

ORDINANCE NO. 21

Title: An Ordinance prescribing the Veterans Assistance Program in Union County, Iowa, pursuant to Iowa Code Chapter 35B (as may be amended hereafter).

Be it enacted by the Board of Supervisors of Union County, Iowa on December 30, 2022.

Chapter 35B of the Code of Iowa outlines the legal basis for the Veteran Affairs Commission Program in counties. In Union County, the Veteran Affairs program is administered by the Director of Veteran Affairs under the general supervision of the Veteran Affairs Commission.

Benefits from the Union County Veteran Affairs Commission are temporarily granted to indigent veterans, widows, wives, and minor children. Veterans shall make application in person. If the veteran is physically disabled, the necessary information will be obtained from family or legal representative. Veterans or family member must live in Union County. Any type of fraud or attempted fraud by Veteran or family member against this office will be sent to the Union County Attorney for prosecution. Any money received by fraud will be required to be paid back to Union County and said person shall be banned from any further general assistance from this office. Appeals can be made to the Union County Veterans Affairs Commission.

Temporary benefits (for emergencies only, not to supplement income) are granted for up to 3 months in a 12-month period. Appeal can be made to the Union County Veteran Affairs Commission. The Commission reserves the right to refuse benefits to any applicant who has not proven to be indigent.

SECTION 1- ELIGIBILITY

Those persons eligible for assistance in Union County shall include the following:

1. Applicants who:
 - a. have an "Honorable Discharge "from the United States Armed Forces; and
 - b. served on active duty for at least 90 continuous days, other than training, during the following dates:
 - i. World War I from April 6, 1917, through November 11, 1918
 - ii. Occupation of Germany from November 12, 1918, through Jul 11, 1923.
 - iii. American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.
 - iv. Second Haitian suppression of insurrections from 1919 through 1920.
 - v. Second Nicaragua campaign with Marines or Navy in Nicaragua or on combatant ships from 1926 through 1933.
 - vi. Yangtze service with Navy and Marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.

- vii. China service with Navy and Marines from 1937 through 1939.
- viii. World War II from December 7, 1941, through December 31, 1946.
- ix. Korean Conflict from June 25, 1950, through January 31, 1955.
- x. Vietnam Conflict from February 28, 1961, through May 7, 1975.
- xi. Lebanon or Grenada service from August 24, 1982, through July 31, 1984.
- xii. Panama service from December 20, 1989, through January 31, 1990.
- xiii. Persian Gulf Conflict from August 2, 1990, through the date the president or the Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.

Union County Commission on Veteran Affairs also considers any "peacetime" veteran who served at least 24 months on active duty eligible for assistance.

"Veteran" includes the following persons:

- i. Former members of the reserve forces of the United States who served at least 20 years in the reserve forces after January 28, 1973, and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code.
 - ii. Former members of the Iowa National Guard who served at least twenty years in the Iowa National Guard and who were discharged under honorable conditions. However, a member of the Iowa National Guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code.
 - iii. Former members of the active Oceangoing Merchant Marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.
 - iv. Former members of the Women's Air Force Service Pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. § 106.
- c. lawfully reside within the borders of Union County, meaning a domicile has been established with the intent to remain, which may be demonstrated by a

drivers license, apartment rental, enrollment of children in school, registration to vote, or other indicators in good faith residence; and

d. have completed and signed an application for assistance from Union County Veteran Affairs; and

e. have monthly income and liquid assets combined of ~~less than 100% of the federal poverty guidelines~~; and

Amended December 2022 to read "less than 150% of the federal poverty guidelines

f. have non-exempt resources of less than \$200.00; and

g. have made application for and complied with all requirement of all other assistance programs for which the applicant may be eligible and may be awaiting approval and receipt; and

h. seek full-time employment and register with Workforce Development and those employment agencies which are determined by the Director to be appropriate, comply with the requirements of those agencies, and accept work and training as offered; and

i. if physically or mentally unable to work, applicant will provide a doctor's written verification of the applicant's inability to work full-time and length of diagnosis.

2. The spouse, widow, or lawful dependent of a veteran who meets the requirements in section 1.1.a - 1.1.b and who themselves meet the requirements in paragraphs 1.1.c - 1.1.i above.

SECTION 2- FINANCIAL ELIGIBILITY

1. Determining income eligibility:

a. The total income of the household family unit for thirty (30) days prior to the date of application will be considered.

b. All income received by the applicant's household shall be considered, including but not limited to net wages, child support, retirement benefits, disability benefits, investment income, rental income, income from trusts, gifts, loans, and any assistance received from public or private entities, including food stamps.

c. Proof of income shall be required for determining eligibility for veteran assistance. Failure to provide proof of income will result in denial of benefits or a pended application.

2. Determining countable resources:

- a. Resource shall include liquid assets including but not limited to checking or savings accounts, cash on hand and stocks, bonds or other investments. The total value of such assets shall be considered an available resource.
- b. All real property shall be considered a resource at net value (value of property less remaining payments/mortgage), except exempted property identified in this ordinance.
- c. Excluded as countable resource are household goods, personal effects, a homestead, equity in a family home or farm, one motor vehicle and any additional vehicles more than ten (10) years old, life insurance, burial plots or funeral trust funds, tools and equipment of an actively pursued trade.
- d. All resource, other than those excluded above, shall be considered available to meet the basic needs and must be used for such.
- e. If resources are available to meet the need for requested assistance, no eligibility exists.
- f. If resources are available to partially meet the need for requested assistance, they must be utilized prior to eligibility for assistance.

SECTION 3 – VETERANS ASSISTANCE REQUIREMENTS

1. All applications for assistance will include the following:

- a. the assistance application from the office of Veteran Affairs, completed in its entirety; and
- b. a copy of the veterans DD214, Certificate of Release or Discharge from Active Duty (prior to 1 July 1979 this form is titled Report of Separation from Armed Forces); and
- c. Social Security Card
- d. Certificate of Marriage (if applicable) or verification of common law marriage, and
- e. Birth Certificate for children under 18 years of age (if applicable); and
- f. an interview with the Director of Veteran Affairs

2. Applications will be determined within 30 days of receipt of completed application, all required documentation, and interview. Applicants will receive a written notice of eligibility determination.

3. Applications are valid for 1-year or until the maximum assistance has been issued, whichever comes first. Any requests for further assistance will require completion of a new application as outlined in Section 3.1 above.

4. Employment: Any applicant or recipient of Veterans Assistance who is unemployed, under age 65 and not mentally or physically disabled will:

- a. be required to register with Workforce Development; and
- b. provide reasonable proof he or she is actively seeking employment or has registered with Workforce Development
- c. A refusal or failure to actively seek employment, or refusal to accept reasonable employment may disqualify the applicant from receiving benefits under this ordinance.
- d. An applicant who has been laid off from work temporarily shall provide a written statement from the employer stating when they might expect to be called back to work.
- e. The spouse of the applicant will comply with this section unless her presence is required in the home to care for dependent children.
- f. Any other member of the household over the age of 18 will be required to comply with this section.

SECTION 4- BENEFITS

1. Scope of Assistance:

- a. Temporary Assistance is granted at the discretion of the Director/Commission, dependent upon the individual or family need, not to exceed 3-times per year. The amount will not exceed \$2250.00 per physical year.
- b. Continuing Assistance may be granted where there is a proven need. Each application for continuing assistance will be considered on an individual basis, and need will be determined by the Commission. Need for Continuing Assistance will be reevaluated every 6 months.
- c. The forms of assistance hereinafter described shall be available only for the current bills or expenses; and
- d. Assistance is not available for bills or expenses accrued prior to application for assistance, and
- e. There will be no payment of deposits, taxes, interest, or carrying charges, etc.
- f. The Commission does not make payments on anything in which equity might be gained by the mortgage holder.
- g. Needs considered are, rent, utilities, food, medical services, burial, and miscellaneous.

2. Rent: a. A payment for actual rent, up to a maximum of \$450.00 per month; and

- b. No payment will be made for deposits; and

- c. A copy of the lease agreement with the veteran's or family member's name on the lease shall be required; or
- d. a written statement from the landlord stating the applicant rents from them, the amount of current rent and signature of the landlord with their mailing address: and
- e. no rental payments will be made to relatives of the applicant or member of the household.

3. Utilities:

- a. payment of an actual current utility bill (less taxes and fees) for lights, heat, water, sewer, and cooking; not to exceed \$300; and
- b. no payment will be made for deposits or re-connections; and
- c. a copy of the current utility bill in the name of the applicant or member of the household shall be required. If the expense of utilities are being shared, the utility amount will be pro-rated; and
- d. utilities are paid on a current basis, and it is not necessary to have a disconnect notice; and
- e. only in extreme emergency situations will payment of phone bills be considered.
- f. Regarding air conditioning, the Commission reserves the right to make a decision as to need. This is not essential to the indigent unless a doctor has stated in writing that the veteran or eligible dependent is physically disabled and requires the service for health care purposes.

4. Food

- a. The local food pantry at the O'Riley Center and the food pantry at MATURA will be utilized for assistance for this office.
- b. Food vouchers may be issued in emergencies in the amount of \$50 for single veterans, \$75 for a married veteran, and \$100 for married veterans with dependents per month.
- c. Vouchers will be given to the applicant made out to the grocery store of their choosing, according to Food Stamp guidelines, until the family is certified for food stamps.
- d. Luxury items such as pop, candy, snack foods, tobacco, alcoholic beverages, pet food and bottled water will not be purchased with vouchers.
- e. Vouchers will not be used to supplement the individual or family who is eligible for food stamps, however, individuals receiving food stamps may be issued a \$25 voucher for non-food items.
- f. Vouchers may be used to purchase non-food items, including soap products, paper products, cleaning supplies, and personal grooming supplies.

- g. In all cases the veteran or eligible dependent will sign up for food stamps and provide proof to the Director.

5. Medical Assistance

- a. An applicant will be referred to any other community agency which determines eligibility and payment of medical expenses.
- b. Allowances for emergency medical expenses shall be determined by the Commission on the basis of actual need as prescribed by the patient's physician. This shall be only on a temporary basis. The Veterans Administration Medical Centers and University hospitals will be utilized when applicable.
- c. Maximum assistance granted may not exceed \$1000 in a 12-month period.
- d. Payment may be made to local vendors for necessary medical care if no other resource is available.
- e. Payment may be made for prescriptions and for some medical needs that require no prescriptions, such as insulin needles, bandages, gauze, etc. VA Hospitals will be used as much as possible for issuing of prescriptions and supplies.
- f. Payment for necessary dental work to alleviate pain. May include dentures, denture repair, and/or replacement. VA hospitals will be used as much as possible
- g. Payment may be authorized for refractions and glasses. Applicant will provide an estimate of cost for glasses before authorization can be granted.
- h. Payment may be authorized for medical appliances not available through other resources, such as hearing aids, orthopedic shoes, etc. Applicant will provide an estimate of cost before authorization can be granted.

6. Transportation

- a. Payment may be made for transportation to receive medical care providing the eligible person does not have sufficient funds to pay and other resources are not available.
- b. Vouchers for gasoline can be issued for transportation to seek employment. Applicant will provide the director with proof of employment application.

7. Clothing:

- a. Uniforms or other clothing required by employers may be authorized from this fund.

8. Burial:

- a. The commission is responsible for the interment in a suitable cemetery of the body of any veteran, as defined in section 35.1, or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission

may pay the expenses in a sum not exceeding the amount established by the board of supervisors.

SECTION 5- OTHER SERVICES RENDERED

1. We, as a Commission, will assist veterans in making application into the Iowa Veterans Home in Marshalltown, Iowa. Applications shall have two (2) of our County Commissioner signatures certifying eligibility. We Commissioners or Director will enclose two (2) certified copies of the veteran's separation papers from the Armed Forces, one (1) copy of financial statement, two (2) certified copies of marriage certificates if applicant is a widow(er) of a veteran. and one (1) copy of birth certificate. We acquire the applications and financial inquiry forms from the Iowa Veterans Home.
2. We, as a Commission, offer assistance in filing for pension, service-connected disability (compensation), non-service-connected disability, or social security benefits by use of the following:

The American Legion Room #561, Federal Bldg. 210 Walnut St. Des Moines, IA 50309 515-323-7532

Vietnam Veterans of America (VVA) Room #559, Federal Bldg. 210 Walnut St. Des Moines, IA 50309 515-323-7549

Disabled American Veterans Room #556, Federal Bldg. 210 Walnut St. Des Moines, IA 50309 515-323-7539

Veterans of Foreign Wars Room #557, Federal Bldg. 210 Walnut St. Des Moines, IA 50309 515-323-7545

Social Security Administration Federal Bldg. 210 Walnut St. Des Moines, IA 50309 515-284-4500 1-800-532-1440 (for those calling outside the Des Moines calling area)

SECTION 6- WITHHELD OR FALSE INFORMATION

If it becomes apparent that an applicant or recipient has knowingly withheld or provided false information in order to gain eligibility for or continue to be eligible for Veterans Assistance, that applicant or recipient will be ineligible for further assistance. This may be appealed to the Union County Veterans Commission. If recipient does not agree with the Veterans' Commission, it may be appealed to The Union County Board of Supervisors.

SECTION 7- APPEALS

Any denial of benefits will be sent to the applicant in writing and will include a method of appeal to the Union County Commission of Veteran Affairs, as follows:

The Union County Commission of Veteran Affairs, being duly appointed under Chapter 35B, Code of Iowa, has established an appeal procedure for those who do not agree with the decisions of the Director or the Commission.

It shall be the duty of each person so denied, to contact the Union county Office of Veteran Affairs within ten (10) days and request to be put on the agenda at the next regularly scheduled monthly meeting of the Union County Commission of Veteran Affairs following confirmation of denial of assistance. The veteran, meeting any and all eligibility requirements, may then appear before the Union County Commission of Veteran Affairs to personally present his/her case to the Commission. The applicant shall have the right to cross-examine any adverse witness. The decision of the Commission shall be binding, and no further appeal will be allowed unless the plaintiff presents in writing to the Director, any new evidence as may be relevant to his/her case. The Director will then present such evidence to the Commission at their next regularly scheduled monthly meeting. The Plaintiff may appear and request a hearing before the Union County Board of Supervisors. The decision of the board of Supervisors will be final. There shall, however, be a limit of two appeals to any one decision—each appeal being based on new and/or additional evidence presented to the Commission of Veteran Affairs.

SECTION 8 – REPEALER

All ordinances or parts of ordinances presently in force that deal with the subject matter of this ordinance are hereby repealed.

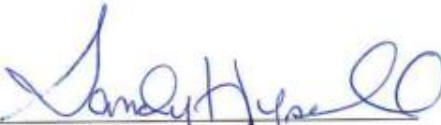
SECTION 9 – SEVERABILITY CLAUSE

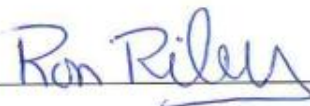
If any section, provision, or part of this ordinance shall be adjudicated invalid, unconstitutional or inconsistent with state or federal legal principals, such adjudication shall not invalidate the ordinance as a whole or any section, provision, or part thereof not adjudged invalid, unconstitutional or inconsistent with state or federal legal principals.

SECTION 10 – EFFECTIVE DATE

That this ordinance shall become effective upon completion of the reading of the ordinance as provided by law and as further provided by Ordinance No. 21, Union County, Iowa


Kevin Provost, Director
Union County Veterans Affairs

ATTEST: 
Sandy Hysell, Auditor



Union County Board Of Supervisors
Dennis Brown
Ron Riley
Rick Friday