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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-21

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: August 18, 1993

SUBJECT: Utilization of Veteran's Benefits as a Resource

SUGGESTED
 DISTRIBUTION: Public Assistance Staff
 Food Stamp Staff
 Medical Assistance Staff
 Staff Development Coordinators

CONTACT
 PERSON: Call 1-800-342-3715
 Public Assistance: Mark Schaffer, extension 4-9346
 Food Stamps: County Representative, extension 4-9225
 Medical Assistance: Wendy Butz, extension 3-6111

ATTACHMENTS: Attachment I - State/County Listing of Veteran
 Centers - not available on-line
 Attachment II - DSS-2640 Request for Action/Services
 not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
87 ADM-36		350.7 351.2(e) 360-2.3(c) 360-6.3 387.9(b) 387.10(b)(2) 395		PASB XX-C XXI-L-all FSSB XII-C-1 XII-G-7	

I. Purpose

The purpose of this administrative directive is to remind social services districts (SSDs) of the requirement that veterans and/or their dependents, as a condition of Public Assistance (PA) and Medical Assistance (MA) eligibility, must explore and utilize all available veterans benefits. Veterans and their dependents must now agree to be referred to a state or county veterans office so that their eligibility for veterans related benefits can be assessed.

II. Background

Effective June 16, 1992, a new section 354-a was added to the New York State Executive Law. The law requires that SSD staff ask clients if they are veterans or if they served in the military and advise those who identify themselves as veterans that the Division of Veterans' Affairs and local veteran's services agencies provide assistance to veterans regarding benefits under State and Federal law. Historically, public assistance applicants/recipients have been required to explore potential resources to ascertain their immediate and/or potential availability to remove or reduce the need for public assistance. To be eligible for MA, the MA-only applicant/recipient must pursue any potential income and resources that may be available.

Veterans may be eligible for benefits based upon their military service. The benefits include pensions, disability compensation, health care, education benefits and vocational rehabilitation and training. Additionally, the families of veterans may be entitled to certain benefits.

III. Program Implications

This policy requires that all veterans and their dependents, as a condition of public assistance eligibility, comply with referrals to their respective veteran's office. By requiring that veterans explore their eligibility for veteran related benefits, a cost savings can be realized by SSDs and the State because the veteran may be entitled to benefits of which they were unaware.

IV. Required Action

A. Public Assistance

At the time of application or the next client contact, SSD staff must ask applicants or recipients, if they have not already done so, if they are veterans or if they served in the military. Military service includes service in the Army, Navy, Marine Corps, Air Force or Coast Guard.

If an applicant or recipient indicates that he or she has served in the military, that individual must be advised that he or she may be eligible to receive certain benefits based upon military service. As a condition of public assistance eligibility, that individual must go to the appropriate veterans agency as listed in the county roster (Attachment I) for evaluation. The DSS-2640 Request for Action/Services (Attachment II) can be used as the referral document. Failure of the individual to comply with the referral to the veterans agency will result in ineligibility for the individual and his or her entire public assistance household.

B. Food Stamps

Applicants or recipients not already in receipt of veteran's benefits, with a potential for eligibility for these benefits, should be encouraged to apply for this resource. Districts should assist veterans and/or dependents in applying for potential benefits.

There is no authority in Federal or State law or regulations relating to food stamps to deny, terminate or decrease food stamps if an individual fails to collect available veterans benefits.

C. Medical Assistance

1. Procedures

When an MA-only applicant/recipient indicates that veteran related benefits may be available (Page Four of the DSS-2921 Application for: Public Assistance - Medical Assistance - Food Stamps - Services and Page Twelve of the DSS-3174 Recertification for: Public Assistance - Medical Assistance - Food Stamps) at the time of application/recertification, the eligibility worker must advise the individual of the potentiality of benefits available through Veterans' Affairs (VA). If the answer to the veterans related benefits question on the application is No, the eligibility worker should clarify that such individual has not had military experience in the Armed Forces of the United States or as a merchant seaman.

The SSD must require, as a condition of MA eligibility, that the applicant/recipient who indicates he or she has served in the military, file for benefits at the appropriate State/Local VA office (See Attachment I). The DSS-2640 Request for Action/Services (Attachment II), can be used as a referral document. Whether these referrals are in writing or by telephone, notation must be made and kept as part of the case record. (Please see 87 ADM-36,

"VA Benefits: Maximization of Benefits Available to Nursing Home and Health Related Facility Patients," for additional information if the applicant/recipient is in a nursing facility.)

NOTE: For MA purposes, eligibility for family members cannot be denied on the basis of an individual's failure to file for veterans benefits.

2. Medical Care Available Through VA in Relation to Freedom of Choice

The freedom of choice provision found in Section 360-6.3 of Department Regulations, allows MA recipients the same opportunities to choose among available providers of covered care and services as offered to the general population. While the VA offers a wide range of services which include medical care, e.g., Veterans' Facilities, under the freedom of choice provisions, individuals cannot be required to utilize medical care determined available through the VA over other public or private facilities.

V. Systems Implications

It is recommended that upstate SSDs use one of the following Anticipated Future Action (AFA) codes to track the veteran's original referral or inquiry for follow-up :

- 413 - Date of Expected Availability of Resource
- 409 - Receipt of Anticipated Income
- 328 - Follow-up on Referral

VI. Effective Date

This ADM is effective September 1, 1993 retroactive to June 16, 1992.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security