

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 department of veterans affairs:

“Annual school of instruction” means annual classroom certification and recertification training sponsored by the department for county veteran service officers to meet accreditation requirements of the National Association of County Veteran Service Officers (NACVSO).

“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.

“Cemetery” means the Iowa Veterans Cemetery.

“Certificate of training” means a certificate provided to a county veteran service 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 veteran affairs.

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

“County veteran service officer” means an executive director or administrator of a county commission.

“Department” means the Iowa department of veterans affairs.

“Executive director” means the executive director of the Iowa department of veterans affairs.
[ARC 7825B, IAB 6/3/09, effective 7/8/09]

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A.

1.2(1) Office location. The commission maintains its office at the Iowa Department of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. 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 four times a year during the months of January, April, July, and September 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. The agenda for each meeting shall include a reasonable time period for public comment. 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 department.

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

f. An equal number of meetings shall be conducted at Camp Dodge and the Iowa Veterans Home.

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

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

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

c. Review proposed administrative rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special

meeting of the commission called by the commission within 30 days of the date the proposed rule is submitted, the department may proceed to adopt the rule.

d. Advise and make recommendations to the department, the general assembly, and the governor concerning issues involving and impacting veterans in this state.

e. Advise and make recommendations to the general assembly and the governor concerning the management and operation of the department.

f. Conduct an equal number of meetings at Camp Dodge and the Iowa Veterans Home. The agenda for each meeting shall include a reasonable time period for public comment.

g. Administer the Iowa veterans trust fund pursuant to 801—Chapter 14, Iowa Administrative Code.

h. Maintain and authorize expenditures from the veterans license fee fund to fulfill the responsibilities of the commission pursuant to Iowa Code section 35A.11.

[ARC 7825B, IAB 6/3/09, effective 7/8/09]

801—1.3(35,35A) Executive director. The executive director is responsible for administering the duties of the department and 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, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. 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 or 1-800-838-4692 (1-800-VET-IOWA).

1.3(2) Administrative staff. The executive director provides direction to administrative staff employed by the department 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.

1.3(4) Duties. The duties of the department are as follows:

a. Maintain and disseminate information to veterans and the public regarding facilities, benefits, and services available to veterans and their families and assist veterans and their families in obtaining such benefits and services.

b. Maintain information and data concerning the military service of Iowa veterans.

c. Assist county veteran affairs commissions established pursuant to Iowa Code chapter 35B. The department shall provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions. The department shall also ensure compliance of county commissions with required office hours.

d. Permanently maintain the records including certified records of bonus applications for awards paid from the war orphans educational fund under Iowa Code chapter 35.

e. Collect and maintain information concerning veterans affairs.

f. Assist the United States Department of Veterans Affairs, the Iowa Veterans Home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans' service records and veterans affairs data.

g. Maintain alphabetically a permanent registry of the graves of all persons who served in the military, naval, or merchant marine forces of the United States in time of war and whose mortal remains rest in Iowa.

h. After consultation with the commission and the Iowa Association of County Veteran Service Officers, provide certification training to officers and county support staff pursuant to 2008 Iowa Acts, chapter 1130, section 3, and Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, section 4. Training provided shall include accreditation by the National Association of County Veteran Service Officers. Continuing education training shall be provided by the department to meet the requirements established by the National Association of County Veteran Service Officers and to ensure that each officer is proficient in the use of electronic mail, general computer use, and use of the Internet to access information regarding facilities, benefits, and services available to veterans and their families. The department shall provide two schools of instruction annually. At least one school each year will

provide continuing education requirements sufficient to maintain national accreditation and at least one school each year will provide accreditation training for nonaccredited officers, if needed.

- i.* Provide an annual training course for county commissioners of veteran affairs.
- j.* Establish and operate a state veterans cemetery pursuant to Iowa Code section 35A.5, subsection 10.
- k.* Authorize the sale, trade, or transfer of veterans commemorative property pursuant to Iowa Code chapter 37A and 801—Chapter 15, Iowa Administrative Code.
- l.* Adopt rules pursuant to Iowa Code chapter 17A and establish policy for the management and operation of the department. Prior to adopting rules, the department shall submit proposed rules to the commission for review pursuant to the requirements of Iowa Code section 35A.3.
- m.* Provide information requested by the commission concerning the management and operation of the department and the programs administered by the department.
- n.* Carry out the policies of the department.

[ARC 7825B, IAB 6/3/09, effective 7/8/09]

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(35A) Iowa Veterans Cemetery. The department shall operate and administer the Iowa Veterans Cemetery in accordance with United States Department of Veterans Affairs' standards.

1.5(1) Operation and maintenance. The cemetery shall be operated and maintained in accordance with national standards set forth in Title 38 U.S.C. Chapter 24.

1.5(2) Application for interment. The department shall provide veterans and their eligible dependents with a standardized application for interment at the cemetery. This application is available at the Iowa Veterans Cemetery, 34024 Veterans Memorial Drive, Adel, Iowa 50003-3300; the Iowa Department of Veterans Affairs, 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-1824; or online at www.iowava.org/vetcemetery/index.html.

1.5(3) Eligibility. The department shall make eligibility for interment determinations consistent with Title 38 U.S.C. Chapter 24. State residency shall not be considered a component of eligibility.

1.5(4) Appeal rights.

a. Final agency action. Eligibility determinations made by the cemetery director shall be the final decision of the department.

b. Judicial review. Judicial review of the department's decision may be sought in accordance with Iowa Code section 17A.19.

[ARC 7825B, IAB 6/3/09, effective 7/8/09]

801—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. Rescinded IAB 2/28/07, effective 1/29/07.

MERCHANT MARINE WAR BONUS

801—1.11(35) Merchant marine war bonus. The merchant marine war bonus shall be administered in accordance with 1999 Iowa Acts, chapter 180, sections 2 and 5.

1.11(1) Eligibility. This rule applies to former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, and who had maintained residence in this state for a period of at least six months immediately before entering the merchant marine service, and who were discharged under honorable conditions.

1.11(2) Application procedures. The application is available at the department of veterans affairs. The application may be submitted to the department with name, address and telephone number, along with required document DD-214.

1.11(3) Department processing and investigation.

a. The time period for filing applications shall begin on July 1, 1999.

b. The executive director of the department of veterans affairs will approve or disapprove the application.

1.11(4) Appeals procedure. Decisions of the executive director are subject to review by the commission. Applicants may appeal the decisions of the commission as provided by Iowa Code section 17A.19.

1.11(5) Office address. The office of the department of veterans affairs is located at 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-1824.

1.11(6) Qualified recipient and amount of payment. The former merchant marine or surviving unmarried widow or widower, child or children, mother, father, or person standing in loco parentis, in the order named and none other, of any deceased person, shall be paid and entitled to receive from moneys appropriated for that purpose the sum of \$12.50 for each month that the person was on active duty in the merchant marine service, all before December 31, 1946, not to exceed a total sum of \$500.

[ARC 7825B, IAB 6/3/09, effective 7/8/09]

801—1.12 to 1.14 Reserved.

801—1.15(35A,35B) Training for county commissions. Rescinded IAB 6/3/09, effective 7/8/09. [See 801—Chapter 7.]

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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