

GUIDEBOOK
FOR
INCARCERATED
VETERANS IN
UTAH

Table of Contents

SECTION I: USING THE GUIDE & SEEKING HELP.....	1
SECTION II: HELP FOR VETERANS	2-16
Internet Links.....	3-4
Toll-Free Numbers.....	5
Housing	6-8
Finding & Keeping a Job.....	8-9
Health	9-14
Substance Abuse & Mental Health	14
Financial Help.....	15
Legal Help	15-16
Women Veterans.....	16
SECTION III: SEEKING FEDERAL BENEFITS	17-21
Eligibility for Benefits While Incarcerated	17
Benefits Payments While Incarcerated	18-19
Family Benefits - Apportionment.....	18
Help Seeking Benefits	20-21
CHECKLIST.....	22

Forward

This booklet is a reference for incarcerated veterans, their families, and those who wish to access the services to support a new way of life. This guide can be an important tool, so please review these programs thoroughly in order to understand the opportunities available. Many veterans find that there are numerous outside pressures once they are released, such as meeting basic needs, maintaining health, finding employment, substance abuse issues, legal issues and social acceptance. When the programs in this booklet are used properly, the benefits can minimize these outside pressures.

Agency staff names and addresses, phone numbers and website addresses change. We do our best to keep the information in this booklet updated, but 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 To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out-of-date information in this guidebook, please send the discrepancies and updated information to:

Kristy Hamilton, MSW, LCSW
Health Care for Reentry Veterans Specialist
VISN 19 Incarcerated Veterans Reentry Specialist
Health Care for Reentry Veterans
VA Salt Lake City Healthcare System
500 Foothill Drive 116/HO
Salt Lake City, UT 84148
(801) 582-1565 x6315

We would like to acknowledge: 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.

Last date revised: April 2014

SECTION I: USING THIS GUIDE

SECTION I of this guide is to help you 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 resources 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 existing services. What is available in one area may be different from what is available in another, so be sure to check with local resources about services in your area.

While you are incarcerated, 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. **Once released, you do not want to risk being homeless, so please take advantage of the opportunities available to you.**

Begin thinking specifically about what 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. 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

Section II of this guide provides information about assistance for specific needs.

Section III covers basic information about seeking VA benefits.

At the end of this guide is a **Checklist** that summarizes each section of this guide.

SECTION II: HELP FOR VETERANS

Think about the list you created in Section I 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 (for example, I have written to organization (or individual) and they suggested I contact you).
- Any restrictions for mailings (for example, mail with staples or paper clips will not be accepted by my prison facility).

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

Date of Contact	Who was Contacted	Address	Phone Number	Mail or Phone	Outcome	Follow-Up

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 the State of Utah Department of Workforce Services, local shelters, and drop-in centers.

Web Address	Contents	Comments
www.va.gov	VA home page	Links to specific vet resources
www.utah.gov	Utah resources	Links to Utah state and local government agencies
www.uw.org/211/	Resources identified by United Way of Salt Lake	Links to numerous statewide community agencies
www1.va.gov/opa/publications/benefits_book.asp	Current Benefits Booklet	Lists the variety of federal benefits available
www.nchv.org	National Coalition for Homeless	Information about homelessness and veterans with links
www.suicidepreventionlifeline.org/	Suicide Hotline	Information and assistance
www.vmh.com	Valley Behavioral Health (formerly known as Valley Mental Health)	Links to mental health and community resources
www.vitalrec.com/ut.html	Source for obtaining birth certificates	Links to all states and territories including Utah
www.hud.gov/homeless/hmlsagen.cfm	Housing and Urban Development (HUD)	Links to resources for homelessness
http://disabilitylawcenter.org/	Disability Law Center	Provides legal assistance for individuals with disability

http://legalaidsocietyofsaltlake.org/index.php	Legal Aid Society	Provides legal assistance
http://www.utahlegalservices.org/public/about_uls/about	Utah Legal Services	Provides legal assistance
http://www.legion.org/	American Legion home page	Services & programs for veterans
http://benefits.va.gov/benefits/	VA Benefits	Links and information to benefits and rights.

This section includes resources that can help you get back on your feet. Be sure 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, or <http://www.visn19.va.gov>
- . Persian Gulf War Helpline: 1-800-749-8387

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 about HIV/AIDS who can direct you to AIDS services in your city or state: 1-800-822-7422.

National Coalition for Homeless Veterans — 1-800-838-4357 or <http://www.nchv.org/>

Veterans Crisis Line –1-800-273-TALK (8255)

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.

Check the local phone book yellow pages under "Homeless" or "Social Service Organizations" for a list of many local organizations that offer different services, such as 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!**

- Every **VA Medical Center** and **VA Regional Office** has a **Healthcare for Homeless Veterans Coordinator (HCHV)** 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, benefits assistance, case management and employment assistance with linkage to permanent housing. **In Utah call 801-582-1565 ext: 6301. Nationwide call 1- 877- 4AID VET (1-877-424-3838) or go to www.va.gov/homeless**
- The **Community Residential Care (CRC)** is the assisted living program for eligible veterans. VA certified caregivers include private residences, small group homes and larger group homes in the community. In exchange for a fee paid by the veteran's own funds, the sponsor provides room and board, medication management, transportation to medical appointments and assistance with activities of daily living.
For more information **call 801-582-1565 ext. 6317**
- In order to meet the range of needs found in the homeless veteran population, the **Health Care for Homeless Veterans (HCHV)** program maintains community partnerships through funds offered from the **VA's Homeless Providers Grant and Per Diem Program**. Grant and Per Diem funded community partnerships include programs which offer housing and other supportive services, or services only. The purpose is to promote the development and provision of supportive housing and/or supportive services with the goal of helping homeless Veterans achieve residential stability, increase their skill levels and/or income, and obtain greater self-determination. Those that offer services only are called Service Centers and may provide veterans with drop-in hours, crisis intervention, case management, education, and counseling. Contact **801-582-1565 ext. 6301** for more information.

- **Utah State Division of Veterans Affairs** is the State agency that assists former and present members of the U.S. Armed Forces and their dependents in preparing claims and securing compensation or pension, hospitalization, education and vocational training, employment assistance, and Veterans Nursing Homes for those in need of nursing care, and other benefits or privileges to which they may be entitled under Federal or State law or regulation by reason of their service in the military. **In Utah call 801-326-2372**, or call 800- 894-9497 or go to <http://veterans.utah.gov/>

- **Homeless Assistance** for the State of Utah:

Bishop Weigand Resource Center

- 235 South Rio Grande Street (455 West), Salt Lake City, UT 84101-1105
(801) 363-7710

Homeless Veterans Fellowship

- 541 23rd Street, Ogden, UT 84401
(801) 392-7662

Rescue Mission

- 463 South 400 West, Salt Lake City, UT 84101
(801) 355-1302

Salvation Army

- 438 South 900 West, Salt Lake City, UT 84104
(801) 988-4204

St. Vincent DePaul Center

- 437 West 200 South, Salt Lake City, UT 84101
(801) 363-7710

The Road Home

- Salt Lake Community Shelter and Resource Center
210 South Rio Grande Street Salt Lake City, UT 84101
(801) 359-4142

St. Ann's Homeless Shelter

-137 West Binford, Ogden, UT 84401
(801) 621-5036

Ogden Rescue Mission

-2781 Wall Avenue, Ogden, UT 84401
(801) 399-3058

Dixie Care and Share

-131 North 300 West, St. George, UT 84770
(435) 628-3661

Directory of Homeless & Housing Advocacy Coalitions

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

- **Salvation Army** - provides services, including shelter and transitional housing, for homeless individuals and families. For local services and information contact: The Salvation Army, 438 South 900 West, Salt Lake City, UT 84104 or **(801) 988-4204**.
- **United Way** - provides a variety of services through local organizations. Check the phone book for a local post **(Salt Lake (801) 736-8929)** or locate local organizations online at www.unitedway.org for Salt Lake – www.uw.org
- **Local churches and faith-based organizations**, such as Catholic Charities, Jewish Family Services, Baptist Concern Center, LDS stakes/wards, or Volunteers of America, may have a variety of programs to assist you. Find these and like-minded organizations in the phone book.

Emergency and Transitional Housing

- To find out if there are homeless veteran service providers in your area, call 1-800-VET-HELP (838-4357), write to NCHV, 333 1/2 Pennsylvania Ave., SE Washington, DC 20003-1148, or go to www.nchv.org
- 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://portal.hud.gov/hudportal/HUD?src=/topics/homelessness/localassist>

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 “City Government, Housing Authority.” For Salt Lake City call **The Housing Authority of Salt Lake City at 801-487-2161** or visit them at <http://www.haslcutah.org/>

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!**

- **Local Veterans Employment Representatives (LVER) and Disabled Veterans Outreach Program (DVOP) specialists** assigned by the **Utah State Department of Workforce Services** help veterans find and keep jobs. LVERs are located with the local offices statewide. 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 "Workforce Services," or go to <http://jobs.utah.gov/>
- The Utah State Division of Veterans Affairs provide 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 UDVA at 1-800-894-9497, **or in Salt Lake City (801) 326-2372**.
- 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 <http://www.vba.va.gov>
- The **Utah State Office of Rehabilitation** helps people with disabilities find and keep jobs. Apply for these services immediately after your release. Call **1-800- 473-7530** or access their website at <http://www.usor.utah.gov/>

HEALTH

If eligible for veteran's benefits:

- We encourage you to enroll in the VA Health Benefits System as soon as you are released. Every **VA Medical Center** has a **Health Care for Homeless Veterans Coordinator** who helps veterans and their families find resources inside and outside the VA Health Care System. Call **1-877-222-8387** or go to <http://www.visn19.va.gov>, to find the VA Medical Center nearest you.

VA Salt Lake City Health Care System

500 Foothill Drive
Salt Lake City, UT 84148
www.saltlakecity.va.gov
(801) 582-1565

Community Based Outpatient Clinics:

- Community Based Outpatient Clinics (CBOCs) provide necessary health care for veterans living outside of the Salt Lake City area. There are CBOCs in the following areas:

West Valley, Utah

VA Western Salt Lake CBOC
2750 South 5600 West
West Valley City, Utah 84120
Phone: (801) 417-5734 or Ext 6400

Ogden, Utah

Ogden Outpatient Clinic
982 Chambers Street
South Ogden, UT 84403
(801) 479-4105

Orem, Utah

VA Outpatient Clinic
Timpanogos Regional Hospital
Timpanogos Medical Office Building 740 W. 800 North, Suite 440 (4th floor) Orem, UT 84057-3658
(801) 235-0953

Price, Utah

Price CBOC
189 South 600 West, Suite B
Price, UT 84501
Phone: (435) 613-0342
(800) 613-4012; ext 6443 (for appointments) Toll-free in Utah, Idaho, Nevada,
Colorado and Wyoming.

St. George, Utah

St. George CBOC
230 North 1680 East
Building N
St. George, UT 84790
Phone: (435) 634-7608

Roosevelt, Utah

Uintah Basin Medical Center
245 West 200 Street
North Roosevelt, UT 84066-2336
(435) 725-1050

Pocatello, Idaho

Pocatello Outpatient Clinic
444 Hospital Way Suite 801
Pocatello, ID 83201
(208) 232-6214

Idaho Falls, Idaho

Idaho Falls Outreach Clinic
Eagle Pines Plaza
3544 East 17th Street
Suite 104
Idaho Falls, ID 83406
Phone: (208) 522-2922

Ely, Nevada

William B. Ririe Hospital
#6 Steptoe Circle
Ely, NV 89301
(775) 289-3612 ext-131

Elko, Nevada

Elko Outreach Clinic
762 14th St,
Elko, NV 89801
(775) 753-2014

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

- **Department of Human Services (DHS)** 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 or go to <http://www.dhs.utah.gov/>
- **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 <http://www.nhchc.org/>
- Many local organizations and communities **run free clinics**. Look in the phone book blue pages under "Health Department" to contact local government office for clinics in your area or go to www.health.utah.gov

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 have 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 piercings
 - 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

SUBSTANCE ABUSE & MENTAL HEALTH TREATMENT

If eligible for veterans' benefits:

- Contact the Homeless Veteran Services Coordinator at the Salt Lake **VA Medical Center** or **Vet Center** at **801-746-5561 ext. 6301**. Elsewhere call 1- 877-222-8387 to or go to <http://www.va.gov/visn19/> 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 help *you* find local programs, 1-800-662-4357.
- **National Alliance on Mental Illness (NAMI)** lists community mental health services providers at: www.nami.org or call 1-800-950-6264.
- **National Alliance on Mental Illness (NAMI) Utah** offers a variety a free classes and support groups on mental illness, and free peer mentoring services for support and community resources: www.namiut.org or call (877) 230-6264.
- **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

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 (<http://www.legion.org/financialassistance>) to find the post nearest you.
- If you are unemployed with little or no income, you may be eligible for **food stamps**. Call the toll-free number at 1-800-221-5689, or find a list of food stamp hotlines for each state at <http://www.fns.usda.gov/fsp/contactinfo/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 release date, however you won't receive the benefits until afterwards. 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 your local social security administration office listed in the phone book blue pages under "Federal," or go to: <http://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 National Service Officer** for help with discharge upgrades, seeking benefits, and filing a VA claim (call 1-800-562-2308 for the nearest Service Officer). If you have not utilized Veterans benefits in the past you will need a DD-214. These can be requested from the Veterans Affairs Regional Office or Veterans Hospital Homeless Program. DD-214s take approximately six weeks to process. You should plan on filing for a DD-214 two months before release to insure for timely receipt.

Other legal issues:

- Most laws are state-specific. Most common legal problems are governed by the laws 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: <http://www.americanbar.org/aba.html>
- **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 <http://www.uls.state.ut.us/uls/>
- **Pine Tree Legal Assistance** has an online list of organizations across the nation that provides free legal help to clients who qualify. Go to <http://www.ptla.org/legal-services-links>
- 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 http://www.americanbar.org/groups/bar_services/resources/state_local_bar_associations.html
- **Utah Veterans Legal Clinic** allows veterans and their families to speak with a lawyer at no cost. The legal clinic is held the 2nd Thursday of every month from 5:30-7:30 pm at The George E. Wahlen VA Medical Center, 500 South Foothill Blvd, Salt Lake City, Bldg. 8, Multipurpose Center. For more information, contact **801-582-1565 Ext. 6327**.

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 1-877-222-8387 or go to <http://www.va.gov/visn19/>, 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.

Department of Veterans Affairs – Salt Lake City Regional Office

550 Foothill Drive
PO Box 581900
Salt Lake City, UT 841 58-1 900

Call 1-800-827-1000 or find information about benefits at

<http://www.benefits.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 cannot 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.

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.

National & Department Service Officers are located at the VARO Salt Lake City unless otherwise noted. Address as follows:

*550 Foothill Drive
Salt Lake City, UT 84158-1900*

AMVETS VA Salt Lake City Health Care System/George D. Wahlen VA Medical Center , Building 2, Room 2C47 & 47A, Salt Lake City, UT 84148 (801) 582-1565, ext 4644

American Legion Room 203 (801) 326-2380

Disabled American Veterans Room 202 (801) 326-2375

Military Order of the Purple Heart Room 203 (801) 326-2471

Veterans of Foreign Wars Room 203 (801) 326-2385

Utah State Division of Veterans Affairs ... Room 202 (801) 326-2372

- 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.

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 21-526EZ - 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. Please note that you cannot apply for Pension Benefits until after your release date.
- 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

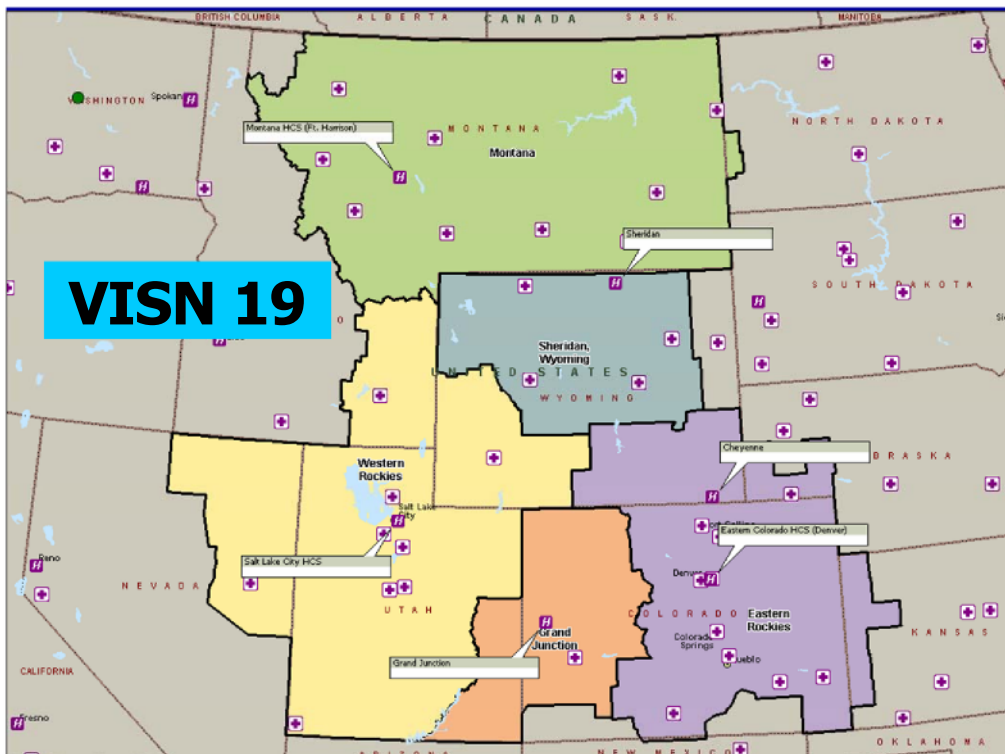
Using This Guide

- 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.

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.
- 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.

NOTES





George E. Wallen Department of
 Veterans Affairs Medical Center
 VA Salt Lake City Health Care System
 500 Footfall Drive
 Salt Lake City, UT 84148
 801 582 1565

Patient Information Map as of 4/26/13

