

**Helpful Information
For Veterans
and for
Those Who Assist Them**

**A service provided by the Veterans Advisory Council at the
VA Medical Center in Salt Lake City, Utah
The VAC**

March 2024

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Helpful Information For Veterans and Those Who Serve Them

Provided by the Veteran Advisory Council on Mental Health-
The VAC. The Veterans Mental Health Council (VMHC)

A Veteran Run Mental Health Consumer Council

The enclosed Information Sheets have been prepared for Veterans, VA Staff and other interested members of the community who may be looking for ways to maximize Veteran services at the VA Medical Center in Salt Lake City.

At times, it may be difficult to find the right way to access VA Services or benefits; sometimes it is hard to identify the right contact to access services or to even understand the services that are available to Veterans. The information here may be useful in understanding how to find and access those specific services.

These information Sheets may be especially useful to those new to the Salt Lake City, VA Medical Center or who are new to VA benefits.

The Veteran Advisory Council (VAC) is an independent Consumer Council recognized by the Salt Lake City VA Medical Center (VAMC), and has as its mission to help Veterans receive the best care available from the VA and its two main services- The Medical Center (VHA health care) and the VA Benefits (VBA) office in the VA Regional Office (VARO).

If you would like to visit one of our meetings feel free to drop in and give us a visit on any Friday at 11:00am in Bldg. #16, Deer Creek Room.

Contact Dr. Bob Banz, liaison to the VAC for additional information on VAC activities or concerns (801) 582-1565 ext. 2729

Suicide Prevention / Crisis intervention

Courtesy of the Veterans Advisory Council on Mental Health

The “SAVEE” Method of crisis intervention

A suggestion on what you can do in the event that you have the opportunity to talk to someone experiencing a Suicidal Crisis

Anyone can help a person contemplating Suicide or experiencing crisis:

Remember the word SAVE and be ready to act on the suggestions when needed:

S- SIGNS, watch for signs that might suggest someone is in distress, i.e., depressed , moody, just received bad news, etc. If you suspicion suicidal thoughts then--

A- ASK the individual if they are okay, really ask. Test their answers if they seem to hold back.

V- Validate their feelings. You listen and you listen. You listen with an empathetic ear, and validate what they are feeling—Not what you are feeling! You validate what they are feeling— Be empathetic. You don't lecture or tell them everything is okay. If they feel that their world is caving in on them, they feel it; try to understand their feelings. It doesn't matter what you feel.

E- ESCORT them to safety as might be appropriate. **Encourage** them to get help. Take them to an Emergency Room, call **988 option #1**, or 911, or call Veteran Crisis Line, stay with them until you can have a "warm hand off" to someone else. After venting and supportive discussion, they may be safe. Only leave them alone if situation truly resolves and is unquestionably safe. — If in doubt, seek a second opinion.

Veteran Crisis line: Call 988 option #1, or 1-800 273-8255 Press 1 or send a text message to 838255 to receive confidential support 24 hours a day, 7 days a week, 365 days a year. Support for deaf and hard of hearing individuals is available. **OR simply call 911 or take to an emergency room.**

Distributed by the VAC. Contact Dr. Bob Banz (801) 582-1565 ext. 2729 for additional information

Mental Health Resources and Walk-in Clinics at VAMC-SLC(2019)

Times are subject to Covid rules and restrictions

Veterans Crisis Hotline:

Veterans feeling suicidal are urged to call the Veteran's Hotline available 24/7 or call 911 to access help. The Veterans Crisis Hotline telephone number- 988 option 1, or 800-273-TALK (8255).

Emergency Department: Veterans feeling suicidal, homicidal, or feel that they are in crisis should go to the VA Medical Center Emergency Department, open 24/7. VA Mental Health clinicians are on duty 24/7 every day.

Access Crisis Team (ACT): Veterans feeling that they are in mental health crisis including sexual trauma, suicidal, or having homicidal thoughts should go to VA Medical Center Emergency Department or Building #16, Outpatient Mental Health, during regular business hours. Veterans should report to the clerk's desk for intake. All levels of mental health services will be made available by an ACT team counselor.

Supervisor: (801) 582-1565 ext. 4242

PTSD Clinic: At this time call Dr. Tom Mullins for an appointment. (582-1565)

Military Sexual Trauma (MST): Call Dr. Tom Mullin , Acting/Interim MST Coordinator (801) 582-1565 ext. 2382.

Women's Health Services: Call, Women Veterans Program Manager, ext. 4510
Women's Clinic front desk, ext. 2685.

Women's Clinic Social Worker: Women's Clinic hours of operation: M-W-F: 8:00 a.m. – 4:30 p.m.; T-TH: 8:00 a.m. – 6:00 p.m. 582-1565 ask for Women's clinic

Homeless Veteran Walk-in Clinic:

A walk-in clinic for homeless Veterans seeking VA assistance in acquiring housing- Ask for help at Building #16 front desk for assistance for Homeless Veteran Program

Addiction Clinic: Ask your health care provider to submit a "Addiction Treatment Consult." If you do not have a provider you can walk-in or call to arrange for an appointment. This clinic provides services for Veterans seeking assistance with addiction issues. It is located on the 1st floor of Building #3. Call (801) 582-1565 ext. 1840, or ext. 5405 to arrange an appointment.

Vocational Rehabilitation Walk-in Group / Clinic: This walk-in clinic provides services for Veterans seeking assistance with employment and other Voc rehab issues. An open intake group is available each week in Building #16 (Outpatient Mental Health). Veterans should report to the Bear Lake Meeting Room at 9:30AM on any Friday. The Friday intake also acts as an intake for Compensated Work Therapy Supervisor (801) 582-1565 ext. 2729

Peer Resource Office: The Peer resource office provides assistance, information, or an empathetic listening ear for Veterans wishing to talk to someone who has experienced recovery from a Mental Health issue. The office has information and resources including VA and non-VA resources. The office is located in Building #16 near the clerk's desk. The office is open during regular business hours (8:00AM to 4:30 PM) Office phone (801) 582-1565 ext. 2784

How you can help someone experiencing PTSD Crisis

There are things you can do; It may be a little “Trial and error” to figure out what might help. No one has all the answers. But, be there, and be concerned. Recovery will likely take some time, but recovery is possible.

Things you can do-

- Learn as much as you can about PTSD. Knowing how PTSD affects people may help you understand what your friend or family member is going through. The more you know, the better you and your family can handle PTSD, (Knowledge).
- Offer to take, or go, to a doctor’s visits with your friend or family member. You can help keep track of medication and therapy, and you can be there for support. Sometime people with PTSD don’t realize that medication actually helps them be in control. It isn’t about numbing or sedating the one suffering from PTSD, as some have feared, it is about putting the one suffering from PTSD back into control. (Medical support and encouragement).
- Tell your loved one you want to listen, and that you also understand if he or she doesn't feel like talking, (Practice listening, and avoid the temptation to give advice and tell them to “Pull yourself up” types of advice).
- Plan family activities together, like having dinner or going to a movie. Take a walk, go for a bike ride, or do some other physical activity together. Exercise is important for health, and helps clear the mind, (Invitation to participate in recreational activities, and be a part of planning them).
- Encourage contact with family and close friends. A support system will help your friend or family member get through difficult changes, and stressful times, (Appropriate socialization).

Your friend or family member may not want your help. If this happens, keep in mind that withdrawal is often a symptom of PTSD. A person who withdraws may not feel like talking, taking part in group activities, or being around other people. Give your loved one space, but tell him or her that you will always be ready to help, and be there to help regardless the excuse. Be real and be available.

Toll Free Numbers for Contacting VA

Published 01/09/2011 12:31 AM | Updated 02/27/2018 02:56 PM

Toll Free Numbers for Contacting VA

Department Name(s)	Toll Free Number(s)
Beneficiaries in receipt of Pension Benefits	1-877-294-6380
Benefits (VA):	1-800-827-1000
Burial	
Death Pension	
Dependency Indemnity Compensation	
Direct Deposit	
Directions to VA Benefits Regional Offices	
Disability Compensation	
Disability Pension	
Education	
Home Loan Guaranty	
Medical Care	
Vocational Rehabilitation and Employment (VBA)	
CHAMPVA Meds by Mail	1-888-385-0235 (or) 1-866-229-7389
Combat Call Center	1-877-WAR-VETS (1-877-927-8387)
Debt Management Center (Collection of Non-Medical Debts)	1-800-827-0648
Children of Women Vietnam Veterans (CWVV)	1-877-345-8179 (or)
Foreign Medical Program (FMP)	1-888-820-1756
Spina Bifida Health Care Program	
Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)	1-800-733-8387
CHAMPVA In-House Treatment Initiative (CITI)	
eBenefits Technical Support	1-800-983-0937
Patient Advocate – VAMC	1 801 582 1565 Ext 1900
Education (GI Bill)	1-888-442-4551

Health Care Benefits	1-877-222-8387
Life Insurance:	
Service members and/or Veterans Group Life Insurance Program	1-800-419-1473
All other VA Life Insurance Programs	1-800-669-8477
Mammography Helpline	1-888-492-7844
Smoking Cessation Counselors	1-855-QUIT-VET (1-855-784-8838)
Special Issues - Gulf War/Agent Orange/Project Shad/Mustard Agents and Lewisite/Ionizing Radiation	1-800-749-8387
Status of Headstones and Markers	1-800-697-6947
Telecommunications Device for the Deaf (TDD)	Dial 711
Veterans Crisis Line	1-800-273-TALK (1-800-273-8255)
Vets.gov Help Desk	1-855-574-7286
White House VA Hotline	1-855-948-2311
Women Veterans Hotline	1-855-VA-WOMEN (1-855-829-6636)
Lodging	5626
Travel	1420
Fisher House	5900

DENTAL CARE:

<p>If you: Have a service-connected compensable dental disability or condition.</p>	<p>You are eligible for: Any needed dental care</p>	<p>Through Class I</p>
<p>Are a former prisoner of war.</p>	<p>Any needed dental care.</p>	<p>Class IIC</p>
<p>Have service-connected disabilities rated 100% disabling, or are unemployable and paid at the 100% rate due to service-connected conditions.</p>	<p>Any needed dental care. [Please note: Veterans paid at the 100% rate based on a temporary rating, such as extended hospitalization for a service-connected disability, convalescence or pre-stabilization are not eligible for comprehensive outpatient dental services based on this temporary rating].</p>	<p>Class IV</p>
<p>Apply for dental care within 180 days of discharge or release (under conditions other than dishonorable) from a period of active duty of 90 days or more during the Persian Gulf War era.</p>	<p>One-time dental care if your DD214 certificate of discharge does not indicate that a complete dental examination and all appropriate dental treatment had been rendered prior to discharge.*</p>	<p>Class II</p>
<p>Have a service-connected non-compensable dental condition or disability resulting from combat wounds or service trauma.</p>	<p>Any dental care necessary to provide and maintain a functioning dentition. A Dental Trauma Rating (VA Form 10-564-D) or VA Regional Office Rating Decision letter (VA Form 10-7131) identifies the tooth/teeth/condition(s) that are trauma rated.</p>	<p>Class IIA</p>
<p>Have a dental condition clinically determined by VA to be associated with and aggravating a service-connected medical condition.</p>	<p>Dental care to treat the oral conditions that are determined by a VA dental professional to have a direct and material detrimental effect to your service connected medical condition.</p>	<p>Class III</p>

<p>Are actively engaged in a 38 USC Chapter 31 vocational rehabilitation program.</p>	<p>Dental care to the extent necessary as determined by a VA dental professional to: Make possible your entrance into a rehabilitation program. Achieve the goals of your vocational rehabilitation program Prevent interruption of your rehabilitation program. Hasten the return to a rehabilitation program if you are in interrupted or leave status. Hasten the return to a rehabilitation program of a Veteran placed in discontinued status because of illness, injury or a dental condition, or Secure and adjust to employment during the period of employment assistance, or enable you to achieve maximum independence in daily living.</p>	<p>Class V</p>
<p>Are receiving VA care or are scheduled for inpatient care and require dental care for a condition complicating a medical condition currently under treatment.</p>	<p>Dental care to treat the oral conditions that are determined by a VA dental professional to complicate your medical condition currently under treatment.</p>	<p>Class VI</p>
<p>Are an enrolled Veteran who may be homeless and receiving care under VHA Directive 2007-039.</p>	<p>A one-time course of dental care that is determined medically necessary to relieve pain, assist you to gain employment, or treat moderate, severe, or complicated and severe gingival and periodontal conditions.</p>	<p>Class IIB</p>

VAMC-SLC Patient Travel Information

Courtesy of the Veterans Advisory Council on Mental Health

Veterans travelling to and from the VA Medical Center in Salt Lake City **may qualify for free or compensated travel benefits.**

DAV Vans:

DAV vans transport Veterans from the far reaches of the VAMC-SLC “Catchment area” including communities such as St. George, Elko, Idaho Falls, Rock Springs, Price. They making stops, as needed, on the way.

To qualify, the Veteran must have a scheduled appointment or some kind of an authorized visit.

Call at (801) 582-1565 ext. 1076 or
(801) 582-1565 ext. 4009

Local travel may be authorized for Veterans with special needs. Contact above

Transportation office / cart service: 1598

Compensated Travel:

Veterans with 50% Service Connected Disability (SCD) may request compensation for travel expenses to attend any appointments at the VAMC.

Veteran with 10% SCD may request compensation for travel expenses to attend appointments specific to their 10% SCD at the VAMC.

Veterans receiving Non-Service Connected Disability Pension (100% Disabled) may request compensation for travel expenses to attend appointments at the VAMC.

Veterans having an income below poverty level, and are exempted from co-pays, may request compensation for travel expenses to attend appointments at the VAMC.

Call at (801) 582-1565 ext. 1027, or ext.. 1420 for additional information.

The VA may accommodate overnight stays for Veterans travelling long distances or who have need of extended stay.

Fisher House- Veteran must live at least 50 miles from VAMC- 801 582- 1565 Ext 5900.

Lodging -For unaccompanied Veterans. Must live 75 mile away or more. Ext 5626

Some Counties offer their residence transportation to medical appointments as do some Local Veteran’s service organizations. These resources will need to be explored on an individual basis.

Free Legal Services for Veterans

Call- (801) 582-1565 Ext 6327

There are Free Legal Services available to Veterans on the VAMC Campus each month. These are Free Walk-in Services.

- The service typically provide advice, options and direction on legal issues and questions. It is not expected that the cooperating lawyers will take on a case.
- The lawyers will be available on __TBD_____ of each month
- The service is located in the TBD, behind the Canteen Service / cafeteria area.
- They start at TBD, and typically wrap things up by TBD pm. They operate on a “First come- first served” basis.
- Bring pertinent documents, records and clear questions to the visit.
- The lawyers are not VA employees. It is a program through Young Lawyers Division with the Utah Bar Association. The University of Utah Law School Veterans Student Association is also providing support at the clinics.

For information about the Veteran Court

Contact is Erica Thoen, HJCR, VJO (Veteran Justice Outreach) at (801) 528-1565 Ext. 6339

VAC Information Sheet
Applying for Service Connected Disabilities

There are many Veterans who have Service Connected Disabilities (SCD) but have not claimed them. A few comments about SCD:

1. A SCD is any injury or health issue that has its beginning during the Veteran's military service. Military service is 24/7 from the day of enlistment to the day of discharge.
2. Most SCD claims will be reviewed in terms of what is written in military medical records. There are some health issues which do not need service treatment records to show problems in the service, such as PTSD and health issues related to "Agent orange."
3. The veteran must have a service connected health issue now; to justify a claim.
4. You do not have to have medical records (service records or recent) in order to file a claim. You can ask the VA to acquire the needed records, but you'll need to tell them where to find the records pertinent to your claim.
5. You can request copies of you service records from the National Archives (look for "evetrec" at NARA on line). Once you've filed a claim those records will be loaned to the VA; which will make them more difficult to acquire.
6. In Salt Lake City the easiest way to file a claim is to contact one of the Veteran Service Officers (DAV, VFW, AL, Order of the Purple Heart) in the VA Regional Office, Building #50, at south east corner of VA campus, and ask for assistance.
7. SCD benefits have monetary compensation, educational benefits, and medical services attached to the percentage of award. Monetary benefits range from about \$130 for a 10% disability, to about \$3,100 for 100% SCD.
8. Educational benefits are available for Veterans with disability ratings of 20% or greater (or complicated cases of 10%).
9. Encouragement: If you have a Service Connected Disability- Claim it. If you've claimed a SCD and it was denied- Appeal it. If you have a SCD that is rated too low- Ask for an increase.

American Legion (801) 326-2380,
Veterans of Foreign Wars (801) 326-2385,
Disabled American Veterans (801) 326-2375,
Military Order of the Purple Heart (801) 326-2471
Utah Department of Veteran and Military affairs (80) 326-2372 or toll free (800) 894-9497

VAC Information Sheet
Applying for Non-Service Connected Disability Pension
(NSC-Pension)

There is a pension available for Veterans who are permanently disabled who served in a "War Era" and who have disabilities which keep them from having an income of about \$1,100 (or who are 65 years old and do not have an income of \$1,100).

1. War Era Veterans are entitled to an income of about \$1,100. They must have served during one of our countries War Eras, but there is no requirement on where they served; they are not required to have been deployed.
2. If a Veteran receives a Social Security Disability benefit and receives \$900 a month, the VA will give them an additional \$200 dollars for a total of \$1,100. If a Veteran is disabled, and has no other income, the VA will provide the \$1,100.
3. If a Veteran has both Service Connected Disabilities and qualifies for the NSC Pension, the VA will give them the one with the highest value, but not both.
4. In Salt Lake City the easiest way to file a claim for NSC Pension is to contact one of the Veteran Service Officers (DAV, VFW, AL, Order of the Purple Heart) in the VA Regional Office, Building #50, at south east corner of VA campus, and ask for assistance.

American Legion
550 Foothill Drive Suite 203
Salt Lake City, UT 84113
(801) 326-2380

Veterans of Foreign Wars
550 Foothill Drive Suite 203
Salt Lake City, UT 84113
(801) 326-2385

Disabled American Veterans
550 Foothill Drive Suite 202
Salt Lake City, UT 84113
(801) 326-2375

Military Order of the Purple Heart
550 Foothill Drive Suite 205
Salt Lake City, UT 84113
(801) 326-2471

Utah Department of Veteran and Military affairs
550 Foothill Drive Suite 105
Salt Lake City, Utah 84113
(80) 326-2372 or toll free (800) 894-9497

Individual Unemployability (IU) Fact Sheet

What Is Individual Unemployability?

Individual Unemployability is a part of VA's disability compensation program that allows VA to pay certain veterans compensation at the 100% rate, even though VA has not rated their service-connected disabilities at the total level.

What Is the Eligibility Criteria for Individual Unemployability?

A veteran must be unable to maintain substantially gainful employment as a result of his/her service-connected disabilities. Additionally, a veteran must have:

- One service-connected disability ratable at **60** percent or more, *OR*
- Two or more service-connected disabilities, at least one disability ratable at **40** percent or more with a combined rating of **70** percent or more.

How Do I Apply?

- Submit VA Form 21-8940, "Veteran's Application for Increased Compensation Based on Unemployability"
- Send application to your nearest VA Regional Office. To find the closest regional office to you, go to <http://www1.va.gov/directory/guide/home.asp?isFlash=1> The application can be downloaded at <http://www.vba.va.gov/pubs/forms/VBA-21-8940-ARE.pdf> or call 1-800-827-1000 and request the form be mailed to you.

Can I Work?

Veterans who are in receipt of Individual Unemployability benefits *may work* as long as it is not considered substantially gainful employment. The employment must be considered marginal employment.

- **Substantially gainful employment** is defined as employment at which non-disabled individuals earn their livelihood with earnings comparable to the particular occupation in the community where the veteran resides.
- **Marginal employment** is generally deemed to exist when a veteran's earned income does not exceed the amount established by the U.S. Census Bureau as the poverty level for the *veteran only*. For more information on the U.S. Census Bureau's poverty thresholds, see <http://www.census.gov/hhes/www/poverty/about/overview/measure.html>

What If I Don't Meet the Percentage Criteria?

Special consideration will be given for veterans when the following criteria is met:

- The veteran is considered unemployable due to a service-connected disability(ies) but fails to meet the minimum percentage standards, *OR*
- There is evidence of exceptional or unusual circumstances to impairment of earning capacity due to disabilities (for example, interference with employment or frequent periods of hospitalization)

Note: Veterans may have to complete an employment questionnaire once a year in order for VA to determine continued eligibility to Individual Unemployability.

You may want to seek help to apply- Contact DAV, Am. Legion, VFW, or Utah Dept Military Affairs in the VA Regional Office, 550 Foothill Dr., SLC

Can the VA Reduce Your Disability Benefits?

(From The Military Wallet Newsletter)

When you are awarded a VA Service-Connected Disability rating, the VA retains the right to reexamine you to determine if your disability is still present and warrants the original rating. In short, it is possible for the VA to increase, reduce, or terminate, disability benefits based on a reexamination. But don't let this scare you: not every veteran's disability rating is scheduled for a reexamination, and not every rating will change.

For example, some service-connected disability ratings are considered protected, and will not be changed. Veterans with a P&T Rating (Permanent and Total) will usually not be scheduled for a reexamination. The same thing goes for injuries that are considered permanent or static. These include injuries that will never change, such as a missing limb.

Let's take a look at VA Reexaminations to better understand the details of why, when, and how, the VA reexamines disability ratings, and whether or not your rating will be reviewed in the future. And if your VA disability rating is reviewed, keep in mind reviews work both ways: they can increase or decrease your rating, depending on supporting evidence and documentation.

Why the VA Reexamines Veterans with a Service-Connected Disability Rating

The why is easy to answer. Not all medical conditions are permanent. Some injuries heal over time, at least to some degree. The VA wants to ensure they are compensating you for your injuries at an appropriate rate. When you are assigned a disability rating, the VA also determines if they will want to reexamine you in the future. This typically only happens for injuries that have a reasonable expectation of improving over time. Reexaminations are usually scheduled within two to five years after the initial examinations, or they can take place any time there is material evidence in your change of condition. You will receive a Reexamination Letter detailing what will take place, and when.

Notice of Re-examination

The VA must send you a reexamination letter before they can change your service-connected disability rating. It's essential that you attend this appointment, or work to reschedule it for a better time. If you don't attend the appointment or provide supporting evidence for your case, the VA can reduce or terminate your benefits. The Notice of Reexamination should include contact information where you can reschedule your appointment if necessary.

The VA may send a Notice of Reexamination at pre-scheduled interval (such as the aforementioned two to five years), or when they have material evidence there has been a change in your medical condition. This could be evidence that your situation has improved or disappeared. You have 30 days to request a hearing if you wish to contest the VA decision, and you have up to 60 days to submit evidence that a reduction in your rating is not warranted.

Keep in mind, the VA cannot reduce your service-connected disability rating without first sending you notice. Failure to do so on their end should result in a full reinstatement of your benefits.

When the VA Will Not Schedule You for a Re-examination

The VA will typically not request to reexamine your rating under the following conditions:

- The veteran is over age 55. (some changes in the practice in 2022)
- The disability is static (such as a loss of limb).
- The disability is considered permanent and is not expected to improve (e.g. blindness, deafness).
- The disability is already at a minimum rating for that particular disability.
- Reducing an individual rating would not affect the total combined disability rating.

These conditions are significant. The VA will not schedule a reexamination for permanent and static disabilities, so you can safely assume those ratings will remain the same. Age 55 is significant because it represents an age at which the VA assumes the veteran is too old to reasonably reenter the workforce (keep in mind VA disability ratings represent your ability to perform work at the level you were able to before you had the injury while you were serving in the military).

Finally, the VA will not look to reduce your VA disability rating when reducing one rating wouldn't have a material impact on your overall disability rating. This applies to veterans with multiple medical conditions and disability ratings.

If you have been contacted by the VA to have your case reexamined and you meet any of the above criteria, then contact them with the phone number listed on your Notice of Reexamination and explain why you do not believe you should be reexamined. You may be able to have the reexamination canceled. The VA will not usually be able to reduce your disability rating without a reexamination, so your rating should be safe if you meet any of the above criteria.

Protected VA Disability Ratings

Certain VA disability benefits are considered Protected Ratings, according to the VA (though others say the term "protected" is a misnomer). This is where it helps to be able to find and read the appropriate regulations, or find an expert who can help you through the task. Here is a document that quotes some of the ratings protections for the 10 and 20 year rules (Word doc on VA site).

- 5 year rule: If the rating has been in effect for 5 years, it cannot be reduced unless your condition has improved on a sustained basis (The VA must have documentation supporting this is a permanent improvement).
- 10 year rule: A service connected disability rating cannot be terminated if it has been in effect for 10 years. Compensation can be reduced if evidence exists that the condition has improved. The sole exception is if the VA can prove fraud, in which case the VA can terminate the benefits.
- 20 year rule: If the rating has been in effect for 20 years, it cannot be reduced below the lowest rating it has held for the previous 20 years. The only exception is if the VA can prove fraud.
- 100% rule: The VA must prove your medical situation has materially improved and as a result, you are able to perform substantial work.

What do these protected ratings mean? Basically, if you have had a VA service-connected disability rating for 5 years or more, the VA must prove your condition has improved on a sustained basis before they can reduce or terminate your disability rating. After 10 years, the VA can only reduce your rating;

they cannot terminate it (absent proof of fraud). After 20 years, your rating cannot be reduced below the lowest rating you have held for the last 20 years. These distinctions are important, because some ratings can vary over the years, based on the medical condition.

For example, let's say you have a knee injury that warrants a 30% disability rating when you complete your initial VA evaluation. After 5 years, the VA cannot reduce this rating below 30% unless they can prove the injury has healed on a sustained basis. If it has improved to the point the injury warrants a lower rating, or the injury no longer exists, the benefit can be reduced or terminated. After 10 years, the benefit can no longer be terminated, but it can be reduced if the VA can document substantial sustained health improvements. After 20 years at that rating, your benefit can no longer be reduced below its lowest rating or terminated (unless there is proof of fraud).

The 100% rule is much more difficult to have decreased. The VA must prove your health has materially improved, and you are now able to perform substantial work. If all of your injuries still leave you unemployable, then it is likely your benefit will not be reduced. Most veterans with a 100% rating have one or more major service-connected medical conditions, and possibly additional multiple less-severe injuries. The VA must prove the veteran is able to perform substantial work even with this assortment of medical conditions.

Reducing Your Disability Rating – VA Must Prove Change in Condition

The VA needs to establish substantial evidence of a change in condition before any change can occur to your service-connected disability rating. This puts the onus of the work on them. But you still need to be proactive to protect your rating. If the VA sends you a Notice of Reexamination, you need to show up for your scheduled appointment, or reschedule it, if possible. If you miss your scheduled appointment, the VA can reduce or terminate your rating without additional warning. Reestablishing your rating could take some time, or may be impossible, barring a legitimate reason for missing the appointment.

You can also request a hearing if the VA wishes to reduce your rating. You may find it helpful to enlist the help of a lawyer or your own medical professionals. You will want to ensure you have sufficient documentation to support your claims – whether you believe the rating should remain the same, or if it should be increased.

A Reexamination is Not the End of the World

A Notice of Reexamination can actually result in an increased disability rating if the situation warrants it. The VA will not go out of their way to increase your benefits rating for you. However, if the situation is warranted by your examination, then they will increase your disability rating. Keep this in mind if you are scheduled for a reexamination. It's also important to understand that requesting an increase in disability ratings can result in a decrease if the VA can prove your medical condition has improved over time.

Bottom line: A VA disability rating is not always a static rating that will remain unchanged over the course of your lifetime. Your rating may remain unchanged, but it could also increase or decrease, depending on circumstances. If you feel there is a problem with your rating, it is best to find someone who specializes in VA disability claims and see if you can get them to help you with your claim.

Date published: April 1, 2014.

VA Health Care Copay information Handout

Who is Exempt from VA Health Care Costs , Copays and Fees

Health Benefits Copays:

While many Veterans qualify for free healthcare services based on a VA compensable service-connected condition or other special eligibilities, most Veterans are required to complete a financial assessment or means test at the time of enrollment to determine if they qualify for free health care services. Veterans whose income exceed VA income limits as well as those who choose not to complete the financial assessment at the time of enrollment, must agree to pay required copays for health care services to become eligible for VA healthcare services.

Outpatient Copays: DOLLAR VALVUES MAY BE OUTDATED

Primary Care Services: \$15

Specialty Care Services: \$50

Medications: Veterans in Priority Group 1 do not pay for medications

Effective February 27, 2017

Veterans in Priority Groups 2-8, are required to pay for each 30-day or less supply of medication for treatment of nonservice-connected condition (unless otherwise exempt).

Inpatient Copays:

There are two inpatient copay rates, the full rate and the reduced rate.

Priority Group 7 and certain other Veterans are responsible for paying 20 percent of VA's inpatient copay rate.

Inpatient Copay for the first 90 days of care during a 365-day period.....\$257.60

Inpatient Copay for each additional 90 days of care during a 365-day period.....\$128.00

Daily Charge.....\$2/day

Priority Group 8 and certain other Veterans are responsible for VA's full inpatient copay rate.

Inpatient Copay for the first 90 days of care during a 365-day period.....\$1,288.00

Inpatient Copay for each additional 90 days of care during a 365-day period.....\$644.00

Daily Charge.....\$10/day

Veterans Not Required To Make Copays:

Some Veterans qualify for free healthcare and/or prescriptions based on special eligibility factors including but not limited to:

Former Prisoner of War status

Veterans rated 50% or more compensable VA service-connected disabilities (0-40% compensable service- connected may take copay test to determine prescription copay status)

Veterans deemed catastrophically disabled by a VA provider

Services Exempt from Inpatient and Outpatient Copays

Special registry examinations offered by VA to evaluate possible health risks associated with military service

Counseling and care for military sexual trauma

Compensation and Pension examinations.

Care that is part of a VA research project

Care related to a VA-rated service-connected disability

Readjustment counseling and related mental health services

Care for cancer of head or neck caused by nose or throat radium treatments received while in the military

Individual or Group Smoking Cessation or Weight Reduction services

Publicly announced VA public health initiatives, for example, health fairs

Care potentially related to combat service for Veterans that served in a theater of combat operations after November 11, 1998.

Laboratory and electrocardiograms

Hospice care

The Two Different Veteran Vocational Rehabilitation Programs:

VHA VAMC-SLC and The VBA SCD Benefit

Veterans may find it confusing, but there are two very distinct and different Voc Rehab Services available to many Veterans. We will try to help clarify the differences:

The Medical Center based Vocational Services is part of the VAMC- Mental Health organization. It is physically located in the Mental Health Building (Bldg. #16).

The service is open to all Veterans enrolled in medical services at the VA Hospital. However, some of its services are reserved for patients receiving Mental Health care.

Services include: Job search, résumé writing, assessments, and a program called Compensated Work Therapy or (CWT). CWT is a program designed to help Veterans struggling with employment issues, i.e., long-term unemployment or major barriers to employment. It is designed to help get Veterans back into the workforce. Veteran must be receiving Mental Health service to qualify for CWT, other services are available to all Veterans.

Walk-in clinics:

Friday at 9:30am in the Bear Lake rm, Bldg. #16 (Voc Services / CWT programs)

Or call David Monge at (801) 582-1565 ext. 6314 to make an appointment for an individualized visit: Build a resume, build a Federal resume, do a job search etc.

The Veteran Benefit's (VBA)- Voc Rehab and Employment (VR&E) program serving Utah is located in the VA Regional Office, called Building #50, near the VA Medical Center campus. It is located at 550 South Foothill, SLC, UT 84158 or Call 801-326-2431, for more information.

They provide services and benefits for Veterans with Service Connected Disabilities (typically the Veteran must have a 20% disability rating to be eligible for their services. Their most commonly used benefit is their education benefit. They typically pay for tuition, fees and costs related to schooling, and provide a living allowance to Veterans while actively participating in their programs.

Information can be received directly from the VR&E office in the Regional Office, or call 801-326-2431, or complete a form 28-1900 available on the internet and send it to them at: VA Regional Office, VR&E, 550 South Foothill, SLC, UT 84158

State Voc Rehab Services for Veterans

Idaho:

Idaho Department of Labor, “IDL.” provides employment services. Veterans should always request a “Vet Rep” for services. Idaho CIS Contact Information- Phone: (208) 334-3705, Toll Free: (800) 935-4247

Email: idahocis@labor.idaho.gov or IDL - Idaho Department of Labor, Communications & Research Division Phone: (208) 332-3570 Email: lmi@labor.idaho.gov

Veterans Preference is required by law; What Veteran job seekers should know; Special hiring authorities for Veterans; Federal Veteran employment information; Idaho Statute, Title 65, Chapter 5: Rights and Privileges of Veterans; Unemployment benefits for ex-service members

VA VR&E Services contact: Boise State University Sean Burlile Sean.Burlile@va.gov
VA Benefits Boise, 444 W Fort St, (208) 429-2140

Veterans Services:

Boise: (208) 780-1380

Lewiston: (208) 750-3690

Post Falls: (208) 446-1092

Twin Falls: (208) 736-0719

Pocatello: (208) 235-7890

Chris Ramos

Veterans Program Coordinator

Email: chris.ramos@labor.idaho.gov

Phone: (208) 332-3570 Ext..3663

Nevada:

Nevada Department of Employment Training and Rehabilitation (DETR) or “Nevada Job Connect.”

Reno Town Mall, 4001 South Virginia Street, Reno, NV 89502, P: (775) 284-9600,

F: (775) 284-9663

VA Regional Office- Reno provides VR&E educational services for Veterans with 20% or greater Service Connected Disability. Reno Regional Benefit Office, 5460 Reno Corporate Drive Reno, NV 89511, Phone: 800-827-1000

Utah:

Utah State Office of Rehabilitation (USOR) provides educational services for individuals with disabilities. 50 Broadway # 800, (801) 238-4560

Department of Workforce Services (DWS) or “Job Service” provides employment services. Veterans should always request a “Vet Rep” for services. 140 E., 300 S, Salt Lake City, UT 84111 Phone:(801) 526-9675

VA Regional Office- SLC provides VR&E educational services for Veterans with 20% or greater Service Connected Disability: VR&E at Salt Lake Community College- Mike Foster Michael.Foster@va.gov Salt Lake City (801)957-4399 , VR&E at University of Utah:- Alan Heal Alan.Heal@va.gov Salt Lake City (801) 587-5703 Or Regional Office (801) 326-2431

Native American Sweat Lodge Services

The VA Medical Center in Salt Lake City offers Native American Sweat Lodge Services for Veterans and others interested in the services. All interested Veteran and visitors are welcome to attend.

The services are held every Friday at 7pm. They are held in the small courtyard east of Building #4 on the VAMC campus. “Walk-ins” are welcome. The area is enclosed by a brick wall giving the area privacy. From the parking lot south of Building #4, there is a wrought iron gate to the courtyard, please enter through that gate. The lodge will be on the right after you step into the courtyard.

Contact Jen Anderson at (801) 647-9026 for additional information.

Special Women’s services may be held on Saturdays if enough participants request the service. At this time the Friday at 7pm service is the only offering.

Information About Veteran Educational Benefits and Educational Assistance on College Campuses

Veterans having questions about VA programs or needing other kinds of help with finance, scheduling, tutoring and other problems, can receive assistance on many of the college campuses across the State.

Most all campuses have a Veterans Office with advisors adept at answering questions specific to Veterans. If you are enrolled at a school that does not have a Veteran's Office or Counseling Center, you can visit one of the offices on a different campus.

The Veteran's office counselors can provide the following:

- Information about the various G.I Bills
- Information about the VA VITAL program
(Do ask about this one; don't skip it)
- Information about the VR&E, Service Connected Disability benefits
- Information about tutoring or educational assistance
- Information about the Veterans Upward Bound (VUB) program
- Information about scheduling coursework
- Information about emergency cancelations
- And a lot more

If you have questions about programs or financial help for Veterans you can call any college or university and as to be transferred to the Veterans office, or just walk-in.

There is Help for Spouses and Families of Veterans Experiencing Symptoms Related to PTSD NAMI Homefront

Attention Veterans and their families-- If you have a Veteran in your family that is experiencing symptoms of PTSD there is help available for the Veteran and the family.

For the family: The National Alliance on Mental Illness (NAMI) has classes available for spouses and family members of Veterans experiencing symptoms related to Post Traumatic Stress Disorder (PTSD). Those experiencing PTSD often focus on traumatic experiences related to military service. They may display mood disorders such as anger, impatience, hypervigilance, nightmares, flashbacks, paranoia, and other issues related to a traumatic event. Often the most telling sign that a Veteran is experiencing PTSD is a change in mood and demeanor after returning home from military service. They may need professional help to mitigate the symptoms of the disorder. Often resolution to the issues start with a discussion with a medical professional.

The family and friends of Veterans experiencing PTSD are often impacted by the symptoms related to PTSD. No one should underestimate how stressful PTSD can be on the Veteran's family members. Often the symptoms of PTSD are misinterpreted by those closest to the Veteran. It may seem that the anger and mood is intentionally meant to hurt those that care the most. Typically, the Veteran has no desire to hurt anyone, it just seems that way.

NAMI provides support and education for family members affected by Veterans experiencing PTSD. NAMI has a program aptly named "Homefront" designed to support families. It is even available online. Links to the program can be found on the NAMI Utah homepage. We strongly urge those affected by Veterans with PTSD to look at the NAMI programs and participate in them, they are free.

For the Veteran: A free PTSD assessment is available for Veterans at the Department of Veteran Affairs Hospital in Salt Lake City. The VA provides free assessments every Tuesday at 11AM on the VA campus in Salt Lake City. The assessment is held in Building #16, the Deer Creek Room. If the Veteran has a copy of their discharge document, the DD214, they are encouraged to bring it with them, though it is not required.

The Veterans Advisory Council on Mental Health encourages Veterans to take advantage of the VA Health Care System benefits. If you would like to discuss this topic or other mental health services feel free to visit Mental Health services and talk to a Mental Health ACT Team member. It too is located in Building #16, on the VA campus in SLC. If you have questions about this article or the Veterans Advisory Council, contact Dr. Bob Banz at (801)582-1565 ext.2729. Or, write a letter addressed to him at the VAMC, 500 Foothill, OPMH 116, SLC, Utah 84148.

Food Pantries and Family Services –

At times people find that they are unexpectedly in need of food, housing or other family services.

There are many sources of help throughout Utah and the adjoining States.

The number of resources are too numerous to list, but here are some suggestions:

Call 211, the United Way resource line. They have lists of providers for food, clothing, housing, medical resources in your area. They can help with information and services that may resolve many problems. They will ask you for a zip code so they can help you wherever you live.

VA Medical Center Food Pantry, Call VA operator (801) 528-1565

Food pantries and services in SLC:

Catholic Community Services (801) 363-7710

Church of Philadelphia (801) 208-9859

Salvation Army (801) 988-4204

Hildegard's Pantry (801) 328-2303

Crossroads Urban Center (801) 364-7765

Many others

Homeless Veteran Walk-in Clinics: Call

A walk-in clinic for homeless Veterans seeking VA assistance in acquiring housing has an open intake. Report to the front desk of Building #16 during regular business hours. Building #16. Monday and Wednesday at 11AM, or call (801) 582-1565 ext. 2746

Community Action Program:

Each county and major city has CAP- Help and information about- Adult education, Head-start, HEAT, housing, nutrition, weatherization, food
Salt Lake City- 764 South 200 West, SLC (801) 359-2444
Utah- (801) 410-5704

Utah Rape Crisis Center:

2035 South, 1300 East SLC. (801)467-7282

Veteran Crisis line:

1-800-273-8255 or Text. 83255

Utah Tax Abatement/Exemption

DISABLED VETERAN PROPERTY TAX ABATEMENT: A Utah permanent place-of-residence property tax abatement that uses the VA's percentage-rating for a service-connected disability is available for disabled Veterans or for their un-remarried widows or minor orphans. The Veteran's disability rating must be at least 10% in order to qualify for this abatement. The percentage cap is subject to change, but here is the formula: · The maximum property tax abatement is \$255,301 (rated at 100% service-connected disability), · Multiply your percentage of disability by 255,301 · Example: a 10% disability X 255,301 = \$25,530.10 tax abatement · This amount is then subtracted from the taxable value of the property and taxes are paid on the remaining amount. To apply for this Property Tax Abatement, request a Summary of Benefits Letter from the U.S. Department of Veterans Affairs (VA). Submit the letter and complete a Property Tax Abatement application at the applicable county treasurer, tax assessor, or clerk/recorder located in the county government building of the county in which the property is located on or before 1 September. All property must be on record as of 1 January of the year you file. However, a recent change allows an exemption to that rule to qualified widows and orphans. Disabled Veterans only have to file for the abatement one time; after which it will automatically renew each year. (Utah Code 59-2- 1104 & 1105)

ARMED FORCES PROPERTY TAX EXEMPTION: The state provides a property tax exemption for members of active or reserve components of the U.S. Armed Forces who perform qualifying active-duty military service. For the purposes of this tax exemption, "Qualifying Active Duty Service" is defined as a minimum of 200 days in a calendar year, regardless of whether they were performed consecutively, or 200 consecutive days of active service that may cross over into a second calendar year but has not been applied toward the count for the previous year's taxes. The amount of the tax exemption is equal to the total taxable value of the claimant's real property. This tax exemption can be claimed up to a year following the year the service was completed. The exemption may not be claimed by the military person's spouse, and the military person may not claim the tax exemption for property owned exclusively by the military person's spouse. (Utah Code 59-2-1104 & 1105)

Utah Department of Veteran and Military Affairs

Have a question about Veterans services of benefits- consider contacting the Utah DVMA

550 Foothill Drive , Suite 105, SLC, Utah 84113

Phone (801) 326-2372 or toll free (800) 894-9497

E-mail: veterans@utah.gov

Website: [http://veterans .utah.gov](http://veterans.utah.gov)

- Special Veteran automobile license plates
- Benefits and Services
- Healthcare
- Employment
- State Approving Agency (SAA)
- Education benefits
- Veterans Homes
- Veterans Cemetery
- Military Affairs and Installations
- Frequently Asked Questions (FAQ's) about Veterans issues
- UDVMA Boards and Councils
- Outreach Services & Benefits

Projects and Partnerships

- Utah Veterans History Project
- Utah Veterans Owned Business Partnership

VETERAN'S WITH DISABILITIES HONOR PASS

The Division of Utah State Parks and Recreation is excited to announce the implementation of the new Honor Pass!



Sand Hollow State Park

Effective July 1, 2016 the Division will offer a free Honor Pass to qualified veterans who are Utah residents and who were honorably discharged, and have a service related disability rating of 50% or greater.

Veterans meeting this requirement will need to provide a “Current Summary of Benefits letter” issued by the Department of Veteran Affairs in order to obtain the Honor Pass at select locations across Utah. We plan to have Honor Passes available at starting July 1.

Pickup locations include our [Utah State Parks Region Offices](#), our main office in Salt Lake City, and all of our state parks – **excluding** Piute, Gunlock, and This is the Place State Parks, as well as Flight Park and Jordan River OHV State Recreation Areas.

We appreciate your patience as we initiate this new program.

The Honor Pass is valid for day use admittance only to all state parks for the qualified veteran and up to 7 guests in the same private vehicle. These passes are good until the end of the calendar year. At that time, qualified veterans will need to bring their updated documentation to once again receive a pass.

Please Return Application to: Licensing 1594 West North Temple, Suite 2110, Box 146301, Salt Lake City, Utah 84114-6301



FISHING LICENSE APPLICATION FOR VETERANS WITH DISABILITIES

R657-12-10 Fishing Licenses for Veterans with Disabilities Provides:

(1) A resident who has a service-connected disability of 20% or more and is not eligible to fish without a license under Section 23-19-14 or to receive a free fishing license under Section 23-19-36 may purchase a discounted 365-day fishing license upon furnishing verification of a service-connected disability and paying the fee established in the approved fee schedule.

(a) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof and the Army and Air National Guard of the United States.

(b) "Service-connected disability" means injury or illness incurred or aggravated:

(i) while in Armed Forces service; and

(ii) that is recognized by the United States Department of Veterans Affairs or by a branch of the Armed Forces.

(c) "Verification of Service-Connected Disability" means an official written letter, statement, or card issued by the Department of Veterans Affairs or by a branch of the Armed Forces certifying that the person has a service-connected disability with a disability rating of 20% or higher.

(2) The discount provided in this section on the purchase of a fishing license does not apply to combination licenses.

(3) Veteran fishing licenses shall be issued at division offices and may be issued online or at license agents. The purchaser may be required to complete an affidavit of the service-connected disability at the time of purchase.

This Application is meant to facilitate a discounted fishing license purchases in instances where traveling to a regional office is difficult. If you need a license quickly please visit a regional office at your convenience. For mail in applications please allow 2weeks for processing.

1. I have included a copy of my official certification letter indicating service connected disability of 20% or greater: Yes No (applications marked "No" will not be processed)

2. Applicant name: _____

3. Phone Number: _____

4. Address: _____

City: _____ **State:** _____ **Zip:** _____

5. Date of Birth: _____ **Gender:** _____ **Weight:** _____ **Height:** _____

Eye Color: _____ **Hair Color:** _____

I have included a check or Money Order for \$12.00

5. I would like a representative to contact me for a credit card payment by phone.

As the person who prepared this application, I declare under the penalty of perjury that to the best of my knowledge the information provided in this application is true and correct, and that the applicant under all prevailing laws and statutes qualifies to apply for and possess this license.

Applicant Signature

Date

For more information or additional consideration please contact: Brad Vaske (801) 538-4815
Fax to: (801) 538-4858 or Mail originals to: Attention Licensing: 1594 West North Temple Suite 2110
Salt Lake City UT, 84114 *You must provide the original documentation prior to being issued a C.O.R.

Persons residing in certain institutions authorized to fish without license. 23-19-14

The Division of Wildlife Resources shall permit a person to fish without a license if the person resides in:

- (a) the Utah State Developmental Center in American Fork;
- (b) the state hospital;
- (c) a veteran's hospital;
- (d) a veteran's nursing home;
- (e) a mental health center;
- (f) an intermediate care facility for people with an intellectual disability;
- (f) a group home licensed by the Department of Human Services and operated under contract with the Division of Services for People with Disabilities;
- h) a group home or other community-based placement licensed by the Department of Human Services and operated under contract with the Division of Juvenile Justice Services;
- (i) a private residential facility for at-risk youth licensed by the Department of Human Services;
- or
- (j) another similar institution approved by the division; or

The person is a youth who participates in a work camp operated by the Division of Juvenile Justice Services;

- (a) the person is properly supervised by a representative of the institution; and
- (b) the institution obtains from the division a certificate of registration that specifies:
 - (i) the date and place where the person will fish; and
 - (ii) the name of the institution's representative who will supervise the person fishing
- (c) the institution shall apply for the certificate of registration at least 10 days before the fishing outing.
- (d) An institution that receives a certificate of registration authorizing at-risk youth to fish shall provide instruction to the youth on fishing laws and regulations.
- (e) The division shall provide educational materials to the institution to assist it in complying with Subsection (3)(a).

Amended by Chapter 297, 2011 General Session
Amended by Chapter 366, 2011 General Session

Free Fishing License for People with Catastrophic Disabilities and Certain Children

23-19-36 Persons with a physical or intellectual disability, terminally ill persons, and children in the custody of the state -- License to fish for free.

- (1) A resident who is blind, has paraplegia, or has another permanent disability so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this fact to the Division of Wildlife Resources.
- (2) A resident who has an intellectual disability and is not eligible under Section 23-19-14 to fish without a license may receive a free license to fish upon furnishing verification from a physician that the person has an intellectual disability.
- (3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:
 - (a) upon furnishing verification from a physician; and
 - (b) if the resident qualifies for assistance under any low income public assistance program administered by a state agency.
- (4) A child placed in the custody of the state by a court order may receive a free fishing license upon furnishing verification of custody to the Division of Wildlife Resources.

Amended by Chapter 366, 2011 General Session

Federal Law Now Allows Military Retirees and Veterans to Hand Salute Flag

Traditionally, members of the nation's veterans service organizations have rendered the hand-salute during the national anthem and at events involving the national flag only while wearing their organization's official head-gear.

The National Defense Authorization Act of 2008 contained an amendment to allow un-uniformed service members, military retirees, and veterans to render a hand salute during the hoisting, lowering, or passing of the U.S. flag.

A later amendment further authorized hand-salutes during the national anthem by Veterans and out-of-uniform military personnel. This was included in the Defense Authorization Act of 2009, which President Bush signed on Oct. 14, 2008.

Here is the actual text from the law:

SEC. 595. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM- BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

“(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

“(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

“(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart;

Note: Part (C) applies to those not in the military and non-veterans. The phrase "men not in uniform" refers to civil service uniforms like police, fire fighters, and letter carriers - non-veteran civil servants who might normally render a salute while in uniform.

END HOUSING DISCRIMINATION AGAINST OUR ACTIVE DUTY MILITARY & VETERANS

The Fair Housing Act protects you from housing discrimination based upon your: Sex, Race, Color, National Origin, Disability, Religion, and Familial Status (presence of children under 18).

How are our **MILITARY ACTIVE DUTY and **VETERANS** most commonly suffering from Housing Discrimination? Are any of the following familiar?**

- Your Service Dog is being prohibited from a rental property because of the service dog's size or breed
- Your Foreign spouse must pay an additional [often large] application fee, or background check fee
- A pet deposit, fee, or pet rent is required for your Service Dog
- Your landlord is prohibiting your Service Dog from entering Common Areas like the pool area
- Your Service Dog is subjected to additional insurance, pet interviews, or other conditions
- You are turned away from a rental unit because you have Children
- You are forced to live on the 1st Floor only, or charged more, because you have a wheelchair
- Your landlord requires direct contact with your doctor to verify your disability
- You are asked about your Religion as part of the application process
- You are turned away because you are a recovering Alcoholic

LEARN ABOUT HOW TO PROTECT YOUR FAIR HOUSING RIGHTS!

Fair Housing Advocates, Inc. is a nonprofit fair housing organization committed to eradicating housing discrimination. FHA is available to provide assistance to anyone who believes they were subjected to housing discrimination because of their Sex, Race, Color, National Origin, Disability, Religion, and Familial Status.

FHA is committed to providing fair housing related services at no cost to our Military personnel

FREE FAIR HOUSING COUNSELING & EDUCATION!

To arrange a no cost educational webinar for you or your organization, or to speak with one of our fair housing specialists about free Counseling, please reach Fair Housing Advocates: info@fairhousingact.org or call (561) 215-9252.

Frequently Asked Questions Service Animals on VA Property

These frequently asked questions (FAQs) are intended to provide guidance to the general public regarding VA regulation (38 CFR 1.218(a)(11)) and VHA policy (VHA Directive 1188) on access of service animals to VA property, and to answer questions related to:

- (1) How to know if an animal is a service animal that may access VA property;
- (2) Where a service animal can go on VA property; and
- (3) What behavior on the part of a service animal warrants its removal from VA property.

I. HOW TO KNOW IF AN ANIMAL IS A SERVICE ANIMAL THAT MAY ACCESS VA PROPERTY.

Under VA regulation and VHA policy, a service animal can only be a dog that is individually trained to do work or perform tasks to assist a person with a disability. The following FAQs provide additional guidance.

Q: To what property does the VA regulation and VHA policy apply?

A: The VA regulation and VHA policy applies to any property owned or leased by VA and under the charge and control of VA. For VHA purposes, this includes VA Medical Centers, VA Community-Based Outpatient Clinics (CBOCs), Vet Centers, and any office space for VHA staff that is provided by VA.

Q: Can an animal that is not a dog be considered a service animal?

A: No, only a dog that is trained to do work or perform tasks for a person with a disability is considered a service animal.

Q: How do you know if a dog is a service animal that is trained to do work or perform tasks for a person with a disability?

A: Sometimes it is obvious that the dog is a service animal, such as with a guide dog (also known as a seeing-eye dog). Other times, a person with the dog can be asked the following two questions to determine whether the dog is a service animal:

1. Is your dog a service animal required because of a disability?
2. What work or tasks has your dog been trained to perform?

The following information is relevant to the determination of whether a dog is a service animal:

- Dogs whose sole function is to provide emotional support, well-being, comfort, or companionship are not service animals.
- A person cannot be asked what their disability is, cannot be asked for medical documentation of the disability, and cannot be required to show a special identification card or training documentation for the dog.

The work or task that the dog has been trained to do or perform must be directly related to the person's disability. Examples of such work or tasks include but are not limited to:

- Guiding people who are blind or have low vision.

- Alerting people who are deaf or hard of hearing.
- Alerting and protecting someone who is having a seizure.
- Reminding a person with a mental illness to take prescribed medications.
- Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.
- Retrieving items for a person who uses a wheelchair.
- Providing physical support and assistance with balance and stability to a person with mobility disabilities.
- The person cannot be asked to command the dog to demonstrate its ability to perform the work or task.

Q: Doesn't VA have to follow the Americans with Disabilities Act (ADA)?

A: As a Federal executive agency, VA is not subject to the ADA; however, VA regulation and VHA policy generally model the same criteria that are in the regulations that implement the ADA in terms of service animal access. These ADA regulations do not permit emotional support animals or comfort animals to access public property.

Q: Are dogs that are trained to assist an individual with PTSD (PTSD dogs) allowed to access VA property?

A: Yes, service dogs trained to assist someone disabled by PTSD are considered service animals and are permitted to access VA property. However, PTSD dogs are not eligible under VA regulation for VHA service dog benefits.

Q: Doesn't 38 U.S.C. 901 (Public Law 112-154) limit service animal access in VA to only those dogs whose trainings is "accredited?"

A: Under Public Law 112-154, VA shall not prohibit the use of a service dog on VA property if that dog is trained by an "accredited" organization. However, this law does not prevent VA from allowing access to a broader group of service animals. VA interprets Public Law 112-154 in VA regulation (38 CFR 1.218(a)(11)) to allow access for any service animal regardless of where, how, or by whom the animal was trained. A person cannot be asked to show proof of a dog's training as a service animal.

Q: If a person without being asked presents proof of a dog's "accredited" training, can the dog automatically gain access under Public Law 112-154?

A: No. When it is not obvious that a dog is a service animal, the way VA determines whether the dog is a service animal is to ask a person the two questions discussed above (1. Is your dog a service animal required because of a disability?; and 2. What work or tasks has your dog been trained to perform?). Whether the dog is a service animal will be determined based on the answers to these questions. Thus, the presentation of proof of a dog's "accredited" training by a person is not an automatic way to gain access. Also, as explained above, a dog need not be trained by an "accredited" organization in order to be a service dog that may access VA property.

Frequently Asked Questions Service Animals on VA Property

These frequently asked questions (FAQs) are intended to provide guidance to the general public regarding VA regulation (38 CFR 1.218(a)(11)) and VHA policy (VHA Directive 1188) on access of service animals to VA property, and to answer questions related to:

- (1) How to know if an animal is a service animal that may access VA property;
- (2) Where a service animal can go on VA property; and
- (3) What behavior on the part of a service animal warrants its removal from VA property.

II. HOW TO KNOW IF AN ANIMAL IS A SERVICE ANIMAL THAT MAY ACCESS VA PROPERTY.

Under VA regulation and VHA policy, a service animal can only be a dog that is individually trained to do work or perform tasks to assist a person with a disability. The following FAQs provide additional guidance.

Q: To what property does the VA regulation and VHA policy apply?

A: The VA regulation and VHA policy applies to any property owned or leased by VA and under the charge and control of VA. For VHA purposes, this includes VA Medical Centers, VA Community-Based Outpatient Clinics (CBOCs), Vet Centers, and any office space for VHA staff that is provided by VA.

Q: Can an animal that is not a dog be considered a service animal?

A: No, only a dog that is trained to do work or perform tasks for a person with a disability is considered a service animal.

Q: How do you know if a dog is a service animal that is trained to do work or perform tasks for a person with a disability?

A: Sometimes it is obvious that the dog is a service animal, such as with a guide dog (also known as a seeing-eye dog). Other times, a person with the dog can be asked the following two questions to determine whether the dog is a service animal:

3. Is your dog a service animal required because of a disability?
4. What work or tasks has your dog been trained to perform?

The following information is relevant to the determination of whether a dog is a service animal:

- Dogs whose sole function is to provide emotional support, well-being, comfort, or companionship are not service animals.
- A person cannot be asked what their disability is, cannot be asked for medical documentation of the disability, and cannot be required to show a special identification card or training documentation for the dog.

The work or task that the dog has been trained to do or perform must be directly related to the person's disability. Examples of such work or tasks include but are not limited to:

- Guiding people who are blind or have low vision.

- Alerting people who are deaf or hard of hearing.
- Alerting and protecting someone who is having a seizure.
- Reminding a person with a mental illness to take prescribed medications.
- Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.
- Retrieving items for a person who uses a wheelchair.
- Providing physical support and assistance with balance and stability to a person with mobility disabilities.
- The person cannot be asked to command the dog to demonstrate its ability to perform the work or task.

Q: Doesn't VA have to follow the Americans with Disabilities Act (ADA)?

A: As a Federal executive agency, VA is not subject to the ADA; however, VA regulation and VHA policy generally model the same criteria that are in the regulations that implement the ADA in terms of service animal access. These ADA regulations do not permit emotional support animals or comfort animals to access public property.

Q: Are dogs that are trained to assist an individual with PTSD (PTSD dogs) allowed to access VA property?

A: Yes, service dogs trained to assist someone disabled by PTSD are considered service animals and are permitted to access VA property. However, PTSD dogs are not eligible under VA regulation for VHA service dog benefits.

Q: Doesn't 38 U.S.C. 901 (Public Law 112-154) limit service animal access in VA to only those dogs whose trainings is "accredited?"

A: Under Public Law 112-154, VA shall not prohibit the use of a service dog on VA property if that dog is trained by an "accredited" organization. However, this law does not prevent VA from allowing access to a broader group of service animals. VA interprets Public Law 112-154 in VA regulation (38 CFR 1.218(a)(11)) to allow access for any service animal regardless of where, how, or by whom the animal was trained. A person cannot be asked to show proof of a dog's training as a service animal.

Q: If a person without being asked presents proof of a dog's "accredited" training, can the dog automatically gain access under Public Law 112-154?

A: No. When it is not obvious that a dog is a service animal, the way VA determines whether the dog is a service animal is to ask a person the two questions discussed above (1. Is your dog a service animal required because of a disability?; and 2. What work or tasks has your dog been trained to perform?). Whether the dog is a service animal will be determined based on the answers to these questions. Thus, the presentation of proof of a dog's "accredited" training by a person is not an automatic way to gain access. Also, as explained above, a dog need not be trained by an "accredited" organization in order to be a service dog that may access VA property.

II. WHERE A SERVICE ANIMAL CAN GO ON VA PROPERTY

Under VA regulation and VHA policy, a service animal can accompany the person with a disability to access VA property that the general public can access, subject to the same terms and conditions as the general public, and where the presence of a service animal would not compromise patient care, patient

safety, or infection prevention and control standards. There are certain areas on VA property, however, that a service animal may not access. The following FAQs provide additional guidance.

Q: Can a service animal be in the emergency room?

A: Yes, as long as the person with the disability (handler) or an alternate handler is able to control the service animal on a harness, leash, tether, or through the use of voice or other control, and the presence of a service animal would not compromise patient care, patient safety, or infection prevention and control standards.

Q: Can a service animal accompany the handler or alternate handler into examination rooms?

A: Yes, as long as the handler or alternate handler is able to control the service animal on a harness, leash, tether, or through the use of voice or other control, and the presence of a service animal would not compromise patient care, patient safety, or infection prevention and control standards.

Q: What if other individuals in a waiting room or open area are scared of dogs or allergic to dogs, can the service animal stay in these areas anyway?

A: Other people's fear of dogs or allergies to dogs is not a reason for a service animal to leave a part of VA property. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. A service animal can be removed from an area if the animal poses a risk to patient safety or health.

Q: Can a service animal stay overnight with the handler in a hospital room?

A: Many VA hospital rooms are considered acute inpatient areas—under VA regulation and VHA policy, the presence of the service animal in such an area, overnight or even for a shorter duration, must be approved by the handler's treating providers and be documented as part of the handler's treatment plan. If this is done, then the service animal may stay with the handler in these areas—however, the handler or alternate handler (e.g. family member) must be responsible for the control of the service animal and care of the service animal at all times, VHA will not be responsible for the service animal.

Q: What if the handler is sharing a hospital room with someone who is scared of dogs or is allergic to dogs, can the dog stay with the handler anyway?

A: Other people's fear of dogs or allergies to dogs is not a reason for a service animal to leave a part of VA property. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. A service animal can be removed from an area if the animal poses a risk to patient safety or health.

III. REASONS TO HAVE A SERVICE ANIMAL REMOVED FROM VA PROPERTY

Under VA regulation and VHA policy, a service animal must be removed from VA property if it is not under the control of the handler or alternate handler, if it is not housebroken, if it behaves in an aggressive

way (e.g. by snapping, biting, growling, baring its teeth, or lunging), or if it exhibits external signs of parasites, disease, or bad health. The following FAQs provide additional guidance.

Q: What happens when a handler that is on VA property with a service animal needs emergency treatment or has to be admitted to a VHA inpatient setting?

A: Under VA regulation and VHA policy, a service animal must be under the control of a handler or alternate handler at all times, and VA is not responsible for the service animal while it is on VA property. Handlers should have an alternate handler's contact information readily available if the handler becomes unable to control the service animal while on VA property.

Q: What if an alternate handler is not able to take control of the service animal from the handler that needs emergency treatment or needs to be admitted? Can VHA staff look after the dog or take it to a kennel or boarding facility in this instance?

A: VHA staff cannot take control of the service animal, cannot take the service animal to a kennel or boarding facility, and cannot attempt to board the service animal themselves on VA property. If an alternate handler is not identified or cannot be reached by the handler, VHA staff may attempt to contact the individual that the handler has identified as their emergency contact to remove the service animal from VA property, or may attempt to contact local emergency veterinarians or animal clinics, and arrangements might be made with those external groups to take the animal.

Q: What if a service animal gets sick on VA property or otherwise needs to be removed from the property, but the handler does not want to miss their appointment and is unable to get an alternate handler to take the service animal? Can VHA staff take control of the animal in this instance?

A: Please reference the answers above related to VHA staff not taking control of the service animal. If a service animal needs to be removed, VA will offer the person the services without the animal being present. It is best that each handler have alternate handler information readily available so that an alternate handler can be contacted to remove the service animal from VA property if needed. VHA staff will attempt to reschedule services for the handler if a service animal needs to be removed.

Q: What happens if a service animal bites or otherwise injures a person or another service animal on VA property?

A: VHA staff who witness or who are otherwise involved with an injury caused by a service animal will follow their facility's emergency and/or incident reporting procedures To ensure proper notification of and follow up by appropriate facility staff. This would include VHA staff directing the individual that experienced the injury to the VHA emergency room or urgent care location to be seen and treated by a provider (either as care to an eligible patient or under humanitarian authority), and VHA staff contacting the servicing VA Police unit or local law enforcement if needed and as appropriate to the facility. VHA staff will request that the handler provide information related to the service animal's health records (particularly proof of current rabies vaccination) if the service animal causes an injury.

Q: What happens if a service animal displays other aggressive behavior on VA property?

A: VHA staff who witness aggressive behavior by a service animal will follow their facility's emergency reporting procedures to ensure proper notification of and follow up by appropriate facility staff.



U.S. Department of Justice
Civil Rights Division
Disability Rights Section

SERVICE ANIMALS

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

OVERVIEW:

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.

Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act or the broader definition of “service animal” under the Air Carrier Access Act. Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general’s office.

WHERE SERVICE ANIMALS ARE ALLOWED:

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

SERVICE ANIMALS MUST BE UNDER CONTROL

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

MINIATURE HORSES:

In addition to the provisions about service dogs, the Department’s revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner’s control; (3) whether the facility can accommodate the miniature horse’s type, size, and weight; and (4) whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**FOR MORE INFORMATION ABOUT THE ADA,
PLEASE VISIT OUR WEBSITE OR CALL OUR TOLL-FREE NUMBER.**

ADA WEBSITE: www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website’s home page and click the **link** near the top of the middle column.

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY) 24 hours a day to order publications by mail. M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist. All calls are confidential. For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011 Utah Service Dog Laws : January 2, 2016

Definitions

Defined under Chapter 5B – Rights and Privileges of a Person with a Disability:

“Service animal” includes any dog that:

- is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability
- performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual’s disability, including
- assisting an individual who is blind or has low vision with navigation or other tasks
- alerting an individual who is deaf or hard of hearing to the presence of people or sounds
- providing non-violent protection or rescue work
- pulling a wheelchair
- assisting an individual during a seizure

- alerting an individual to the presence of an allergen
- retrieving an item for the individual
- providing physical support and assistance with balance and stability to an individual with a mobility disability
- helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors

“Service animal” does not include:

- an animal other than a dog, whether wild or domestic, trained or untrained
- an animal used solely to provide: a crime deterrent
- emotional support
- well-being
- comfort
- companionship

U.C.A. 1953 § 62A-5b-102

Accommodation Law

A person with a disability has the right to be accompanied by a service animal, unless the service animal is a danger or nuisance to others as interpreted under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.

- An owner or lessor of private housing accommodations may not, in any manner, discriminate against a person with a disability on the basis of the person’s possession of a service animal.
- A person who is not a person with a disability has the right to be accompanied by an animal that is in training to become a service animal or a police service canine.

U.C.A. 1953 § 62A-5b-104

- Any person, or agent of any person, who denies or interferes with the rights provided in this chapter is guilty of a class C misdemeanor.

U.C.A. 1953 § 62A-5b-106

Harassment of/Interference with Service Dogs

- Substantial bodily injury or death to service animal:
- It is a class A misdemeanor for a person to knowingly, intentionally, or recklessly cause substantial bodily injury or death to a service animal.
- It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from causing:
 - any substantial bodily injury or the death of a service animal; or
 - the service animal’s subsequent inability to function as a service animal as a result of the animal’s attacking, chasing, or harassing the service animal.

U.C.A. 1953 § 76-9-307

Harassing a service animal:

- It is a class B misdemeanor for a person to chase or harass a service animal.
 - It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from chasing or harassing a service animal while it is carrying out its functions as a service animal, to the extent that the animal temporarily interferes with the service animal's ability to carry out its functions.
- U.C.A. 1953 § 76-9-307

Restitution

In addition to any other penalty, a person convicted of any violation of this section is liable for restitution to the owner of the service animal or the person with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

U.C.A. 1953 § 76-9-307

Theft/loss of service animal:

A person with a disability who uses a service animal, or the owner of a service animal has a cause of action for economic and noneconomic damages against:

- any person who steals or, without provocation, attacks the service animal; and
- the owner or keeper of any animal that without provocation attacks a service animal due to the owner's or keeper's negligent failure to exercise sufficient control over the animal to prevent the attack.

U.C.A. 1953 § 78B-3-702

Right to kill dog attacking service animal:

Notably, another section provides that any person may injure or kill a dog while the dog is attacking, chasing, or worrying a service animal, as defined in Section 62A-5b-10.

U.C.A. 1953 § 18-1-3

Driving Law

- The operator of a vehicle shall yield the right-of-way to a blind or visually impaired pedestrian accompanied by a guide dog specially trained for that purpose and equipped with a harness.
- A person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons.

U.C.A. 1953 § 41-6a-1007

Fraudulent Representation

A person is guilty of a class B misdemeanor if:

- the person intentionally and knowingly falsely represents to another person that an animal is a service animal as defined in Section 62A-5b-102; or
- (b) the person knowingly and intentionally misrepresents a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as a service animal as defined in Section 62A-5b-102.

U.C.A. 1953 § 62A-5b-106

Child Care Resource (May Be Outdated)

1. Department of Work Force Services: Child Care Assistance

Salt Lake Area Phone: 801-526-0950

Toll-Free Phone: (800) 622-7390

<https://jobs.utah.gov/occ>

2. Family Support Center – Crisis Nursery

Sugarhouse: 2020 S. Lake Street (740 East) Phone: 801-487-7778,

Open: 10 am-8pm Mon-Thu,

West Valley: 3663 South 3600 West Phone: 801-967-4259,

Open 24/7

Midvale: 777 W. Center Street (7720 South) Phone: 801-255-6881,

Open: 8 am to 8 pm Mon-Sat

<http://www.familysupportcenter.org/crisis-nursery>

3. Care About Childcare - Free childcare referrals for families

Phone: 1-855-531-2468

<http://careaboutchildcare.utah.gov/>

3. Boys and Girls Club:

Capital West Unit - 567 West 300 North, Salt Lake City, Ut 84116

Phone: 801-531-7652

Lied Unit - 464 South Concord (1235 West), Salt Lake City, UT 84104

Phone: 801-364-9118

Sugar House Unit – 968 East Sugarmont Dr. (2225 So.), Salt Lake City, UT 84106

Phone: 801-484-0841

Tooele Unit - 438 W 400 N, Tooele, UT 84074

Phone: 435-843-5719

<https://www.bgca.org/>

<https://thesandyclub.org/>

<https://www.care.com/>

<https://ajstreehouse.com/>

CAREGIVER SUPPORT GROUP

WHEN: SECOND WEDNESDAY OF EACH MONTH (COVID SCHEDULE MAY APPLY)
2:00-3:00
CALL OPERATOR

WHERE: VHA SLC Healthcare System Building 16
CAPITOL REEF GROUP ROOM

- *Reduce Feelings Of Stress And Isolation*
- *Inspiration, Guidance, And Support From*
- *Mutual Caregivers And VA Facilitators*
- *Learn Solutions For Challenging Behaviors*

OPEN TO ANYONE CARING FOR A VETERAN AT HOME OR IN THE COMMUNITY

RSVP: Laura DeLoach, RN ext.. 1821 or CALL Tammy Putnam, RN ext.. 2720

Caregiver Support through Outpatient Mental Health at the Salt Lake VA

A Caregiver is a person that takes care of someone in need. In this setting we define caregiver as a loved one that is caring for an aging or disabled adult. At the VA there are those that care for Veterans –spouses, children or other loved ones that are not Veterans. There are also Veterans caring for loved ones that may or may not be Veterans.

Family caregivers (including those that are “family” though not biologically related) have a job that is a 24/7 responsibility. High levels of stress, anxiety and depression are common. How caregivers deal with the stresses associated with caregiving may be critical to their well-being.

The well-being of caregivers is important not only because they are valued as people but also because when caregivers take care of themselves they can better care for their loved ones. Caregivers are the glue that helps to hold our society together. Caregivers are quiet heroes that make the world a better place.

At the VA in outpatient mental health we have the following opportunities for caregivers:

Open Caregiver Group. Every 2nd Wednesday of the month at 2 pm in Building 16, Outpatient Mental Health. One hour. Group participants will meet in the lobby and group leaders will bring them up to the group room on the 2nd floor. Open to anyone that wants to attend. Snacks and bottled water. Occasional guest speakers and question and answer opportunities. Relaxing and fun.

Stress -Busting Program for Family Caregivers. 9 week evidence based structured group. No cost to attendees. Manual included. Class size is 10 people. Caregivers must sign up beforehand and are asked to commit to the full series. Skills teaching includes these stress management techniques: Breathing, meditation, imagery, massage, art, aromatherapy, journaling, and music. Weekly classes cover: Stress effects on mind, body and spirit; Caregiver stress and relaxation; Facing Challenges; Grief, Loss, and Depression; Coping with Stress; Positive Thinking; Taking Care of Yourself – Healthy Living; and Choosing a Path to Wellness. This class is scheduled up to twice a year and attendees must sign up to attend. Dates vary and are set up a few weeks before the class starts.

Caregiver Academy – A Skill Development Program for Family Caregivers. 6 week skill Development program for Family Caregivers. No cost to attendees. Basic work book included. Class size is up to 15 people. Caregivers should sign up beforehand and may attend any or all of these workshops during the series. Class titles are: Caregiving 101: Finding Resources & Services; Compassion Fatigue & Building Resilience; Setting Good Care Boundaries; Family Dynamics: Involving the Family; Coping With Difficult Behaviors; Making Home & Facility Care Choices. This class is taught once or twice a year and dates are set up a few weeks before the class starts.

For more information please contact:

Tammy Putnam, RN Case Manager: 801-582-1565 ext.2720

Laura DeLoach, RN Case Manager: 801-582-1565 ext. 1821

Department of Defense Expanding Access to Military Commissaries, Exchanges and Recreation Facilities

The Department of Defense is proud to expand commissary, exchange and morale, welfare and recreation retail eligibility to:

- Purple Heart recipients
- Former prisoners of war
- All veterans with service-connected disabilities
- Individuals approved and designated as the primary family caregivers of eligible veterans under the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers

The DoD, VA and the Department of Homeland Security are collaborating to implement the Purple Heart and Disabled Veterans Equal Access Act of 2018 for those who will be eligible for this benefit on Jan. 1, 2020.

Facilities like these will be open to the newly eligible patrons starting Jan. 1, 2020:

- Commissaries*
- Military service exchanges
- Golf courses
- Bowling centers
- Recreational lodging
- RV campgrounds
- Movie theaters
- And more!

*DoD is required to charge a small fee to new users who are eligible solely under the Purple Heart and Disabled Veterans Equal Access Act of 2018, to cover any increase in costs to the U.S. Treasury for processing commercial credit and debit cards.

GRIEF SUPPORT TELE-GROUP



WHAT: This is an 8-week guided group for any Veteran who has lost a loved one to drug or alcohol overdose. The focus of the group is to provide hope and comfort to veterans experiencing this type of grief through education and support from group facilitators as well as through sharing with other veterans who are experiencing grief.

WHEN: TBD – Call for.

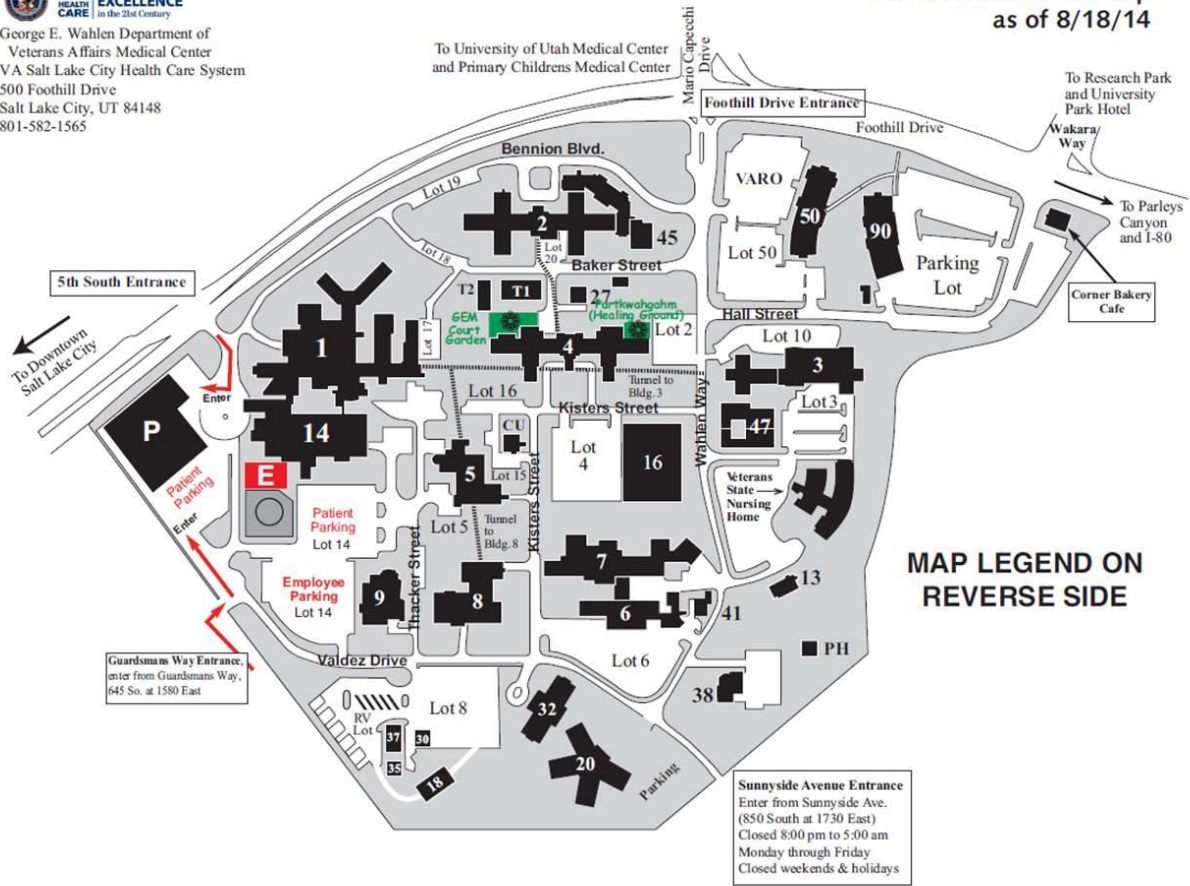
WHERE: The group will be conducted through a secure VA video group platform. Veterans will participating in the group from the privacy/comfort of their homes.

HOW: Group participants will need video-streaming capability and a current email address. Facilitators will assist Veterans with technical/connectivity concerns prior to the start of the group.



George E. Wahlen Department of
Veterans Affairs Medical Center
VA Salt Lake City Health Care System
500 Foothill Drive
Salt Lake City, UT 84148
801-582-1565

Patient Information Map as of 8/18/14



**MAP LEGEND ON
REVERSE SIDE**

Bob Banz at 582-1565 ext. 2729 for additional information about the VAC

VA FORMS

Application for VA Health Care	10-10EZ	
Claim for Pension (2018)	21P-527EZ	
Intent to file Claim	21-0966	
Application for Disability Compensation	21-526EZ	(21-526b not used)
Increase due to unemployability	21-8940	
Statement in Support of Claim	21-4138	
PTSD-	21-0781	
PTSD- Personal Assault -MST	21-0781a	
NOD	21-0958	???
Decision Review Request-supplemental	20-0995	New evidence-Supplemental
Decision Review Request- Higher level	20-0996	No new evidence
Decision Review Request-BVA	10182	
Travel Voucher	10-3542	
Report of contact	119	
ROI to 3 rd party (VBA)	21-0845	
ROI Release health info to non-VA	10-5345	
ROI To request non-VA to send to VA	21-4142	One source
ROI VA get records from multiple non-VA	21-4142a	Attach to 21-4142
Travel Voucher	10-3542	
Vendor Request	10091	
ID Card	0711	
Declaration of status of dependents	21-686c	
Application for VR&E	28-1900	
NARA- Request pertaining to military	SF 180	
NARA Military Awards and Compensation	HO	
Appl. For Correction Military Records	DD149	
Appl. For Review of Discharge	DD 293	
Disability Cert- Utah Tax	TC842	
Dept Educ Discharge Student Loan TPD	OMB 1845-0065	
Home loan	26-1817	
Civilian Med- spouse of a 100% SCD	10-10d	(Champ VA)
CHAMP VA Other health Insurance Cert	10-7959c	
Burial	21P-530	
Flag	27-2008	

Medallion- Honorable disch or in service 40-1330m
Headstone 40-1330
VA Information 1-800-827-1000
Pension Phone 1-877-294-6380
Debt management 1-800-827-0648
Health Care Benefits 877-222-8387
CHAMPVA 1 800-733-8387

What to do if you get a “Denial letter” on a claim.

Rule #1- If you don't agree with the rational for denial, you then appeal it!

VA regulations require that appeals be submitted on the proper form:

If your Situation

If you have **no new** evidence to submit for VA to consider. 20-0996

Form to use

VA Form 20-0996, *Decision Review*
Request: Higher-Level Review

If you **have new** and relevant evidence to submit for VA to consider. Use 20-0995
Decision Review request: Supplemental Claim

If your Situation

If you want to have the decision reviewed by the Board of Veterans' Appeals.

Form to use

VA Form 10182, *Decision Review*
Request: Board Appeal (Notice of Disagreement)

If you don't know if there is a current claim? Call the NCC 800-827-1000 to see if there is a claim pending and they should be able to assist.

JSRRC Incident Search

Request to have a military records search-

If you are looking for information to make a SCD claim and need incident information:

U.S. Army & Joint Services Records Research Center
7701 Telegraph Road Kingman Building, Room 2C08
Alexandria, VA. 22315

telephone 1-703-428-6801, fax 703-428-6743

“I have found the people here to be very helpful and you can fax your request to them. i was told that the turn-around time for getting the records would be 60-90 days but was pleasantly surprised to receive mine in about three weeks.”

Department of Veterans Affairs Appeals Management Center
1722 Eye Street NW Washington, DC 20421

telephone 1-866-258-0341 fax 202-530-9216

Board of Veterans' Appeals

Customer Service

Login to [VA.gov](https://va.gov) to view or call 1-800-827-1000 for the status of your case!

On this page:

[Contact Us](#) | [Helpful Information](#) | [Other Points of Contact](#)

Advancement on the Docket (AOD)

As a general matter, the Board is required by law to review appeals in docket order. However, the Board may advance an appeal on the docket (AOD) if the appellant demonstrates unusual hardship such as serious illness, severe financial hardship, or other sufficient cause. 38 U.S.C. § 7107(a), (b); 38 C.F.R. §§ 20.800, 20.902. If you would like to request prioritization of your appeal, submit your request in writing to the Board stating the basis for your request, and include supporting documentation to factually demonstrate reasons for advancement. The following are some examples of unusual hardship or other potential sufficient cause, along with recommended supporting documentation (as all motions for advancement on the docket require claim-specific evidence of hardship):

- Severe financial hardship (bankruptcy petition, home foreclosure notice, statement that the individual is experiencing homelessness);
- Serious illness (physician's statement);
- Advanced age (defined as 75 years or more);

- Administrative error resulting in a significant delay in docketing your appeal; and
- Unusual hardship due to a natural disaster such as a hurricane, earthquake, or flood (personal statements regarding the impact of the natural disaster, newspaper clippings, pictures, FEMA declarations, etc.)

Motions for advancement on the docket, along with supporting documentation, should be submitted to the Board in writing at the address or fax number listed below. Please remember to include your name, the Veteran's name (if different), legal representative (if applicable), and your claim number.

[return to top ▲](#)

Contact Us

Board of Veterans' Appeals
 P.O. Box 27063 Washington, DC 20038
 FAX: 1-844-678-8979 (Toll Free)

Use [Ask VA](#) for a status report on your appeal before the Board. In your submission, please be sure to include your name, file number, and specific request. **Please note** that we respond to submissions in the order in which they are received. We may request additional information to verify identity in order to protect the privacy of our Veterans.

If your claim is not before the Board, please contact your local [VA Regional Office \(RO\)](#) or one of the other Points of Contact listed below.

[return to top ▲](#)

Helpful Information

If you would like to have a hearing before a VLJ, consider requesting a [video hearing](#). Please keep in mind that a **Board hearing is entirely optional** and is not necessary for the Board to decide your appeal. Hearings often increase wait time for a Board decision. To save wait time, instead of requesting a hearing, you may write down what you would say at a hearing and submit it directly to the Board. The VLJ assigned to your case will carefully review and consider any statements you submit before deciding the appeal.

Once the Board issues a decision (including a remand), ***we no longer have the authority to act on the appeal.*** Please review "Your Rights to Appeal Our Decision" included with your Board decision. You may also contact the Office of Administrative Review (OAR) via [email](#) or phone at 1-800-827-1000, your [local RO](#) or your representative (if you have one to advocate on your behalf). If your residence is in a foreign country, contact the [VBA Foreign Service Program](#).

Other Points of Contact

If you are seeking: Legal assistance with a claim, contact your [local RO](#) for a list of Veterans Service Organizations in your area.

- Copies of your military records, contact the [National Personnel Records Center](#).
- Information about an upgrade or review of your discharge, complete the application form at [Military Discharge Upgrade](#) (DD Form 293).
- Correction of your military records, complete the application form at [Correction of Military Records](#) (DD Form 149).

- A medal upgrade, contact the appropriate military department Public Affairs Office.

For Information about an original claim for:

- Education benefits, contact the [VA Educational Benefits Program](#).
- Surviving spouse or dependent benefits, contact your local [Pension Management Center](#) or [RO](#).
- Home loan guarantee, contact the [VA Home Loan Program](#).
- VA life insurance, contact the [VA Life Insurance Program](#).
- Request for burial and memorial benefits, contact the [VA National Cemetery Administration](#).
- Money you owe to VA, contact the [Debt Management Center](#).
- To report fraud, waste, or abuse in any VA program, contact the [VA Office of Inspector General](#).

Need Help Applying for VA Employment

HR Help -Live

We are excited to announce the deployment of the brand-new VISN 19 HR Contact Center – a new way for YOU to get the HR questions you need answers to NOW! Do you have a quick question you'd like to run by an HR Professional but don't have time to run down to the office or don't know just who to call? The VISN 19 Contact Center is for YOU!

Between the hours of 0800-1600 MT (0900-1700 CT), The VISN 19 HR Contact Center is open and available to assist you with the following frequently asked general inquiries/services:

- Benefits
 - Health Insurance
 - Vision/Dental Insurance
 - Life Insurance
 - Thrift Savings Plan
- Leave
 - Annual Leave
 - Sick Leave
 - FMLA
 - Donated Leave
- eOPF
- Military Buy-Back

- eQIP Password Resets
- General HR Inquiries

You can reach the VISN 19 HR Contact Center at 719-227-4600.

HR Assistants are standing by to assist you achieve rapid resolution of your HR inquiries. If the Contact Center is unable to resolve your inquiry immediately, they are prepared to get you in contact with the most appropriate HR Specialist to assist you.

NOTE: *The HR Contact Center is an expanded modality to reach HR for VISN 19 Employees with general inquiries or an unknown POC. It does not replace existing HR relationships or services provided. Your on-station HR team remains available and Supervisors should continue utilizing existing modalities for supervisory support.*

Thank you,

VISN 19 HR Contact Center Team

Edward C. Zurey (he/him/his)

Human Resources Officer/Senior Strategic Business Partner
VISN 19 / George E. Wahlen VA Medical Center Strategic Business Unit
500 Foothill Drive
Salt Lake City, UT 84148
Desk: 801-584-5685
HR Office Hours: M-F 7:30am – 4:00pm Mountain Time

[Click Here](#) for Strategic Business Unit and Shared Service Unit Human Resources Contacts

Rocky Mountain Network Human Resources Office
Mission bound—Veteran driven

How was your HR service today?

We value your feedback— please click on the link to take the [HR Quick Card Survey](#).

Select: VHA → VISN 19 → 660 - HCS Salt Lake City, UT → Leave feedback

“Who then can so softly bind up the wounds of another as he who has felt the same wound himself.” Thomas Jefferson.

CORRECTING MILITARY SERVICE RECORDS

If you are a Veteran who was discharged under “Don’t Ask, Don’t Tell” or a similar policy, you may be eligible to have your military service record (DD-214) upgraded. Affected Veterans’ military records may still have negative or discriminatory discharge characterizations or separation narratives related to their sexual orientation listed. For individuals discharged solely because of sexual orientation, the Department of Defense has instructed the military services to change those discriminatory characterizations, narratives, and re-entry codes so that it only reflects your honorable military service.

Duplicate copies of a DD-214 can be requested from the National Archives. For information, visit www.archives.gov/veterans/military-service-records/ or call the National Personnel Records Center Customer Service Line: (314) 801-0800.

If you are the surviving spouse, next of kin, or a legal representative applying on behalf of a deceased or incapacitated Veteran, the application must include supporting documentation such as a certified copy of a marriage license, death certificate, or power of attorney.

**If you are a Veteran who was discharged LESS than 15 years ago,
complete DD FORM 293**

Fill out the form completely and mail to your respective service's Discharge Review Board:

AIR FORCE: Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

ARMY: Army Review Boards Agency
251 18th Street South, Suite 385
Arlington,
VA 22202-3531

- Applications may be submitted online at: <https://actsonline.army.mil>
- To support your application, please provide copies of all relevant military records in your possession and any evidence to support your request, including any past correspondence exchanged with other agencies trying to resolve your issue. Do not send originals.

NAVY AND MARINE CORPS:

Secretary of the Navy
Council of Review Boards
ATTN: Naval Discharge Review Board
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

COAST GUARD: Commandant (CG-133)
ATTN: Office of Military Personnel
U.S. Coast Guard Stop 7907
2703 Martin Luther King, Jr. Ave., S.E.
Washington, DC 20593-7907

**If you are a Veteran who was discharged MORE than 15 years ago,
complete DD FORM 149**

Fill out the form completely and mail to your respective service's Board for Correction:

AIR FORCE: Board for Correction of Air Force Records
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

ARMY: Army Review Boards Agency
251 18th Street South, Suite 385
Arlington, VA 22202-3531

- To support your application, please provide copies of all relevant military records in your possession and any evidence to support your request, including any past correspondence exchanged with other agencies trying to resolve your issue. Do not send originals.
- If you need assistance please email: army.arbainquiry@mail.mil
- Online applications are available at: <https://actsonline.army.mil>

NAVY AND MARINE CORPS:

Board for Correction of Naval Records
701 S. Courthouse Road, Suite 1001
Arlington, VA 22204-2490

- Completed forms may also be submitted via fax or email as follows:
(703) 604-3437 ATTN: BCNR
Applications; BCNR_Applications@navy.mil

COAST GUARD: Department of Homeland Security
Office of the General Counsel
Board for Correction of Military Records
245 Murray Lane, Stop 0485
Washington, DC 20528-0485

**** Veterans who encounter problems seeking a correction of their military record with their respective Discharge Review Boards or Boards for Correction should contact their Member of Congress.****

**FOR ADDITIONAL ASSISTANCE, CONTACT SENATOR BRIAN SCHATZ:
300 ALA MOANA BOULEVARD,
ROOM 7-212 HONOLULU, HI 96850
PHONE: (808) 523-2061
FAX: (808) 523-2065
EMAIL: casework@schatz.senate.gov**

Welcome to the

Veterans Health Library



Recovery

Veterans Mental Health Councils

Veterans Mental Health Councils (VMHC) are a way for you and your family to work with your local VA Medical Center. A VMHC is a group of Veteran mental health consumers and their family. A consumer is a Veteran who is having or who had mental health services.

A council may include people from community mental health groups such as:

- The National Alliance on Mental Illness
- The Depression and Bipolar Support Alliance
- Veteran Service Organizations

- Local community employment and housing representatives

The Medical Center's Local Recovery Coordinator or other mental health staff member serves as a liaison to the council. The liaison aids the work of the council. They help communicate with the leaders of your VA facility's mental health programs. The council is independent of the VA. But partnership is the goal.

What is the purpose of a VMHC?

A VMHC helps Veterans learn about local VA mental health programs. It can give you information about local mental health resources. The goal is to help improve the quality of VA mental health services. A VMHC can also help you understand and use those services.

Why are VMHCs important?

All VA mental health services need to be recovery-oriented. There are key elements of recovery-oriented care. They include the role of you and your family in:

- Being in contact with the mental health care system
- Giving you the means for feedback

Veterans who use VA mental health services need to have real and meaningful choices for care. They need to have an active voice in decisions about their care. VMHCs are a vital way for Veterans and families to have input in VA mental health systems. They also learn how VA cares for and gives services to Veterans.

For more information

- Contact your facility's Mental Health service to find out about their VMHC.
- If your facility does not have a VMHC and you want to form a council, talk with the facility's Local Recovery Coordinator.
- Find a list of VA facilities online at www.va.gov.
- Find information about VA healthcare benefits at <http://www1.va.gov/health/index.asp>.
- Call VA's general information hotline at 800-827-1000.

The Veterans Mental Health Council at the VAMC-SLC facility has been named the Veterans Advisory Council, or the “VAC” for short.

If you would like to visit one of our meetings, they are open to the public, we hold meetings every Friday at 11am in the Bear Lake room on the main floor of Building #16 – The Mental Health Building.

Questions – Contact Dr. Bob Banz, Ed.D., liaison to the VAC

Posted on October 25, 2018

What Veterans Should Know About VA Pension Non-Service Connected Disability

Pension-Legal References

VA “shall pay to each veteran of a period of war who meets the service requirements of this section . . . and who is permanently and totally disabled from non-service-connected disability not the result of the veteran’s willful misconduct, pension at the rate prescribed by [statute].” 38 U.S.C. § 1521(a). The maximum annual rates for improved pension must be reduced by the amount of the veteran’s countable annual income. 38 U.S.C. § 1521; 38 C.F.R. § 3.23(b); *Springer v. West*, 11 Vet. App. 38, 40 (1998). “Payments of any kind from any source shall be counted as income during the 12-month annualization period in which received unless specifically excluded under [section] 3.272.” 38 C.F.R. § 3.271(a); 38 U.S.C. § 1503; *see Martin v. Brown*, 7 Vet. App. 196, 199 (1994) (stating “statute and VA regulations provide that ‘annual income,’ as defined by statute and applicable regulation, includes payments of any kind from any source, unless explicitly exempted by statute or regulation”); *but see* 38 C.F.R. § 3.272 (enumerating categories to “be excluded from countable income for the purpose of determining entitlement to improved pension”). Certain countable income is specifically excluded from this rule and as a result, a veteran’s pension will not be reduced. 38 C.F.R. § 3.272. Social Security Administration (SSA) old age and survivor’s insurance and disability insurance payments are considered income and must, therefore, be included. 38 C.F.R. §§

3.262; 3.271(g); *Burch v. Brown*, 6 Vet. App. 512, 513 (1994). Benefits under noncontributory programs, such as old age assistance, aid to dependent children, and supplemental security income are treated as charitable donations. See 38 C.F.R. §§ 3.262(d), (f). Unreimbursed medical expenses paid within the 12-month annualization period are excluded from income to the extent that they are in excess of 5% of the maximum annual pension rate. 38 C.F.R. § 3.272(g)(1)(iii). Whether a claimant is entitled to VA pension benefits is a question of fact.

Pursuant to 38 U.S.C. § 1505, pension benefits administered by the Secretary shall not be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning 61 days after such individual's imprisonment begins and ending when such individual's imprisonment ends. 38 U.S.C. § 1505(a); 38 C.F.R. § 3.666; see also *Latham v. Brown*, 4 Vet. App. 265 (1993).

VA Non-Service Connected Pension or Wartime Pension

Many people confuse VA Pension with VA disability compensation. The two are different.

- VA pension is based on wartime service, having a non-service connected disability and the Veteran must be of low income.
- VA disability compensation is based on a service connected disability rating for the Veteran. The focus of this article is to provide the facts on the VA Pension since recently there has been misleading TV and internet advertisements promoting Veteran's and Spouses to apply for the Pension.

Over the years the VA improved pension has been known as a Non-service connected Pension, a VA low-income Pension, live VA pension and most recently on TV and the internet advertised as a VA Wartime Pension for Veterans or Surviving Widows of Wartime Veterans. The current improved pension became effective January 1, 1979 and was preceded by Section 306 Pension and Old-Law Pension Program. All three non-service connected programs are disability and needs based. Today, the only available program for applicants is the improved pension program or non-service connected pension.

Eligibility for Non-Service Connected Pension

The improved pension program is for Veterans who served during wartime and meet specific requirements. It is for the requirement reason that TV advertisements

refer to this pension as a wartime pension. The following program qualifying requirements must apply for the Veteran to receive this pension:

The Veteran must have an have a discharge “under other than dishonorable conditions” also known as a “honorable discharge”,

1. actively served a minimum of one day during wartime,
2. meet specific service time requirements,
 - a. 90 days or more of active duty
 - b. Veterans with active duty enlistment after September 7, 1980 must serve at least 24 months of active duty or complete the full period for which they were called to active duty.
3. be of limited income (determined by the Maximum Annual Pension Rate or MARP) and net-worth, which are discussed later in this article and
4. the Veteran must have one or more of the following :
 - a. age 65 or older, or
 - b. have a permanent and total non-service connected disability that will continue throughout the Veteran’s lifetime and prevents the Veteran from sustaining employment, or
 - c. be a reside in a nursing home for long-term care , or
 - d. be a recipient of Social Security disability benefits.

VA Benefits for OTH and Bad Discharge Veterans

Some service members who received other than honorable or bad conduct discharges from the military will now be able to access federal benefits through the Department of Veterans of Affairs.

The VA announced new rules on Thursday, April 28 meant to provide greater support for [veterans](#) who were kicked out of the military for reasons such as homosexuality or misconduct tied to mental health issues tied to combat or abuse.

The VA originally proposed the changes to its eligibility rules in 2020, and since then has been revising them based on public comments and insight from the military. The changes are meant to “bring more consistency to adjudications of benefits eligibility, and ensure character of discharge determinations consider all pertinent factors,” according to the VA’s [own documents](#).

One major change is removing the regulatory barrier for veterans who were dismissed for “homosexual acts involving aggravating circumstances or other factors affecting the performance of duty.” The VA previously changed rules to expand benefits to service members discharged under the now-repealed “Don’t Ask Don’t Tell” policy (which ended in 2011). This new amendment will further expand eligibility, the VA said.

The other major change is the creation of a “compelling circumstances exception.” Under this new rule, service members dismissed with other than honorable or bad conduct discharges stemming from “willful and persistent misconduct” or “offense involving moral turpitude,” will have their record examined holistically. The VA will

consider several surrounding circumstances leading to those dismissals, including each veteran's length of service, their mental health, how combat or abuse might have affected them and other circumstances that could contribute to their character of service.

“We encourage former service members with other than honorable discharges to apply for VA care and benefits today,” VA Secretary Denis McDonough said in a statement on the new changes. “Although VA cannot change your discharge status, we want to provide you with any health care or benefits we can – and we will work with you every step of the way to do exactly that.”

[Subscribe to Task & Purpose Today](#). Get the latest military news and culture in your inbox daily.

According to the VA, it has approved care and benefits for more than 57,000 applicants over the last decade who had other than honorable or bad conduct discharges; that's approximately a 75% approval rate for applicants. As part of the new rules, the department is encouraging veterans who received these discharges and previously were denied care or benefits to reapply.

These new rules do not apply to any one who received dishonorable discharges from the armed forces.

Applications for benefits and additional information on these new rules can be found on the [VA's website](#).

§ 3.12 Benefit eligibility based on character of discharge.

(a) **General rule.** If the former service member did not die in service, then pension, compensation, or dependency and indemnity compensation is payable for claims based on a period of service that was terminated by discharge or release under conditions other than dishonorable. ([38 U.S.C. 101\(2\)](#)) A discharge under honorable conditions is binding on the Department of Veterans Affairs as to character of discharge.

(b) **Insanity exception.** No bar to benefits under this section shall be applied if VA determines that the former service member was insane at the time he or she committed the offense(s) leading to the discharge or release under dishonorable conditions. ([38 U.S.C. 5303\(b\)](#)) Insanity is defined in [§ 3.354](#).

(c) **Statutory bars to benefits.** Benefits are not payable where the former service member was discharged or released under one of the following conditions:

(1) As a conscientious objector who refused to perform military duty, wear the uniform, or comply with lawful orders of competent military authorities.

(2) By reason of the sentence of a general court-martial.

(3) Resignation by an officer for the good of the service.

(4) As a deserter.

(5) As an alien during a period of hostilities, where it is affirmatively shown that the former service member requested his or her release. See [§ 3.7\(b\)](#).

(6) By reason of a discharge under other than honorable conditions issued as a result of an absence without official leave (AWOL) for a continuous period of at least 180 days ([38 U.S.C. 5303\(a\)](#)).

(i) **Compelling circumstances exception.** This [paragraph \(c\)\(6\)](#) does not apply if compelling circumstances mitigate the prolonged unauthorized absence, as discussed in [paragraph \(e\)](#) of this section.

(ii) **Applicability prior to October 8, 1977.** This [paragraph \(c\)\(6\)](#) applies to any person awarded an honorable or general discharge prior to October 8, 1977, under one of the programs listed in [paragraph \(i\)](#) of this section, and to any person who prior to October 8,

1977, had not otherwise established basic eligibility to receive Department of Veterans Affairs benefits. *Basic eligibility* for purposes of this [paragraph \(c\)\(6\)\(ii\)](#) means either a Department of Veterans Affairs determination that an other than honorable discharge was issued under conditions other than dishonorable, or an upgraded honorable or general discharge issued prior to October 8, 1977, under criteria other than those prescribed by one of the programs listed in [paragraph \(i\)](#) of this section. However, if a person was discharged or released by reason of the sentence of a general court-martial, only a finding of insanity ([paragraph \(b\)](#) of this section) or a decision of a board of correction of records established under [10 U.S.C. 1552](#) can establish basic eligibility to receive Department of Veterans Affairs benefits.

(d) **Regulatory bars to benefits.** Benefits are not payable where the former service member was discharged or released under one of the conditions listed in [paragraph \(d\)\(1\)](#) or [\(2\)](#) of this section.

(1) Compelling circumstances exception is not applicable for:

(i) **Discharge in lieu of trial.** Acceptance of a discharge under other than honorable conditions or its equivalent in lieu of trial by general court-martial.

(ii) **Mutiny or espionage.** Mutiny or spying.

(2) Compelling circumstances exception is applicable for:

(i) **An offense involving moral turpitude.** This [paragraph \(d\)\(2\)\(i\)](#) includes, generally, conviction of a felony.

(ii) **Willful and persistent misconduct.** For purposes of this section, instances of minor misconduct occurring within two years of each other are persistent; an instance of minor misconduct occurring within two years of more serious misconduct is persistent; and instances of more serious misconduct occurring within five years of each other are persistent. For purposes of this section, minor misconduct is misconduct for which the maximum sentence imposable pursuant to the Manual for Courts-Martial United States would not include a dishonorable discharge or confinement for longer than one year if tried by general court-martial.

(e) **Compelling circumstances exception.** The bar to benefits for prolonged AWOL under [paragraph \(c\)\(6\)](#) of this section and the two types of misconduct described in [paragraph \(d\)\(2\)](#) of this section will not be applied if compelling circumstances mitigate the AWOL or misconduct at issue. The following factors will be considered in a determination on this matter:

(1) **Length and character of service exclusive of the period of prolonged AWOL or misconduct.** Service exclusive of the period of prolonged AWOL or misconduct should generally be of such quality and length that it can be characterized as honest, faithful, and meritorious and of benefit to the Nation.

(2) ***Reasons for prolonged AWOL or misconduct.*** Factors considered are as follows:

(i) Mental or cognitive impairment at the time of the prolonged AWOL or misconduct, to include but not limited to a clinical diagnosis of (or evidence that could later be medically determined to demonstrate existence of) posttraumatic stress disorder (PTSD), depression, bipolar disorder, schizophrenia, substance use disorder, attention deficit hyperactivity disorder (ADHD), impulsive behavior, or cognitive disabilities.

(ii) Physical health, to include physical trauma and any side effects of medication.

(iii) Combat-related or overseas-related hardship.

(iv) Sexual abuse/assault.

(v) Duress, coercion, or desperation.

(vi) Family obligations or comparable obligations to third parties.

(vii) Age, education, cultural background, and judgmental maturity.

(3) Whether a valid legal defense would have precluded a conviction for AWOL or misconduct under the Uniform Code of Military Justice. For purposes of this [paragraph \(e\)\(3\)](#), the defense must go directly to the substantive issue of absence or misconduct rather than to procedures, technicalities, or formalities.

(f) ***Board of corrections upgrade.*** An honorable discharge or discharge under honorable conditions issued through a board for correction of records established under authority of [10 U.S.C. 1552](#) is final and conclusive on the Department of Veterans Affairs. The action of the board sets aside any prior bar to benefits imposed under [paragraph \(c\)](#) or [\(d\)](#) of this section.

(g) ***Discharge review board upgrades prior to October 8, 1977.*** An honorable or general discharge issued prior to October 8, 1977, under authority other than that listed in [paragraphs \(i\)\(1\) through \(3\)](#) of this section by a discharge review board established under [10 U.S.C. 1553](#), sets aside any bar to benefits imposed under [paragraph \(c\)](#) or [\(d\)](#) of this section except the bar contained in [paragraph \(c\)\(2\)](#) of this section.

(h) ***Discharge review board upgrades on or after October 8, 1977.*** An honorable or general discharge issued on or after October 8, 1977, by a discharge review board established under [10 U.S.C. 1553](#), sets aside a bar to benefits imposed under [paragraph \(d\)](#) of this section, but not under [paragraph \(c\)](#) of this section, provided that:

(1) The discharge is upgraded as a result of an individual case review;

(2) The discharge is upgraded under uniform published standards and procedures that generally apply to all persons administratively discharged or released from active military, naval, air, or space service under conditions other than honorable; and

(3) Such standards are consistent with historical standards for determining honorable service and do not contain any provision for automatically granting or denying an upgraded discharge.

(i) ***Special review board upgrades.*** Under [38 U.S.C. 5303\(e\)](#), unless a discharge review board established under [10 U.S.C. 1553](#) determines on an individual case basis that the discharge would be upgraded under uniform standards meeting the requirements set forth in [paragraph \(h\)](#) of this section, an honorable or general discharge awarded under one of the following programs does not remove any bar to benefits imposed under this section:

(1) The President's directive of January 19, 1977, implementing Presidential Proclamation 4313 of September 16, 1974; or

(2) The Department of Defense's special discharge review program effective April 5, 1977; or

(3) Any discharge review program implemented after April 5, 1977, that does not apply to all persons administratively discharged or released from active military service under other than honorable conditions.

(j) ***Overpayments after October 8, 1977, due to discharge review board upgrades.*** No overpayments shall be created as a result of payments made after October 8, 1977, based on an upgraded honorable or general discharge issued under one of the programs listed in [paragraph \(i\)](#) of this section which would not be awarded under the standards set forth in [paragraph \(h\)](#) of this section. Accounts in payment status on or after October 8, 1977, shall be terminated the end of the month in which it is determined that the original other than honorable discharge was not issued under conditions other than dishonorable following notice from the appropriate discharge review board that the discharge would not have been upgraded under the standards set forth in [paragraph \(h\)](#) of this section, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment or April 7, 1978, whichever is the earliest.

(k) ***Overpayments after October 8, 1977, based on application of AWOL statutory bar.*** No overpayment shall be created as a result of payments made after October 8, 1977, in cases in which the bar contained in [paragraph \(c\)\(6\)](#) of this section is for application. Accounts in payment status on or after October 8, 1977, shall be terminated at the end of the month in which it is determined that compelling circumstances do not exist, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment, or April 7, 1978, whichever is the earliest.

(l) ***Uncharacterized separations.*** Where enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the three categories of administrative separation that do not require characterization of service by the military department concerned. In such cases conditions of discharge will be determined by the VA as follows:

(1) **Entry level separation.** Uncharacterized administrative separations of this type shall be considered under conditions other than dishonorable.

(2) **Void enlistment or induction.** Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation, with reference to the provisions of [§ 3.14 of this part](#), to determine whether separation was under conditions other than dishonorable.

(3) **Dropped from the rolls.** Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation to determine whether separation was under conditions other than dishonorable.

(Authority: [38 U.S.C. 101](#), [501](#), and [5303](#))

Cross References:

Validity of enlistments. See [§ 3.14](#). Revision of decisions. See [§ 3.105](#). Effective dates. See [§ 3.400\(g\)](#). Minimum active-duty service requirement. See [§ 3.12a](#).

[[28 FR 123](#), Jan. 4, 1963, as amended at [41 FR 12656](#), Mar. 26, 1976; [43 FR 15153](#), Apr. 11, 1978; [45 FR 2318](#)

preview citation details

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