

Chapter 115 Benefits from the Massachusetts Department of Veterans' Services:

A Self-Help Guide for Veterans and their Dependents



Written by the Veterans Legal Clinic
Legal Services Center of Harvard Law School
(August 2018)

Table of Contents

Overview of 115 Benefits.....	2
Eligibility Criteria	4
Applications and Appeals.....	6
Appeal Flowchart	8
Other Benefits.....	9
Annuities	9
Bonuses	10
Burial Allowances	13
Moving and Transportation Assistance	13
Questions and Answers	14

Disclaimer:

This self-help guide is neither a solicitation nor an offer to represent you concerning any legal problem. This self-help guide does not constitute legal advice and provides general information only. The information conveyed in this guide is not intended to and does not create an attorney-client relationship with you and the Legal Services Center or any attorney at LSC. Please be aware that unsolicited letters, facsimiles or emails do not create an attorney-client relationship and we will not have an attorney-client relationship with you until and unless you and LSC enter into a formal agreement of engagement.

CHAPTER 115 OVERVIEW

What is the Chapter 115 Benefits Program?

The Chapter 115 Benefits Program is run by the Massachusetts Department Veterans' Services (DVS). DVS runs the program in partnership with local Veterans' Service Officers (VSOs). The Program provides financial aid for food, shelter/housing, clothing, and medical care to veterans and their dependents who have limited incomes.

What is a VSO?

Every town or district in Massachusetts has a Veterans' Service Officer (VSO). VSOs must assist veterans and their dependents in learning about, applying for, and receiving Chapter 115 benefits. VSOs can also help you in applying, appealing, and receiving VA compensation and pension and other benefits.

What types of Chapter 115 Benefits are available?

Cash Assistance

You can get a monthly cash payment. Whether you can get this cash payment depends on your living situation, special needs, and income. For example, if you are a single applicant living alone, you might qualify for between \$1 and \$1436 each month.

Medical Expense Reimbursements

You can be reimbursed (in full or in part) for various types of medical expenses, such as insurance premiums, co-pays, dental work, hearing aids, and eyeglasses.

Even if you have too much income to get cash assistance, you still might be able to get medical expense reimbursements.

Emergency Assistance

You might be able to get financial aid if you are behind on your mortgage, rent, or utility bills. You might be able to get financial aid for emergency home repairs or in cases of natural disasters.

Other State Veteran Benefits

DVS provides other benefits besides Chapter 115 benefits. These include Annuities, Bonuses, Burial Allowances, Moving Assistance, and Transportation to Medical Appointments. For more information and to learn whether you might be eligible, see pages 8-12 of this guide.

How does the Chapter 115 Benefits Program work?

Your local VSO handles applications, gets approval from DVS, and gives out benefits. The program is funded by a combination of state and local funds. DVS pays for 75% and your city or town pays for 25% of approved benefits.

Who can get Chapter 115 Benefits?

There are three requirements to get these benefits. You must (1) be a veteran or a dependent of a veteran; (2) have financial need; and (3) live in Massachusetts.

1 A **veteran** is someone who meets all of the following criteria:

- Served in the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force, or full-time National Guard duty
- Last discharge was “under honorable conditions” (you may be eligible even if you do not have an Honorable discharge)
- Meets at least one of the following requirements:
 - Served at least 180 days; or
 - Served at least 90 days with at least 1 day in war time; or
 - Had a service-connected disability after 1 day of active service in war time; or
 - Was awarded the Purple Heart; or
 - Died in service

A **dependent** is one of the following people:

- A veteran’s spouse or widow(er)
- A veteran’s child aged 18 or younger
- A veteran’s child aged 19 to 23 years old who is in high school or college
- A veteran’s child aged 19 or older who is totally disabled and was disabled before turning 19
- A veteran’s parent

2 Financial need

You must have low income and assets.

Income includes wages, salary, VA compensation and pension, SSI/SSDI, government benefits, dividends, and other payments to you. The income limits are:

Household Size	Monthly Income Limit
Individual	\$2,023
2-Person Household	\$2,743
3-Person Household	\$3,463
4-Person Household	\$4,183
5-Person Household	\$4,903

If you have more family members living in your household, the income limits are higher.

Even if your income is higher than these amounts, you may still qualify for reimbursement of medical expenses. (See page 1 of this guide)

Assets include money in bank accounts, stocks, bonds, and other property. Your VSO will only count assets that are liquid (can easily be turned into cash). For example, the VSO usually doesn’t count assets like your home or car. The asset limits are:

Household Size	Asset Limit
Individual	\$5,000
Couple	\$9,800

3 Residence

You must live in Massachusetts and have lived here for at least one day. If you are homeless, you are still eligible.

APPLICATIONS & APPEALS

How do I apply?

You must contact your local Veterans' Service Officer (VSO) and file an application (known as a Form VS-1). Visit <http://www.mass.gov/veterans/> to find your local VSO or call the Department of Veterans' Services at 617-210-5480 and ask for your VSO's contact information.

You should bring documents with you to apply, including:

- DD-214 or other discharge certificate
- Income information (such as pay stubs, public benefits award letters, or bank statements)
- Proof of residence (such as rent receipts, mortgage payments, or a letter from a homeless shelter or transitional housing program)
- For dependents: veteran's or child's birth certificate; veteran's marriage certificate, or veteran's death certificate

After you apply, the VSO will give you a written decision and explain why your application was approved or denied.

For information about how to apply for Annuities, Bonuses, and other state veteran benefits see pages 8-12 of this guide.

Your Right to Apply	
Everyone has the right to apply for benefits and get help from the VSO in completing an application.	Everyone has the right to receive fair and equal treatment without regard to sex, race, religion, handicap, ethnicity, or national origin.

What if my application is denied?

You have the right to appeal *any* decision made by your VSO about your benefits. Your VSO will send you a notice about his or her decision. You have 21 days from the date on the notice to file an appeal.

The chart on the following pages explains how you can file an appeal and the three appeal levels available to you.

Level 1: Appeal to DVS

- To appeal, you must mail a signed request for an appeal to DVS within **21 days** of the date of the decision notice from the VSO.
- If you are appealing the lowering or stopping of your benefits, you can receive your benefits while you are appealing. You must include a request for continuation in your written appeal to DVS.
- DVS will schedule a hearing before a DVS Hearing Officer.
- You can attend the hearing by telephone if you cannot go in person.
- The Hearing Officer will listen to statements, take documents, and accept other evidence from you and the VSO.

Level 2: Appeal to DALA

- If you lose your appeal at Level 1, you can appeal that denial to the Division of Administrative Law Appeals (DALA).
- To do so, you must file an appeal to DALA within **10 days** of when you receive the decision from the DVS Hearing Officer. You must appeal in writing by sending a letter to DALA.
- DALA will schedule a pre-hearing conference to discuss your appeal, and then schedule a hearing in Boston.
- A DALA Magistrate will listen to statements, take documents, and accept evidence from you and DVS.
- The VSO must pay for your transportation to the DALA hearing if you cannot afford to travel to Boston.

Level 3: File for Judicial Review

- If you lose your appeal at Level 2, you can file for Judicial Review of the decision in Massachusetts Superior Court within **30 days** after you received the DALA decision.

What if I want help with my appeal or have problems with the Chapter 115 Benefits Program?

You don't need to have an attorney in order to appeal. If you want help or advice, you may be able to get free legal assistance. You can seek legal assistance if you want help with an appeal to DVS, to DALA, or to Superior Court. You may also be able to get free legal assistance if you just want advice about the program, your rights, and whether you might be able to get benefits.

One option is the Veterans Legal Clinic. You can call us at (617) 390-2525 or stop by our office at 122 Boylston Street, Jamaica Plain, MA 02130, Monday through Friday, 9 a.m. to 5 p.m.

What other state veteran benefits are available?

1 Annuities

Regardless of income, you can receive a \$2000 annuity each year, payable in two installments of \$1000 each on August 1 and February 1 if you are one of the following:

- A veteran who has blindness, paraplegia, or a double amputation connected to military service; or
- A veteran who has a 100% VA rating; or
- A parent of a veteran who died because of a wartime or combat-related injury; or
- An un-remarried spouse of a veteran who died because of a wartime or combat-related injury

To apply: Submit an application directly to DVS. The deadlines are June 30th for the August payment and December 31st for the February payment of any given year. To get an application, call DVS at 617-210-5480, or you can download the application form online.

Annuity application form for a veteran:

<https://www.mass.gov/files/documents/2016/08/sm/annuityveteran.pdf>

Annuity application form for a parent of a veteran:

<https://www.mass.gov/files/documents/2016/08/vo/annuityparent.pdf>

Annuity application form for spouse of a veteran:

<https://www.mass.gov/files/documents/2016/08/vw/annuityspouse.pdf>

2 Bonuses

Massachusetts gives bonuses to some veterans who served during certain periods of war. To get a bonus you must have lived in Massachusetts for **6 months** prior to entering service, been **discharged under honorable conditions** from that period of service, and meet certain other requirements.

Welcome Home Bonus for Post-9/11 Veterans

- Served on or after September 11, 2001
- The amount of the bonus depends on whether you served in Iraq or Afghanistan (\$1000) or served elsewhere in the U.S. or abroad for six months or more (\$500)

- Depending on the length of your service and number of deployments, you may be eligible for more than one Welcome Home Bonus. These later bonuses are paid at a lower rate
- Application for Active Duty Servicemembers:
<https://www.mass.gov/files/2017-07/2015-welcome-home-bonus-active-application.pdf>
- Application for Discharged Servicemembers:
<https://www.mass.gov/files/2017-07/2015-welcome-home-bonus-discharged-application.pdf>

Persian Gulf Bonus

- Served between August 2, 1990 and April 10, 1991 for at least 30 days
- The amount of the Persian Gulf Bonus depends on whether you served in the Persian Gulf Area and received the Southwest Asia Service Medal (\$500); or served elsewhere (\$300)
- Persian Gulf Application:
<https://www.mass.gov/files/documents/2016/08/rf/gulf-war-bonus.pdf>

Vietnam Bonus

- Served between July 1, 1958, and May 17, 1975

- The amount of the Vietnam Bonus depends on whether you served in Vietnam (\$300) or served elsewhere for at least six months (\$200)
- Vietnam Application: <https://www.mass.gov/files/2017-07/2015-vietnam-application.pdf>

Korean Bonus

- Served between June 25, 1950, and January 31, 1955
- The amount of the Korean Bonus depends on whether you served with one or more days outside the United States (\$300); served at least six months in the United States (\$200); or served 90 days in the United States (\$100)
- Korean Application: https://www.mass.gov/files/2017-07/korean-war-application_1.pdf

World War II Bonus

- Served between September 16, 1940, and July 25, 1947
- The amount of the World War II Bonus depends on whether you served outside the United States (\$300); served more than six months in the United States (\$200); or served less than six months in the United States (\$100)
- World War II Application: https://www.mass.gov/files/2017-07/2015-ww2-veteran-application_0.pdf

Bonuses for Survivors of Veterans

- If an eligible veteran has died, the spouse and children, mother or father, brother or sister, or other dependents (in that order) may be eligible to receive the veteran's bonus.
- The application for a surviving family member is available at: https://www.mass.gov/files/2017-07/2015-deceased-veterans_2.pdf

3 Burial allowances

If you are low-income and cannot afford funeral expenses, you may be given money to pay for the burial of a veteran or the dependents of a veteran. To apply, you must submit an application to your VSO within 60 days of the date of death.

4 Moving and Transportation to Medical Appointments Assistance

Moving assistance is available for those who:

- Have significant medical, financial, or social circumstance that can be reduced by relocation
- Are eligible for VA benefits
- Have insufficient resources to move on their own
- Have not received moving assistance previously

To apply, contact your VSO.

QUESTIONS & ANSWERS

Below are answers to frequently asked questions about state veterans' benefits in Massachusetts.

Q: I am disabled and unable to work. Do I have to do an employment plan with my VSO?

A: No. If you are unemployed because you are unable to work, you should provide proof of your disability to the VSO. Evidence of a disability might be a letter showing that you receive VA pension, SSI, or SSDI or a letter from your doctor.

If you are unemployed and able to work, the VSO will make an employment plan with you that tells you the steps you must take to try to find a job. The VSO will give this plan to DVS within 90 days of submitting your application for Chapter 115 benefits. If you disagree with the plan or the VSO's decision that you are able to work, you can appeal.

Q: Can I receive Ch. 115 and VA benefits at the same time?

A: It depends. You may be able to receive Ch. 115 while also receiving VA benefits as long as you still have low income. The higher the amount of your VA benefits, the lower your Ch. 115 benefits will be. If you receive a high level of VA benefits, you may be over the income limits for Ch. 115.

Many veterans receive Ch. 115 benefits while waiting for their VA benefits application to be decided by VA. If you are eventually approved for VA benefits and receive a retroactive check that covers the same time period that you were receiving Ch. 115 benefits, you may have to repay the Ch. 115 benefits to the VSO. You are only required to repay the Ch. 115 benefits if you agreed to do so ahead of time by signing an Agreement to Reimburse (Form VS-20A). This reimbursement agreement may also apply to other types of delayed payments for monthly benefits, including VA compensation, VA pension, SSI, or SSDI.

Q: What if I owe child support?

A: Your VSO may try to stop you from receiving benefits if he or she finds that you have "failed to support" your dependents. One example is if you have an outstanding child support order. You may need to obtain documents from Probate Court or the Department of Revenue to prove whether or not you've paid child support.

Q: Does the VSO have a duty to keep my information private?

A: Yes. The VSO must keep your information private and confidential. The VSO may ask you to sign a release to contact other agencies and get information about you to figure out whether you qualify for benefits. For example, the VSO might contact the Department of Revenue and the Department of Transitional Assistance. The VSO can access criminal records only if certified under the Criminal Offender Record Information (CORI) law. Be sure to read all releases carefully.

Q: What should I do if my income or situation changes?

A: If your income or living situation changes, you may be eligible for more or less benefits. You should tell the VSO about any changes, including changes to your income, employment, medical expenses, housing expenses, marriage, dependents, or roommates. If you don't tell your VSO, you might not be paid the right amount of benefits. If you are overpaid, the VSO can require you to give back the extra money you received.

At least once a year, the VSO will send you a letter asking for information to make sure you are still eligible for benefits. If you don't respond, there is a risk the VSO will stop your benefits. Make sure to talk

to your local VSO about this recertification process because it can be different among the VSO offices.

Q: What if I get a notice of overpayment and I don't have the money to repay it?

A: An overpayment occurs when you are paid more benefits than you are qualified for. If you are responsible for the overpayment (for example, if you did not notify the VSO of a change in circumstance), DVS will ask you to pay it back. If you have to pay back the money, you can talk to the VSO to figure out a repayment plan so that you repay a small amount of money each month over a period of months.

If the overpayment was not your fault or if repaying it would be a financial hardship, you can ask for the overpayment to be waived. You must request a waiver within **14 days** of the Notice of Action. The overpayment can be waived in full or in part. If your waiver request is denied, you will receive another Notice of Action and you can appeal the waiver denial within **21 days** of the date of the notice.

Q: What should I do if I am moving to a new town?

A: You must contact the VSO in your new town or city to re-apply for benefits. You should let your current VSO know that you will be moving. The VSOs can help

make sure that you continue to receive the full amount of benefits without interruption.

Q: Where can I find the rules that apply to Ch. 115?

A: The program was created by Massachusetts General Law (MGL) Chapter 115. You can read the law online: www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter115.

DVS has written rules for how the program should run in the Code of Massachusetts Regulations (CMR) Section 108. You can read the regulations online here: <https://www.mass.gov/law-library/108-cmr>

Written by the
Veterans Legal Clinic
Legal Services Center of Harvard Law School
122 Boylston Street, Jamaica Plain, MA 02130
www.legalservicescenter.org

Telephone: (617) 522-3003 | Intake Line: (617) 390-2525
Walk-In Hours: Monday – Friday, 9 a.m. – 5 p.m.