

CHAPTER 1
ORGANIZATION AND PROCEDURES
[Prior to 6/21/91, see Veterans Affairs Department[841] Chs 1, 3, 5]
[Prior to 1/6/93, see Veterans Affairs Division[613] Chs 1, 3, 5]

801—1.1(35,35A,35D) Definitions. The following definitions are unique to the commission of veterans affairs:

“*Annual school of instruction*” means annual classroom recertification training for officers sponsored and directed by the commission.

“*Armed forces graves*” means graves of any individuals who die during or after discharge from honorable service in the army, navy, air force, marines, merchant marines, coast guard, or as a federally activated reservist or member of the national guard, and are buried within the state of Iowa.

“*Certificate of training*” means a certificate provided to an officer upon satisfactory completion of an annual school of instruction.

“*Commandant*” means the commandant of the Iowa Veterans Home.

“*Commission*” means the Iowa commission of veterans affairs.

“*Commissioner*” means a member of the Iowa commission of veterans affairs.

“*County commission*” means a county commission of veterans affairs.

“*County commissioner*” means a member of a county commission of veterans affairs.

“*Executive director*” means the executive director of the Iowa commission of veterans affairs.

“*Officer*” means an executive director of a county commission, a county commissioner, or a clerical assistant of a county commission.

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A as amended by 1992 Iowa Acts, chapter 1140, sections 7 to 11.

1.2(1) Office location. The commission maintains its office at the Iowa Commission of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building A6A, 7700 NW Beaver Drive, Johnston, Iowa 50131-1902. The telephone number is (515)242-5331 or 1-800-838-4692 (1-800-VET-IOWA).

1.2(2) Meetings and conduct of business.

a. Meetings. Regular meetings of the commission shall be held the first Wednesday of each quarter (January, April, July, October) at 10 a.m. Notice of the time, place, and tentative agenda of all meetings shall be posted on the bulletin board located in the office of the governor 24 hours prior to the meeting. Special meetings shall be held pursuant to call by the chairperson. Notice of time and place shall be posted in the same manner as a regular meeting.

b. A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

c. A quorum is required to carry a position.

d. Copies of minutes shall be kept on file in the office of the commission.

e. In cases not covered by these rules, Robert’s Rules of Order shall govern.

1.2(3) Duties. The duties of the commission are as follows:

a. Organize and annually select a chairperson, senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

b. Adopt rules pursuant to Iowa Code chapter 17A in accordance with 801—Chapters 2, 3, and 4 and establish policy for management and operation of the commission.

c. Prescribe the duties of the executive director and other employees as deemed necessary to carry out the duties of the commission, including but not limited to those set out in rule 1.3(35,35A). Those duties not all-inclusive are training of officers in accordance with Iowa Code chapter 35B, maintenance of the war orphans educational fund, maintaining information and data concerning military service records of Iowa veterans, collecting and maintaining information concerning veterans affairs, and maintaining armed forces graves registration. The executive director shall report directly to the commission. The commission shall supervise the executive director's administration of commission policy other than those related to the Iowa Veterans Home. The executive director shall make a full and detailed report biennially regarding matters pertaining to the commission other than those related to Iowa Code section 35D.17.

d. Supervise the commandant's administration of commission policy for the operation and conduct of the Iowa Veterans Home as set out in rule 1.4(35D,35A) and 801—Chapter 10.

e. Maintain information and data concerning military service records of Iowa veterans.

f. Provide assistance to county commissions including, but not limited to, adoption of rules regarding training of officers, provision of training courses in accordance with Iowa Code chapter 35B as amended by 1992 Iowa Acts, chapter 1075, section 2.

g. Permanently maintain records pertaining to the war orphans educational fund in accordance with Iowa Code section 35.7 as amended by 1992 Iowa Acts, chapter 1140, section 4.

h. Collect and maintain information concerning veterans affairs.

i. Provide information concerning veterans service records and veterans affairs data to authorized recipients in accordance with 801—Chapter 6.

j. Maintain alphabetical armed forces graves registration according to procedures as set out in rule 1.7(35A,35B).

801—1.3(35,35A) Executive director. The executive director is responsible for administering the duties of the commission other than those related to the Iowa Veterans Home.

1.3(1) Office location and hours. The office of the executive director is located at Camp Dodge, Building A6A, 7700 NW Beaver Drive, Johnston, Iowa 50131-1902. The office is open to the public during the hours of 8 a.m. to 4:30 p.m. except Saturday, Sunday, and holidays. The telephone number is (515)242-5331.

1.3(2) Administrative staff. The executive director provides direction to administrative staff employed by the commission to assist the executive director in carrying out assigned duties.

1.3(3) Investigation of applications. The executive director shall examine all applications and approve or disapprove same and make any investigation necessary to establish facts regarding veterans service status and veterans affairs data in accordance with Iowa Code chapters 35 and 35A.

801—1.4(35A,35D) Commandant. The commandant is responsible for administering and enforcing all rules adopted by the commission pertaining to the operation of the Iowa Veterans Home.

1.4(1) Office location and hours. The office of the commandant is located in the Sheeler Building at the Iowa Veterans Home, 1301 Summit, Marshalltown, Iowa 50158-5485. The office is open to the public during the hours of 8 a.m. to 4:30 p.m. except Saturday, Sunday, and holidays. The telephone number is (515)752-1501. In cases of emergencies after hours, the commandant or designee may be reached at that telephone number.

1.4(2) Biennial report. The commandant shall make a full and detailed report biennially regarding matters pertaining to the Iowa Veterans Home in accordance with Iowa Code section 35D.17.

801—1.5 and 1.6 Reserved.

ARMED FORCES GRAVES REGISTRATION

801—1.7(35A,35B) Armed forces graves registration. Armed forces graves registration shall be completed as follows:

1.7(1) Duties of the funeral director. The funeral director who contracts to inter the deceased veteran shall complete Armed Forces Graves Registration Record, Form 582-1002, in duplicate, forwarding the original and copy to the county commission.

1.7(2) Duties of the county commission. The county commission shall record the information alphabetically, and by description of location in the cemetery where the veteran is buried, in a book prescribed by the commission and kept for that purpose in the office of the county commission. The county commission shall forward the original Armed Forces Graves Registration Record to the executive director at the address provided in subrule 1.3(1).

1.7(3) Where filed. The original Armed Forces Graves Registration Record shall be filed at the office of the executive director.

1.7(4) Forms. Additional Armed Forces Graves Registration Record forms may be obtained by contacting the executive director's office in accordance with subrule 1.3(1).

This rule is intended to implement Iowa Code sections 35A.3 and 35B.19.

801—1.8 and 1.9 Reserved.

WAR ORPHANS EDUCATIONAL AID

801—1.10(35,35A) War orphans educational aid. The war orphans educational aid program shall be administered in accordance with Iowa Code sections 35.9 and 35.10.

1.10(1) Definition. A war orphan is:

a. The child of a man or woman who died in service or as a result of such service during one of the following periods:

(1) World War I between April 6, 1917, and June 2, 1921, inclusive.

(2) World War II between September 16, 1940, and December 31, 1946, inclusive.

(3) The Korean Conflict between June 25, 1950, and January 31, 1955, inclusive.

(4) The Vietnam Conflict between August 5, 1964, and May 7, 1975, inclusive.

(5) The Persian Gulf Conflict between August 2, 1990, and the date the President or the Congress of the United States declares a permanent cessation of hostilities, inclusive.

(6) While serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code, and Title 32, United States Code, Sections 502 through 505.

(7) Active state service required or authorized under Iowa Code chapter 29A, or as a result of such service.

b. The child of a national guardsman or other members of reserve components who die or are killed in the performance of training or other duties ordered by competent federal or state authorities.

1.10(2) Education requirement. A war orphan shall have graduated from a high school or educational institution offering a course of training equivalent to high school training.

1.10(3) Residency requirement. A war orphan shall have lived in the state of Iowa for at least two years immediately preceding the filing of an application.

1.10(4) Location of school. A war orphan shall attend any educational or training institution of college grade or any business or vocational training school of standards approved by the commission located within the state of Iowa.

1.10(5) Amount of payment. The amount of war orphans educational aid allowed eligible war orphans is based upon an appropriation made by the Iowa legislature on an annual basis. In no case can payment of war orphans educational aid be in excess of \$600 per person per year. Lifetime maximum is \$3000 per person.

- a. Payments are made directly to the school by quarters, semesters, or periods, however the school operates.
- b. No payments are made directly to the war orphan.
- c. Full-time students are honored for higher payments over part-time students. Payments are prorated by the commission on behalf of a war orphan on the basis of time spent in school.
- d. The school shall submit triplicate billing to the executive director thereby certifying that a war orphan is in attendance and the number of hours.

1.10(6) *How aid may be used.* War orphans educational aid may be used for tuition, fees, books, board and room, or any other necessity for attendance at a school of learning and certified by said school to the executive director.

1.10(7) *Scholastic and financial standing.* War orphans educational aid is a gift from the state of Iowa to eligible war orphans and is given regardless of scholastic ability or financial standing.

1.10(8) *Unrestricted factors.* There are no restrictions on war orphans with respect to age, number of years they plan to attend a school of learning, or their marital status.

1.10(9) *Application.* War orphans educational aid applications can be acquired upon request from the executive director at the address as set out in subrule 1.3(1).

a. Applications shall be completed by the war orphan in ink, by typewriter, or computer and the application shall be returned to the executive director.

b. A copy of the war orphan's birth certificate and proof of death of the veteran parent shall accompany the application. Proof of death of the veteran while in service can be a telegram, letter, or certified copy from the Department of Defense. Proof of death after service is a copy of a death certificate.

1.10(10) *Verification.* A service-connected death of a war veteran shall be verified by the executive director with the Department of Veterans Affairs.

This rule is intended to implement Iowa Code sections 35.7, 35.9, 35.10 and 35.11.

801—1.11 to 1.14 Reserved.

TRAINING FOR COUNTY COMMISSIONS

801—1.15(35A,35B) Training for county commissions. The commission shall provide training for officers in accordance with Iowa Code section 35A.3.

1.15(1) An officer shall attend an annual school of instruction. After attending the annual school of instruction, the officer must take and satisfactorily pass a written test prescribed by the commission. The commission shall issue a certificate of training to the officer upon completion of the annual school of instruction. Newly appointed officers must complete the annual school of instruction within one year from the date of appointment.

1.15(2) An officer must maintain certification to remain in office. To maintain certification, an officer shall attend an annual school of instruction. The commission shall issue a certificate of training to the officer upon completion of the annual school of instruction.

1.15(3) The annual school of instruction and all associated training materials will be provided at the expense of the commission.

1.15(4) Subject to available appropriation, travel and lodging expenses incurred in attending the annual school of instruction shall be eligible for reimbursement by the respective county from the appropriation authorized in Iowa Code section 35B.14.

1.15(5) Attendance at training courses sponsored and directed by veteran organizations other than the commission may not be substituted for the annual school of instruction.

1.15(6) The executive director shall maintain documentation regarding the school of instruction including, but not limited to, agendas, presentation dates, attendees, test results, and issuance of certificates of training.

1.15(7) Inquiries regarding an annual school of instruction shall be directed to the executive director at the address set out in subrule 1.3(1). The executive director shall answer such inquiries.

1.15(8) Disputes regarding the annual school of instruction, certificates of training and related matters shall be reviewed by the chairperson of the commission and a decision rendered by same. Disputes which remain unresolved shall be referred to the commission. The decision of the commission shall be final.

These rules are intended to implement Iowa Code chapters 35 and 35A and sections 35B.6, 35B.11, 35D.1, 35D.13, 35D.16, and 35D.17.

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