



# Department of Veterans Affairs

## A Guidebook for Incarcerated Veterans in Illinois



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## Forward

**T** *This booklet is a tool for Incarcerated Veterans and their families who want access to support services that promote a better and new manner of living. Review all of the programs thoroughly to understand the available opportunities. When these programs are used properly, the benefits will minimize the outside pressure incarcerated veterans experience if released. This guidebook addresses the process of economics, social acceptance and reestablishment as a productive member of society. Be aware, this book is designed to assist incarcerated veterans and their families in the State of Illinois; laws vary from state to state. Check your state laws and regulations against this guide. We would like to thank 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. In addition, we would like to thank 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. We would also like to thank Vietnam Veterans of America, Inc. for developing the first incarcerated veterans guidebook, which has inspired and informed these efforts. Finally, we appreciate any public domain and agency resources included in the guidebook.*

Thank you,

### **Illinois Health Care for Homeless Veterans Programs**

*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 To perpetuate the value of this document, we respectfully request if you discover any incorrect, conflicting or out of date information in this Guidebook please send the discrepancies to:*

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# SECTION I

## USING THIS GUIDE AND SEEKING HELP

This guide is for you to plan for your release and to keep as a reference after your release. It includes addresses, phone numbers and websites 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 do not 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 do not want to risk homelessness once you are released, so take advantage of the opportunities available to you.

Begin to think about what specifically you will need upon your release. Ask yourself these types of questions: Will I need housing? Will I need medical, substance abuse or mental health care? Do I need to learn a new 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 the 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 (e.g. I have written to \_\_X\_\_ organization & they suggested to contact you).
- Any mailing restrictions (e.g. my prison facility does not accept mail with staples or paper clips).

When contacting an agency for help via mail, email or phone it is important to be persistent and polite 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. Ask to use a computer in your facility or visit the public library after release.

## 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.

#### **IMPORTANT NUMBERS AND 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.

***\*Always call 911 for medical and psychiatric emergencies.\****

- US Department of Veterans Affairs — [www.va.gov](http://www.va.gov)
  - ✓ Benefits: 1-800-827-1000
  - ✓ Medical Centers: 1-877-222-8387 or [www.va.gov](http://www.va.gov)
  - ✓ Persian Gulf War Helpline: 1-800-749-8387
- National Coalition for Homeless Veterans 1-800-838-4357 or [www.nchv.org](http://www.nchv.org)
- National Suicide Prevention Hotline: 1-800- 273-TALK (8255)

#### **WHERE TO START**

Check the local phone book yellow pages under Veteran's Hospitals, Veteran's Community Based Outpatient Clinics (CBOC), and Veteran's Centers. Also look 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. Check with your local Public Assistance Office and Department of Human Services to find out what programs are available and their guidelines. We have included some guidance below, but your local organizations are your best resources. **Remember, it never hurts to ask!**

- Every **VA Medical Center** has 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 1-877-222-8387 or go to [www.va.gov/homeless](http://www.va.gov/homeless). Homeless Veteran services are available at the following VA Medical Centers :
  - **Jesse Brown VA Medical Center, Chicago** 60612  
HCHV Program- 312-569-8085
  - **Danville VA Medical Center, Danville** 61832  
HCHV Program- 309-497-0790 ext. 7114
  - **Hines VA Hospital, Hines** 60141  
HCHV Program- 708-202-4960
  - **Marion VA Medical Center, Marion** 62959  
Homeless Coordinator- 618-997-5311 ext. 4227
  - **North Chicago VA Medical Center, North Chicago** 60064  
Homeless Veteran's Rehabilitation Program Coordinator- 847-688-1900 ext. 84841 or 1-800-393-0865
  
- **Illinois Department of Veterans Affairs (IDVA)** provides assistance with veterans benefits & entitlements information, VA claims process, representation and advocacy, Post Traumatic Stress Disorder (PTSD) counseling, Veterans Homes for those in need of nursing care and employment assistance through federal funded reintegration projects. Call 1800-393-0865 or go to [www.state.il.us/agebncy/dva](http://www.state.il.us/agebncy/dva).
  
- **Veterans Assistance Commission (VAC)** The function of this commission is to provide aid to indigent veterans and their families who qualify for and need assistance that may not be available from other agencies. In addition, the commission works closely with other service agencies who, at times, will share cost of assistance to veterans. VAC's are operated at a County level and are generally located with other County Service Offices. For the VAC in your area, check your local phone book or contact your local HCHV Program/HCHV Homeless Coordinator.

- **National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online ([www.nationalhomeless.org](http://www.nationalhomeless.org)). This does not list every program in the country, so be sure to check your phone book for local programs.

### **Directory of Local Homeless Service Organizations**

- **Salvation Army** - provides services, including shelter and transitional housing, for homeless individuals and families. To locate your local Salvation Army visit [www.salvationarmyusa.org](http://www.salvationarmyusa.org).
- **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](http://www.unitedway.org).
- **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. Check the blue pages of the phone book for the number.

## **HOUSING**

VA offers a wide array of special programs and initiatives specifically designed to help homeless veterans live as self-sufficiently and independently as possible. In fact, VA is the only Federal agency that provides substantial hands-on assistance directly to homeless persons. Although limited to veterans and their dependents, VA's major homeless-specific programs constitute the largest integrated network of homeless treatment and assistance services in the country.

VA's specialized homeless veterans treatment programs have grown and developed since they were first authorized in 1987. The programs strive to offer a continuum of services that include:

- aggressive outreach to those veterans living on streets and in shelters who otherwise would not seek assistance;
- clinical assessment and referral to needed medical treatment for physical and psychiatric disorders, including substance abuse;
- long-term sheltered transitional assistance, case management, and rehabilitation;
- employment assistance and linkage with available income supports; and

- supported permanent 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**

Many shelters are seasonal. Make sure you call the shelter for availability and locations or other requirements. To find out if there are homeless shelters or transitional housing in your area:

- Call 1-800-838-4357, or go to [www.nchv.org](http://www.nchv.org)
- Visit [www.hud.gov/local/il/homeless/shelters/sheltable.cfm](http://www.hud.gov/local/il/homeless/shelters/sheltable.cfm)
- Visit [www.homelessed.net/resource/](http://www.homelessed.net/resource/)

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.

### **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! Start thinking about what you will do now.

**Start planning now!**

**Local Veterans Employment Representatives (LVER)** and **Disabled Veterans Outreach Program (DVOP) specialist** assigned by the **State Employment Security Department** to help veterans find and keep jobs. LVER's are located with the local WorkSource site or affiliate Job Service Centers (JSC). DVOP Specialists work under the supervision of the LVER 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 LVER or DVOP near you, visit your state employment service office listed in the phone book blue pages under "State Government, Employment Security Department," or go to <http://www.il.gov/working>.

The Veteran's Service Division, Illinois Department of Veterans' Affairs, provides employment and training services to homeless veterans to help them get back into the workforce through DOL-VETS funded **Homeless Veterans' Reintegration Projects (HVRP)**. HVRP assists veterans with job search preparation, vocational counseling, occupational skills training, on-the-job training, trade skills certification and licensing and job placement assistance and referral to supportive services. To find out if you may be eligible and how to access HVRP contact IDVA at 312-814-2460.

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 Chicago (VARO) at 1-800-827-1000, or go to [www.vba.va.gov/ro/ro\\_inter.htm](http://www.vba.va.gov/ro/ro_inter.htm).

VA's **Veterans Industries and Compensated Work Therapy programs**, offer 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 given assistance with employment in the community. In Illinois, Veterans Industries Programs are located at Hines VA, Marion VA, Danville VA and North Chicago VA Medical Centers. For further information go to <http://www1.va.gov/vetind>.

## **MYTHS AND REALITIES ABOUT HIRING INDIVIDUALS WITH A CRIMINAL RECORD**

Working to employ job seekers takes time, patience and an understanding of both their circumstances and the concerns of employers. Job developers need to know what information employers have and how to educate them about this population.

Relationship building with employers is critical for eliminating employment barriers for individuals with a criminal record. Below is a list of common statements from employers and some informative responses you can share with them. Job developers should have a clear understanding of how to read a criminal record as well as the resources they can offer to employers.

### **MYTH # 1: Employers do not hire job seekers with a criminal record.**

#### **REALITY:**

Many employers have and are willing to hire job seekers with a criminal record. Most employers have concerns about a range of workplace issues. Employers need additional information and resources from you to feel comfortable. Be prepared to answer their questions with **factual, current and reliable information**. If you do not know the answer to a question, get back to the employer as soon as possible. You should be prepared to answer the following questions:

1. What type of crime was committed (i.e. non-violent, violent, misdemeanor or felony)?
2. How long was the conviction?
3. If the employer hires you, will your organization provide a way to support you?
4. Will the job seeker test negative for drugs?
5. Does the job seeker deal well with conflict?

**MYTH #2: People with a record cannot be trusted as good employees; they do not have a good work ethic. These employees are lazy, never learned how to work, have issues controlling their temper and have to be closely supervised.**

**REALITY:**

We have all experienced co-workers that have time management issues, do not pull their fair share of the load or are difficult to get along with. These issues are not related to someone having a criminal record. A job developer needs to be certain in his/her assessment that an individual is ready to work and understands the current demands and skill requirements for the position. Job developers should never feel pressured to send job seekers who are not qualified or ready to work. This can only result in a failed placement and lack of trust from the employer and the job seeker.

**MYTH # 3: If they have committed one crime, they will commit another.**

**REALITY:**

Research shows that employment actually reduces recidivism for job seekers with a criminal record. Additionally, we know that many non-violent offenses such as burglary, retail theft and prostitution often result from substance abuse. If a job seeker has and is continuing to address his/her barriers such as transportation, housing, substance abuse, etc. to securing employment, they are less likely to commit another offense.

**MYTH #4: If I hire someone with a criminal record, I will be liable if they hurt another employee or a customer. I will be sued.**

**REALITY:**

When an employer hires an individual with a criminal record and that person commits another crime, this is known as **negligent hiring**. One of the key factors in determining negligent hiring is whether an employer could have foreseen the criminal activity. This is why employers conduct background checks and have concerns about job seekers who have committed violent offenses. Employers are encouraged to give full consideration to certain factors when determining whether to hire a person with a criminal record:

1. The nature and gravity of the crimes.
2. The time that has passed since the conviction or completion of sentence.
3. The nature of the job being sought.

It's important that the employer know as much as possible about an individual with a criminal record. Receiving a periodic report from you and your organization will address all of the individual barriers.

## HEALTHCARE

### If eligible for veteran's benefits:

- We encourage you to enroll in the VA Health Care System as soon as you are released.

To find the VA Medical Center nearest you, call 1-877-222-8387 or go to [www.va.gov](http://www.va.gov). There are five VA Medical Centers in Illinois.

#### ILLINOIS VA Medical Centers:

- **Jesse Brown VA Medical Center, Chicago** 60612  
820 South Damen Avenue: 312-569-8085
- **Danville VA Medical Center, Danville** 61832  
1900 East Main Street: 217-554-3000 or 800-320-8387
- **Hines VA Hospital, Hines** 60141  
Roosevelt Road and Fifth Avenue: 708-202-8387
- **Marion VA Medical Center, Marion** 62959  
2401 West Main Street: 618-997-5311
- **North Chicago VA Medical Center, North Chicago** 60064  
3001 Green Bay Road: 847-688-1900

**Free medical 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.

**Special Health Information:** 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

Many veterans, homeless individuals and incarcerated individuals 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 1982
- 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 had exposure to blood on your skin
- You had multiple sex partners
- You have tattoos or body piercing
- You ever snorted cocaine
- You have liver disease
- You have a history of drinking a lot of alcohol
- You had an abnormal liver function test

## SUBSTANCE ABUSE & MENTAL HEALTH TREATMENT

### **If eligible for veteran's benefits:**

VA Medical Centers and Vet Centers offer Substance Abuse and Mental Health Treatment. Phone 1-877-222-8387 or go to [www.va.gov](http://www.va.gov) to find the VA Medical Center or Vet Center nearest you.

### ILLINOIS/ INDIANA Vet Centers:

Chicago Heights Vet Center  
1600 Halsted Street  
Chicago Heights, IL 60411  
708-754-0340

East St. Louis Vet Center  
1269 North 89<sup>th</sup> Street, Suite 5  
St. Louis, IL 62203  
618-397-6602

Evanston Vet Center  
565 Howard Street  
Evanston, IL 60202  
847-332-1024

Springfield Vet Center  
1227 Ninth Street  
Springfield, IL 62703  
217-492-4955

Peoria Vet Center  
3310 North Prospect  
Peoria, IL 61603  
303-688-2170

Evansville Vet Center  
311 North Weinbach Avenue  
Evansville, IN 47711  
812-473-5993

### **If ineligible for veterans' benefits, the following may be able to assist you with Substance Abuse and Mental Health Treatment:**

- The Department of Health and Human Services **Drug and Alcohol Treatment Referral Routing Service** can refer you to local programs. Call 1-800-662-4357.
- **The National Alliance for the Mentally Ill** lists community mental health services providers at: [www.nami.org](http://www.nami.org) or call 1-800-950-6264.
- **The National Mental Health Association** offers support groups, rehabilitation, socialization, and housing services. Call 1-800-969-NMHA or go online at [www.nmha.org](http://www.nmha.org).

## 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 or receive further information, look in the phone book to contact a local post.

If you are unemployed with little or no income, you may be able to receive **food stamps (LINK card)**. Call toll-free at 1-800-221-5689. You can also contact the local Department of Human Services, many drop-in shelters, or legal aid services to ask for an application. Some financial aid centers in Illinois that are available to you include:

- Illinois Hunger Hotline: 1-800-359-2163
- Social Security Office (Chicago): 312-886-8848
- Illinois Department of Human Services: 1-800-843-6154, 1-800-654-8595
- Franklin Williamson Human Services: 618-997-5336
- Danville Department of Public Aid: 217-442-4003

**Supplemental Security Income (SSI)** benefits can be applied for before your release, even though you will not 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 or call your local Social Security Administration office listed in the phone book blue pages.

**Federal Emergency Management Agency (FEMA)** has a program called the Emergency Food and Shelter Program to help prevent homelessness. Contact the local Office of the Mayor or United Way to ask who awards this money in your area and about the procedure for application.

## 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. Contact the Regional Office of Veteran Affairs in Chicago at 1-800-827-1000.

### **Other legal issues:**

Many laws are state-specific. Many common legal problems are governed by state law of residence or where the problem occurred. When looking for legal help, make sure that information found applies to your state or that a lawyer or another 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](http://www.abanet.org).
- **Legal Services or Legal Aid offices** have staff lawyers to provide free legal help to needy clients. The lawyers are usually experts in the types of problems that needy clients often experience. Look in the yellow pages for a local Legal Aid office.

Lawyers in private practice sometimes volunteer a “pro-bono” program to take cases for needy clients free of charge. Check the phone book to contact the Chicago area District Courts located in Chicago, Rolling Meadows, Maywood, Bridgeview, Markham and Skokie.

- **Land of Lincoln Legal Assistance Foundation of Chicago:**  
1-800-642-5335.
- **Land of Lincoln Legal Assistance Foundation Inc.**  
1817 South Neil Street  
Champaign, IL 61820  
217-356-1357

## **WOMEN VETERANS**

Most **VA Medical Centers** and **Vet Centers** have a designated Women Veterans Program Manager to assist women veterans in accessing VA benefit programs and healthcare services. Phone 1-877-222-8387 or go to [www.va.gov](http://www.va.gov) to locate the medical center near you.

- Women Veterans Coordinator at Hines VA Hospital : 708-202-2075
- Women Veterans Coordinator at Marion VAMC: 618-997-5311 ext. 4227
- Women Veterans Coordinator at Jesse Brown VAMC: 312-569-6218
- Women Veterans Coordinator at Danville VAMC: 217-554-5751
- Women Veterans Coordinator at North Chicago VAMC: 847-688-1900 ext. 83759

Contact **The Legal Aid to Incarcerated Mothers (CLAIM)** at 312-675-0911 or at [www.claim/il.org](http://www.claim/il.org) to join a support group or inquire about child custody issues.

## **OPERATION ENDURING FREEDOM (OEF)/ OPERATION IRAQI FREEDOM (OIF)**

VA offers a wide range of benefits for returning veterans. Returning Active Duty, National Guard and Reserve service members of Operations Enduring Freedom and Iraqi Freedom should go to [www.seamlesstransition.va.gov](http://www.seamlesstransition.va.gov) to learn about benefits information and assistance to eligible veterans who honorably fought and served in our Nation's armed forces.

## 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**  
2122 Taylor Street,  
Chicago, IL 60612

Call 1-800-827-1000 or find information about benefits at [www.vba.va.gov](http://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 restricts 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 or misdemeanor. 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 can not be provided to veterans in prison, but VA health facilities may provide care to you after your release. Contact 1-877-222-8387 to find the medical center 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 receives a VA pension. He commits a crime, is convicted, and is incarcerated, but doesn't tell the VA right away and keeps getting paid for 6 months. After serving his sentence of 18 months, he is released and applies to the VA to have his pension restarted. He will have an overpayment which must be recovered from the restarted benefits. Until the overpayment is recovered, Joe will have to go 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. Form 21-4193, Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution, available through your counselors should be completed before release, signed by a prison official and submitted to VA Benefits Administration.

## **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, the veteran must send a letter that identifies the veteran and the apportionment claimant and makes it clear they are requesting an apportionment of his VA benefits 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 Dependency or Indemnity Compensation (DIC) recipient, may still receive full benefits. If the veteran continues to receive benefits after the 60-day period, it will result in an “overpayment”. 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 VA recovers the entire overpayment. 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.

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.

### **Re-starting Benefits at Release**

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. VARO needs formal notification from the prison of your release in order to re-start benefits: The sooner that document is provided to VARO, the sooner VARO can begin to process your request.

### **Seeking Help After Release**

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 (VSOs) 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 in the Guidebook to learn an office near you.

### **Seeking Benefits On Your Own**

Although we encourage you to seek the aid of a service representative, you may choose to apply for VA benefits on your own. Write your local VA Regional Office or find the forms online at: [www.vba.va.gov/pubs/forms1.htm](http://www.vba.va.gov/pubs/forms1.htm). You can also apply for certain benefits online at: <http://vabenefits.vba.va.gov/vonapp/main.asp>.

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.

- VA Form 21-526 - Application for Compensation or Pension- must be filed to apply for compensation or pension. Mail your DD-214 and the following forms to the VARO nearest your release destination 30 to 45 days before your release.
- VA Form 21-4138 - Statement in Support of Claim - lets you explain why you deserve 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 days 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.
- Know where to call toll-free for help.
- Contact organizations about what services they have to offer.
- Think about 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 in prison, notify the VA to avoid an overpayment.
- Contact a veteran service representative to represent you and help you file a claim.
- Apply for apportionment so some of the money withheld may be given to eligible family members.

## RESOURCE ADDRESS SITES & PHONE NUMBERS

- US Dept of Veterans Affairs (USDVA)—[www.va.gov/](http://www.va.gov/)
- Veterans Health Administration (Benefits and Services)— [www1.va.gov/health/index.asp](http://www1.va.gov/health/index.asp)
- Illinois Dept of Veterans Affairs —[www.state.il.us/agency/dva/](http://www.state.il.us/agency/dva/)
- Illinois Veterans Assistance Commission (VAC)—[www.iacvac.org/](http://www.iacvac.org/)
- The American Legion (Dept of IL)—[www.illegion.org/](http://www.illegion.org/)
- Disabled American Veterans (National)—[www.dav.org/](http://www.dav.org/)
- Veterans of Foreign Wars (Dept of IL)—[www.vfwil.org/](http://www.vfwil.org/)
- Vietnam Veterans of America (National)—[www.vva.org/](http://www.vva.org/)
- Illinois Dept of Employment Security (IDES)—[www.ides.state.il.us/](http://www.ides.state.il.us/)
- Illinois Dept of Human Services—[www.dhs.state.il.us/](http://www.dhs.state.il.us/)
- City of Chicago Human Services—<http://egov.cityofchicago.org/city/webportal/home.do>
- Social Security Administration—[www.ssa.gov/](http://www.ssa.gov/)
- National Coalition for Homeless Veterans—[www.nchv.org/](http://www.nchv.org/)
- National Alliance to End Homelessness—[www.endhomelessness.org/](http://www.endhomelessness.org/)
- AMVETS 1-877-726-8387 — [www.amvets.org](http://www.amvets.org)
- Blinded Veterans Association 1-800-669-7079 — [www.bva.org](http://www.bva.org)
- Jewish War Veterans 1-202-265-6280 — [www.jwv.org](http://www.jwv.org)
- Military Order of the Purple Heart 1-703-642-5360 — [www.purpleheart.org](http://www.purpleheart.org)
- Paralyzed Veterans of America 1-800-424-8200 — [www.pva.org](http://www.pva.org)
- Disabled American Veterans (Chicago): 312-980-4242; (Springfield): 217-793-8115
- Department of Human Services (Chicago): 312-746-5400
- Department of Human Services-Main: 1-800-654-8595 or 1-800-843-6154
- Southern Illinois Coalition for the Homeless (Marion): 618-993-0094
- Central Illinois Continuum of Care (Danville): 217-442-3200
- Heart of Illinois Consortium of Care (Peoria): 309-671-8000

*An electronic version of this document is also available upon request. Please contact the Health Care for Homeless Veterans (HCHV) Program, Hines VA Hospital, at (708) 202-4960.*