

TABLE OF CONTENTS

Veterans' Bonus Division

Scope of regulations 27-140c- 1

Active duty requirement 27-140c- 2

Requirement of domicile in year prior. 27-140c- 3

Domicile when applying 27-140c- 4

Nature of discharge received by veteran. 27-140c- 5

Determination of fault or misconduct 27-140c- 6

Amount of creditable time and payment of the bonus 27-140c- 7

Administrative rejection 27-140c- 8

Survivors payments. 27-140c- 9

Appeals Procedure

Preliminary notice to the state treasurer 27-140c-10

Notice to applicant 27-140c-11

Veterans' Bonus Division

Sec. 27-140c-1. Scope of regulations

(a) Sees. 27-140c-1 through 27-140c-11 inclusive will apply with equal force to the Veterans' Bonus Act for the Vietnam Conflict (Public Act 422 [1967]), and the Veterans' Bonus Act for those eligible veterans who did not receive a bonus previously for service in World War II or the Korean Conflict (Public Act 591 [1971]).

(b) All words and phrases used in these rules and regulations not defined in the appropriate bonus act shall be construed in accordance with Sec. 1-1, Connecticut General Statutes, as amended.

(c) The term "Treasurer" as used in these regulations shall refer to the Treasurer, State of Connecticut, unless otherwise indicated.

(Effective June 27, 1973)

Sec. 27-140c-2. Active duty requirement

(a) The term "active duty" shall be construed to include time served in the army, navy, air force, marine corps, coast guard of the United States, and any officer of the United States Public Health Service detailed by proper authority with any of the foregoing, but shall not include time served in the merchant marine.

(b) Applicants whose active duty consisted solely of active duty for training as Reservists or National Guardsmen (Acdutra) will not be eligible to receive the bonus benefits for such periods. Provided that if a reservist or guardsman serves in such a capacity for a period of over six months, then he may be eligible for the bonus benefits for the eligible time exceeding six months, provided he serves a minimum of nine consecutive months.

(1) For example, an applicant who served six to eight months on Acdutra will not be eligible for the bonus.

(2) An applicant who serves nine consecutive months Acdutra shall be eligible for three months bonus.

(3) An applicant who serves separate tours of Acdutra, each in excess of nine months duration, shall receive no bonus payment for the initial six months of either tour of Acdutra.

(c) If such reservist or guardsman is mobilized by executive order for a period of ninety (90) or more consecutive days, then he may be eligible for the bonus.

(d) Cadets, midshipmen and other students at Service Academies will not be eligible to receive the bonus benefits for that period of time spent attending their respective academies.

(Effective January 9, 1976)

Sec. 27-140c-3. Requirement of domicile in year prior

(a) The applicant must prove that he has fulfilled the requirement of domicile in Connecticut for at least one year prior to entry into the armed forces. The following representative factors which may be considered in such determination include registration to vote, ownership of property and paying taxes thereon, driver's license, membership in community organizations and sworn statements by Connecticut officials of such domicile.

(b) Notwithstanding the provisions of Sec. 27-140c-3 (a), in cases where in the opinion of the treasurer, it would be impractical or impossible to obtain evidence supporting an applicant's claim of the year prior domicile requirement, a sworn statement by the applicant duly notarized certifying his domicile in Connecticut for the required period before entry onto active duty will satisfy this requirement. Such

statements will be accepted only in the absence of contrary evidence indicating the applicant's domicile in Connecticut during the period in question is presented.

(c) The applicant will be presumed to have maintained the same domicile he had prior to entry into active service provided that if an applicant shows an active duty record with broken or interrupted service for a year or longer, then domicile upon re-entry into the armed forces will be considered that which is established and maintained during this period.

(Effective June 27, 1973)

Sec. 27-140c-4. Domicile when applying

(a) A statutorily qualified applicant who is domiciled in Connecticut on October 1, 1967, or at a time subsequent thereto is eligible for the bonus regardless of whether he continued his Connecticut domicile upon his separation from military service.

(b) Veterans seeking the World War II or Korean War Bonus must have been domiciled in this state on or after October 1, 1971.

(c) All applicants who applied for the bonus and were refused because they were not domiciled in Connecticut at the time of application may reapply for the bonus.

(d) The right to receive the bonus is deemed to accrue while in the service.

(Effective June 27, 1973)

Sec. 27-140c-5. Nature of discharge received by veteran

(a) If the applicant receives an honorable discharge, he will be eligible for the bonus provided the other criteria of eligibility are satisfied.

(b) If the applicant receives a dishonorable discharge, he will not be eligible for the bonus.

(c) If the applicant receives either a discharge under honorable conditions or discharge under conditions other than honorable, or such other similar discharge, the veteran will only be eligible to receive the bonus if the discharge was through no fault or misconduct on his part.

(Effective June 27, 1973)

Sec. 27-140c-6. Determination of fault or misconduct

(a) If an applicant has been discharged under honorable conditions or conditions other than honorable, or such other similar discharge but is still ordered to fulfill a reserve obligation, he is eligible for the bonus.

(b) The eligibility or ineligibility of the applicant to receive benefits from the Veterans Administration will be a factor considered by the treasurer to establish no fault or misconduct by the applicant.

(c) Discharges under honorable conditions or under conditions other than honorable which will not be considered to have been based upon fault or misconduct include but are not limited to the following:

1. Discharges solely because of psychological or medical reasons, with supporting medical opinions;
2. Discharges because of a bona fide conscientious objector status of the applicant;
3. Discharges because of an applicant's admitted homosexuality, absent any homosexual activities while the applicant is in the service; and
4. Discharges based upon other conditions which are beyond the control of the applicant.

(d) Discharges under honorable conditions or under conditions other than honorable which will be considered to have been based upon fault or misconduct include but are not limited to the following:

1. Discharges based on certain unfavorable decisions of court martial or civilian courts;
2. Discharges because of use of drugs, liquor or other conduct of the applicant which is not due to conditions beyond his control; and
3. Any discharge of the applicant which the treasurer determines is due to the applicant's attempt to avoid his military commitment to service.
(Effective June 27, 1973)

Sec. 27-140c-7. Amount of creditable time and payment of the bonus

(a) An applicant's bonus payment will be based upon his creditable service time, which will be determined by subtracting the applicant's time lost, if any, from the applicant's total active service time, both of which categories appear on the Form DD214, Armed Forces of the United States Report of Transfer or Discharge required of all applicants.

(b) The information as presented on the applicant's Form DD214 will be considered prima facie evidence of the applicant's creditable service time.

(c) The military standard of a sixteen (16) day month will be used in all calculations by which the amount of each applicant's creditable service time is determined. Sixteen days must be served for the veteran to receive payment for the month.

(d) Applicants, who are on active duty at the time they file a bonus application, will not be paid if they are not eligible for the maximum payment of \$300.00, unless good cause is shown to the treasurer. Such applicants may reapply upon reaching such eligibility or upon separation from the armed forces whichever comes first.

(e) Applications of servicemen who are on an initial tour of active duty at the time they file a bonus application, and whose domicile statements reflect excessive periods of service in a time lost status will not be considered until the servicemen have been separated from service.

(Effective January 9, 1976)

Sec. 27-140c-8. Administrative rejection

(a) If the Veterans' Bonus Division requests information from an applicant to further substantiate his bonus claims and the applicant fails to comply with the request within four consecutive months, then the treasurer may make a determination of eligibility or ineligibility.

(b) If there is insufficient information, the treasurer may close the file without prejudice. If and when the necessary information is obtained at a later date, the file may be reopened by the Veterans' Bonus Division.

(Effective June 27, 1973)

Sec. 27-140c-9. Survivor's payments

(a) If a veteran is deceased, the amount of compensation to which he would have been entitled shall be paid to the following classes of persons in the order named, each class to the exclusion of all other classes:

1. Surviving spouse of the deceased veteran, provided such spouse is unmarried at the time of application and provided, at the time of the veteran's entry into service and thereafter, such spouse was not without just cause living apart from such veteran;

2. surviving child or children of the deceased veteran, share and share alike; and the descendants of a deceased child shall take the share the parent would take if living (per stirpes);

3. surviving parent or parents of deceased veteran.

(b) Any parent who has been absent from his home and unheard of for a period of seven or more years shall be conclusively presumed to be dead.

(c) No payment shall be made to any grandchild or parent of a deceased veteran unless such grandchild or parent was domiciled in this state for at least one year next preceding the time of application for payment and the share of such grandchild or parent not domiciled as aforesaid shall not be used to increase the share of the remaining individual or individuals in said class but shall be the property of the state. The determination of domicile in these instances will be based upon the same criteria as used in all other cases.

(Effective January 9, 1976)

Appeals Procedure

Sec. 27-140c-10. Preliminary notice to the state treasurer

(a) If an applicant's claim for the bonus is denied, the state treasurer shall inform the applicant of his right to appeal this decision to the Appeals Board.

(b) Notice from the applicant of his desire to appeal must be in writing and received within ninety (90) days of receipt of this letter.

(c) Upon receipt of the applicant's written request to appeal, a letter of acknowledgment of said request will be dispatched to the appealing party by the treasurer.

(Effective June 27, 1973)

Sec. 27-140c-11. Notice to applicant

(a) When the hearing date is established the appellant will be so advised by registered mail. This letter shall be sent at least thirty (30) days prior to the scheduled hearing date and shall include:

1. The date, time and place of hearing.
2. A statement citing the statutory authority upon which the application was denied.
3. A statement by the treasurer of the essential facts upon which his decision is predicated.
4. A statement informing the applicant that he can represent himself or be represented at the hearing by legal counsel (at his own expense) or by a duly authorized personal representative.

5. A statement informing the applicant that if he is not able to be present at the hearing he may either request or be granted one postponement of his appeal until the next scheduled meeting of the Appeals Board or may authorize the presentation of his case by his legal counsel, by his personal representative or by a member of the Veterans' Bonus Division selected by the treasurer before the Appeals Board.

(Effective June 27, 1973)