuse problem and has a sincere desire to be rehabilitatedconsider the following factors:

(a) whether the applicant is currently enrolled in a substance abuse treatment program;

(b) whether the applicant is participating in an aftercare program subsequent to participating in a substance abuse treatment program;

(c) has the applicant demonstrated sobriety for a reasonable amount of time as defined by his or her clinician, counselor, or substance abuse program provider;

(d) are the applicant's substance abuse problems secondary to a documented mental or physical health issue;

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(e) has the applicant refused rehabilitation or substance abuse prevention services; and

(f) does the applicant have a letter from a physician or substance abuse program provider stating that the applicant is a client, is in treatment, and is making a sincere attempt to comply with the requirements of the treatment or program.

(2) Any denial of an initial application for benefits by a veterans' agent must specifically address the factors listed in (1) (a) through (f), above.

~~On the basis of~~ If the veterans' agent's agent makes an initial favorable recommendation, benefits shall begin immediately and continue for a period of two months. At the end of that period, the veterans' agent shall review the case and make further recommendations. In the ongoing management of these cases, the veterans' agent shall bear in mind that the substance abuse or other rehabilitation process frequently is marked by repeated false starts which may require successive renewals of the applicant's benefits.

(b) Maintenance of Continuing Benefits.

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(1) At the end of the two-month period set out above, the veterans' agent shall review the case and make further recommendations as to the continuance or termination of benefits based upon the factors set out in (1) (a)

~~through (f) above. In the ongoing management of these cases, the veterans' agent shall bear in mind that the substance abuse or other rehabilitation process frequently is marked by repeated false starts which may require successive renewals of the applicant's benefits.~~

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~~—(e2) The veterans' agent shall closely supervise cases involving applicants/recipients undergoing substance abuse rehabilitation. Once the applicant/recipient has been returned to good physical and mental health, the veterans' agent shall encourage and assist/case manage the applicant/recipient in completing his or her rehabilitation through work/interaction with various social service agencies.~~

~~(d3) The veterans' agents shall endeavor to educate and familiarize themselves with the medical, social and emotional factors surrounding the problem/issues of substance abuse, the other social services agencies which attempt to meet the special needs of substance abusers, and the particular facilities which offer substance abuse rehabilitation programs.~~

(2) Rehabilitation Facilities, Shelters, and Houses for Alcoholism, Substance Abuse, and Emotional Disorders. 108 CMR 7.00 is promulgated in connection with assistance to eligible applicants or recipients who become patients or residents in treatment or rehabilitation facilities, shelters, and houses.

(a) DVS is not authorized to make payment to any hospital for alcoholism for the treatment of an applicant or recipient who is an inpatient in such a hospital.

~~(b) If an eligible applicant.~~ If an eligible applicant or recipient becomes a patient or resident in such a facility, shelter, or house, aid may be granted to the applicant/him or her in accordance with the Secretary's Budget Amounts directive in effect at the time of the application/~~that occurrence.~~

(c) The city or town in which the applicant resided immediately prior to his or her admission to a facility, shelter, or house where the applicant or recipient is residing shall be responsible for providing the financial aid/assistance to such an eligible/the applicant or recipient for up to one year according/pursuant to 108 CMR 3.024(41).

(d) In the event that a facility, shelter, or house has not yet been assigned a rate, the Secretary shall establish an interim rate by directive.

~~(e) The applicant's.~~ The applicant or recipient's total income, less personal needs allowance, must be applied toward the total cost of the bill and the city or town in which the applicant resided immediately prior to his admission will be responsible for the balance for the facility, shelter or house.

7.04: Applicants Attending School

(1) College or University. DVS shall not reimburse the payment of ordinary living expenses during the term of instruction or education ~~to education~~ to an applicant or recipient who voluntarily removes himself or herself from the labor market in order to attend a full-time course of instruction at a college or university. DVS may reimburse the payment of such expenses if the applicant/veteran is attending a part-time course of instruction and is not voluntarily unemployed per 108 CMR 3.06(1)(b) 108 CMR 7.01(6), and ~~on~~ upon a showing of need. DVS may reimburse payments for emergency medical expenses. Nothing in this paragraph shall prevent a veteran attending school on the GI Bill, whose educational benefits stop during the summer, from applying for and receiving Chapter 115 benefits temporarily during the summer until such time as they obtain employment or school resumes.

(2) The provisions of 7.04 (1) shall also apply to an applicant or recipient attending a certified work force and/or career skills development program that provides job placement services at the end of such program.

(32) High School. In order to encourage an applicant or recipient to obtain a high school diploma, DVS may reimburse necessary payments made to supplement the applicant's veterans' assistance allowance. Whether or not such supplementation is provided, DVS shall consider payments for emergency medical expenses.

7.05: Recipients who are Absent from the Commonwealth~~Applicant's Absence from the Commonwealth~~

The veterans' agent shall not suspend the payment of benefits to an applicant a recipient until that applicant recipient has been absent from the Commonwealth for longer than seven days. The applicant recipient shall notify the veterans' agent upon departing from and returning to the Commonwealth for periods longer than seven days.

7.06: Emergency Services to Homeless Veterans and their Families

(1) Homeless Applicant. In cases where a homeless person applies for assistance to a city or town veterans' services department and states that he or she is a veteran as defined in M.G.L. c. 4, § 7, clause forty-third, but does not have in his or her possession the supporting documents to prove his or her veteran's status, the veterans' agent shall try to obtain as much corroborative information from the applicant as possible. If in the judgment of the veterans' agent, it appears that the applicant's claim of veteran status is credible and if the need for immediate assistance is extreme and critical, the veterans' agent may issue a voucher to obtain shelter and related necessities, rather than wait until the required documents are obtained. The veterans' agent shall inform the applicant that acceptance of the emergency grant shall not entitle the applicant to any additional payments unless the veterans' agent determines that the applicant is otherwise qualified for benefits pursuant to M.G.L. c. 115 and ~~108-CMR 7.00~~ these regulations. The veterans' agent shall inform the applicant that in no event shall the emergency payment exceed one month's benefits. The veterans' agent must notify the Secretary at the time of processing an emergency application or on the next business day.

(2) Processing of Emergency Hotel or Motel Stays for Veterans and Families. In cases where a veteran and his or her family are in imminent danger of becoming homeless, the veterans' agent shall process this matter as follows:

(a) Determine the veteran's status. The provisions of 7.06(1) shall apply to this determination process.

(b) Determine whether a shelter is available for the veteran and his or her family.

(c) If a shelter is not available, the veterans' agent shall locate a hotel or motel where room rates are reasonable.

(d) If a member of the Statewide Housing Advocacy Reintegration and Prevention (SHARP) Team is working with the veteran and family, the SHARP Team member may locate a hotel or motel in a city or town where room rates are reasonable. This determination may require the veteran and family to move to a city or town other than where they are presently located.

(e) The veterans' agent of the city or town where the veteran and family are to be housed, on an emergency basis, is pre-approved up to \$100 per night for a maximum of three nights.

(f) On the next business day following the emergency housing of the veteran and family, the veteran must apply for M.G.L. c. 115 benefits, including the determination of whether he or she is eligible for such benefits. At the same time as the application process, the SHARP Team shall determine next steps to move the veteran and family into permanent housing.

(g) DVS will not authorize any additional hotel or motel stays, after the initial three nights, unless a plan to

move the veteran and family into permanent housing is in place. Authorization for additional hotel or motel stays shall be for a time period of no greater than one week at a time.

(h) The city or town where the veteran and family are staying in a hotel or motel pursuant to the provisions of this section shall receive reimbursement for the hotel/motel costs at the 100% reimbursement rate, pursuant to Section 1410-0400 of the 2014 Final Budget, Acts of 2013, Chapter 38.

7.07: Services to Prevent Homelessness Additional Emergency Services to Veterans

(1) Mortgage Arrearages.

~~(a) An applicant or recipient who is three or more months in arrears, and otherwise eligible for ordinary or fuel benefits, shall be eligible for residential mortgage arrears so long as he or she provides the veteran's agent with specific reasons supporting said payment. The applicant or recipient shall also submit proof that he or she has used all alternative sources of income and assets, and said payment is shall be pre-approved by the Secretary. Any benefit paid in this respect shall be limited to principal, interest, and any assessed fees. The recipient shall be required to submit verification of his or her arrearages. No more than one such payment shall be made to an applicant or recipient in any given three-year period.~~

(b) For any mortgage arrears over \$2,000 the veterans' agent shall execute a repayment agreement which shall be secured as a lien against the applicant's or recipient's property in the appropriate Registry of Deeds, and shall be enforced if the property is sold within three years of the date of recording the lien. After three years of the recording of the lien, the lien shall become dissolved.

(2) Rental Arrearages to Prevent Eviction.

~~(a) A veterans' agent shall not pay benefits for overdue rental arrearages to an applicant or recipient who is otherwise eligible for ordinary and fuel benefits, unless he or she the agent first provides the Secretary with specific written reasons supporting said payment and said payment is authorized or approved by the Secretary. Such rental arrears payments shall be allowed only once to a recipient, unless the Secretary decides otherwise.~~

(b) Such recipient shall be required to submit one of the following verifications of immediate eviction:

1. A notice to quit from a court or landlord.
2. A summary process complaint.

(b) A copy of this verification must be filed in the case record and a copy submitted to DVS.

(c) To prevent eviction, eligible recipients shall be granted a special one-time payment (unless the Secretary otherwise decides,) provided the following conditions are met:

1. A written statement is provided indicating the monthly payment and the months the recipient is in arrears.
2. The landlord agrees in writing that all eviction proceedings will be terminated before or upon receipt of

written approval by the veterans' agent and will not be reinstated on the basis of any past or current tenant violations.

3. That the arrearage payment shall be either the full amount of the outstanding arrearages or three month's rent, whichever is less.

7.08: Utility Arrearages

Applicants and recipients who are three or more months in arrears in water and sewer, gas, electric, or oil bills shall be eligible for emergency payments in order to prevent the dwelling from becoming uninhabitable. Such applicant or recipient shall provide the veterans' agent with specific written reasons supporting such arrearages, and verification of same. Such arrearage payment shall be limited to one in any given three year period, unless the Secretary decides otherwise, and only after the applicant and veteran's agent have made every effort to secure a payment plan with the utility company.

7.09: Emergency Home Repairs

(1) Repairs Under \$500. A veterans' agent may grant up to \$500 to applicants or recipients when the veteran's agent has verified the costs of emergency repairs to the applicant's owner-occupied dwelling or residence to protect the health, welfare and safety of the applicant.

(2) Repairs Over \$500. The veterans' agent, with prior DVS approval, shall grant payments for emergency repairs to the applicant's owner-occupied residence or dwelling to protect the applicant's health, welfare and safety in amounts over \$500. For any repairs expected to cost over \$1,000, the agent shall ascertain that the applicant has pursued all reasonable alternative resources and the veterans' agent shall obtain three quotes. For any improvement over \$2,000, the veterans' agent shall execute a repayment agreement which shall be secured as a lien against the applicant's property in the appropriate Registry of Deeds, and shall be enforced if the property is sold within three years of the date of recording the lien. After three years of recording the lien, the lien shall become dissolved.

7.10: Catastrophe

In the event that fire, flood, windstorm or any other natural disaster or catastrophe causes a loss of the applicant's ~~applicant's~~ veteran's dwelling, or otherwise creates unusual hardship for the applicant ~~applicant~~ veteran, the veterans' agent shall take immediate action to provide necessary food, shelter and clothing for the ~~applicant~~ veteran. The fact that the veteran may not meet the income requirements of 108 CMR 5.00 or the asset guidelines referred to in 108 CMR 6.00 shall not prevent the veterans' agent from providing assistance, so long as the agent determines that the veteran cannot access his or her funds in the event of a catastrophe. After the immediate emergency needs are met, the veterans' agent and DVS staff shall direct the ~~applicant~~ veteran to the appropriate local, state, or federal authorities for further assistance.

7.11: Moving and Transportation Assistance

Moving and transportation assistance ~~is~~ may be provided to applicants or recipients who meet the following criteria. The applicant or recipient must have a significant social, medical, or financial problem which may be alleviated by moving or travel; be eligible for veteran's benefits; have insufficient resources for such moving and transportation assistance; and shall not have previously been in receipt of moving assistance.

(1) Moving and Transportation within the Commonwealth.

(a) Moving Assistance. The veterans' agent must obtain DVS prior approval before granting benefits for moving an applicant's or recipient's furniture, household goods, and personal possessions. The veterans' agent's request must include documented need and eligibility in accordance with the criteria in 108 CMR 7.11(1) through (4). The move must be conducted by a duly certified carrier or mover after the veterans' agent has obtained three quotes. Transportation assistance may be granted with prior approval by the most economical means.

(b) Transportation Assistance to Medical Appointments. An applicant or recipient who is medically unable, as documented by a physician, to drive himself or herself, or who is not a licensed operator or who does not own his or her own vehicle; and who certifies that he or she has exhausted all affordable alternative transportation which he or she can afford, may receive transportation assistance to medical appointments. The veterans' agent must obtain prior approval from the Secretary.

(2) Transportation outside the Commonwealth. No moving expenses for personal effects shall be allowed for moving outside the Commonwealth. Transportation only assistance with prior DVS approval may be allowed for moving outside the Commonwealth if (1) the veterans' agent provides documented need and eligibility in accordance with the criteria in 108 CMR 7.11(1) and (2); and (2) the veterans' agent has obtained prior approval from the Secretary. Transportation ~~is to~~ shall be provided by the most economical means.

REGULATORY AUTHORITY

108 CMR 7.00: M.G.L. c. 115.