



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #04-61-ELI

VIETNAM VETERAN BENEFIT PAYMENT DISREGARDS

Date: March 31, 2004	Subtopic(s): Regulations Changes
This procedure can now be accessed on the FIAweb.	<p>The purpose of this policy bulletin is to inform staff of two changes in regulations concerning the disregard of certain Veterans Administration (VA) benefits received by Vietnam veterans. The changes are effective retroactive to December 10, 2003.</p>
VA Payments for disabilities resulting from Spina bifida	<p>Currently, for Temporary Assistance for Needy Families (TANF) cases, VA payments to Vietnam veterans' natural adult or minor children for any disability resulting from spina bifida are excluded as income and resources when determining eligibility or degree of need for Public Assistance. A change in regulation now extends the exclusion of these VA payments to include Safety Net Assistance (SNA) cases.</p>
VA Payments for covered birth defects	<p>A second change extended to SNA and TANF cases involves VA payments for covered birth defects to or on behalf of the adult or minor biological children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975. These VA payments are disregarded as income or resources in determining eligibility or degree of need for SNA and federally funded public assistance benefits.</p>
Food Stamp/Medicaid Implications	<p>A covered birth defect is defined as any birth defect identified by the Veterans Administration that is associated with the service of female Vietnam veterans during the above period that resulted in or may result in a permanent physical or mental disability.</p> <p>The VA payments referred to above are also excluded as both an income and resource when determining eligibility for Food Stamps and/or Medicaid/Family Health Plus.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
 Call 718-557-1313 then press 2 at the prompt followed by 765 or
 send an e-mail to *FIA Call Center*

If the household is currently being budgeted for these types of VA payments, the income must be removed and the household must be supplemented for PA and FS benefits retroactive to December 10, 2003.

If the household reports the receipt of VA payments or this income is discovered via a computer match, the Worker must determine if the payment is for a disability resulting from spina bifida, or a covered birth defect to or on behalf of the adult or minor biological child of a female Vietnam veteran who served in Vietnam during the periods mentioned above. If it is determined that the income is to be excluded, no further action is required.

Effective Immediately

References:

18 NYCRR 352.22(ab)
18 NYCRR 352.22(ac)
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