

CHAPTER 13
VIETNAM CONFLICT VETERANS BONUS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

801—13.1(35A) Bonus for persons serving in the Vietnam service area.

13.1(1) *Service requirement.* A person serving in the Vietnam service area is a person who served on active duty for not less than 120 days in the armed forces of the United States, and who served at any time between July 1, 1973, and May 31, 1975, both dates inclusive, and who at the time of entering into active duty service was a legal resident of the state of Iowa, and who had maintained the person's residence in this state for a period of at least six months immediately before entering into active duty service, and was honorably discharged or separated from active duty service, or is still in active service in an honorable status, or has been retired, or has been furloughed to a reserve, or has been placed on inactive status and was on active duty service in the Vietnam service area, within the dates specified in this subrule, if the veteran earned either a Vietnam service medal or an armed forces expeditionary medal Vietnam or can otherwise establish service in the Vietnam service area during that period.

13.1(2) *Compensation.* Compensation for persons who served in the Vietnam service area shall be as follows:

a. The amount of compensation shall be the sum of \$17.50 for each month that the person was on active duty service in the Vietnam service area, within the dates specified in subrule 13.1(1).

b. In addition, the person shall receive compensation at the sum of \$12.50 for each month that the person was on active duty service within the dates specified in subrule 13.1(1) and was not in the Vietnam service area. For example, a person who served six months in the Vietnam service area and six months not in the Vietnam service area will receive compensation for six months at \$17.50 per month, which is \$105, and six months at \$12.50 per month, which is \$75, for a total compensation payment of \$180.

c. Compensation under this subrule shall not exceed a total sum of \$500. Compensation for a fraction of a month shall not be considered unless the fraction is 16 days or more, in which case the fraction shall be computed as a full month.

801—13.2(35A) Bonus for persons serving outside the Vietnam service area.

13.2(1) *Service requirement.* A person serving outside the Vietnam service area is a person otherwise qualified under subrule 13.1(1) except that the person did not earn either a Vietnam service medal or an armed forces expeditionary medal Vietnam and did not serve in the Vietnam service area during the period between July 1, 1973, and May 31, 1975, both dates inclusive.

13.2(2) *Compensation.* Compensation shall be the sum of \$12.50 for each month that the person was on active duty service within the dates specified in subrule 13.2(1). Compensation under this subrule shall not exceed a total sum of \$300. Compensation for a fraction of a month shall not be considered unless the fraction is 16 days or more, in which case the fraction shall be computed as a full month.

801—13.3(35A) Other Vietnam veterans compensation.

13.3(1) *Compensation from other states.* A person is not entitled to compensation pursuant to this chapter if the person received from another state a bonus or compensation similar to that provided in this chapter.

13.3(2) *Compensation from previous bonus.* The maximum compensation a person may receive pursuant to this chapter shall be reduced by the amount of any Vietnam veterans bonus received from this state by that person for service prior to July 1, 1973. For example, if a veteran received compensation under the Vietnam veterans bonus authorized in 1973 Iowa Acts, House File 656, for service between July 1, 1958, and June 30, 1973, that compensation would be subtracted from the maximum amount permitted under this chapter in order to determine the amount of compensation the veteran may receive under this chapter. If the veteran received the maximum amount permitted, no compensation is payable under this chapter.

801—13.4(35A) Definition of active duty. “Active duty” means full-time duty in the armed forces of the United States, excluding active duty for training purposes only and excluding any period a person was assigned by the armed forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman, however enrolled, at one of the service academies.

801—13.5(35A) Survivor compensation. The surviving unremarried 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 the compensation that the deceased person would be entitled to pursuant to this chapter, if living. However, if any person has died or shall die, or is disabled, from service-connected causes incurred during the period and in the area from which the person is entitled to receive compensation pursuant to this chapter, the person or the first survivor as designated by this rule, and in the order named, shall be paid \$500 or \$300, whichever maximum amount would have applied pursuant to rule 801—13.1(35A) or 801—13.2(35A), regardless of the length of service.

801—13.6(35A) Persons not eligible for compensation. A person is not entitled to compensation pursuant to this chapter if the person was on active duty service after July 1, 1973, and the person refused to be subject to military discipline on conscientious, political, religious, or other grounds.

801—13.7(35A) Penalties. A person who knowingly makes a false statement relating to a material fact in supporting an application under this chapter is guilty of a serious misdemeanor. A person convicted under Iowa Code section 35A.8 as amended by 2007 Iowa Acts, Senate File 578, section 1, subsection 5c, shall forfeit all benefits to which the person may have been entitled under this chapter.

801—13.8(35A) Tax exemption. All payments and allowances made under this chapter shall be exempt from taxation, levy, and sale on execution.

801—13.9(35A) Application procedures and determination of eligibility.

13.9(1) Application procedures. Application shall be made on forms provided by the Iowa department of veterans affairs. Applications may be obtained from the department at the address listed in subrule 13.9(4) or from the department’s Web site at www.iowava.org. The applicant shall provide the information requested on the application and include any additional documentation required (for example, a copy of the applicant’s DD Form 214). The completed application, including documentation, shall be returned to the department at the address listed in subrule 13.9(4).

13.9(2) Department processing and investigation. The executive director of the Iowa department of veterans affairs will approve or disapprove the application.

13.9(3) Appeals procedure. Decisions of the executive director are subject to review by the commission pursuant to 801—Chapter 8, Contested Cases. Applicants may appeal the decisions of the commission as provided by Iowa Code section 17A.19.

13.9(4) Office address. Persons may contact the Iowa department of veterans affairs at Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824; telephone (515)242-5331 or 1-800-838-4692; fax (515)242-5659. The department’s Web address is www.iowava.org.

801—13.10(35A) Bonus restrictions and limitations. All bonuses under the program are subject to funding availability. Bonuses will be awarded in the order in which completed applications are received.

These rules are intended to implement Iowa Code Supplement section 35A.8(5) as amended by 2008 Iowa Acts, House File 2700, section 36.

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