

**A Guidebook
for
Incarcerated
Veterans
In
South Carolina**



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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 encounter upon release, social acceptance, economics, and re-establishment as a productive member of society.

This booklet is a tool for incarcerated veterans and their families who wish access to services to support a new and better way of life. Be aware, this guidebook is designed to assist veterans incarcerated, in the State of South Carolina, and their families. Laws do vary from state to state; therefore, check your state's laws and regulations against this guide.

Thank you.

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 To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out of date information in this guidebook please send the discrepancies, and updated information if you have it to:

Varnese Cousan
Health Care for Reentry Veterans Specialist, VISN 7
varanese.cousan@va.gov

Harell Jamison
Health Care for Reentry Veterans Specialist, VISN 7
WJB Dorn VA Medical Center
6439 Garners Ferry Rd. (MC116-D)
Columbia, SC 29209
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- 3) Vietnam Veterans of America, Inc. for developing the first incarcerated veteran's guidebook, which has inspired and informed subsequent efforts; and
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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 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 who can help you plan for your release (often the caseworker). 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 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 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 my prison facility).

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 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 Commission offices (referred to as One Stop Center 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. **(Call your local United Way or dial 211 for information in your county.)** 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, or <http://www.southeast.va.gov/>
 - ✓ Persian Gulf War Helpline: 1-800-749-8387
 - ✓ Iraqi Freedom Veterans should contact the case manager at their local VA Medical Center (WJB Dorn VAMC in Columbia at (803) 776-4000 x7303 or Ralph H. Johnson VAMC in Charleston at (843) 577-5011 x7206)
- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 1-800-374-2800 or 1-800-234-1253
- **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 Prevention Hotline** 1-800-273-TALK (8255)
- **SC Coalition Against Domestic Violence & Sexual Assault** – 1-800-260-9293, www.sccadvasa.org
- **The Rape, Abuse & Incest National Network (RAINN)** – 1-800-656-HOPE (4673)

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 assistance, 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!**

- 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 www1.va.gov/homeless/page.cfm?pg=21. For the HCHV Coordinator at Dorn VAMC in Columbia, call (803) 776-4000 x7697/7445. For the HCHV Coordinator at Ralph H. Johnson VAMC in Charleston, call (843) 577-5011 x7953.
- **Department of Veterans Affairs Regional Office (VARO)** 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 1-800-827-1000 or go to www.va.gov.
- **National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online at <http://www.nationalhomeless.org/>. This does not list every program in the country, so be sure to check your phone book for local programs.
- **Salvation Army** - provides services, including shelter and transitional housing, for homeless individuals and families. For services in the Columbia area, contact The Salvation Army, 2025 Main Street, Columbia, SC (803) 765-0260 <http://www.salvationarmycarolinas.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. Additionally, you may dial **211** for assistance with your local United Way office.

- **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

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, 333 1/2 Pennsylvania Ave., 8E Washington, DC 20003-1148, or go to www.nchv.org.

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 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 ". **Note: Anyone charged with a felony within the last five (5) years will not be eligible for public housing or Section 8.**

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. **Do not wait** until you get out to start thinking about what you will do. **Start planning now!**

EMPLOYMENT SERVICES

- **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. Work Source Center 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
- **Workforce Affiliates** serve special populations and are electronically linked to the system. All affiliates offer self-service resource rooms and job search activities. Services for job seekers include:
 - 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

Work Source is a joint venture of organizations dedicated to addressing South Carolina's employment needs.

- **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. LVERs are located with the local One Stop Center. 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 Commission," or go to www.sces.org.

- **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 1-800-669-9271, or contact their local Workforce Center.

- **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.

- The Health Care for Homeless Veterans, Dorn VA Medical Center, 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 HCHV, Dorn VAMC at (803) 776-4000 x7445.

- 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/bln/vre/regional_offices.htm.
- Through its **Compensated Work Therapy (CWT) programs**, the VA offers structured work opportunities and supervised therapeutic housing for at-risk and homeless veterans with physical, mental health and addictions problems. The CWT program partners with 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 South Carolina, the VA currently has CWT Programs located at WJB Dorn VAMC in Columbia at (803) 776-4000 x7445/7697 and Ralph Johnson VAMC in Charleston at (843) 577-5011 x7953. For further information go to www1.va.gov/vetind.
- The State of South Carolina has a **Vocational Rehabilitation (VR)** program that helps people with disabilities find and keep jobs. Incarcerated veterans may request that the Chaplain at your institution, set up a meeting with the VR representative before release. If an appointment cannot be obtained prior to release, 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" (www.scrd.net).

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. Call 1-877-222-8387 or go to <http://www.southeast.va.gov/> to find the medical center nearest you.

Ralph H. Johnson VAMC
109 Bee Street
Charleston, SC 29401-5799
(843) 577-5011

Wm. Jennings Dorn VAMC
6439 Garners Ferry Road
Columbia, SC 29209-1639
(803) 776-4000

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.

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 Homeless Veteran Services Coordinator at the local **VA Medical Center** or **Vet Center**. Call 1-877-222-8387 to or go to <http://www.southeast.va.gov/>, to find the medical center nearest you.

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

Columbia Vet Center
1513 Pickens Street
Columbia, SC 29201
(803) 765-9944

Greenville Vet Center
14 Lavinia Street
Greenville, SC 29601
(864) 271-2711

North Charleston Vet Center
5603A Rivers Avenue
North Charleston, SC 29418
(843) 747-8387

- **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.
- **South Carolina Department of Mental Health** provides care through many Community Mental Health Centers throughout South Carolina. This includes online services and hospital programs. Call (803) 898-8581 or information can be obtained through the Internet at www.state.sc.us/dmh

SUBSTANCE ABUSE TREATMENT

If eligible for veterans' benefits:

- Contact the local **VA Medical Center**. Call 1-877-222-8387 to or go to www.visn7.med.va.gov, to find the medical center nearest you.

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 **Drug and Alcohol Treatment Referral Routing Service** can refer you to local programs. Call 1-800-662-4357.
- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 1-800-374-2800 or 1-800-234-1253
- **SC DAODAS** has programs designed for persons with alcohol and drug abuse problems. Call (803) 896-5555 or obtain information through the Internet at www.daodas.state.sc.us/web

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 at www.legion.org to find the post nearest you.
- 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 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. **NOTE: Individuals who have a federal or state felony conviction for possession, use or distribution of a controlled substance which the individual committed after August 22, 1996 are ineligible for food stamps.**

- **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: www.socialsecurity.gov/ssi
- **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 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 or check online for the program, nearest you. Go to www.rinlsc.gov/rinboard/rguide/pdirl.htm.

- **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.
- Ask-A-Lawyer allows people to ask lawyers questions about divorce; wills; employment problems or other legal issues. Information explaining how the court system works or about private or nonprofit organizations that may be able to help them is also available. Information provided by Ask-A-Lawyer volunteers is given by South Carolina lawyers and is related to South Carolina law only. Ask-A-Lawyer volunteers are available from 1 p.m. to 5 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and from 9 a.m. to noon on Fridays. To speak to an Ask-A-Lawyer volunteer, callers should dial 1-888-321-3644.

WOMEN VETERANS

- Most VA **Medical Centers, Regional Offices and Vet Centers** have a designated Women Veterans Coordinator to assist women veterans in accessing VA benefit programs and healthcare services. At WJB Dorn VAMC, call the Telephone Advice Program at (803) 647-5829 or toll free at 1-888-651-2683. Also, veterans may call 1-877-222-8387 or go to <http://www.southeast.va.gov/>, to find the medical center nearest you.

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

1801 Assembly Street
Columbia, SC 29201

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

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. You can also apply for certain benefits online at: <http://vabenefits.vba.va.gov/vonapp/main.asp>.

HELP SEEKING BENEFITS

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National & Department Service Officers are located at the VA Regional Office unless otherwise noted. Address as follows:

Department of Veterans Affairs
[[Service Organization Name](#)]
1801 Assembly Street
Columbia, SC 29201

AMVETS	(803) 255-4277
Disabled American Veterans	(803) 255-4238
National Order of the Purple Heart	(803) 255-4138
Paralyzed Veterans of America	(803) 255-4309
Veterans of Foreign Wars	(803) 255-4303
South Carolina Division of Veterans Affairs	(803) 255-4257

- 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: www.vba.va.gov/pubs/formsl.htm. You can also apply for certain benefits online at: <http://vabenefits.vba.va.govNonapp/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.

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 - Internet Sites

American Bar Association www.abanet.org

The American Legion - Dept of SC www.scarolinalegion.org/

Compensated Work Therapy Programs www1.va.gov/vetind

Cooperative Ministry www.cooperativeministry.org

Department of Housing and Urban Development www.hud.gov/homeless/hmlsagen.cfm

Food Stamps www.fns.usda.gov/fsp/contact_info/hotlines.htm

Local Bar Association www.abanet.org

National Alliance for the Mentally Ill www.nami.org

National Coalition for Homeless Veterans www.nchv.org

National Health Care for the Homeless Council www.nhchc.org

National Mental Health Association www.nmha.org

Pine Tree Legal Assistance www.ptla.org/links/services.htm

Salvation Army <http://www.uss.salvationarmy.org/sc/home.htm>

Social Security Administration www.ssa.gov/

South Carolina Coalition Against Domestic Violence & Sexual Assault www.sccadvasa.org

South Carolina Dept of Alcohol & Other Drug Abuse Services www.daodas.state.sc.us/web

South Carolina Security Commission www.sces.org

South Carolina Vocational Rehabilitation www.scvrd.net

Supplemental Security Income (SSI) <http://www.ssa.gov/notices/supplemental-security-income/>

United Way www.unitedway.org

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

VA Regional Office www.vba.va.gov/bln/vre/regional_offices.htm

Veterans Benefits www/vba.va.gov

Veterans Forms <http://vabenefits.vba.va.govNonapp/main.asp> & <http://vetrecs.archives.gov>

Veterans Health Administration – VISN 7 <http://www.southeast.va.gov/>