

A
GUIDEBOOK
FOR
INCARCERATED VETERANS



**VA MONTANA HEALTHCARE SYSTEM
& REGIONAL OFFICE**

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FORWARD

This handbook can be an important tool. Review all of the programs thoroughly to understand the opportunities available. When these programs are used properly, the benefits will be a minimization of the outside pressures you may be confronted when released; social acceptance, economics, and re-establishment as a productive member of society.

This booklet is a tool for Veterans Incarcerated and their families who wish access to services to support a new and better way of life. First phone the sites, whenever possible, to determine if the services apply to a single person. Some services are for families only.

Be aware, laws do vary from state to state. Therefore, check your state laws and regulations against this guide.

We would like to recognize and thank: 1) the National Coalition for Homeless Veterans which provided basic concepts and core information for this guide through its "Planning for Your Release" guide funded by the U.S. Department of Labor; 2) the Veterans Incarcerated Workgroup of Walla Walla, Washington, for the concept of state-specific information in its "Guidebook for Incarcerated Veterans" and for allowing the use of its guide as a template for this publication; 3) Vietnam Veterans of America, Inc. for developing the first incarcerated veterans guidebook, which has inspired and informed subsequent efforts; and 4) any public domain and agency resources included in the guidebook. Special thanks to Ric Price, and the Washington Reintegration Service for permission to edit the Washington program guidebook to meet the needs of the Montana Incarcerated Veterans.

Thank you,

Homeless Veterans Program
Fort Harrison, Montana

Agency staff names and addresses, phone numbers and website addresses change. If you attempt to contact one of the resources in this guidebook and it is not current, do your best to obtain the current information through phone information or a Google web search. To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out-of-date information in this Guidebook please send the discrepancies, and updated information if you have it, to:

Homeless Veterans Program Case Manager
VA Montana Healthcare & Regional Office
Williams Street and Hwy 12 W.
Fort Harrison, Montana 59636 1-406-447-7309 or 1-877-468-8387

Last date revised: December 07, 2005

SECTION I

USING THIS GUIDE AND SEEKING HELP

This guide is for you to use to plan for your release and to keep as a reference after your release. It includes addresses, phone numbers, and web sites that you can use to find out about programs and other help available after your release. You may want to ask a friend or family member to help you find the information you need if you don't have phone or internet access. Keep in mind that **this guide does not include all of the services available**. What is available in one area may be different from what is available in another, so be sure to check with local resources to learn about services in your area.

While you are in prison, find out which unit in your facility can help you plan for your release (often the education or transfer unit). Classes may be offered so you can work on skills development and prepare for life after release. **You don't want to risk homelessness once you are released, so take advantage of the opportunities available to you.**

Begin thinking about what specifically you will need upon release. Ask yourself these kinds of questions: Will I need housing? Will I need medical, substance abuse, or mental health care? Do I need to learn a job skill? Do I have any other legal issues, such as child support? How do I restart my VA checks or Supplemental Security Income (SSI)?

Make a list of your needs. Remember that this is just a tool to help you get organized. A sample list might look like this:

- I need a place to live.
- I need a job.
- I need clothing to wear to work.
- I need to find out what benefits I can get as a veteran.
- I want to get addictions treatment.
- I owe child support.

Think about your list as you read through this guide. Who do you think can help you with each of your needs? Is there one organization that may be able to work with you, on many different things, or do you need to contact several agencies? Keep track of the steps you take,

including the dates and names of people you contact for information or assistance. Although this guide provides *national and state* addresses for many organizations, we recommend you **check your phone book for local, county, and state agencies that know what help is available in your area.**

When writing a letter to request information, **be clear.** Keep your letter short, to the point, and write legibly. Include the following information:

- Your name and contact information.
- A brief statement about your current situation.
- Your specific request.
- What you have done so far (Example: I have written to _____ X _____ organization and they suggested I contact you).
- Any restrictions for mailings (Example: Mail with staples or paper clips will not be accepted by some prison facilities).

When contacting an agency for help by mail, email or phone, **be persistent and polite** in order to get results. Ask questions if information is not clear to you. Remember that many organizations are staffed by volunteers who are eager to help, but may not have the answers you are looking for. If **someone cannot help you, ask about who can.**

The Internet can also be helpful to find information about VA benefits and community resources in your area. This guide includes web addresses, when available. If computer access is not available at your facility, you can visit the public library after release. Computer access may also be provided at Employment Security Department offices (referred to as Job Service Centers or Unemployment Offices).

Section II of this guide provides information about assistance for specific needs. **Section III** covers basic information about seeking VA benefits. The last page contains a **Checklist** that summarizes each section of this guide.

SECTION II

HELP FOR VETERANS

This section includes resources that can help you get back on your feet. Remember to check the phone book for local, county, and state agencies that know what services are available in the area to assist you. Some organizations may have waiting lists, require an interview, or have specific rules about whom they serve. It is best if you **start asking about services and requirements now**, so that you will be prepared when you are released. You may even ask if your name can be put on a waiting list when you get closer to your release date.

TOLL-FREE NUMBERS

Crisis and other toll-free numbers are often listed in the front cover or first few pages of the phone book. You may also want to check under "Social Services" in the blue or yellow pages for hotlines and local numbers.

- **US Department of Veterans Affairs** — www.va.gov
 - ✓ Benefits: 1-800-827-1000
 - ✓ Medical Centers: 1-877-222-8387
 - ✓ Homeless program: 1-877-468-8387
 - ✓ Persian Gulf War Helpline: 1-800-749-8387
 - ✓ Minority Veteran Rep. 1-877-468-8387 ask for x 7547
- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 1-800-888-9383
- **National AIDS Hotline** - Talk to someone who knows about HIV / AIDS and can tell you about AIDS services in your city or state: 1-800-822-7422
- **National Coalition for Homeless Veterans** — www.nchv.org, 1-800-838-4357
- **National Suicide Support Number** - 1-888- 784-2433 (1-888-SUICIDE)

WHERE TO START Check the local phone book yellow pages under "Homeless" or "Social Service Organizations" for a list of many local organizations that offer different

services, which may include clothing, public transportation tokens, emergency shelter, and more. You may need to contact several agencies to find all the services you need. Services provided by *government* agencies are listed in the blue pages found near the front of the phone book. Check with your local Public Assistance Office to find out what programs are available and what their guidelines are. We have included some guidance below, but your local organizations are your best resources. **Remember, it never hurts to ask!** See list below for Montana organizations.

- **All VA Medical Centers have a Health Care for Homeless Veterans (HCHV) Coordinator** who is responsible for helping homeless veterans access VA and community-based care to end homelessness among veterans. The HCHV program provides outreach, clinical assessments and referrals for medical and mental health care, long-term transitional residential assistance, case management and employment assistance with linkage to permanent housing. To locate your nearest HCHV Coordinator call 1-877-468-8387 or go to www1.va.gov/homeless/page.cfm?pg=21.
- **Montana Veterans Affairs Division (MVAD)** provides assistance with Veterans benefits & entitlements information, VA claims process, representation and advocacy, Trauma (PTSD) counseling, Veterans Homes for those in need of nursing care, and employment assistance through federal funded reintegration projects. Call 1-406-542-2501 or mislamvad@intouch.com
- **National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online. This does not list every program in the country, so be sure to check your phone book for local programs. The following are those listed for the State of Montana
- **Directory of Local Homeless Service Organizations**
 - ❑ **Council for the Homeless** – Helena, MT (406)-443-0580 DowningSL@bresnan.net
 - ❑ **Homeless Veterans Program** Fort Harrison, Mt 1-877-468-8387.
 - ❑ **First Call for Help “room” Human Resources council 406-549-5555**

Directory of Homeless & Housing Advocacy Coalitions.

The following is a list of Homeless and Housing Advocacy Coalitions for the State of Montana. Not all of these coalitions provide direct services, but they may be able to tell you about local programs or services.

United Way

805 N. Last Chance
Helena, Montana 59601
(406)442-4360 tim@uwlcc.com

Helena Housing Authority

812 Abbey
Helena, Mt. 59601
[1-406-442-7970](tel:1-406-442-7970) mschrowe@hhamt.org

Missoula Housing Authority

1235 34th St.

Missoula, Mt 59801 406-549-4113

adavis@missoulahousing.org

HRC Housing & Supportive Services

304 N. Main St. Butte, Mt. 59701, 406-782-8250

tmccarthy@rfwave.net

- **Salvation Army** - provides services, including shelter and transitional housing, for homeless individuals and families. For local services and information contact: The Salvation Army, **Helena** 406-442-8244, **Billings** 406-245-4659, **Bozeman** 406-586-2733, **Butte** 406-732-2955.
- **United Way** - provides a variety of services through local organizations. Check the phone book for a local post or locate local organizations online at www.unitedway.org. 406-442-4360, 805 N. Last Chance Gulch Helena, Mt 59601.
- **Local churches and faith-based organizations**, such as Catholic Charities, Salvation Army, and Volunteers of America, may have a variety of programs to assist you. Find these organizations by calling your county or city Department of Social Services or Saturday Newspapers. Check the blue pages of the phone book for the number.

HOUSING

It is important to know that you have a place to go when released. The first step in returning to the community is finding a place to stay. This section includes ways to locate emergency shelter, transitional programs, and permanent housing assistance. Transitional or temporary housing can serve as a step toward full independence upon your release. However, there are often waiting lists for housing assistance programs, so you should ask about applying as soon as possible. If you are released and find yourself homeless, emergency assistance is available.

Emergency and Transitional Housing

- To find out if there are homeless veteran service providers in your area, call 1-800- VET-HELP, write to NCHV, 3331/2 Pennsylvania Ave., SE Washington, DC 20003-1148, or go to www.nchv.org. Phone VA Homeless Program 1-877-868-8387.
- **Helena Housing Authority**- 812 Abbey, Helena, Mt. 59601, 1-406-442-7970 , mschrowe@hhamt.org
- **Missoula Housing Authority** 1235 34th St., Missoula, Mt 59801, 406-549-4113, adavis@missoulahousing.org

- **Billings Housing Authority** 2415 N. 1st Ave. Billings, Mt 59101, 406-245-6391, hablb@wtp.net
- **Butte HRC Housing and Supportive Services**, 304 Main St. Butte, Mt, 59701, 406-782-8250, tmccarthy@rfwave.net.

Look in the phone book **yellow pages** under "Social Service Organizations" for local shelters or organizations that may be able to help.

Look in the phone book **blue pages** under local, city, or county government Department of Social Services or "Human Services" or call the County Commissioner's Office for information about local low-income housing coalitions or homeless advocacy groups who may know what is available.

- To find a list of emergency shelters for men, women and families in every state, check the **Department of Housing and Urban Development** online at <http://www.hud.gov/homeless/hmlsagen.cfm>.

Long-term or Permanent Housing

Public housing waiting lists can be long, but the length of time can vary from place to place. Even if you are not sure where you want to live yet, apply to get on the waiting list so that you have as many options as possible. To learn how to apply, contact the local housing authority listed in the phone book blue pages under "Local Government, Public Housing Authority".

FINDING & KEEPING A JOB

Finding a job may be hard and can seem overwhelming, but it is possible and very important! When released you may find that you are completely starting over. You should ask for job counseling and training while incarcerated so you are prepared to work when released. **Don't wait** until you get out to start thinking about what you will do. **Start planning now!**

EMPLOYMENT SERVICES

- **JOB SERVICE / WORKFORCE CENTERS** provide all the information, technology and services business needs to thrive; and job seekers need to achieve successful careers. They represent a unique concept in the labor market - everything in one place. Services are delivered to customers in a variety of ways, including:
 - Self-directed efforts, such as kiosks or via the Internet

- Group programs and activities, such as workshops
- One-on-one consultations
- Training programs and business consultations
- Free use of computers, copiers, phones, faxes and other career resources
- Internet access to jobs
- Job referral and placement
- Classes on how to get and keep a job
- Information on the fastest growing jobs and wages
- Referral to training and other community services
- Access to Unemployment Insurance
- Translation services

Job Service is a joint venture of organizations dedicated to addressing Montana State's employment needs.

- **Disabled Veterans Outreach Program (DVOP) specialist** assigned by the **State Employment Security Department** to help veterans find and keep jobs. DVOP Specialists work to develop job and training opportunities for veterans with service-connected disabilities, linking veterans with employers and making sure follow-up services are provided. To find a DVOP near you, visit your state employment service office listed in the phone book blue pages under "State Government, Employment Security Department," See <http://wsd.dli.mt.gov/default.asp>.
- **Work Opportunity Tax Credit**
 The Work Opportunity Tax Credit (WOTC) can save an employer as much as \$2,400 in taxes when they hire a worker who historically has had a hard time landing a job. And it's easy. All an employer has to do is hire a qualified worker, fill out the Pre-Screening Notice (8850) and Individual Characteristics Form (9061) and drop them in the mail within 21 calendar days from the start date of employment. An ex-felon who has a hiring date, which is not more than one year after the last date on which they were convicted or released from prison, and is a member of an economically **disadvantaged family is qualified for WOTC**.
 An employer can get a tax break of 40 percent up to first \$6,000 of the wages paid to a qualified worker who worked at least 400 hours during the first year of employment.
 That adds up to a \$2,400 tax credit for filling a job they planned to fill anyway.
 However, if the new employee only works 120 to 399 hours an employer can still receive a credit of up to 25 percent of the qualified first year wages up to \$6,000. This allows a credit

amount up to \$1,500.

The Employment Security Department is the “Right Connection” to the Work Opportunity Tax Credit. If an employer wants more information and forms, they can call the WOTC Unit at 1-800-726-0615, or contact their local WorkSource Center.

- **Montana State Bonding Program**

Purpose—Bonding is a unique and innovative tool for marketing an applicant to an employer. As an employer incentive, it conveys a businesslike approach. The employer gets the worker’s skills, abilities and knowledge without taking risk of potential employee dishonesty. There are **no forms** or other papers for the employer to sign, and **no processing** to delay matters – **the insurance can be put into effect instantly**. The **bond insurance can apply to any job** and covers any employee dishonesty that occurs on or away from the employer’s work facility. Full or part-time employees' paid wages (with federal taxes automatically deducted from pay) can be bonded; these Fidelity Bonds cannot cover self-employment.

Why bonding is needed -Job seekers who have in the past committed a fraudulent or dishonest act, or who have demonstrated other past behavior which casts doubt upon their credibility or honesty, often experience a special barrier to gaining employment due to their personal backgrounds. Such persons are routinely classified as “at-risk” job applicants when their past life experience raises an obstacle to their future ability to secure employment. More specifically, *employers view these applicants as being potentially untrustworthy workers*. This fear is further heightened by the fact that Fidelity Bond insurance commercially purchased by employers to protect against employee dishonesty usually will not cover those at risk – these persons are designated by insurance companies as being “NOT BONDABLE.” As a result, at risk job applicants are routinely denied employment.

Ex-offenders, including anyone with a record of arrest, conviction, or imprisonment, and anyone who has ever been on probation or parole, are at-risk job applicants.

Others, similarly at risk and NOT BONDABLE **are ex-addicts** (persons with a history of alcohol and drug abuse), persons having a **poor credit record**, or who have declared bankruptcy, **economically disadvantaged persons who lack a work history**, and individuals who were **dishonorably discharged** from the military. Other job seekers also can be classified as at-risk if bonding can eliminate the barrier to their employment.

What is a Fidelity Bond? -Fidelity bonding is a form of business insurance usually purchased to indemnify employers' for loss of money or property sustained through the dishonest acts of their employees (i.e. theft, forgery, larceny, and embezzlement). This "employee dishonesty insurance" is generally considered a good business management practice, and is purchased by many employers. However, while other types of insurance set premiums that vary according to the degree of risk, Fidelity Bond premiums are always set based upon taking no risk. As a result, insurance companies usually will not cover at-risk persons under Fidelity Bonds, a practice that has created a special barrier to employment for the growing large number of persons (i.e. ex-addicts, credit risks, etc.) whose personal credibility is questionable due to other dishonest or deviant past acts.

To inquire about Montana State Bonding Program call Job Service/Worksource Center at 406-447-3228.

The VA's **Vocational Rehabilitation and Employment** services help veterans with service-connected disabilities by providing job training and counseling to those who have an employment handicap. Services include help finding a job, on-the-job training, job development, and vocational training. If you are not eligible for these services, a VA counselor may help you find other options, goals, or programs. Contact your VA Regional Office (VARO) at 1-800-827-1000, or go to www.vba.va.gov

- Through its' **Veterans Industries and Compensated Work Therapy programs**, the VA offers structured work opportunities and supervised therapeutic housing for at-risk and homeless veterans with physical, mental health and addictions problems. VA contracts with private industry and the public sector for work by these veterans, who learn job skills, re-learn successful work habits, and regain a sense of self-esteem. Veterans are paid for their work and are given assistance with employment in the community. Presently, Montana does not have this program. In Washington, the VA currently has Veterans Industries Programs located at the following medical centers, American Lake in Tacoma, Vancouver, and Walla Walla. For further information go to www1.va.gov/vetind.
- The State of Montana has a **Vocational Rehabilitation** program that helps people with disabilities find and keep jobs. Apply for these services immediately after your release. Look in the phone book blue pages under "Department of Social and Health Services (DSHS)," then "Vocational Rehabilitation," or search the internet for "Vocational Rehabilitation" in your state.

VA HEALTH CARE

If eligible for veteran's benefits:

- We encourage you to enroll in the VA Health Benefits System as soon as you are released. Most **VA Medical Centers** have a **Health Care for Homeless Veterans Coordinator** who helps veterans and their families find resources inside and outside the VA Health Care system. Call 1-877-468-8387.

Montana

VA Montana Health Care System & Regional Office

Homeless Veterans Program
Williams St. & Hwy. 12 W.
Fort Harrison, Mt. 59636

If ineligible for veteran's benefits, free or low-cost health care may be available from the following sources:

- **Department of Social and Health Services (DSHS)** can tell you where to find health care facilities for the homeless. Check the phone book blue pages under local, city, or county government for the number.
- **National Health Care for the Homeless Council** has a list of health care providers working with homeless people across the nation. For a list of providers in your state, go to www.nhchc.org.
- **Free clinics** are run by many local organizations and communities. Look in the phone book blue pages under "Public Health" to contact local government office for clinics in your area.
- **Cooperative Health Clinic with City County Health Dept.** 1930 9th Ave. Helena, Mt. Please phone 1-406-443-2584 and to inquire about out sites in the State.
- **Helena Indian Alliance** 436 N. Jackson St. Helena 59601 1-406-449-5796
- **Special Services for Veterans Pantry:** N.W Mt. Veterans Stand Down 406-756-7304

Special Health Information for Veterans:

- If you think you may be at risk for AIDS and HIV infection after your release, contact the nearest VA Medical Center to get tested, and seek counseling. Those at highest risk for AIDS and HIV infection are:
 - people who share needles or syringes to inject drugs or steroids;
 - men who have sex with other men;
 - those born to mothers who have HIV
 - people who received blood transfusions before 1985;
 - anyone who has sex with anyone who is at risk for HIV / AIDS.

- Veterans, homeless, and incarcerated people are at high risk for **Hepatitis C** (HCV), a serious disease that can cause cirrhosis (scarring of the liver) and liver cancer. If you think you are at risk after your release, contact the nearest VA Medical Center to get tested and seek HCV counseling. You are at risk if:
 - you ever used a needle to inject drugs;
 - you had a blood transfusion or organ transplant before 1992;
 - you were a health care worker and had contact with blood;
 - you were on long-term kidney dialysis;
 - your mother had hepatitis C when she gave birth to you.

- The Veterans Health Administration also recommends testing if:
 - you are a Vietnam-era veteran;
 - you have had exposure to blood on your skin;
 - you have had multiple sex partners;
 - you have tattoos or body piercing;
 - you have ever snorted cocaine;
 - you have liver disease;
 - you have a history of drinking a lot of alcohol;
 - you have had an abnormal liver function test.

MENTAL HEALTH SERVICES

If eligible for veterans' benefits:

- Contact the Montana VA Psych Dept at 1-406- 447-7596 or Homeless Veteran Services Coordinator at the local **VA Medical Center** Call 1-877-468-8387. Fort Harrison, Montana.

- **Montana Vet Centers:**

Missoula Vet Center: 500 N. Higgins, Missoula, Mt. 59803, 1-800-626-8686

or 406-721- 4918.

Billings Vet Center : 1234 Ave. C Billings, Montana 59102, 406-657-6071

If not eligible for veterans' benefits, the following sources may be able to tell you where you can go to get help:

- **National Alliance for the Mentally Ill** lists community mental health services providers at: www.nami.org, or call 1-800-950-6264.
- **National Mental Health Association** offers support groups, rehabilitation, socialization, and housing services through 340 community organizations located across the country. Call 1-800-969-NMHA, or find a local office online at www.nmha.org.

SUBSTANCE ABUSE TREATMENT

If eligible for veterans' benefits:

- Contact the Addictions Treatment Center at the local **VA Medical Center**. Call 1-406-447-7596.

If not eligible for veterans' benefits, the following sources may be able to tell you where you can go to get help:

- The Department of Health and Human Services **Addictive and Mental Disorder Division** can refer *you* to local programs. Call 1-406-444-3964.
- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 1-800-888-9383

FINANCIAL HELP

- The American Legion provides **Temporary Financial Assistance**, (TFA) from its national headquarters to help maintain a stable environment for children of veterans. To obtain an application, look in the phone book to contact a local post, or contact the National Headquarters for Montana. Specific criteria needs to be met.
patricia.crowley@vba.va.gov. or 406-324-3990.
- If you are unemployed with little or no income, you may be able to get **food stamps**. A person may normally qualify for \$85 to \$100 worth of food stamps per month. Call the toll-free information number at 1-800-221-5689, or find a list of food stamp hotlines for each state at http://www.fns.usda.gov/fsp/contact_info/hotlines.htm. You can also contact the local Department of Human Services, many drop-in shelters, or legal aid services to ask for an application.
- **Supplemental Security Income (SSI)** benefits can be applied for before your release, even though you won't receive the benefits until after you are released. Food Stamps can be applied for together with SSI. Normally, it takes about three months to review an application, so apply well before your release date. It is best to get help filling out the application. For detailed information or assistance, call **1-800- 772-1213**, call or your local social security administration office listed in the phone book blue pages, or go to: <http://www.ssa.gov/notices/supplemental-security-income/>.
- **Federal Emergency Management Agency (FEMA)** has a program called Emergency Food and Shelter Program to help prevent homelessness. Contact the local Office of the Mayor *or* United Way (Helena) 406-442-4360, to ask who awards this money in your area and what the rules are.

LEGAL HELP

Veteran status issues:

- You should talk to a **Veterans Advocate Service Officer** for help with discharge upgrades, seeking benefits, and filing a VA claim (call 1-800-562-2308 for the nearest Service Officer).

Other legal issues:

- Most law is state-specific. Most common legal problems are governed by the law in the state where you live or where the problem occurred. When looking for legal help, make sure that information you find applies to your state, or that the lawyer or other service provider is qualified to work in your state.
- The **American Bar Association** has a web site with guidelines about free legal services and links to directories of legal aid offices and pro-bono programs. Go to: www.abanet.org
- **Legal Services or Legal Aid offices** have staff lawyers to provide free legal help to poor clients. The lawyers are usually experts in the types of problems that poor clients often have. Look in the yellow pages for a local Legal Aid office nearest you.
- **Pine Tree Legal Assistance** has an online list of organizations across the nation that provides free legal help to clients who qualify. Go to www.ptla.org/links/services.htm.
- Lawyers in private practice sometimes volunteer in "pro-bono" programs to take cases for poor clients free of charge. Check the yellow pages to contact your **Local Bar Association** to learn if there is a pro-bono program in your community, or go to www.abanet.org/barserv/stlobar.html.

WOMEN VETERANS

- Most VA **Medical Centers** and readjustment offices have a designated Women Veterans Coordinator to assist women veterans in accessing VA benefit programs and healthcare services. Call 1-877-468-8387 or 406-442-6410 Fort Harrison Operator and ask for women veteran rep.
- **The Montana Department of Veterans Affairs** has a designated Women Veterans Coordinator to help women veterans.
- Many women in prison had similar histories, problems, and personal issues before their arrest and conviction. Mentors with **Women in Community Service** (WICS) help women preparing to leave prison and those who are just getting back into society.

- WICS' prison programs help women think about their behavior, gain job skills, and build self-esteem, go to <http://www.wics.org> to find the nearest WICS program.

SECTION III

SEEKING FEDERAL BENEFITS

The Department of Veterans Affairs publishes a booklet called "**Federal Benefits for Veterans and Their Dependents**" that describes the types of benefits available and lists the addresses and phone numbers for VA facilities nationwide. Write the VA Regional Office (VARO) to request a copy.

U.S. Dept Of Veterans Affairs - Regional Office

P.O Box 188

Williams St and Hwy 12 W. Fort Harrison, MT 59636

Call 1-800-827-1000 or find information about benefits at www.vba.va.gov.

ELIGIBILITY FOR VA BENEFITS DURING INCARCERATION

Veterans incarcerated and incarcerated dependents may apply for the same compensation, dependency and indemnity compensation (DIC) – service connected death benefits – and pension benefits as veterans who are not incarcerated. However, Congress has greatly restricted the amount of benefits that may be paid to a veteran or dependent while he or she is incarcerated. These benefits are institutionalized as part of law: *38 U.S.C Sec 5313 (a)*, *38 C.F.R., Sec. 3.665 (a), (d)*, which reads as follows:

If a veteran is incarcerated as the result of a "felony" conviction as defined by law: "Any offense punishable by death or imprisonment for a term exceeding one year, unless specifically categorized as a misdemeanor under the law of the prosecuting jurisdiction,"

Then, the amount paid to a veteran incarcerated for a service-connected disability is generally limited by law to the 10 percent disability rate, or half the amount of the ten percent rate if the veteran's disability rating is 10 percent. (If the veteran is rated before incarceration as 20 percent disabled or higher, he will receive only the amount payable to a 10 percent disabled veteran.) Incarcerated DIC recipients will receive one-half the amount paid to a veteran receiving compensation payments for a 10 percent-rated disability.

A veteran may not receive non-service connected VA pension benefits, or any portion of these benefits, while incarcerated for a felony. However, his family may receive an apportionment of such benefits under the procedure described above. (See 38 C.F.R. Sec.3.666)

One important requirement for eligibility for VA benefits is that the veteran has to have been issued either an honorable or general discharge, or would have received one if not for re-enlisting. If a veteran had two periods of service, one honorable and the other less than honorable, he may still be eligible for VA benefits based on the honorable period of service.

VA Medical Care is not provided to veterans in prison, but VA health facilities may provide care to you after your release. Contact 1-877-468-8387 to find the medical clinic nearest you.

BENEFITS PAYMENTS WHILE INCARCERATED

There is a 60-day "**grace period**" following a conviction when you may still receive full benefits. **To avoid an overpayment**, it is important that you notify the VARO immediately when you go to prison if you are receiving payments. If you do not notify the VA and receive overpayment, you and your family will lose all financial payments until the debt is paid.

*For **example**, Joe is a veteran who received a VA pension of \$807.00 per month. He commits a crime and is incarcerated, but doesn't tell the VA right away and keeps getting paid for 6 months. **Joe is overpaid a total of \$4842.** After serving his sentence of 18 months, he is released and applies to the VA to have his pension restarted. The new pension rate is \$830 per month, but the VA will use that amount to start repaying the \$4,842 debt. **Joe's first real check will start 7 months after he is released and will be for \$138!** Joe has to go at least 6 months without that income.*

Your award for compensation or pension benefits should resume from the date you are released, as long as the VA receives notice of release within one year. This includes placement in a community treatment center or halfway house. **Remember, you must notify the VA when you are released to restart your payments.**

APPORTIONMENT

Although legally, the veteran can only receive a portion of the full amount payable for his or her disability rating, the remaining balance may be "apportioned to the individual's dependent family". To apply for apportionment, send a letter to the VA Regional Office (VARO) that has

jurisdiction over the veteran's case. VA regulations clearly specify this apportionment amount will only go to family members if they can show financial need for such amount. This applies to the spouse, children, or dependent parents who are involved in the application.

In deciding whether any apportionment is appropriate, the amount of the apportionment, and to whom it will go, the following factors are considered:

- The family member's income and living expenses;
- The amount of compensation available to be apportioned;
- The needs and living expenses of other family members; and
- Special needs of any of the family members.

For example: a veteran incarcerated rated as 80 percent disability can only receive the amount he or she would get if he or she were 10 percent disabled. However, his or her family may be apportioned up to 70 percent, the difference of the 80 percent rating. (DIC may also be apportioned with similar restrictions.)

There is a 60-day "**grace period**" following conviction where the veteran, or DIC recipient, may still receive full benefits. If the veteran continues to receive benefits after the 60-day period, it will result in an "over-payment". The VA considers it to be the recipient's responsibility and fault if this occurs because the recipient failed to notify the VA of his or her incarceration. Attempts to obtain a waiver in these situations of overpayment are often unsuccessful. As a rule, the veteran loses most, if not all, financial benefits until the entire overpayment is recovered by the VA. It has also been a standard procedure that the family will not be entitled to receive an apportionment until the debt is completely recovered.

For more information concerning VA debt collection rules that may affect the veteran incarcerated, telephone: 1-800-827-1000 and request a Veterans Service Organization representative or, write to a Veterans Service Organization (attention SR list) at the address listed on page twenty in this document.

It is important that each disabled veteran receiving compensation or DIC payments promptly notify the VARO. Regular full benefit payments should begin upon release, providing the VA is notified of the veteran's release, including placement within a community treatment center or halfway house in the community, within one year of release.

One other relevant restriction on veteran's incarcerated eligibility for service connected disability compensation is that: "No total disability rating based on un-employability, may be assigned to an incarcerated veteran".

It is important to remember that most VA decisions, including those on apportionment, can be appealed to the Board of Veterans Appeals and, if need be, to the Court of Appeal for Veterans Affairs.

HELP SEEKING BENEFITS

If you would like to get benefits or think you have a pending claim before the VA, it is best to get professional help to assist you.

- Many Veterans **Service Organizations** have trained staff who can help you with your VA claim, and can legally represent your claim before the VA. Some also help homeless and at-risk veterans find the support services they need. You can contact any VSO listed below to see if there is a service representative near you.

MONTANA SERVICE ORGANIZATIONS	FORT HARRISON, MT. 59636	
Montana Veterans Affairs Division	Bldg 141	406-443-8756
Minority Veterans Rep.	Bldg 141	406-442-6410 x7547
Veterans of Foreign Wars	Bldg141	406-443-8757
American Legion	Bldg 141	406-443-8756
Disabled American Veterans	Bldg 141	406-443-8754
Military Order of the Purple Heart	Bldg 141	406-447-7645
Vietnam Veterans of America	Bldg 141	406-447-7992
Outreach Specialist	Bldg. 141 VBS	406-495-2009
VBS- Veterans Service Center (Benefits)	Bldg. 141	1-800-827-1000

- Although we encourage you to seek the aid of a service representative, you may choose to apply for VA benefits on your own. Write the VARO or find the forms online at: <http://www.vba.va.gov/pubs/forms1.htm>.

Below are brief descriptions of forms needed to file for certain VA benefits. Be sure you use a return address where mail will get to you as quickly as possible. Make photocopies of all forms for your records before sending your packet to the VARO nearest you.

- **Standard Form-180 – Request Pertaining to Military Records** - is used to get copies of your Record of Discharge (DD-214), military personnel and medical records. You will need a copy of your DD-214 when applying for any benefits. Requests may also complete online at <http://vetrecs.archives.gov>.
- **VA Form 21-526 - Application for Compensation or Pension**- must be filed to apply for compensation -or pension. This form, along with your DD-214 and the following forms should be mailed directly to the VARO nearest your release destination 30 to 45 days before our release.
- **VA Form 21-4138 - Statement in Support of Claim** - lets you explain why you should be entitled the benefits you are asking for because of your disability or disorder. It is best to have an experienced service representative help you complete the form.
- **VA Form 21-4142 - Authorization for Release of Information** - If you have received medical or mental health care, that may be relevant to your claim, from anyone other than a VA Medical Facility, you need to fill out a **VAF 21-4142** giving permission for release of medical records to the VA..
- **VA Form 10-10EZ - Enrollment for Medical Benefits** - is used by the VA to determine if you can receive medical benefits. Complete the form and bring it with you to the VA medical facility where you will seek evaluation for treatment.
- **VA Form 28-1900 - Vocational Rehabilitation for Disabled Veterans** - is needed to apply for the vocational rehabilitation program to help veterans who were disabled during their service reach maximum independence in daily living, to learn the skills needed to get a job, and to find and keep a job. Send Form 28-1900 to the VARO in your area 10 to 15 day's before your release.
- **VA Form 70-3288 - Request for and Consent to Release of Information from Claimant's Records** - is used to get records relevant to your claim from VA facilities (regional offices, medical centers, outpatient clinics, and vet centers). Request a fee

waiver under section 38 C.F.R. Sec.1.526 (h), which requires the VARO to provide a veteran with one set of his or her records free of charge.

CHECKLIST

Using This Guide

- Ask about classes or resources to help you plan for your release.
- Make a list of your needs.
- Make a list of who may be able to help you.
- Write letters and/or contact organizations by phone or email.
- Write down the steps you take so that you do not repeat them.

Just for Veterans

- Know where to call toll-free for help.
- Contact organizations about what services they have to offer.
- Think about your housing needs and gather information about what is available locally.
- Learn about job resources and create a plan to find a job.
- Learn about health issues, and what services are available.
- Learn about the resources available for substance abuse and mental health treatment in your area.
- Learn about your options to get financial help.
- Begin to take care of other legal issues.
- Learn about homeless veterans services.
- Learn about resources for women veterans
- If you are not currently receiving benefits, find out if you can or should be.
- If you are receiving benefits, notify the VA when you go to prison to avoid an overpayment.
- Contact a veteran service representative to represent you and help you file a claim.
- Apply for apportionment so that some of the money withheld may be given to eligible family members.

Resource Addresses/Sites

American Ex-Prisoner of War Frank Stoltz 1-406-232-2132

US Dept of Veterans Affairs (USDVA) www.va.gov/

State of Montana Veterans Affairs Div., Dept. of Military Affairs E: patricia.crowley@vba.va.gov

Military Order of Purple Heart - E: darlene.mcbee@vba.va.gov

The American Legion – E:patricia.crowley@vba.va.gov

Disabled American Veterans –www.dav.org

Veterans of Foreign Wars – E: robert.schwegel@vba.va.gov

Vietnam Veterans of America – E:vvamsecr@vba.va.gov

Montana's Minority Veterans Rep. 406-442-6410 ex.7545

Job Service / WorkSource: jbalog@state.mt.us or phone 406-447-3228

Social Security Administration www.ssa.gov/

National Coalition for Homeless Veterans www.nchv.org/index.cfm

Montana Coalition on Homelessness DowningsSL@bresnan.net

Vets Staff Directory for Dept. of Labor www.dol.gov/vets/aboutvets/contacts/notice.htm

<http://www.hirenetwork.org/>

CHALENG VA Internet Site: <http://www.va.gov/homeless/page.cfm?pg=17>

Please keep this guidebook, use it in planning your discharge and bring it with you when you first meet with the Homeless Veterans Program case manager.

Best Wishes!