

# STATE VETERANS BENEFITS

STATE OF DELAWARE  
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## COMMISSION OF VETERANS AFFAIRS DELAWARE

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## **INTRODUCTION**

This pamphlet is designed to introduce you to the wide range of benefits available to those who have served their country and to their dependents. Only the highlights of the various programs administered by the State of Delaware are covered by this pamphlet. The information is not regulatory and should not be interpreted as such. The benefits are available without discrimination on the basis of race, color, national origin, sex, handicap, or religion. We urge you to take full advantage of the benefits to which you are entitled.

## **SERVICES TO DELAWARE VETERANS**

Why is it necessary for agencies outside the federal government to do service work for veterans? The laws under which the VA operates restrict it from developing, prosecuting or presenting claims against itself. The VA is likewise restricted from procuring such needed evidence as marriage certificates, divorce decrees, affidavits, birth certificates, and will proceed to adjudicate claims in the absence of such evidence. It is necessary for the veteran to furnish all required evidence. The Delaware Commission of Veterans Affairs (DCVA) located in Dover, Delaware provides assistance in obtaining notarized documentation such as Birth, Death or Marriage Certificates in addition to information on acquiring DD Form 214 and other records of active service. Commission Veteran Service Officers located in Kent and Sussex Counties will advise and assist you in preparing applications for VA benefits.

## **MOBILE SERVICE CENTER (OUTREACH)**

In Sussex County, the Commission operates a Mobile Service Center that provides all Commission services to County veterans and their dependents. For scheduled services, contact the Veteran Service Officer located at the Pyle State Service Center at (302) 732-9560.

## **VETERANS OUTREACH SERVICES**

LP Lo-Del, a Delaware Commission of Veterans Affairs contracted service, established in 1989, offers a wide range of services for veterans of all wars who live in Southern New Castle County to the Delaware-Maryland line. Services range from employment counseling, introducing and explaining veterans benefits, drug and alcohol counseling, family and individual counseling and transportation to medical facilities in the region. The outreach program coordinator helps connect veterans with a support group operated by People's Place Counseling Center in Milford. For further information about LP Lo-Del and People's Place Programs call (302) 424-1682 or (302) 422-8026.

## **“THE CENTURION” (NEWSLETTER)**

The Delaware Commission of Veterans Affairs publishes a quarterly newsletter, “*The Centurion*”. Copies of the newsletter are provided at no charge to veterans and their dependents. If you would like to be included on our mailing list, please contact the Commission Office at (800) 344-2792 or (302) 739-2792.

## **CERTIFICATE OF APPRECIATION**

The Governor has announced that the State of Delaware will provide a “Certificate of Appreciation” to all Delaware veterans who have served honorably in the Armed Forces of the United States during time of peace, conflict or war. To request a “Certificate of Appreciation” application, the veteran or family member may contact the Delaware Commission of Veterans Affairs at (800) 344-9900 or (302) 739-2792.

## **VETERANS ENTITLEMENTS COVERED BY LAW**

### **EDUCATIONAL BENEFITS FOR CHILDREN OF DECEASED VETERANS, ETC.**

The State of Delaware provides educational benefits for the children of deceased veterans of the military services of the United States, military service personnel held prisoner of war and military service personnel officially declared to be missing in action. In order to qualify for this entitlement an applicant shall be: the child of a member of the armed forces who was killed while on active duty or who died from disease, wounds, injuries or disabilities arising or resulting from performance of duty; a member of the armed forces who is being held, or who was held prisoner of war; or a member of the armed forces officially declared missing in action; a person who at the time of application for benefits is at least 16 years of age, but not more than 24 years of age, and who shall have been a resident of the State for at least three (3) years prior to the date of application; attending or admitted for attendance at an educational institution beyond the high school level in a program not to exceed four (4) years in duration. The per pupil benefits may include funds for the payment of room, board, tuition and required institutional fees for an academic year. Benefits shall be limited to four (4) years of training or education. The amount of benefit per pupil shall not exceed \$525 per year or the amount of tuition

per academic year, whichever is greater. Benefits are administered by the Delaware Postsecondary Education Commission. (Title 14, Chapter 34, Sections 3451-3455)

## **EDUCATION BENEFITS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD**

Any active member of a federally recognized unit of the Delaware National Guard, who meets the requirements for satisfactory membership as defined by the Adjutant General of the Delaware National Guard, shall be eligible for funding support by the Delaware National Guard for certain post-secondary education tuition and fees. (Title 14, Chapter 34, Sections 3480-3481)

## **COPIES OF STATEMENT OF SERVICE**

The Delaware Commission of Veterans Affairs has established a repository for veterans' "Statement of Service" or similar documentary verification of active armed service. Records maintained are World War I through the Vietnam era. In 1987 the State of Delaware again started keeping records and have records from 1987 to present. (Title 29, Chapter 87, Section 8721)

## **HIGH SCHOOL DIPLOMA FOR WWII VETERANS**

House Bill No. 60 provides a High School Diploma to those World War II veterans who did not graduate from high school due to their military service. Any World War II veteran who performed wartime service between December 7, 1941 - December 31, 1946 shall be eligible to receive a High School Diploma. World War II veterans interested in receiving their diploma, may contact the Delaware Commission of Veterans Affairs at (800) 344-9900 or (302) 739-2792.

## **FREE DEATH CERTIFICATES FOR VETERANS**

The State Registrar shall furnish free of charge to the relative of a veteran, one time, a certified copy of the veteran's certificate of death providing that said certified copy is essential to the settlement of a claim involving the settlement of the veteran's affairs. All other copies shall be issued at the statutory fee. (Title 16, Chapter 31, Section 3132c)

## **NO CHARGE FOR NOTARY SERVICES FOR VETERANS**

Service organizations' appointed notaries public may notarize documents and papers in connection with and for the benefit of any veteran, their families, or dependents. These notaries public shall make no charge for any service rendered in connection with filing claims on behalf of the veteran, their families, or dependents. The Delaware Commission of Veterans Affairs provides free notary service. (Title 29, Chapter 43, Sections 4305 and 4312)

## **STATE VETERANS HOME FUND**

House Bill No. 500 establishes a Delaware Veterans Home Fund within the Secretary of State's office. The fund provides for individuals who claim an overpayment of taxes on their income tax return to voluntarily designate a tax deductible contribution to the Veterans Home. The fund will be used for the construction, operation and maintenance of a Veterans Home in the State of Delaware. All contributions can be forwarded to the following address: Delaware Veterans Home Fund, Department of State, 401, Federal Street, Suite 3, Dover, DE 19901.

## **VETERANS PREFERENCE - ADMISSION TO GOVERNOR BACON HEALTH CENTER**

The Department of Health and Social Services shall give veterans of World War I, World War II, the Korean Conflict and the Vietnam era who are eligible for admission to the Health Center a preference over other persons with respect to admission thereto. (Title 16, Chapter 53, Section 5323)

## **PENSION BENEFITS FOR PARAPLEGIC VETERANS**

Each paraplegic veteran eligible for benefits hereunder shall receive a pension from the State of \$3,000 per year payable in equal monthly installments at the end of each month in which such veteran is eligible. The veteran must file evidence with the Pension Office that: he/she is a paraplegic and fully disabled to the extent that he/she has no voluntary control over either of his/her legs, and he/she is listed on the rolls of the U.S. Veterans Administration as totally disabled for the cause, and the disability is a direct result of service in the armed forces of the United States while the United States was officially at war or during a period when the United States was engaged in hostilities with another nation as a member of the United Nations. (Title 20, Chapter 10, Section 1001)

## **DELAWARE VETERANS MEMORIAL CEMETERY - ELIGIBILITY**

Veterans and members of the Armed Forces of the U.S. who qualify under the following:

- 1. HONORABLE MILITARY SERVICE** – A person who served on “active duty” 180 days or more other than for training, as defined – Section 101(21) Title 38 U.S. Code, as a member of the Armed Forces of the U.S. and whose service was terminated Honorably; a person who dies under honorable conditions while serving on active duty in an Armed Force of the U.S.; a member of the Merchant Marines; a member of the Reserve component of the Armed Forces, the Army National Guard, the Air National Guard, and the reserve of the Army, Navy, Marines, Air Force, or Coast Guard, who dies under honorable conditions while serving on active duty for training or full-time service. Members of the National Guard or Reserve forces of the U.S. who at the time of death was entitled to retired pay under Chapter 67 of Title 10 USC or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age; and provided that the Delaware residency requirements are met. Members of those organizations whose death occurs while hospitalized or undergoing treatment at the expense of the U.S. for injury or disease contracted or incurred under honorable conditions while serving on such duty or performing travel directly to or from that duty or service may also be eligible, a member of the Delaware Army National Guard or Air National Guard who has served on full-time duty as a member of the U.S. Army or Air Force (Federalized) and was not under the direct order of the Governor of Delaware, may also be eligible.
- 2. LEGAL RESIDENCE IN DELAWARE** – The term “Legal Resident” most usually means that residence which is the principle residence or abode of the veteran, such as a residence used to establish voting and other rights in a State. The evidence must establish that the veteran was living (or had lived for the specific period of time) in Delaware with the intention of living therein in the exclusion of legal residence in any other jurisdiction. To meet the legal residency requirement (in addition to the required active military service that was honorable) the veteran must have been: a legal resident of Delaware at the time of death, or a legal resident for a period of 10 years (or more), or a legal resident of Delaware when he or she entered the Armed Forces of the U.S. or when an honorably discharged veteran was a legal resident of Delaware for less than 10 years, the Delaware Commission of Veterans Affairs, or its designee, may determine whether there are compelling reasons for waiving the 10 year resident requirement.
- 3. THE SPOUSE WIDOW, WIDOWER OR DEPENDENT MINOR CHILDREN** -- An eligible veteran's immediate family member spouse, widow, widower, or minor children who are under 21, unmarried and dependent of the veteran-are eligible for interment. In addition, an unmarried adult child of an eligible veteran, who became permanently incapable of self-support because of a physical or mental disability before attaining the age of 21 years, may also be eligible for interment. (Title 20, Chapter 12, Sections 1201-1204)

## **INDIGENT VETERAN BURIAL**

The Adjutant General shall provide out of funds appropriated to the Delaware National Guard for the proper interment of each and every indigent soldier, sailor or marine who shall have served in the Army, Marines, Navy or Air Force of the U.S. in any war in which it has been engaged and been honorably discharged there from, who shall at the time of his or her death be a resident of this State leaving insufficient means to defray the expenses of interment. (Title 20, Chapter 9, Section 901)

## **SPECIAL LICENSE PLATES FOR FORMER PRISONERS OF WAR, MISSING-IN-ACTION, PURPLE HEART RECIPIENTS, DISABLED VETERANS, MEMBERS OF THE DELAWARE NATIONAL GUARD & RESERVES, VALOR, RETIRED MILITARY & KOREAN WAR VETERANS**

The owner of any private passenger vehicle or a truck with a 3/4 ton or less manufacturer's rated capacity may apply to the Department of Transportation for the assignment to that vehicle of a special Prisoner-of-War (POW), Missing-in-Action (MIA), Purple Heart or disabled veteran (DAV) registration number (Title 21, Chapter 21, Sections 2137 & 2138 and Title 21, Chapter 21, Sections 2139, 2139(a), (b), (d), (e), (g) & 2164). Eligibility information available through the Division of Motor Vehicles at (302) 739-4440.

## **REGISTRATION AND INSPECTION OF MOTOR VEHICLES OF DISABLED VETERANS**

Any motor vehicle owned by a disabled veteran who shall ever have been eligible for "adaptive equipment" benefits under Title 38 U.S.C. (which includes, but is not limited to power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance) shall be registered, but shall be exempted from the payment of registration fees, provided that such exemption shall be limited to one (1) automobile per eligible veteran at any one (1) time. The Division of Motor Vehicles shall furnish, without cost, number and registration plates for all such vehicles of such design as will distinguish them from other plates for which fees are paid. Nothing herein contained shall be construed as exempting such vehicles from the requirement of inspection. (Title 21, Chapter 21, Section 2164)

## **STATE EMPLOYMENT/VETERANS PREFERENCE**

The rules shall provide for preference to be given to veterans of the armed forces of the U.S. who served during wartime. Such rules shall provide that: Preference shall be confined to original entrance and shall not be applied to promotion within the classified service or to retention in case of reduction in force; Preference shall be granted only in the form of credits to be added to earned ratings in examinations, with disabled veterans receiving no more than 10 points and other veterans no more than 5 points. A definition of a disabled veteran shall be set forth in the rules; All veterans shall be required to obtain a passing examination mark before preference credits. Employees in the classified service who, while in good standing, leave or have left the state service to engage in military service shall be given credit for seniority purposes for the time served in the armed forces not to exceed three (3) years. Any preference points for which a veteran would qualify after complying with the provisions above, may be claimed by his or her unmarried widow or widower providing he or she achieves a passing examination grade. (Title 29, Chapter 59, Section 5935)

## **AFFIRMATIVE ACTION**

Disabled and Vietnam era veterans are included in the State Affirmative Action Plan signed by the Governor. (Executive Order 10)

## **CREDITED MILITARY SERVICE; ELIGIBILITY**

Credited service for veterans shall mean: Those who first became an employee before July 1, 1976, full-time active duty, not in excess of 5 years, in the armed forces of the U.S. during time of war or national emergency, provided that the individual became an employee within five (5) years after completion of his or her tour of duty; or within five (5) years after his or her completion of a course of professional or vocational training, if such course was begun within five (5) years after completion of his or her tour of duty, except that the aforesaid five (5) year period within which the individual must become an employee shall not apply to full-time officers and members of the National Guard of the State who were active members of the State Employee's Pension Plan on June 1, 1970. (Title 29, Chapter 55, Section 5501)

## **AUCTIONEER AND BOOK AGENT EXEMPTION FOR VETERANS**

No honorably discharged soldier or sailor shall be required to procure any license to follow the occupation of canvassing for the sale of books or for the occupation commonly known as that of "book agent" or for the occupation of auctioneer. The certificate of honorable discharge of any such soldier or sailor shall be conclusive evidence of the right of such soldier or sailor to follow the occupations herein before mentioned without having procured a license thereof. (Title 30, Chapter 21, Section 2116)

## **HUNTING, TRAPPING AND FISHING LICENSES**

Any member of the armed forces of the United States of America while actually stationed within the State shall be deemed a resident of this State for the purpose of obtaining a license to hunt, trap and fish in this State. (Title 7, Chapter 5, Section 505) Any veteran having at least a 60% service-connected disability (certified by the Veterans Administration), or 65 years or older, or are blind, are exempt from the licensing requirements. (Title 7, Chapter 5, Section 502) (To obtain a permit please contact DCVA at (302) 739-2792)

## **MODIFICATIONS TO TAXABLE INCOME**

Persons under age 60 receiving pensions from employers, the United States, the State or any subdivision thereof, may deduct up to \$2,000 off of their federal adjusted gross income. Amounts received as pension by persons age 60 or older from employers, the United States, the State or any subdivision thereof may deduct up to \$12,500 off of their federal adjusted gross income. For more information contact the Department of Revenue at (302) 739-5251. (Title 30, Chapter 11, Section 1106(b)(3). The information provided above is a consolidated version of Delaware Code and other Laws/Executive Orders as they pertain to State Veterans Benefits and Entitlements. For further information about this or other questions pertaining to Veterans Benefits please write to the address on the front cover or call (302) 739-2792.

# DIRECTORY OF DELAWARE LAWS RELATING TO MILITARY VETERANS

## DELAWARE CODE ANNOTATED

1. Title 1, Chapter 5, Section 501. Veterans Day - Legal Holiday.
2. Title 6, Chapter 33, Section 3336 to 5331. Unauthorized use of veterans organizations insignia - penalty.
3. Title 7, Chapter 5, Section 502, paragraph g thru j and Section 505. Hunting, trapping, and fishing licenses.
4. Title 7, Chapter 47, Section 4701(a), (5), (A). State public park fee waiver for veterans organizations.
5. Title 9, Chapter 81, Sections 8103-8104. Property tax exemption - organizations.
6. Title 14, Chapter 34, Sections 3480-3481. Education benefits for active members of the Delaware National Guard.
7. Title 14, Chapter 34, Sections 3451-3455. Educational benefits for children of deceased veterans, and others.
8. Title 16, Chapter 31, Section 3138a. Free death certificates for veterans.
9. Title 16, Chapter 53, Section 5323. Veterans preference - admission to Governor Bacon Health Center.
10. Title 19, Chapter 7, Section 717. Discrimination in employment - veterans special rights of preference.
11. Title 20, Chapter 9, Section 901-904. Indigent veteran burial; military funerals; unlawful use of veterans organizations insignia - penalty.
12. Title 20, Chapter 10, Section 1001. Paraplegic veterans benefits.
13. Title 20, Chapter 12, Section 1201-1204. Delaware Veterans Cemetery established -operation and eligibility.
14. Title 21, Chapter 21, Sections 2137, 2138 and Title 21, Chapter 21, Sections 2139 (a) & (b), (d), (e) & (g). Special license plates for former Prisoners of War, Missing-in-Action, Purple Heart recipients and Disabled Veterans, Delaware National Guard and Reserves, Valor, Retired Military & Korean War Veterans.
15. Title 21, Chapter 21, Sections 2164. Registration and inspection of motor vehicles of disabled veterans.
16. Title 22, Chapter 1, Section 109. Municipal park fee waiver for veterans organizations.
17. Title 28, Chapter 9, Section 901. Licenses for shows and other exhibitions.
18. Title 28, Chapter 11, Sections 1101-1140. Bingo and charitable gambling - eligible organizations; licenses, etc.
19. Title 29, Chapter 43, Sections 4305 . Appointment of notaries for certain service organizations; limitations.
20. Title 29, Chapter 55, Sections 5501, (b), (4), & (8) also 5522(c). Employees pension plan - credited military service; eligibility.
21. Title 29, Chapter 55, Section 5501 (4). State employment - veterans' preference.
22. Title 29, Chapter 63, Section 6314. Budget Director - Limitation on power to investigate, re: veterans organizations.
23. Title 29, Chapter 87, Sections 8720-8725. Delaware Commission of Veterans Affairs. Established composition and powers.
24. Title 30, Chapter 21, Section 2116. Auctioneer and book agent licensing exemption for veterans.
25. Title 30, Chapter 23, Section 2301(p). Exemption from occupational licenses and fees.
26. Title 30, Chapter 11, Section 1106(b) (3). Modifications to Taxable Income.
27. Executive Order 10 - Disabled and Vietnam era veterans included in State Affirmative Action Plan.
28. House Bill No. 500 - Delaware Veterans Home Fund.
29. House Bill No. 60 - High School Diplomas for World War II Veterans.