

# Glossary

## United States Department of Veterans Affairs (VA) Structure

### **3 Branches:**

***National Cemetery Administration:*** Honors Veterans and their eligible family members with final resting places in national shrines and with lasting tributes commemorating military service. VA maintains more than 130 national cemeteries that honor Veterans and their eligible family members.

***Veterans Health Administration:*** Integrated health system providing care to eligible Veterans and their dependents. Consists of medical centers, community-based outpatient clinics, community living centers, Vet Centers, and Domiciliaries.

- *Medical Centers (VAMCs)* = Largest VA healthcare facilities, frequently called “VA Hospitals,” provided a wide range of inpatient and outpatient healthcare services for Veterans and their dependents. Typically, VAMCs are located in urban areas (e.g., New York City, Albany, Syracuse, Buffalo) or near urban areas (e.g., Canandaigua, which is close to Rochester).
- *Community-Based Outpatient Clinics (CBOCs)* = Smaller than a VAMC, these satellite clinics provide the most common outpatient services, including health and wellness visits, to Veterans and their family members. Often, CBOCs lack the advanced medical technology that a VAMC will provide, but offer a good “first step” site for medical screenings, check-ups, etc. Commonly, CBOCs are located in rural areas to accommodate the Veterans and dependents who cannot easily access a VAMC. The Veterans Health Administration also offers a widely used “telemedicine” program to connect patients visiting a CBOC with specialists who examine the patient from a remote location.
- *Community Living Centers (CLCs)* = Facilities offering a “nursing home level of care” to Veterans who need assistance with activities of daily living and/or skilled nursing care (and, when necessary, palliative care). Typically, Veterans remain in a CLC for a relatively short-term stay. However, a Veteran can (if medically necessary) continue to reside in a CLC for the remainder of his or her life.

- *Vet Center* = Facilities providing a broad range of counseling, outreach, and referral services to Veterans and their families. Services for a Veteran may include individual and group counseling in areas such as Post-Traumatic Stress Disorder (PTSD), alcohol and drug assessment, and suicide prevention referrals. All services are free and confidential. Eligibility requires that the Veteran either served in a combat theater, or is a survivor of military sexual trauma, or served as a member of an unmanned aerial vehicle crew that provided direct support to operations in a combat zone or area of hostilities, or provided direct emergency medical care or mortuary services to casualties of war. Members of the National Guard or Reserves who served during emergency situations in the wake of a national emergency, major disaster, civil disorder, or drug interdiction operation are also eligible for Vet Center services.
- *Domiciliaries* = Residential facilities offering residential rehabilitation and treatment services for Veterans with multiple and severe medical conditions, mental illness, addiction, or psychosocial deficits. Treatment intensity, environmental structures, and type of supervision vary based on population served.

***Veterans Benefits Administration (VBA)***: The entity responsible for administering the Department's programs that provide financial and other forms of assistance to Veterans, their dependents, and survivors.

- *Regional Office (VARO)* = The most localized office level within the VBA. New York State has VAROs in New York City and Buffalo.

### **Common VA Benefits**

***Disability Compensation*** = Tax-free monetary benefit paid to Veterans with disabilities incurred or aggravated during active duty military service. The Veteran must prove a nexus between a current disability and the Veteran's military service, demonstrating that the disability was "as likely as not" caused by military service.

The VA bases amount of money that the Veteran receives upon the degree of the Veteran's disability. VA employees review evidence that the Veteran submits in support

of their claim and, based on this evidence, awards the Veteran a disability compensation rating on a scale from 10% (“least severe”) to 100% (“most severe”).

The VA awards ratings in 10% increments. Chapter 38 of the Code of Federal Regulations contains the specific medical criteria for each rating level of each disability.

A Veteran who receives a 0% rating for a disability receives free VA medical care for that disability, but no financial compensation. Generally, a Veteran will use a VA Form 21-526EZ to file for disability compensation.

***Dependency and Indemnity Compensation (DIC)*** = Tax-free monetary benefit payable to surviving spouses and other dependents of Veterans who died from their “service-connected disabilities” (disabilities for which the Veteran received a rating from the VA), as well as surviving spouses of a Veteran who had a 100% permanent and total disability compensation rating for a specific time period (usually 10 years) before the Veteran passed away.

***Non-Service-Connected Pension*** = Tax-free benefit for Veterans who served during a period of war for a non-service-connected disability. The Veteran does not need to serve in a combat zone to qualify. Service for at least one day during a period when the United States was at war (not limited to combat service) is enough to satisfy the “wartime service” requirement for this benefit. To qualify, the Veteran’s countable income must fall below a specific dollar amount set by Congress. Additionally, a Veteran cannot have household assets above a threshold set by Congress to qualify for a VA pension. All asset transfers are subject to a three-year lookback provision, with potential penalties for transfers that are not for fair market value. The VA automatically deems a Veteran who is age 65 or older “totally and permanently disabled” for pension eligibility. Typically, a Veteran uses a VA Form 21P-527EZ to apply for a non-service-connected pension.

***“Special” Pension*** = A Veteran or a surviving spouse who meets all of the criteria for a “regular” VA non-service-connected pension *and* requires another person’s assistance with two or more activities of daily living (washing, dressing, eating, toileting, etc.) can receive a larger financial benefit known as the “Aid & Attendance Special Pension.”

A Veteran or a surviving spouse who meets all of the criteria for a “regular” VA non-service-connected pension *and* is “substantially confined to your immediate premises because of permanent disability” can receive a larger financial benefit known as the “Housebound Special Pension.”

A Veteran or a surviving spouse cannot receive both Aid & Attendance and Housebound simultaneously.

**Survivors Pension (“Death Pension”)** = Tax-free monetary benefit payable to a low-income, un-remarried surviving spouse and/or unmarried children of a deceased Veteran who served during a period of war. The claimant’s countable household income must fall below a threshold that Congress establishes annually. Typically, a surviving spouse or dependent child uses a VA Form 21-534EZ to apply for a Survivors Pension.

**Veteran Readiness & Employment (“VR&E”)** = Program assisting Veterans with service-connected disabilities prepare for, find, and maintain employment. Services include evaluations to determine employable skills, vocational counseling, job training programs, assistance finding and keeping a job, post-secondary training opportunities, and Independent living services for Veterans unable to work due to the severity of their disabilities. See Title 38, Chapter 31, of the U.S. Code for full range of services.

**Post-9/11 Educational Assistance Program (“Post-9/11 G.I. Bill”)** = Educational benefit available only to honorably discharged Veterans with a qualifying period of active duty service after September 10, 2001, and their qualifying dependents. Recipients are eligible for financial assistance for up to 36 months when pursuing their education at qualifying institutions of higher education and vocational training programs in the form of tuition and fees, a monthly housing allowance, and a books and supplies stipend. The program also provides certain recipients the opportunity to transfer unused post-9/11 G.I. Bill educational benefits to their spouses and children.

For all fully eligible recipients attending a public college, university, or other public school, the VA pays full tuition and fees directly to the school. For recipients attending a private school, tuition and fees are capped at a national maximum rate. Post-9-/11 G.I. Bill benefits are payable for 15 years following the Veteran’s discharge from military service. If the Veteran left the military after January 1, 2013, there is no deadline for using the G.I. Bill benefits.

Full criteria for post-9/11 G.I. Bill eligibility are found in Title 38, Chapter 33, of the United States Code.

**Montgomery G.I. Bill** = Educational benefits program that was the most widely used program prior to the post-9/11 G.I. Bill’s implementation. Under the Active Duty Component of the Montgomery G.I. Bill (Title 38, Chapter 30, of the United States Code), honorably discharged Veterans and active duty Servicemembers with at least two years of active duty military service may receive up to 36 months of education benefits. Benefits are generally payable for 10 years following separation from military service.

Under the Selected Reserve Component of the Montgomery G.I. Bill, eligible members of Reserve units may receive up to 36 months of education benefits. Generally, a Reservist

in good standing must have a six-year service obligation to qualify for this benefit. Typically, eligibility under the Selected Reserve Component ends on the date of separation from the Reserves. However, the VA may extend eligibility if the Reservist was discharged due to a disability not caused by the Reservist's own willful misconduct, or if the Reservist is mobilized from his or her Reserve status to active duty military service.

***Specially Adapted Housing Grant*** = Available funding to help Veterans with certain severe service-connected disabilities purchase or construct an adapted home, or modify an existing home to accommodate a disability. Among the most common eligible service-connected disabilities are: loss of the use of both legs or both arms, loss of the use of one leg and one arm, severe burns, blindness in both eyes, and the loss of the use a lower extremity on or after September 11, 2001, that prevents the Veteran from moving without the aid of braces, crutches, canes, or a wheelchair. Typically, a Veteran will use a VA Form 26-4555 to apply for a Specially Adapted Housing Grant.

***Burial Benefits*** = VA burial benefits include a gravesite in any of the National Cemetery Administration's 133 national cemeteries with available space, opening and closing of the grave, perpetual care, a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the deceased Veteran's family. Typically, a claimant uses VA Form 21P-530 to apply for burial benefits.

Burial benefits available for Veterans' spouses and dependents buried in a national cemetery include burial with the Veteran, perpetual care of the gravesite, and the spouse's or dependent's name and date of birth and death inscribed on the Veteran's headstone, at no cost to the family. Spouses and dependents receive these burial benefits even if they predecease the Veteran.

If a Veteran is buried in a private cemetery, available burial benefits include a government-issued headstone, marker or medallion, a burial flag, and a Presidential Memorial Certificate, at no cost to the family. However, no burial benefits are available for Veterans' spouses or dependents buried in private cemeteries.

Additionally, a Veteran's surviving spouse (or the Veteran's surviving dependent children if no spouse survives the Veteran) may be eligible for a burial allowance to help offset funeral costs. If the Veteran died from a service-connected disability on or after September 1, 2001, the maximum burial allowance is \$2,000. If the Veteran died from a service-connected disability before September 11, 2001, the maximum burial allowance is \$1,500.

If the Veteran's death was not service-connected, the maximum burial allowance today is \$300, along with a payment of approximately \$700 (varies by the year of the Veteran's

death) to pay for the plot of land on which the Veteran is interred. If the Veteran dies while under the care of a Veterans Health Administration facility, then the maximum amount of money in the burial allowance payout increases.

### **Common VA Benefits Procedural Terms**

**Accreditation** = Under federal law, any individual representing a party in the preparation, presentation, and prosecution of a claim for VA benefits must first receive accreditation from the VA as a claims agent, attorney, or representative of a VA-recognized Veterans Service Organization (VSO). Individuals seeking accreditation as a VSO representative apply by filing VA Form 21; individuals seeking accreditation as a claims agent or as an attorney apply by filing VA Form 21a.

Maintaining accreditation includes, but is not limited to, certain requirements regarding reimbursement for assisting claimants. No person or organization may charge claimants a fee for assistance in preparing applications for VA benefits or presenting claims to VA. Accredited agents and attorneys may charge fees for assistance on a claim for VA benefits only after VA issues a decision on a claim and the claimant files a Notice of Disagreement initiating an appeal of that decision. If a party ever charges a Veteran a fee at any stage in the process, that party must file the fee agreement with the VA for the VA's review and approval.

Title 38, Chapter 59, of the United States Code, and Title 38, Sections 14.626 through 14.637 of the Code of Federal Regulations, provide the majority of the legal provisions regarding obtaining and maintaining accreditation through the VA.

**Appeal** = Any claimant who receives a decision on a VA claim has the right to appeal that decision. To initiate the appellate process, the claimant must utilize one of the three administrative appeal lanes within the VA. (See "Board of Veterans' Appeals," "Higher-Level Review," and "Supplemental Claim" below). If the claimant is still not satisfied with the outcome after filing an administrative appeal within the VA, then the claimant can file another administrative appeal using a different VA appeal lane or the claimant can file an appeal with the United States Court of Appeals for Veterans Claims. The filing deadline for any of the VA's administrative appellate lanes is one year from the date of the decision that the claimant is appealing. The deadline for the Court of Appeals for Veterans Claims is 120 days from the date of the decision that the claimant is appealing.

**Board of Veterans' Appeals (BVA)** = One of the three options of appellate review within the VA's administrative review process. The BVA's Veterans Law Judges, all of whom are attorneys experienced in Veterans' Law and in reviewing VA benefits claims, issue

written decisions for each appeal. Staff attorneys, also trained in Veterans' Law, review each appeal and assist the BVA's Law Judges in reaching their final conclusions.

Appellants can choose to appeal directly to the BVA, or to seek review from a VA personnel in other "lanes" of the appellate process first. The appellant has the right to request an in-person hearing or a hearing via videoconference before a Veterans Law Judge, but such a hearing is not required if the appellant wants strictly a documentary review of the case without appearing before a judge.

**Claim** = The initial filing for any variety of VA benefits. All VA claims go to a VARO for initial handling and processing. There are no time limits regarding filing a claim. For instance, a World War II Veteran could file a disability compensation claim tomorrow for a service-connected disability incurred or exacerbated in 1942 without facing any prejudice from the VA's reviewers for "waiting" so long.

**Clear and Unmistakable Error (CUE)** = A collateral attack on a final VA rating decision. To prevail, the Veteran must prove three elements: (1) the facts known at the time of the decision being attacked on the basis for CUE were not before the adjudicator or the VA incorrectly applied the law then in effect; (2) an error occurred based on the record and the law that existed at the time; and (3) had the VA not made the error, the outcome would have been manifestly different. A successful CUE petition forces the VA to revise its previously final decision, even if the customary appeals deadline has expired.

**Effective Date** = The date on which VA benefits payments begin. Sometimes, a Veteran's effective date allows for retroactive payments from the VA that pre-date the actual submission of the claim to the VA. Generally, an effective date for service-connection for a disability that is directly linked to an injury or disease incurred or exacerbated by military service is the date VA receives a claim or the date entitlement arose, whichever is later. However, if the claimant files the claim within one year of separating from active duty military service, then the effective date is the day after separation from service.

**Fully Developed Claim (FDC)** = Optional VA initiative providing a pathway for faster claims processing if the claimant submits all relevant evidence in the initial claims filing. If the claimant subsequently submits additional evidence regarding a claim that was initially filed as a FDC, the VA will remove the claim from the FDC program and process it through the traditional claims process. Generally, a claimant uses a VA Form 21-526EZ to file a FDC for disability compensation benefits (or a Form 21-527EZ for pension benefits, or a Form 21-534EZ for survivors' benefits).

**Higher-Level Review** = A fast-tracked appeal of an initial decision by the VA in which the claimant cannot add any new evidence into the record. The appellant may have an

informal phone conference with an employee of the Veterans Benefits Administration, but the appellant has no rights to receive a formal hearing if choosing this method of appeal. The VA has a goal of resolving all higher-level review appeals within 125 days of receiving the appeals package from the appellant.

***New and Relevant Evidence*** = Information that a claimant submits to the VA to supplement a request to re-open a claim. This evidence must be relevant and relate to an unestablished fact necessary to prove the claim. It has to have a legitimate influence or bearing on the decision, and cannot be cumulative or redundant. It cannot be information that the claimant previously provided to the VA.

***Ninety-Day Notice*** = A request from the BVA asking the appellant to submit any additional evidence before the BVA renders a final decision regarding the appeal. The appellant has 90 days from the date of this request to provide this evidence to the BVA. If the BVA does not receive any new evidence during this 90-day period, then the BVA will proceed on the record without any additional materials.

***Supplemental Claim*** = An appeal in which the appellant may submit new evidence into the record, but the appellant is not entitled to an in-person hearing or a video hearing to present the appeal. This appeals lane is designed for faster processing and resolution than the appeal to the Board of Veterans' Appeals.

### **Common New York State Veterans' Benefits**

***Blind Annuity*** = Monthly payment from New York State to legally blind wartime Veterans and to the unremarried surviving spouses of legally blind wartime Veterans who reside and are domiciled in New York State. Blindness *does not* need to be service-connected for the Veteran or the spouse to qualify. Military service needs to occur during a time of war, but does not necessarily need to occur in a combat zone. Eligibility depends on the Veteran's blindness, so the legally blind non-Veteran spouse of a non-blind Veteran would not qualify.

***Experience Counts*** = Governor Cuomo's multi-faceted initiative to help Veterans utilize skills learned in the military to transition into New York's workforce. For example, Veterans who gained military training and experience as a medic can use this experience to count toward certification as a civilian paramedic, home health aide, or nursing home aide in New York State. The Department of Motor Vehicles waives the road test for a Commercial Driver's License for Veterans with experience driving trucks and heavy equipment during military service. Veterans with other Military Occupational Specialties can transfer these skills into careers in New York ranging from working as a Licensed Radiological Technologist to working as a security guard.



In addition, recognizing the frequency at which military families move from place to place, the Experience Counts program also includes pathways for military spouses in certain licensed professions to transfer their careers into New York State with greater ease. For example, New York recognizes out-of-state licenses for military spouses who are real estate brokers, cosmetologists, barbers, and other careers requiring a license from the New York State Department of State.

**Gold Star Parent Annuity** = Authorizes an annuity payment of up to \$500 per Gold Star Parent of a Servicemember who was killed in combat. Recipients must be residents and domiciliaries of New York State. Payments are disbursed in semi-annual installments (March and September). Controlling definition of “Gold Star Parent” appears in federal law (10 USC 1126). Definitions that privately run “Gold Star organizations” use may not necessarily match the controlling definition in federal law.

**Hire-A-Vet Credit** = A statewide tax incentive for businesses hiring post-9/11 Veterans to full-time jobs. To qualify, the business must employ a post-9/11 Veteran with an Honorable or General discharge for no less than 35 hours per week for one calendar year. The Veteran must attest that he or she was not employed for 35 or more hours in the previous 180 days for the business to qualify for the tax exemption. Businesses may earn up to \$5,000 for hiring a qualified Veteran, and up to \$15,000 for hiring a qualifying Veteran who is disabled.

**Lifetime Liberty Pass** = Pass from the New York State Department of Parks, Recreation, and Historic Preservation granting the holder free access to state parks, boat launch sites, historic sites, and park preserves throughout New York State, as well as free entry to 28 New York State golf courses. Veterans with a VA-rated disability of 40% or higher who are New York State residents qualify for this pass.

**Supplemental Burial Allowance** = A payment of up to \$6,000 from New York State to immediate family members of Servicemembers killed in combat zones or dying from wounds incurred in combat to offset funeral and interment expenses.

**State Veterans Homes** = The New York State Department of Health operates four state Veterans homes for Veterans, spouses and Gold Star Parents: a 242-bed Veterans home at Oxford, Chenango County, a 250-bed Home at St. Albans, Queens; a 126-bed Home in Batavia, Genesee County; and a 250-bed home at Montrose, Westchester County. A 350-bed Veterans Home on the campus of SUNY Stony Brook in Long Island is operated by the University’s Health Sciences Center. Health care and skilled nursing services are available at all facilities.

To be eligible for care in a State Veterans Home, a Veteran must have received an honorable discharge from military service, served for at least 30 days on active duty, and either entered active duty military service from New York State or resided in New York for at least one year to applying for admission to the State Veterans Home. Veterans with a disability compensation rating of at least 70%, and the spouses of such Veterans, receive skilled nursing care free of charge at all State Veterans Homes.

**Troops To Energy** = National employment initiative for Veterans seeking careers in the energy industry. New York became part of this program in 2014. Available jobs are listed through a Troops To Energy clearinghouse website.

**Veterans Distinguishing Mark** = Honorably discharged Veterans (including members of the National Guard and Reserves) can receive the word “Veteran” printed on their driver’s license, learner’s permit, or non-driver’s ID at any local New York State Department of Motor Vehicles office. There is no charge for this printing service. This designation gives Veterans a far more convenient alternative to carrying around their discharge paperwork as proof of military service.

**Veterans Tuition Award** = Scholarship from the New York State Higher Education Services Corporation to combat Veterans entering a higher education course of study as a matriculated student. The financial award per semester equals to the lesser amount of either the undergraduate tuition that the State University of New York (SUNY) charges New York State residents or the actual tuition of the combat Veteran’s program of study.

**Veterans With Disabilities Employment Program (55-c or “55 Charlie”)** = Section 55-c of New York State’s Civil Service Law authorizes 500 entry-level public sector positions to be filled with qualified wartime Veterans with disabilities. Applicants must meet the minimum qualifications for the position, but are not required to take a Civil Service examination.

Any Veteran who has received the Purple Heart or has a VA disability rating of at least 10% is automatically eligible for this program.

### **Other Commonly Used Veterans’ Terms**

**Active Duty** = A Servicemember is on Active Duty if he or she works for the military full-time and can be deployed at any time. Individuals serving in the Reserve or in the National Guard are not full-time active duty military personnel, although they can be activated to active duty status at any time should the need arise. Also frequently referenced as “Title 10 Status.”

**DD214** = A Veteran's Certificate of Release or Discharge from Active Duty issued by the United States Department of Defense. This is the most important single record that a Veteran can possess to prove that he or she served in the Armed Forces.

**National Personnel Records Center** = Agency of the National Archives and Records Administration that serves as a repository for military records. Based in St. Louis, this is the entity to which a Veteran submits a Standard Form 180 (SF 180) when seeking copies of his or her DD214, military medical records, records necessary to substantiate an application for a lost or destroyed military medal or decoration, or other records pertaining to that Veteran's military personnel file.

**Operation Enduring Freedom (OEF)** = Military operation that began on October 7, 2001 with allied air strikes on Taliban and al Qaeda targets.

**Operation Iraqi Freedom (OIF)/Operation New Dawn (OND)** = Military operation that began in March 2003 with the American-led coalition's invasion of Iraq. Labeled Operation Iraqi Freedom until 2010, when it was re-named Operation New Dawn.

**Power of Attorney (POA)** = A Veteran or dependent must grant Power of Attorney to a VA-accredited representative before that representative can represent the Veteran or dependent in a claim or appeal for VA benefits. To appoint an accredited representative of a Veterans Service Organization, the Veteran or dependent must first file VA Form 21-22 with the VA. To appoint a VA-accredited attorney, the Veteran or dependent must first file VA Form 21-22a with the VA.

**Servicemembers Civil Relief Act (SCRA)** = A powerful yet often-underutilized set of equity-based consumer protection statutes for Servicemembers on active duty, recently discharged Veterans, and their dependents. Provisions include the ability to stay civil actions during the duration of an individual's military service, the ability to avoid certain civil fines and penalties during the duration of an individual's military service, and the implementation of a 6% interest rate cap for all obligations entered into before beginning active duty if the military service materially affects their ability to meet the obligations.

**Standard Form 180 (SF 180)** = The form used to request military records, including but not limited to a Veteran's DD214, from the National Personnel Records Center in St. Louis and from that Veteran's branch of the military.

**Uniformed Services Employment and Re-employment Rights Act (USERRA)** — A set of statutes protecting Servicemembers' re-employment rights when returning from a period of military service (including activation to Title 10 status from the National Guard or Reserves) and guarding against employer-based discrimination due to past, present, or

future military service. If an employee notifies his or her employer in advance about upcoming military service obligations, and returns to that job in a timely manner after serving in the military for five years or less, that employee receives several protections under USERRA, including the right to be re-employed with all of the job-based benefits the Veteran would have attained if he or she had not been absent due to military service.

### **Commonly Seen Military Discharge Classifications**

- **Honorable.** This is the highest classification of discharge. It means that the Veteran completed his or her service obligation at or above the level required by that branch of service. An individual with this classification meets the discharge classification requirements for all Veterans' benefits that the United States Department of Veterans Affairs oversees.
- **General Discharge Under Honorable Conditions.** This classification means that the Veteran provided satisfactory service in the estimation of his or her branch of the military, but the Veteran's conduct was in some way not meritorious enough to deserve an Honorable discharge. Individuals with this discharge classification can receive most VA benefits, but cannot receive education benefits under the G.I. Bill.
- **Discharge Under Other Than Honorable Conditions.** This classification, usually called "an OTH" in conversation among military members and Veterans, means that the Veteran engaged in a "pattern of behavior that constitutes a significant departure from the conduct expected" of an individual in military service. Receiving this level of discharge can (but does not always) deprive Veterans of many Veterans' benefits. Additionally, individuals who receive an OTH classification are usually barred from re-enlisting into any branch of the military.
- **Bad Conduct Discharge (BCD).** An individual can receive this discharge only if a military court-martial finds them guilty of certain particularly serious offenses under the Uniform Code of Military Justice (UCMJ).
- **Dishonorable Discharge.** An individual can receive this discharge only if a General Court-Martial finds that person guilty of "serious offenses of a civil or military nature." (NOTE: If a commissioned officer is convicted at a General Court-Martial, then the officer's paperwork will list that they received a "Dismissal," which carries the same negative consequences as a Dishonorable Discharge).