

ORDINANCE VII-I
 VETERAN'S AFFAIRS ORDINANCE

#42

Title. An Ordinance Prescribing the Veterans Assistance Program in Jasper County, Iowa.

Be It Enacted by the Board of Supervisors of Jasper County, Iowa:

SECTION 1. Categories. There shall be two (2) categories of veterans assistance in Jasper County, Iowa. They are:

1. Emergency assistance for indigent veterans.
2. Assistance of any extended nature.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Veteran" means a person who was discharged from United States military service under honorable conditions and has served on active duty during the following wars and within and including the date set forth:
 - a. World War I - April 6, 1917 to November 11, 1918.
 - b. World War II - December 7, 1941 to December 31, 1946.
 - c. Korean War - June 25, 1950 to January 31, 1955.
 - d. Vietnam Conflict - August 5, 1964 to May 7, 1975.
2. "Indigent Veteran" is a veteran or the family unit of that veteran who is domiciled in Jasper County, Iowa, who has some means but who, because of circumstances which are not attributable to that veteran, needs immediate assistance.
3. "Assistance" means food, toiletries, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights, and medical attention. Food does not include cigarettes, alcoholic beverages, laundry soap, household cleaners, and other items of non-food nature used for personal hygiene. "Assistance" also included provisions of any of the above items of assistance by the commission through the offering of residence at a care facility. "Assistance" shall also include the burial of indigent veterans, whether resident in this county or not, in an amount established by the Board of Supervisors.
4. "Net Worth" includes income or monies from any source, monies due, savings, and other deposits, stocks, bonds, real estate (other than homestead), cash value of life insurance policies, and the value of other real and personal property.
5. "Family Unit" means the individual veteran applying and all members of the immediate family including spouse and minor children not over eighteen (18) years of age who are dependent upon the veteran for food, care and shelter and who reside with the veteran as a family unit member. In case the veteran is deceased 'family unit' shall mean the veteran's surviving spouse who has not remarried, and all members of the immediate family including minor children of the deceased veteran not over eighteen (18) years of age who are dependent upon the surviving spouse for food, care and shelter and who reside with the surviving spouse as a family unit member.
6. "Liquid Assets" means cash on hand of the veteran and members of the family unit.
7. "Awaiting Approval and Receipt" means an indigent veteran who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had

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8. The use of the term "Commission" shall mean the Jasper County Commission of Veterans Affairs and/or its Director.

SECTION 3. Application Requirements. In applying for benefits, the veteran must submit to the Commission with the application, the following:

1. DD Form 214 - "Report of Separation from the Armed Forces".
(Request that the veteran have his or her discharge recorded in the County Recorder's Office when requesting benefits.)
2. Certificate of Marriage, if applicable.
3. Child or children's birth certificate(s), if applicable and for those under eighteen years of age.
4. Social Security card.

In lieu of a Certificate of Marriage, children's birth certificate(s), and a Social Security card, the veteran may provide a copy of his or her latest federal income tax return showing the same information. However, when application is made by a surviving spouse, a Certificate of Marriage must be submitted with birth certificates of any minor children claimed as the veteran's. See Exhibit "A" attached for common law marriage guidelines.

SECTION 4. Form. The assistance shall be purchased by voucher form directly from the supplier by the applicant or the family unit. It may be one or more of the items of assistance that can be provided.

SECTION 5. Eligibility of Indigent Veterans.

1. Emergency assistance is to be provided an indigent veteran who is in need of immediate assistance, cannot obtain sufficient assistance from any other source, and whose income or benefits from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of assistance that can be provided.
2. Assistance may be granted to veterans who are eligible for, and are awaiting approval and receipt of, benefits under programs provided by state or federal laws, or whose actual needs, as defined within the limitations imposed by this Ordinance, cannot be fully met by the assistance furnished under such programs.
3. Assistance, other than emergency, shall not be available until a period of two (2) weeks has elapsed from a veterans last pay period. If a veteran voluntarily terminates his or her employment without good cause attributable to the employer no assistance shall be provided. If a veteran has been involuntarily terminated from employment he or she shall be required to register with Job Service of Iowa for work and unemployment compensation.
4. Veterans receiving assistance shall apply for Veterans Pension, and Social Security benefits where applicable. Failure to do so shall result in termination of assistance.
5. Assistance for planned hospitalization for a veteran or the family unit members will be provided only if the Veterans Affairs

Office is notified no later than twenty four (24) hours prior to the "planned" hospitalization, and then only if assistance from Title 19, Hills-Burton Act, University of Iowa Hospital, Veterans Hospital etc., is not available or advisable by the attending doctor. Hospitalization on an emergency basis will be assisted by this office. However, when it is medically permissible to transport, the veteran will be moved to the V.A. Hospital, and members of the Veteran family transported to the University of Iowa Hospital. The attending doctor may call for the authorization from either hospital. This office should be notified of this emergency hospitalization within a reasonable length of time.

SECTION 6. Level of Benefits. The maximum level of benefits to be provided for each item of assistance for each veteran or that veteran's family unit shall be:

1. Food, if food stamps have not been received, will be \$18.00 for the veteran with an additional \$10.00 being allowed for each additional member, per 7 days.
2. Toiletries, will be \$5.00 for the veteran, with an additional \$2.50 being allowed for each additional member, per month.
3. Rent and/or shelter shall be \$135.00 for the single, \$165.00 for two persons and for three or more, the maximum shall be \$250.00 per month. No assistance will be provided for car payments, insurance, taxes, deposits, loan payments (other than house payments) or escrow funds.
4. Clothing, the reasonable value of clothing actually needed if not available from other sources, such as the Clothing Closet and the Salvation Army.
5. Utilities--All Veterans requesting assistance, shall apply for the Fuel Assistance Program. All utilities paid for by this office shall be for the current amount. No back bills, sales tax or deposits shall be paid. Fuel Oil or L.P. Gas shall not exceed 200 gallons per month. No telephone bills or air conditioning expenses will be paid, unless there is a letter from a Doctor stating the need for same. Only half of the Electric bill in the summer without a letter from a doctor will be paid.
6. Transportation expenses, including gasoline, as needed to obtain other V.A. benefits or to seek employment, provided that proof of application for benefits or employment is provided to the Commission.
7. Nursing Home Assistance--A veteran or a member of the family unit shall be allowed assistance for that portion of his or her monthly bill, which is in excess of their income, but not to include the first \$25.00 which should be reserved for personal needs. The Veteran or member of the family unit must make application for Title 19 or V.A. Aid and Attendance benefits prior to placement in a State approved nursing home, in order to be considered for this assistance.
8. The Veterans Affairs Office will assist funeral directors in our county by supplying them with necessary forms and acquiring grave registration forms. Suitable grave markers to the deceased veteran's family may be furnished upon request. Lost or stolen markers may be purchased at County cost from this office with check being made payable to the County Auditor and presented to this office.
9. Burial Benefits--May be paid in an amount not to exceed \$400.00 subject to the approval of the Commissioners and the Board of Supervisors.
10. The Veterans Affairs Office shall also assist veterans in matters of securing from the V.A., Social Security, schooling, job service and food programs by directing the veteran to the proper agencies and/or assisting them in filling out forms pertaining to their needs.

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BOOK 869 PAGE 69

11. Where the inability to pay is proven, and the need exists, assistance in transporting the veteran to the V.A. Hospital by ambulance is available, however, the need must be verified by the attending doctor.

The total amount for all of the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the veteran or the family unit have available and the balance remaining is the amount of assistance the indigent veteran is to receive.

SECTION 7. Requirements for Receiving Relief by a Needy Veteran. An indigent veteran who is physically and mentally able for work, who is not needed in the home to care for minor children, shall immediately register for employment with Job Services of Iowa and otherwise actively seek employment. The indigent veteran shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Job Services of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the indigent veteran from receiving future benefits. The indigent veteran may be required to provide reasonable proof that employment is being actively sought.

SECTION 8. Assistance of an Extended Nature. It is contemplated that items of assistance to be provided to indigent veterans or their family unit will not, during any one consecutive period of time, exceed six (6) months. If it appears that items of assistance should be provided continuously beyond this six (6) month period, they may be provided by placement in the County Care Facility, if available, unless it is determined by the Commission that it is better for the family unit of the indigent veteran to continue to receive items of assistance on a month-to-month basis. Any extension beyond this six (6) month period must be approved by the Commission and reviewed each six (6) months thereafter, unless earlier brought before the Commission for review by the Director.

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869

474

BOOK 869 PAGE 644

SECTION 9. Application for Assistance. Applications for assistance shall be submitted by indigent veterans to the commission at the Veteran Affairs Commission Office in Newton, Iowa, during usual business hours upon forms provided by the Commission. If, because of undue hardship, an indigent veteran cannot come to the Commission Office, the Commission shall mail such veteran an application form or deliver to such veteran the application. If the applicant or the family unit is or appears to be eligible for assistance from any other federal, state, or local source, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. It is the obligation of each veteran applying to establish eligibility for any category of veterans assistance and need for any item of assistance. If requested, the veteran applying shall provide the Commission with a verified statement of net worth, the latest Federal income tax return, medical reports, medical authorization, and anything else requested by the commission that bears upon the veterans eligibility and need for assistance. The Commission may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Commission shall also receive anything that the veteran applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Commission shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Commission shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

SECTION 10. Initial Determination.

1. The Commission shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon the determination, the Commission shall notify the applicant by telephone immediately, if possible, otherwise within two (2) working days after the determination, mail the applicant at the last address shown on the application, by ordinary mail, the Commission's written decision showing the reasons for determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.
2. If the Commission cannot make the initial determination within three (3) working days, the Commission shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Commission shall also mail to the applicant, by ordinary mail, within two (2) working days thereafter, the Commission's written decision showing the reasons why such determination could not be made.
3. If an applicant has been previously found eligible, the Commission need not receive a new application, but may proceed to a determination of whether or not current policy applies. Re-Recorded

- and mailing of such determination shall be as provided above. If any emergency and immediate need is present, the Commission may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Commission shall inform the applicant and issue a written decision as provided above.
4. Whenever an applicant is found eligible and entitled to assistance, the Commission shall proceed to provide the same and notify the Board of Supervisors on a monthly, quarterly and annual basis.

SECTION 11. Appeal.

1. Every applicant, whether relief is denied in whole or in part, shall be informed in the Commission's written decision of the applicant's right to appeal from such decision. The applicant shall be informed of the method and time by which an appeal may be taken.
2. Any written appeal or communication to the Commission or to the Director, by or on behalf of an applicant requesting appeal shall be accepted by the Commission or the Director. This appeal must be made within ten (10) days of the date of the decision, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail of the time and date of the hearing on appeal. Applicant and his or her attorney, upon written authorization, should be granted access by the Commission to his or her case file if requested.
3. If the Director made the decision from which the appeal is taken, the appeal shall be to the Commission itself. An agenda for the appeal before the Commission shall be made and posted as required by Iowa Code Chapter 28A. The appeal shall be heard before the Commission at its next regular monthly meeting provided that the appeal shall not be heard sooner than five (5) days after appeal has been taken. If the Commission's regular monthly meeting is scheduled more than ten (10) days beyond the date appeal is taken, the Commission shall meet specially for the appeal between the fifth and the tenth day after the appeal is filed. Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983), because the identity and particulars of the case are confidential under Iowa Code Section 250.10 and 250.12 (1983).
4. If the Commission made the original decision from which the appeal is taken or if further appeal is taken from the Commission's decision on appeal, it shall be to the Board of Supervisor's Agenda in accordance with Iowa Code Chapter 28A for the next regular board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. Any appeal before the Board shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983) because the identify and particulars of the case are confidential under Iowa Code Section 250.10 and 250.12 (1983).

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SECTION 12. Appeal Hearings.

1. Applicant's appeal shall be heard 'de novo' at the time scheduled

in the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal, including testimony, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Commission or Board may set reasonable times for the presentation of the parties at any appeal. The Applicant's file shall be admitted into evidence. The Commission or Board may question the applicant. On an appeal before the Board, the Commission shall present the Board with the reasons for its determination. The appeal will be tape recorded. When the Commission or Board deliberates on the appeal, no parties shall be present.

2. The Commission or Board shall make a decision on the appeal within five (5) working days. The decision shall be only on the basis of the evidence submitted. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the applicant shall be mailed at his or her last known address, the decision in writing. The decision shall state the reasons for action, together with any statute or ordinance applied.

SECTION 13. Actions of the Commission and Board. In the event the Commission, in reviewing the actions of the Director, or the Board in reviewing the actions of the Commission, questions any allowance of assistance benefits, it shall not take action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant has taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director to the Commission.

SECTION 14. Modification of Benefits. The Commission may, with the approval of the Board of Supervisors by resolution, modify any benefits or assistance to be received by a veteran or family unit member.

SECTION 15. Repealer. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 16. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part hereof not adjudged invalid or unconstitutional.

SECTION 17. Effective Date. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Exhibit "A"

"The elements and conditions necessary to establish the existence of a common-law marriage have been outlined by Iowa law as:

1. intent and agreement the present time as to marriage on the part of both parties together with continuous cohabitation and public declaration that they are husband and wife;
2. the burden of proof is on the one asserting the claim;
3. all elements of relationship as to marriage must be shown to exist;
4. a claim of such marriage is regarded with suspicion, and will be closely scrutinized;
5. when one party is dead, the essential elements must be shown by clear, consistent and convincing evidence."

Items that could be used to prove the marriage would be:

1. Anything showing that the woman used the man's last name.
(i.e. drivers license.)
2. Use of a joint checking account.
3. Joint ownership of property, including the automobile (check the registration).
4. Jointly held charge accounts.

PASSED AND APPROVED THIS 2nd DAY OF JULY, 1985.

Jeanne Bridenstine

CHAIRPERSON JEANNE BRIDENSTINE
JASPER COUNTY BOARD OF SUPERVISORS

SEAL OF FAITHFULNESS:
Marlena Ray
DEPUTY COUNTY AUDITOR
MARLENA RAY
JASPER COUNTY

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BOOK 869 PAGE 649