

Notice of Intent

Department of Veterans Affairs

Commission; Educational Aid; Veterans Homes; Assistance Fund (LAC 4:VII.Chapter 9)

Under the authority of R.S. 29:252-261, 288-290, 295, 381-391, R.S. 36:781-787, R.S. 42:17.2, and R.S. 46:121-123, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend Department of Veterans Affairs regulations, LAC 4:VII.Chapter 9.

The revisions are necessary to comply with statutes updated since 2019, the last time that the Department of Veterans Affairs promulgated new rules. The proposed updates repeal rules that are outdated or restate statutes; amend other rules for clarity and to conform with current legislation; add rules for the Veterans Affairs Commission and the Military Family Assistance Fund to conduct open meetings via electronic means; add rules regarding residency eligibility documentation for Title 29 educational benefits and for certain National Guardsmen and reserve components of the Armed Forces to be buried in state-run veterans cemeteries; and codify the appeal procedures for denials of Title 29 educational benefits and Louisiana National Guard disability benefits.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 9. Veterans' Affairs

Subchapter A. Veterans' Affairs Commission

§901. Office of the Secretary

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:781 and 783-786.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1015 (April 2012), repealed LR 50:

§903. Officers

A. The chairman and vice chairman of the commission shall be elected at the first meeting following the governor's appointment of the total commission or at the first meeting held following July 1 in even-numbered years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253 and R.S. 36:781.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012), LR 50:

§907. Meetings

A. The commission does not meet the criteria pursuant to R.S. 42:17.2 to be eligible to conduct open public meetings via electronic means because it does not conduct at least six regularly scheduled meetings in a calendar year. Nonetheless the commission is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

1. People with disabilities are defined as any of the following:

i. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

ii. a designated caregiver of such a person; or

iii. a participant member of the commission with an ADA-qualifying disability.

2. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

4. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253, R.S. 36:781, and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019), LR 50:

Subchapter B. State Educational Aid Program

§917. Eligibility

A. Application must be made through the Parish Veterans Service Office. In order to be eligible to receive educational benefits under R.S. 29:288 et seq., the following criteria must be met.

1. Any child applicant applying for these educational benefits must be not less than 16 nor more than 25 years of age, and marriage is not a bar to the program. Child applicants must meet the dependence requirements of the United States Department of Veterans Affairs pursuant to 38 CFR §3.57 and §3.204 through §3.211.

2. The spouse has no age limit but must use the benefit within 10 years of the date eligibility is established. Remarriage is a bar to this benefit. Dissolution of the remarriage does not re-establish eligibility. Program termination for a remarried surviving spouse will be the end of the semester in which the marriage takes place.

3. The eligible student must attend school on a full-time basis and maintain all academic and other enrollment standards established by the school.

4. The eligible student may attend any state college or university, including institutions under the jurisdiction of the Board of Supervisors of Community and Technical Colleges; all entrance requirements for such institution must be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:485 (October 1981), amended LR 13:743 (December 1987), LR 19:1565 (December 1993), LR 23:1685 (December 1997), LR 26:2211 (November 1999), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019), amended LR 50:

§918. Proof of Residency

A. To establish that a deceased service member or veteran resided in Louisiana for one year prior to entry into service, the applicant must present one of the following:

1. the death certificate of the deceased service member or veteran;
2. the deceased service member or veteran's DD-214 showing a Louisiana residence address as the home of record;
3. the deceased service member or veteran's Louisiana high school diploma or equivalent; or
4. the deceased service member or veteran's Louisiana high school, college, or university transcripts.

B. To establish that a deceased service member or veteran resided in Louisiana for two years prior to death, or that a living veteran has resided in Louisiana for two years prior to the applicant's admission into a program of education, the applicant must present the following:

1. At least three of the following documents that include the veteran's name and a Louisiana residence address:

- a. unexpired Louisiana driver's license or Louisiana special identification card issued two or more years ago;
- b. Louisiana voter registration card issued two or more years ago;
- c. Louisiana vehicle registration issued two or more years ago;
- d. homestead tax exemption forms for the past two years;
- e. Louisiana full time resident income tax returns for the past two years, signed and marked as received by the Louisiana Department of Revenue.

2. If the applicant cannot present at least three of the documents listed above, they must present two of the documents listed above and must provide copies of at least two documents in addition to those provided from the list above. The additional documents must include the veteran's name and a Louisiana residence address and must have been issued within the two years immediately preceding the applicant's admission into a program of education.

a. Examples of acceptable additional documents include:

- i. utility bills for two separate utilities (i.e., water, sewer, gas, electric, cable/satellite TV, internet, telephone/cell phone, or garbage collection) or other utility statements showing service in veteran's name at a Louisiana residence address;
- ii. federal income tax returns for the past two years, signed and marked as received by the IRS;
- iii. financial statements (i.e., bank/credit union account, investment account, credit card account, or loan/credit financing);
- iv. employment documentation (i.e., paycheck or paycheck stub, letter from your employer on company letterhead, W-2 for earnings issued, or military orders issued);
- v. health insurance statement or explanation of benefits (EOB) for a claim or a health care bill/invoice;
- vi. Social Security documentation (i.e., Social Security Annual Statement, Numerical Identification System record, or Social Security check);
- vii. homeowners or renters insurance policy or premium bill;
- viii. mortgage, payment coupon, deed, escrow statement, or property tax bill;
- ix. auto insurance policy;

- x. unexpired firearms license (gun permit);
- xi. current, valid lease agreement and rent payment receipts for a home or apartment.

C. Residency is defined as the veteran's full-time physical presence in a Louisiana household.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 50:

§925. Appeals

A. Any applicant for educational benefits who was not issued a tuition exemption certificate may request an appeal of the department's decision by filing a written request for review of the decision by the secretary of the Department of Veterans Affairs or his designee.

B. Written requests for appeal must be filed with a veterans assistance counselor within 30 days from the notice of denial and must contain the name and mailing address of the applicant, the name and Louisiana residence address of the deceased service member or veteran, a clear statement of the reasons for the appeal, and any documents supporting the reasons for appeal.

C. A written decision will be issued by the secretary or his designee. This decision shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:

Subchapter C. Veterans' Homes

§937. Admission Requirements

A. For admission to a state-run veterans home, a veteran deemed eligible under Title 38 of the U.S. Code, spouse of a veteran, or gold-star parent must be a resident of Louisiana. State residence is not mandatory if applicant is referred from an in-state United States Department of Veterans Affairs Medical Center, or by a Louisiana Department of Veterans Affairs veterans assistance counselor. The veteran must be recommended by the home administrator and approved for admission.

B. ...

C. The applicant must undergo a medical examination prior to admission and, as a result, it must be confirmed that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of the other residents or employees.

D. The applicant must consent to abide by all rules and regulations governing the home and to follow the course of treatment as prescribed by the home's medical staff.

E. The applicant, or party responsible for his/her financial matters, must agree to pay the full resident care and maintenance fee. The administrator, with authorization from the secretary, may waive or defer any charge that exceeds the applicant's income.

F. An applicant for admission to the veteran home must disclose all pending criminal charges and all past felony convictions. The facility may consider the applicant's criminal background as part of its determination of whether to admit the applicant. An applicant who is required to register as a sex offender shall not be eligible for admission into the home.

G. A spouse is no longer eligible for admission if divorced from the veteran. A widow or widower is eligible for admission unless or until they remarry someone who is not a veteran.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 13:570 (October 1987), LR 18:269 (March 1992), LR 21:801 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019), LR 50:

§943. Nursing Care Resident Fee

A. Patients will be allowed to retain the first \$90 per month for personal spending and appropriate deduction(s) for any legal dependent(s). All remaining income must be applied to the care and maintenance fee until maximum care cost is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 28:2509 (December 2002), LR 50:

Subchapter D. Military Family Assistance Program Fund

§961. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011), amended LR 45:1590 (November 2019); repealed LR 50:

§963. Construction of Regulations; Severability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011); repealed LR 50:

§965. Definitions

Application—a written request for financial assistance from the Military Family Assistance Fund made on the form captioned Military Family Assistance Fund Application, together with documents related thereto.

Approval Authority—the third party administrator for all need-based claims of \$1500 or less; the fund committee for all need-based claims of greater than \$1500 up to \$2500; and the board for all need-based claims of greater than \$2500. The fund committee and the board are the approval authority for all claims for one-time lump sum payments and all claims appealed by an eligible applicant.

Board—the Louisiana Military Family Assistance Board.

Claimant—an eligible applicant.

Eligible Applicant—activated military person, honorably discharged military person, or a family member of activated military person as defined in R.S. 46:121.

Family Member of Activated Military Personnel—the primary next of kin or an immediate family member.

Final Appeal—an appeal to the Louisiana Military Family Assistance Board.

Fund Committee—the committee comprised of three board members appointed by the chairman of the board to assist in administering the Louisiana Military Family Assistance Fund which committee shall also serve as an appellate body for all claims of \$1500 or less before a final appeal is made to the full board.

Immediate Family Member—with respect to an activated military person:

1. spouse;
2. a natural child, adopted child, step child, or illegitimate child, if acknowledged by the person or parenthood has been established by a court of competent jurisdiction, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child;
3. any other person claimed as a dependent on the federal income tax of the activated military person;
4. a biological or adoptive parent, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored;
5. a brother or sister of the person, if such brother or sister has attained the age of 18 years; or
6. any other person, if such person was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

Outreach—activities directed at improving or strengthening veteran initiatives, activities or problems.

Third Party Administrator—the Louisiana Department of Veterans Affairs Benefits Division, or a designee of the Secretary of the Louisiana Department of Veterans Affairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1590 (November 2019); LR 50:

§967. Eligibility

A. The approval authority may, in its sole discretion, waive the requirement to seek assistance from other available sources when unusual or exigent circumstances make such application impractical or unlikely to produce results in a timely manner or when the applicant shows that the circumstances are such that other potential sources of funds are inapplicable to the particular circumstances.

B. Requests for assistance from the Military Family Assistance Fund shall not be bifurcated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019), LR 50:

§969. Application Process

A. - A.6. ...

7. If an individual other than a spouse acts on behalf of an eligible applicant in preparing and submitting the application, a signed, written statement by the applicant or a copy of a fully executed power of attorney authorizing the individual preparing and submitting the application to act on the eligible applicant's behalf must be submitted as an attachment to the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019); LR 50:

§975. Minimum Funding Levels; Reserve Level; Calculation of Funds Available for Payment of One-Time Lump Sum Awards

A.-B. ...

C. For each fiscal year, the maximum percentage of the Military Family Assistance Fund that may be directed to one-time lump sum awards shall not exceed 20 percent. This percentage shall be based on the amount of funds on deposit in the Military Family Assistance Fund as of the first day of the fiscal year.

D. Award amounts directed to transportation and other related costs of activated military personnel shall not exceed 30 percent of the funds on deposit in the Military Family Assistance Fund on the first day of the fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011); amended LR 50:

§977. Third Party Administrator

A.-D. ...

E. For all need-based applications received, regardless of the dollar amount of the request, the third party administrator shall make a determination on the following issues:

1. that all awards are on behalf of activated military personnel or honorably discharged military personnel as defined in R.S. 46:121;

2.-3.a. ...

b. the necessary expenses created or will create an undue hardship on the activated military person, family member of the activated military person, or the honorably discharged military person;

c. the activated military person, family member of the activated military person, or the honorably discharged military person does not have reasonable and timely access to any other funding source;

d. payment of the claim does not supplant other available public or private funds; and

e. the activated military person, family member of the activated military person, or the honorably discharged military person has made reasonable attempts to secure alternative funding through another program, recognizing that the approval authority in its discretion accorded under these rules may waive the requirement for that applicant to have sought this alternative funding.

F. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011), amended LR 45:1592 (November 2019); LR 50:

§979. Fund Committee

- A. ...
- B. Repealed.
- C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011); amended LR 50:

§981. The Board and Chairman of the Board

- A. - C. ...
- D. Repealed.
- E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011); amended LR 50:

§982. Meetings of the Board

- A. The board meets criteria pursuant to R.S. 42:17.2 to be eligible to conduct open public meetings via electronic means.
- B. At least 24 hours prior to a meeting conducted via electronic means, the board shall post the following on the Louisiana Department of Veterans Affairs' website at vetaffairs.la.gov:
 - 1. meeting notice and agenda; and
 - 2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.
- C. Given that the board assists military families, there is no limitation as to the number of successive meetings via electronic means that may be conducted.
- E. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website at vetaffairs.la.gov on an annual basis.
- F. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at vetaffairs.la.gov.
- G. The board shall provide for participation via electronic means on an individualized basis by people with disabilities.
- H. People with disabilities are defined as any of the following:
 - 1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
 - 2. a designated caregiver of such a person; or
 - 3. a participant member of the board with an ADA-qualifying disability.
- I. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

L. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:

§983. Appeals

A. The fund committee shall sit as a board of appeals for the third party administrator's disapproval of all or any part of a need-based application for \$1500 or less. An eligible applicant may appeal the third party administrator's disapproval of a request for assistance within thirty days of the receipt of the written determination disapproving the claim. The request for an appeal must be made in writing to the third party administrator.

B.

C. The board shall sit as a board of appeals for the fund committee's disapproval of all or any part of a need-based application for greater than \$1500 up to \$2500. An eligible applicant may appeal the fund committee's disapproval of claim to the board within 30 days of the receipt of the written determination disapproving the claim. The request for an appeal must be made in writing to the third party administrator.

D. ...

E. The decision of the board on a request for assistance shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011); amended LR 50:

§987. Waivers

A. ...

B. Once a claim is approved, the identity of the eligible applicant, related activated military personnel or honorably discharged military personnel, and any person filing the application on behalf of the eligible applicant, and the amount approved shall be public record.

C. Applications, the identity of applicants and their related military personnel or honorably discharged military personnel, and all records of the board, the fund committee and the third party administrator related thereto, shall be available prior to any approval of the application, to necessary parties including but not limited to, the legislative auditor, the legislative oversight committee for rules and annual reports, and such other parties as necessary for prudent administration of the Military Family Assistance Program and verification of elements of the application.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1611 (June 2011), amended LR 45:1592 (November 2019); LR 50:

Subchapter E. Veterans' Cemeteries

§990. Fee Waivers

A. The secretary of the department may waive all or part of the fee charged under R.S. 29:295 or §992 of this Chapter for burying veterans, spouses or dependent children in Louisiana

veterans' cemeteries if unusual financial circumstances or hardships exist. Family members who believe they have unusual financial circumstances or hardships may request relief and consideration of a waiver of the burial fee. Family members may apply for a waiver through the cemetery director. If no family members are available, the cemetery director may request a waiver on behalf of the deceased veteran, spouse or dependent child. The application must include appropriate documentation to support a finding that an unusual financial circumstance or hardship exists. If the cemetery director determines that the application and supporting documentation reflect that an unusual financial circumstance or hardship exists, then the director will forward the request with an appropriate recommendation to the secretary for approval or disapproval to waive the fee in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 45:1592 (November 2019); amended LR 50:

§992. Burial Eligibility for Members of the Louisiana National Guard, Reserve Components of the Armed Forces, and Their Dependents

A. Pursuant to Louisiana R.S. 29:295(E) and 38 U.S.C. 2408, the following deceased members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces, and their dependents are eligible for burial in veterans cemeteries operated by the Department of Veterans Affairs.

1. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who was a Louisiana resident at the time of death and who was discharged or released from federal and state service under conditions other than dishonorable, as shown by a discharge certificate or NGB 22.

2. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who was a Louisiana resident at the time of death and whose death occurs under conditions other than dishonorable while a member of the Louisiana National Guard or the reserve component.

3. Any spouse, minor child, or unmarried adult child of any member described above. The spouse, minor child, or unmarried adult child must be a Louisiana resident at the time of death.

a. Spouse includes a surviving spouse who subsequently remarries.

b. Minor child means an unmarried child under 18 years of age.

c. Unmarried adult child means a child who became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

B. The person applying for burial of an eligible member of the Louisiana National Guard, reserve component of the Armed Forces, or their dependent is responsible for providing documents with the application that verify eligibility.

C. For members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces eligible for burial pursuant to Subsection (A)(1) and (2) of this Section, the cost of burial shall be the cost of a headstone or marker and the amount of a burial plot allowance established by the United States Department of Veterans Affairs, according to 38 U.S.C. 2303(b)(1) and (c), for veterans who are eligible for burial in a national cemetery. If funds have

not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of burial, the applicant shall pay the cost of burial prior to interment.

D. For spouses, minor children, and unmarried adult children eligible for burial pursuant to Subsection (A)(3) of this Section, the cost of burial shall be the amount set by R.S. 29:295(C), and shall be paid by the applicant prior to interment. If funds have not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of a headstone or marker for spouses, minor children, and unmarried adult children, the applicant shall also pay the cost of a headstone or marker prior to interment.

E. If a headstone or marker must be reordered due to incorrect information provided by the applicant, the applicant shall pay the cost of a replacement headstone or marker.

F. To establish that the residency requirement has been met, the applicant must present at least three of the following documents that include the veteran's name and a Louisiana residence address:

1. unexpired Louisiana driver's license or Louisiana special identification card;
2. Louisiana voter registration card;
3. Louisiana vehicle registration;
4. homestead tax exemption form;
5. Louisiana full time resident income tax return (signed and marked as received by the Louisiana Department of Revenue).

G. If the applicant cannot present at least three of the documents listed above, they must present two of the documents listed above and must provide copies of at least two documents in addition to those provided from the list above. The additional documents must include the decedent's name and a Louisiana residence address and must show the decedent lived at a Louisiana residence address at the time of death (i.e., utility bills, federal income tax returns, lease agreement or mortgage statement, or employment documentation).

H. This Section does not apply to veterans who qualify for burial in national veterans cemeteries as provided in 38 U.S.C. 2402 and 38 C.F.R. 1.620 and therefore qualify for burial in a veterans cemetery pursuant to R.S. 29:295.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:295(E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:

Subchapter F. Louisiana National Guard Disability Benefits

§995: Appeals

A. Any applicant for disability benefits pursuant to R.S. 29:26.1 who was denied may request an appeal of the department's decision by filing a written request for review of the decision by the secretary of the Department of Veterans Affairs or his designee.

B. Written requests for appeal must be filed with the secretary of the Department of Veterans Affairs or his designee within 30 days from the notice of denial and must contain the name and mailing address of the applicant, a clear statement of the reasons for the appeal, and any documents supporting the reasons for appeal.

C. A written decision will be issued by the secretary or his designee. This decision shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:26.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Lani B. Durio, Executive Counsel, Department of Veterans Affairs, 602 N. 5th Street, Baton Rouge, Louisiana 70802 and must be received no later than 4 p.m. on Monday, December 11, 2023. All written comments must be signed and dated.

Joey Strickland
Secretary