

**CHAPTER 6**

**DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES VETERANS' PROGRAMS AND SERVICES**

**Authority**

P.L. 1988, c.444; N.J.S.A. 39A:3-2.2 and 38A:3-6(o).

**Source and Effective Date**

R.1994 d.295, effective June 20, 1994.  
See: 26 N.J.R. 530(a), 26 N.J.R. 2572(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 6, Division of Veterans' Loans, Grants and Services, expires on June 20, 1999.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 5A:6-1.1 Scope
- 5A:6-1.2 Purpose

**SUBCHAPTER 2. POST-TRAUMATIC STRESS DISORDER/READJUSTMENT COUNSELING PROGRAM**

- 5A:6-2.1 Scope
- 5A:6-2.2 Eligibility
- 5A:6-2.3 Definitions
- 5A:6-2.4 Scope of service
- 5A:6-2.5 Procedures
- 5A:6-2.6 Responsibilities
- 5A:6-2.7 Waiting list
- 5A:6-2.8 Funding
- 5A:6-2.9 Confidentiality

**SUBCHAPTER 3. VETERANS' TUITION CREDIT PROGRAM (N.J.S.A. 18A:71-64 et seq.)**

- 5A:6-3.1 Scope
- 5A:6-3.2 Residency
- 5A:6-3.3 Approved educational institution
- 5A:6-3.4 Approved course of study
- 5A:6-3.5 Full-time course requirements
- 5A:6-3.6 Half-time course requirements
- 5A:6-3.7 Calculation of tuition credit
- 5A:6-3.8 Award amount

**SUBCHAPTER 4. VIETNAM VETERANS TUITION AID PROGRAM (N.J.S.A. 18A:71-76.1 et seq.)**

- 5A:6-4.1 Scope
- 5A:6-4.2 Eligible Vietnam veterans
- 5A:6-4.3 Eligible institutions
- 5A:6-4.4 Undergraduate enrollment
- 5A:6-4.5 Award amount
- 5A:6-4.6 Other financial aid programs
- 5A:6-4.7 Period of eligibility
- 5A:6-4.8 Renewal

**SUBCHAPTER 5. TUITION ASSISTANCE FOR CHILDREN OF POW/MIAS (N.J.S.A. 18A:71-61 et seq.)**

- 5A:6-5.1 Scope
- 5A:6-5.2 Dependent
- 5A:6-5.3 Prisoner of war and person missing in action (POW/MIA)
- 5A:6-5.4 Application procedures and terms of eligibility

**SUBCHAPTER 6. TUITION ASSISTANCE FOR WAR ORPHANS (N.J.S.A. 38:20-1 et seq.)**

- 5A:6-6.1 Scope
- 5A:6-6.2 War orphans
- 5A:6-6.3 War and time of emergency
- 5A:6-6.4 Educational awards
- 5A:6-6.5 Application

**SUBCHAPTER 7. VETERANS' CATASTROPHIC ENTITLEMENT (N.J.S.A. 38:18-1 et seq.)**

- 5A:6-7.1 Scope
- 5A:6-7.2 Veterans' Catastrophic Entitlement eligibility criteria
- 5A:6-7.3 Application
- 5A:6-7.4 Entitlement awards
- 5A:6-7.5 Change of address within State
- 5A:6-7.6 Change of address out-of-State
- 5A:6-7.7 Right to appeal
- 5A:6-7.8 Spouse Catastrophic Entitlement

**APPENDIX A CONTRACT SERVICES AUTHORIZATION**

**APPENDIX B QUARTERLY REVIEW**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**5A:6-1.1 Scope**

(a) This chapter is applicable to all residents of the State who are veterans of the Armed Services of the United States of America and their families when appropriate as further identified herein.

(b) This chapter does not refer to the policies and procedures involved in the admission to and operation of the three veterans memorial homes of the Department nor does it cover burial entitlements at the B.G. William C. Doyle Veterans' Memorial Cemetery.

**5A:6-1.2 Purpose**

The purpose of this chapter is to outline, identify and establish the eligibility requirements, policies and procedures for the entitlement programs and services authorized for provision to New Jersey resident veterans by the State.

## SUBCHAPTER 2. POST-TRAUMATIC STRESS DISORDER/READJUSTMENT COUNSELING PROGRAM

### 5A:6-2.1 Scope

The New Jersey Post-Traumatic Stress Disorder/Readjustment Counseling Program (PTSD/R) has been established to provide assistance in the form of clinical counseling and continuity of care to veterans discharged other than dishonorably from the Armed Forces of the United States and their families. The New Jersey program is intended as a supplement to similar United States Department of Veterans Affairs or other government sponsored programs or when such assistance is exhausted.

### 5A:6-2.2 Eligibility

Eligibility for the PTSD/R Program is limited to New Jersey resident veterans who have an other than dishonorable discharge from the Armed Forces of the United States and who suffer mental or emotional disorders as a result of combat related experiences. Family members of such veterans whose problems date to the veteran's emotional/mental disorder are also eligible.

### 5A:6-2.3 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Client" means a veteran or family member with a veteran participating in the PTSD/R Program.

"Family member" means the veteran's immediate family and includes significant others.

"Resident" means a veteran living in New Jersey as verified by:

1. Driver's license;
2. Tax bill;
3. Utility bill;
4. Doctor's bill; or
5. Notarized statement from the individual.

"Significant other" means a person who is cohabitating with the veteran in a manner to a spouse.

### 5A:6-2.4 Scope of service

(a) The PTSD/R Program consists of an initial evaluation period covering four visits after which the clinician will recommend the level of additional services. Additional services will be based on a quarterly evaluation and determination made by the clinician.

(b) Services will be provided for a period of two years. After two years fees paid to contract clinicians by the Department for client counseling sessions will be reduced on an annual basis until at the end of six years the clinicians will be compensated at a rate of five percent of the standard cost per hourly session.

### 5A:6-2.5 Procedures

(a) Application for services will be made directly to a Veteran Service Officer (VSO) of the Division of Veterans' Loans, Grants and Services (DVLGS). The VSO will conduct an interview and make an initial determination of eligibility.

(b) If the applicant meets the criteria established in N.J.A.C. 5A:6-2.2, the VSO will contact the Chief of Program Support, Division of Veterans' Loans, Grants and Services to determine current status of the program.

(c) Referrals to a clinician will be made on DMAVA Form 50, Contract Services Authorization (see Appendix A, incorporated herein by reference) which is filled out by the VSO. Copies of the form are to be given to the Chief of Program Support, DVLGS; the clinician and the individual. One copy shall be retained by the VSO for the individual's file.

(d) All individuals applying for services must be seen by a VSO. Clinicians (providers) may not assume the responsibility of taking on clients under the auspices of this program without following the procedures outlined in N.J.A.C. 5A:6-2.6. Any clients accepted by a clinician without proper referral will be the responsibility of the clinician.

(e) A veteran shall exhaust all avenues of counseling through the Federal system before making application to the Department of Military and Veterans' Affairs program. However, exceptions may be made by the Division Director, Division of Veterans' Loans, Grants and Services upon recommendation of the VSO when the Director feels that it is in the best interest of the veteran.

### 5A:6-2.6 Responsibilities

(a) The responsibilities of a Veterans' Service Officer (VSO) are as follows:

1. The VSO will be the PTSD/R contact person conducting initial screening interviews and giving authorization for services.
2. The VSO will coordinate with the clinician when the veteran is accepted into the program. DMAVA Form 50, Contract Services Authorization (Appendix A), shall be utilized to refer a client to a clinician by the VSO.
3. In the event that the veteran is placed on a waiting list, the VSO will maintain personal contact with the veteran at a minimum of once every 30 days advising him or her of his or her status on the waiting list.

(b) The responsibilities of the Division of Veterans' Loans, Grants and Services (DVLGS) are as follows:

1. The Director, DVLGS shall oversee the funding of the program and the services provided by the clinician to eligible veterans.
2. The Chief of Program Support, DVLGS, shall maintain any necessary waiting list advising VSOs when referrals may or may not be made.
3. DVLGS shall contract only with licensed mental health professionals in the State of New Jersey and Mental Health Agencies approved by the State of New Jersey under the certificate of need process and staffed in accordance with N.J.S.A. 30:9A-1 to 30:9A-11 and who have or are willing to gain experience with combat/military related Post Traumatic Stress Disorder.
4. DVLGS shall make all efforts to seek out funding sources.
5. The Director, DVLGS, through the Deputy Commissioner Veterans' Affairs and the Adjutant General, shall appoint a committee consisting of clinicians, representatives of veterans' organizations and State service officers which will advise the Division on aspects of the PTSD program.

(c) The responsibilities of clinicians are as follows:

1. After the initial evaluation, the clinician shall make recommendations as to the course of therapy for the client through the VSO to the Chief of Program Support, Division of Veterans' Loans, Grants and Services.
2. Clinicians will provide quarterly evaluations of the client outlining the continued level of service required through the VSO to the Chief of Program Support, DVLGS, utilizing DMAVA Form 51, Quarterly Review (see Appendix B, incorporated herein by reference).
3. At the completion of each counseling session, verification of the service provided shall be prepared by the clinician and presented to the client for signature.
4. Monthly expenditure reports will be submitted to the Fiscal Division, Department of Military and Veterans' Affairs by clinicians on the tenth of each month following the close of the reporting period.
5. If a client misses three or more consecutive sessions, he or she will be terminated from the program. However, the clinician must notify the individual in writing prior to said termination.

(d) The responsibilities of veterans/veterans' family member(s) (clients) are as follows:

1. The client will make the contact with the clinician within five business days of being contacted by the VSO that he or she has been accepted into the program.
2. Any client who misses three consecutive sessions is subject to termination from the program.

3. Any client who has been terminated, or ceased attending sessions, will have the right to appeal within 30 days to the Director, DVLGS through the VSO.

#### 5A:6-2.7 Waiting list

(a) When the program reaches its client capacity, as determined by funding, a waiting list will be maintained.

(b) The date service was requested is the primary factor used to determine when clients are admitted into the program.

(c) At the time of the initial interview, if the veteran is placed on the waiting list he or she will be advised of the status.

(d) The VSO will maintain personal contact with the veteran at a minimum of once every 30 days advising him or her of his or her status on the waiting list.

#### 5A:6-2.8 Funding

Funding will be determined annually by the State budget appropriation.

#### 5A:6-2.9 Confidentiality

(a) The personal data of both the veteran and family members in the program and on the waiting list will not be disseminated to any other agency, department or entity on the Federal, State, county or municipal level without the approval of the individual veteran and/or family member.

(b) Statistical data compiled without reference to the individual may be used for presentation to all parties who require such for evaluation in support of funding or research.

### SUBCHAPTER 3. VETERANS' TUITION CREDIT PROGRAM (N.J.S.A. 18A:71-64 et seq.)

#### 5A:6-3.1 Scope

The Veterans' Tuition Credit Program provides an educational support entitlement to full-time and part-time students who are New Jersey resident veterans and served in the Armed Forces of the United States between December 31, 1960 and May 7, 1975.

#### 5A:6-3.2 Residency

(a) The veteran will be considered a resident of the State if he or she:

1. Was domiciled in New Jersey at the time of induction into the Armed Forces of the United States;
2. Was domiciled in New Jersey at the time of separation from active duty; or
3. Was domiciled in New Jersey for a period of not less than 12 consecutive months prior to the date of application, exclusive of any time spent on active duty.

(b) Domicile is defined as the place where a person has a true, fixed, permanent home and principal establishment to which, when absent, there is the intention of returning.

#### 5A:6-3.3 Approved educational institution

(a) An educational institution is:

1. Any academic, professional or vocational school operating within the State;
2. Any graduate level school operating within the United States; or
3. Any academic, professional or vocational school operating outside the State.

(b) To qualify as an "approved educational institution," any such institution must have been approved for veterans educational assistance pursuant to Federal law.

#### 5A:6-3.4 Approved course of study

The eligible veteran shall be enrolled in any curriculum or any combination of unit courses or subjects at an educational institution which is approved for veterans educational assistance pursuant to Federal law.

#### 5A:6-3.5 Full-time course requirements

(a) An institutional trade or technical course offered at a nonaccredited school on a clock-hour basis involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed.

(b) An institutional course offered at a nonaccredited school on a clock-hour basis in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than three hours of supervised study per week is allowed.

(c) An institutional trade or technical course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree and involves shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week is allowed.

(d) An institutional course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than two and one-half hours of supervised study is allowed.

(e) An academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. A unit is defined to be not less than 120, 60-minute hours or their equivalent of study in a subject in one academic year.

(f) An institutional undergraduate or graduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required. Where such college or university certifies that full-time tuition is charged to all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, or all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate or graduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course. In the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

#### 5A:6-3.6 Half-time course requirements

Any course of study which is less than the full-time requirements outlined in N.J.A.C. 5A:6-3.5 must not be less than one-half of the full-time requirements to be eligible. Payment for half-time veterans is described in N.J.A.C. 5A:6-3.8.

#### 5A:6-3.7 Calculation of tuition credit

(a) Each eligible veteran shall be entitled to tuition credit in accordance with the following schedule:

1. For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for a period of eight semesters (or the equivalent thereof in part-time tuition credit). The maximum credit under this paragraph shall be for the period of eight semesters;
2. For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutional regularly operated on the quarter system, for each two months or fraction thereof of the veterans' service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for a period of 12 quarters. The maximum credit under this paragraph shall be a period of 12 quarters; or

3. For a period of 1½ months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for 36 months of tuition credit (or the equivalent thereof in part-time tuition credit). The maximum credit under this paragraph shall be for the period of 36 months.

(b) If an eligible veteran shall change his or her program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, he or she shall submit a written request to the Director, Division of Veterans' Loans, Grants, and Services for a re-evaluation of the remaining tuition credits.

#### 5A:6-3.8 Award amount

(a) Benefits under this subchapter shall be in the form of tuition credits limited by the lesser of full tuition or:

1. For educational institutions regularly operated on a semester system, \$200.00 per semester;
2. For educational institutions regularly operated on the quarter system, \$100.00 per quarter;
3. For educational institutions not regularly operated on the semester quarter system, \$400.00 per full school year prorated on an equal basis as determined by the Director of the Division of Veterans' Loans, Grants and Services.

(b) The award amounts shown in (a) above will be granted to all eligible veterans who are enrolled as full-time students as determined by the institution provided this determination meets the minimum requirements as described in N.J.A.C. 5A:6-3.5. For half-time students, the award will be one-half the amount shown.

(c) In the event that Program appropriations are insufficient to pay all eligible veterans the amount in (a) above, the Director of the Division of Veterans' Loans, Grants and Services shall prorate the available funds.

### SUBCHAPTER 4. VIETNAM VETERANS TUITION AID PROGRAM (N.J.S.A. 18A:71-76.1 et seq.)

#### 5A:6-4.1 Scope

The Vietnam Veterans Tuition Aid Program is available to renewal applicants who reside in New Jersey and who received a Vietnam Service Medal or an Armed Forces Expeditionary Medal and who are pursuing an initial undergraduate degree program in an approved New Jersey two- or four-year college or university. The Program is open only to those veterans who applied for acceptance during a legislated open enrollment period which closed on April 9, 1990.

#### 5A:6-4.2 Eligible Vietnam veterans

(a) An eligible Vietnam veteran shall have:

1. Served in the Armed Forces of the United States in Southeast Asia in the Vietnam Conflict and received a Vietnam Service Ribbon or an Armed Forces Expeditionary Medal;
2. Been honorably discharged or generally discharged under honorable conditions; and
3. Been domiciled in New Jersey at the time of the effective date of N.J.S.A. 18A:71-76.1 et seq. for a period of not less than two consecutive years, exclusive of any time spent on active duty.

#### 5A:6-4.3 Eligible institutions

Tuition benefits are available to eligible veterans enrolled in a public institution of higher education in this State or at an independent college or university located in this State licensed by the Board of Higher Education or approved for the training of veterans by the Department of Higher Education.

#### 5A:6-4.4 Undergraduate enrollment

(a) The eligible Vietnam veteran must be enrolled or plan to enroll in an approved undergraduate degree program on at least a one-half time basis, that is, six credits per term, to be eligible to receive tuition benefits.

(b) The eligible Vietnam veteran with a 30 percent or more service connected disability as rated by the United States Department of Veterans Affairs shall be exempted from the six credit per term requirement and shall be allowed to register for less than six credit hours and still receive tuition assistance.

(c) The program is only applicable to the student's initial undergraduate degree program. A student who has earned the highest undergraduate degree offered by an institution shall not be eligible for benefits under this program at that institution. Students already possessing a baccalaureate degree are not eligible.

#### 5A:6-4.5 Award amount

(a) Eligible Vietnam veterans attending a public institution of higher education pursuant to N.J.A.C. 5A:6-4.4 shall be entitled to tuition assistance in an amount not to exceed the tuition which they are charged.

(b) Eligible Vietnam veterans attending an independent college or university pursuant to N.J.A.C. 5A:6-4.4 shall be eligible for tuition assistance in an amount not to exceed the tuition which they are charged; however, the award shall not exceed the maximum tuition charged a resident undergraduate student at Rutgers, the State University.

(c) Students who attend less than full-time will be eligible to receive awards during summer terms as long as their total award during the period from September 1 to the following August 31 of any academic year does not exceed the award amount to a full-time undergraduate student at the same institution participating in this program during the regular academic year.

#### 5A:6-4.6 Other financial aid programs

The amount of tuition assistance through this program when combined with other scholarships and grant assistance shall not exceed the student's educational budget.

#### 5A:6-4.7 Period of eligibility

Eligibility for this program shall be limited to a period of five years from the effective date of this program, April 9, 1985. A Vietnam veteran shall be eligible for a tuition award for four academic years, unless enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the student shall be entitled to a tuition award for a fifth year.

#### 5A:6-4.8 Renewal

In order to continue to receive tuition benefits under this program, the eligible veteran must maintain good academic standing as defined in accordance with the standards established and enforced by the institution and approved by the Department of Higher Education, State Approving Agency, pursuant to 38 U.S.C. 1775 and 1776.

### SUBCHAPTER 5. TUITION ASSISTANCE FOR CHILDREN OF POW/MIAs (N.J.S.A. 18A:71-61 et seq.)

#### 5A:6-5.1 Scope

The Tuition Assistance for Children of POW/MIAs program is available to any dependent of a United States' Armed Forces prisoner of war or a person missing in action (POW/MIA) who was a resident of the State upon being accepted to pursue a course of undergraduate study in any private institution of higher education in this State or in any public institution of higher education of this State as enumerated in N.J.S.A. 18A:62-1. The dependent shall be allowed to obtain a bachelors degree, or certificate of completion, for so long as he or she is eligible, free of tuition.

#### 5A:6-5.2 Dependent

"Dependent" means any child born before or during the period of time its parent was a prisoner of war or a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent was a prisoner of war or a person missing in action.

#### 5A:6-5.3 Prisoner of war and person missing in action (POW/MIA)

"Prisoner of war and person missing in action (POW/MIA)" means any person who was a resident of the State at the time he or she entered service of the United States Armed Forces, or whose official residence is within this State, and who, while serving in the Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after January 1, 1960.

#### 5A:6-5.4 Application procedures and terms of eligibility

(a) Once a person qualifies as a dependent there shall be no situation such as the return of the parent or the reported death of the parent that will terminate the eligibility of the dependent.

(b) Once a dependent has been determined eligible for benefits, the student does not reapply for the program.

(c) Prior to the start of each academic year, each renewal student's file will be reviewed for remaining eligibility. Students may receive up to 2.5 years (five semesters) of payment at the two-year college level and up to four years (eight semesters) of payment at four-year institution (up to 5 years or 10 semesters of payment, if the student is enrolled in a regular program which requires five years of study). Renewal students with remaining eligibility should be contacted during the summer, prior to the start of each academic year, regarding their upcoming enrollment plans.

### SUBCHAPTER 6. TUITION ASSISTANCE FOR WAR ORPHANS (N.J.S.A. 38:20-1 et seq.)

#### 5A:6-6.1 Scope

The Tuition Assistance for War Orphans program provides for the educational assistance of State war orphans.

#### 5A:6-6.2 War orphans

"War orphan" means any child between the ages of 16 and 21 years, domiciled in the State for at least 12 months prior to the time of application for benefits under this program, who being otherwise qualified is the child of any resident of this State who was killed in action or died from other causes while a member of the Armed Forces of the United States in time of war or emergency, or who is officially listed as "Missing in Action" by the Department of Defense, or who died or shall hereafter die of disease or disability resulting from such war or emergency.

**5A:6-6.3 War and time of emergency**

(a) "War" means:

1. World War I: April 6, 1917 to July 2, 1921; and
2. World War II: September 16, 1940 to September 2, 1945.

(b) "Time of emergency" means and includes any time after June 28, 1950, and prior to termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States. "Time of Emergency" also includes any time of armed hostility or conflict with foreign adversary after December 31, 1960, and prior to the termination of the existence of such armed hostility or conflict with a foreign adversary by appropriate action of the President or Congress of the United States.

**5A:6-6.4 Educational awards**

(a) Educational awards shall be used to defray the cost and expense of the attendance of any eligible orphan at any State educational or other technical or professional school of education located in the State, approved by the State Board of Education located in the State or outside the State if desired course is not offered by a school or college in the State.

(b) Educational awards will be allocated for tuition or matriculation fees, board and room rent, books and supplies and other purposes incidental thereto.

(c) No more than four annual allotments of \$500.00 each will be allowed to any one applicant.

**5A:6-6.5 Application**

(a) Application by otherwise eligible children will be made by letter directly to the Director Division of Veterans' Loans, Grants and Services, New Jersey Department of Military and Veterans' Affairs. The application shall include:

1. Proof of relationship to deceased Armed Forces service member, that is, a birth certificate;
2. Proof of New Jersey residency as indicated in N.J.A.C. 5A:6-6.2;
3. Proof of acceptance into a recognized New Jersey institution of higher learning as indicated in N.J.A.C. 5A:6-6.4(a);
4. POW/MIA—DD Form 1300; and
5. A War Orphans Death Certificate of the deceased showing that the veteran was either killed in action or died as a result of a disease or disability resulting from his or her military service.

**SUBCHAPTER 7. VETERANS' CATASTROPHIC ENTITLEMENT (N.J.S.A. 38:18-1 et seq.)****5A:6-7.1 Scope**

(a) This subchapter is applicable to all residents of the State who served in any capacity with the Armed Forces of the United States including the National Guard or Reserve during a wartime period and who have a 100 percent permanent service-connected disability rating from the United States Department of Veterans Affairs for one of seven disabilities declared to be catastrophic in nature by the New Jersey Department of Military and Veterans' Affairs.

(b) In addition to eligible New Jersey veterans, this subchapter applies to all widows/widowers of those New Jersey veterans who were in receipt of the veteran's catastrophic entitlement prior to the death or who would have been entitled had the veteran made application prior to death.

**5A:6-7.2 Veterans' Catastrophic Entitlement eligibility criteria**

(a) In order to be eligible for a Veterans' Catastrophic Entitlement, a veteran must:

1. Have been a legal resident of New Jersey at time of initial induction into the Armed Services of the United States;
2. Provide proof of discharge from the Armed Services of the United States indicating that the character of service was other than dishonorable or undesirable; and
3. Be a legal resident of New Jersey at time of application and must reside in the State of New Jersey while in receipt of the entitlement except for reasons of health or employment.

(b) Residency is defined as the place where a veteran has a true, fixed permanent home and permanent establishment, and to which, whenever the veteran is absent, there is the intention of returning.

(c) Proof of New Jersey residency is considered to be one of the following:

1. A New Jersey Driver's license;
2. A New Jersey Voter's Registration Card;
3. A paid New Jersey real estate tax bill;
4. A deed to New Jersey property;
5. Utility bills with the veteran's name and New Jersey address appearing thereon; or
6. Other similar documentation indicating New Jersey residency.

(d) The veteran must be in receipt of a 100 percent permanent service-connected disability rating from the United States Department of Veterans Affairs that resulted from war-time service for one of seven disabilities recognized to be catastrophic in nature by the Department of Military and Veterans' Affairs. The seven catastrophic disabilities for the Veterans' Catastrophic Entitlement are defined as the following conditions resulting from injury to the spinal cord, skeletal structure, brain or eyes sustained during wartime and through enemy action, an accident or from disease contracted while serving in the Armed Forces of the United States:

1. Loss of sight;
2. Amputation of both hands, both feet or one hand and one foot;
3. Hemiplegia and permanent paralysis of one leg and one arm or either side of the body;
4. Paraplegia and permanent paralysis of both legs and lower parts of the body;
5. Osteochondritis and permanent loss of the use of both legs;
6. Multiple Sclerosis and the loss of use of both feet or both legs;
7. Quadriplegia.

(e) In the absence of a 100 percent permanent wartime service-connected catastrophic disability, the veteran must be in receipt of a single 100 percent permanent wartime service-connected disability or a combination of permanent wartime service connected disabilities totaling 100 percent that are equivalent in nature to the medical symptomatology of one or a combination of the seven recognized catastrophic disabilities.

#### 5A:6-7.3 Application

(a) Application by veterans shall be filed at any district office of the New Jersey Division of Veterans' Loans, Grants and Services. An application shall include:

1. A copy of DD 214 indicating induction into service;
2. Proof of New Jersey residency as indicated in N.J.A.C. 5A:6-7.2; and
3. A marriage certificate, if applicable.

(b) A certified marriage certificate will be submitted to the Division of Veterans' Loans, Grants and Services within one year of marriage when the marriage is subsequent to entitlement.

(c) An application for each catastrophic disability shall be filed separately in the event the veteran has more than one disability.

#### 5A:6-7.4 Entitlement awards

(a) Entitlement awards will be granted by the date the application was received in the district office of the Division of Veterans' Loans, Grants and Services.

(b) For each catastrophic disability, the award is \$750.00 annually.

#### 5A:6-7.5 Change of address within State

Changes of address within the State shall be submitted by the veteran within 30 days of the address change to the Division of Veterans' Loans, Grants and Services.

#### 5A:6-7.6 Change of address out-of-State

(a) Continuity of entitlement for a veteran receiving the entitlement who moves out-of-State shall be granted if the move was for reasons of the veteran's health or employment, pursuant to this section.

(b) A change of address shall be submitted to the Division of Veterans' Loans, Grants and Services within 30 days of address change.

(c) The following medical or employment documentation shall be submitted by a veteran moving out-of-State who wishes to continue his or her entitlement:

1. A doctor's statement indicating the disability and necessity for change of address; or
2. An employer's statement indicating the out-of-State position's title and date of hire.

(d) Entitlement awards shall be suspended by the New Jersey Division of Pensions for 90 days pending submission of documentation set forth in (c) above to the Division of Veterans' Loans, Grants and Services within 30 days of the effective date of the requested change of address.

(e) Retroactive payment shall be granted upon receipt of documentation as indicated in (c) above.

(f) Entitlement shall be terminated if documentation is not submitted as indicated in (c) above by the end of the 90-day suspension period.

(g) Entitlement without retroactive payment may be granted pending the filing of a new application as indicated in N.J.A.C. 5A:6-7.2 through 7.4.

(h) In states where substantially similar compensation is available pursuant to an act where the veteran establishes new residency, the veteran may elect to continue to receive the entitlement from the State of New Jersey to the exclusion of payment from that state.

(i) The Director of the Division of Veterans' Loans, Grants and Services shall notify the veteran in letter if similar compensation is available from the state to which the veteran moved. In the event that such state provides similar compensation and the veteran elects continued entitlement from the State of New Jersey, verification of non-receipt of similar compensation payments shall be provided by the veteran within 30 days.

(j) In the event a veteran visits friends or relatives out of State for more than 60 days, the veteran shall notify the Division of Veterans' Loans, Grants and Services within 30 days for continuity of entitlement. Out-of-State visiting for more than six months shall be considered an out-of-State address change. Continuity of entitlement shall be granted as indicated in (a) through (h) above.

#### **5A:6-7.7 Right to appeal**

A veteran, a veteran's representative or next of kin may appeal a decision for eligibility for entitlement within one year of notification of decision. The appeal will be in writing and submitted with any new and material evidence to the Catastrophic Program Specialist who will forward the request for reconsideration with all documentation to the Director, Division of Veterans Loans, Grants and Services, Department of Military and Veterans' Affairs for final determination. The Director will respond to the appeal with a final decision within 60 days. If the appeal is received subsequent to the one year appeal period, it will be considered a new claim.

#### **5A:6-7.8 Spouse Catastrophic Entitlement**

(a) Spouse Catastrophic Entitlement will be in accordance with the provisions of the application process, eligibility criteria, approval criteria and termination as they apply to the veteran as indicated in N.J.A.C. 5A:6-7.2 through 7.4.

(b) The procedure for a change of address within or to another state are the same as those for the veteran as indicated in N.J.A.C. 5A:6-7.5 and 7.6(a) through (j).

1. Entitlement will be granted to a spouse living out-of-State at time of application when the veteran was granted out-of-State entitlement prior to death.

2. In the event said spouse moves out-of-State to a state other than New Jersey, entitlement and retroactive payment shall be granted as indicated in N.J.A.C. 5A:6-7.6(a) through (h).

(c) Entitlement shall be granted for each catastrophic disability that the deceased veteran was granted prior to death or would have been granted had the veteran made application as indicated in N.J.A.C. 5A:6-7.4(b). Application for each catastrophic disability will be filed separately as directed in N.J.A.C. 5A:6-7.3(b).

(d) Eligibility shall be granted as of the date the application was received in a district office of the New Jersey Division of Veterans' Loans, Grants and Services in the event the veteran's death occurred prior to April 9, 1985.

## APPENDIX A

NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS  
DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES  
CONTRACT SERVICES AUTHORIZATION

1. CONTRACTOR INFORMATION				
A. Name of Contractor to provide services:			B. Provider #:	
C. Address of Service Provider and Phone Number:				
2. VETERAN INFORMATION				
D. Name of Veteran (Last, First, Middle):			E. Social Security #:	
F. Veteran Administration (VA) File Number:				
G. This Veteran/Client has been determined eligible for the following:				
H. I/We have informed the Veteran/Client of the following:				
(1) He/She is eligible for an initial three (3) visits for assessment. (2) If additional services are indicated, a treatment plan must be provided, to authorize continued contract services.				
3. RELEASE STATEMENT/INFORMATION				
I. The Provider must treat all personal records of applicants for and the recipients of contract services in accordance with all applicable Federal and State legislation and regulations, including Executive Orders, governing access to and confidentiality of records. With exceptions specified below, the Provider may not release or disclose records except to authorized personnel of the Provider, the State Agency or another appropriate unit, agency, or agent of State or Federal government which is approved by the State Agency for receipt of the information. Exceptions are as follows:				
(1) When release or disclosure is court ordered; (2) When the applicant or recipient gives prior written approval as to the information to be released or disclosed and the person(s) and/or agency(ies) to receive the information.				
4. AUTHORIZATION INFORMATION				
J. County:	K. Signature:	L. Title:	M. Date:	N. Telephone No.

NJDMAVA Form 50, 1 Feb 93 (Previous Editions are Obsolete)  
ORIGINAL: Central Office: YELLOW: VSO: PINK: Contractor; GOLD: Client

[G20,884]

