

CHAPTER 16
LIMITED RESIDENCY VIETNAM CONFLICT VETERANS BONUS

801—16.1(82GA, HF2283) Bonus for persons serving in the Vietnam service area.

16.1(1) Service requirement. A person who served on active duty for not less than 120 days in the armed forces of the United States at any time between July 1, 1958, and May 31, 1975, both dates inclusive, and who was inducted into active duty service from the state of Iowa 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 is entitled to receive from moneys appropriated for that purpose 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 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.

16.1(2) Limited eligibility requirements. A person eligible to receive compensation pursuant to 16.1(1) shall be entitled to compensation pursuant to this rule only if all of the following requirements are met:

- a. The person has not received a bonus or compensation similar to that provided in this chapter from this state or another state.
- b. The person was on active duty service after July 1, 1958, and the person did not refuse on conscientious, political, religious, or other grounds, to be subject to military discipline.
- c. The person made application for a bonus or compensation similar to that provided in this chapter from this state and was denied compensation because the person did not meet the applicable residency requirements.
- d. The person files an application for compensation under this chapter in a manner determined by the department of veterans affairs by July 1, 2010.

16.1(3) 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 16.1(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 16.1(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—16.2(82GA, HF2283) Bonus for persons serving outside the Vietnam service area.

16.2(1) Service requirement. A person serving outside the Vietnam service area is a person otherwise qualified under subrule 16.1(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, 1958, and May 31, 1975, both dates inclusive.

16.2(2) Limited eligibility requirements. A person eligible to receive compensation pursuant to 16.2(1) shall be entitled to compensation pursuant to this rule only if all of the following requirements are met:

- a. The person has not received a bonus or compensation similar to that provided in this chapter from this state or another state.
- b. The person was on active duty service after July 1, 1958, and the person did not refuse on conscientious, political, religious, or other grounds, to be subject to military discipline.

c. The person made application for a bonus or compensation similar to that provided in this chapter from this state and was denied compensation because the person did not meet the applicable residency requirements.

d. The person files an application for compensation under this chapter in a manner determined by the department of veterans affairs by July 1, 2010.

16.2(3) 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 16.2(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—16.3(82GA, HF2283) 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—16.4(82GA, HF2283) 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 dies 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—16.1(82GA, HF2283) or 801—16.2(82GA, HF2283), regardless of the length of service.

801—16.5(82GA, HF2283) 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 2008 Iowa Acts, Senate File 2283, section 4, shall forfeit all benefits to which the person may have been entitled under this chapter.

801—16.6(82GA, HF2283) Tax exemption. All payments and allowances made under this chapter shall be exempt from taxation, levy, and sale on execution.

801—16.7(82GA, HF2283) Application procedures and determination of eligibility.

16.7(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 16.7(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 16.7(4).

16.7(2) Department processing and investigation. The executive director of the Iowa department of veterans affairs will approve or disapprove the application.

16.7(3) Appeals procedure. Decisions of the executive director are subject to review by the commission pursuant to 801—Chapter 8. Applicants may appeal the decisions of the commission as provided by Iowa Code section 17A.19.

16.7(4) Office address. Persons may contact the Iowa Department of Veterans Affairs, 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—16.8(82GA, HF2388) 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 2008 Iowa Acts, House File 2283.

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