

9055.0270 STATE SOLDIERS ASSISTANCE PROGRAM; WHO CAN APPLY.**Subpart 1. Application for benefits.**

A. Subject to the requirements of part 9055.0290, any of the following individuals may apply for benefits from the state soldiers assistance program:

- (1) a veteran;
- (2) a surviving spouse of a veteran; and
- (3) a member of the armed forces called from reserve status to extended federal active duty per Minnesota Statutes, section 196.05, subdivision 1, clause (9).

B. The order in which applicants of a household must apply for benefits is as follows:

- (1) if an applicant's eligibility is based on a veteran's service:
 - (a) the veteran or the veteran's authorized representative must apply first, if able;
 - (b) if the veteran is deceased, then the surviving spouse of the veteran or the surviving spouse's authorized representative must apply; and
 - (c) if none of the individuals in unit (a) or (b) are able to apply, then the veteran's dependents or the authorized representative of the veteran's dependents must apply;
- (2) if an applicant's eligibility is based on a member of the armed forces serving on extended federal active duty:
 - (a) the member of the armed forces or the member's authorized representative must apply first, if able;
 - (b) if neither individual in unit (a) is able to apply, then the spouse of the member of the armed forces or the spouse's authorized representative must apply; and
 - (c) if none of the individuals in unit (a) or (b) are able to apply, then the dependents of the member of the armed forces or the dependents' authorized representative must apply.

C. The initial applicant is responsible for applying for benefits on behalf of the remaining members of the household.

D. All applicants under this part must apply for benefits using a standard application prescribed by the commissioner.

E. An eligible child, as defined in Minnesota Statutes, section 197.75, subdivision 1, paragraph (d), may apply on their own behalf for education benefits under the surviving children and spouses education assistance program activity.

F. A surviving spouse of a veteran who remarries is not eligible to receive benefits from the state soldiers assistance program, but the surviving spouse may apply for benefits as the authorized representative of the deceased veteran's surviving dependents.

G. A veteran or surviving spouse of a veteran may apply for benefits as the authorized representative of the veteran's dependents, but the veteran or surviving spouse is not eligible to receive benefits from the state soldiers assistance program if:

- (1) incarcerated;
- (2) civilly committed under Minnesota Statutes, chapter 253D; or
- (3) civilly committed to an inpatient program under Minnesota Statutes, chapter 253B, for longer than 30 days.

H. As part of the application process, an applicant must provide to the commissioner proof of identity and Minnesota residency as defined in Minnesota Statutes, section 197.05, paragraph (b).

I. As part of the application process, a household member must provide to the commissioner proof of:

- (1) identity;
- (2) Minnesota residency as provided by Minnesota Statutes, section 197.05, paragraph (b);
- (3) age; and
- (4) a relationship to a veteran or member of the armed forces.

J. For the purposes of proving the requirements in items A, D, F, H, and I, an applicant or household member must show proof with any of the following documentation:

- (1) residency verifications as provided in Minnesota Statutes, section 197.05, paragraph (b);
- (2) a Tribal identification card showing a physical Minnesota address;
- (3) a person's military discharge papers or equivalent;
- (4) a Report of Casualty from the United States Department of Defense;
- (5) a military member's current active duty military orders;
- (6) a benefit award letter from the United States Department of Veterans Affairs;
- (7) a marriage certificate;
- (8) a death certificate;
- (9) a birth certificate;
- (10) a court order granting adoption;
- (11) documentation confirming legal guardianship issued by a state government entity;

or

(12) other official documentation confirming a person's identity, age, and relationship to the veteran or member of the armed forces issued by a state or federal government entity.

Subp. 2. Authorized representatives.

A. An applicant described in subpart 1, item A, who is not able to apply for benefits must apply through an authorized representative.

B. A dependent of an individual described in subpart 1, item A, must apply for benefits through an authorized representative if the person in subpart 1, item A, is deceased.

C. An individual acting as an authorized representative of an applicant or a recipient of benefits must submit one of the following documents to the commissioner proving the legal authorization to represent the applicant or recipient:

(1) a court order providing the authorization to represent the person subject to guardianship;

(2) a court order providing the authorization to represent the person subject to conservatorship; or

(3) a power of attorney as recognized by Minnesota Statutes, chapter 523.

Subp. 3. Residency.

A. All household members who receive benefits must meet the residency requirements of Minnesota Statutes, section 197.05, paragraph (b), except under the following circumstances:

(1) the commissioner must include a child in an applicant's or a recipient's household count who is a dependent but is not residing with the household on a full-time basis due to marital dissolution or parental separation. The child is considered a resident if the applicant or applicant's spouse or the recipient or recipient's spouse is financially responsible for the child or has been awarded visitation as verified by a judgment, decree, or other order of the court providing for the legal custody, physical custody, or visitation with respect to a child. A child is only authorized to receive benefits when the child is in Minnesota; and

(2) the commissioner must include an adult child in an applicant's or a recipient's household count who is a dependent but is not residing with the household on a full-time basis due to school attendance or a medical condition. The adult child is considered a resident if the applicant or applicant's spouse or the recipient or recipient's spouse is financially responsible for the adult child as verified by financial aid documentation or documentation from the facility where the adult child is residing. An adult child is only authorized to receive benefits when the adult child is in Minnesota.

B. The commissioner must exclude time spent in Minnesota for any reason when determining if an applicant meets the residency requirement if the applicant maintains residency in another state.

C. The commissioner must exclude time spent in Minnesota incarcerated in a state or federal prison when determining if an applicant meets the residency requirement. Time counted toward residency begins the day after an applicant is released into the community.

Statutory Authority: *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

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