



A GUIDEBOOK FOR
INCARCERATED VETERANS



STATE OF NEW HAMPSHIRE

TABLE OF CONTENTS

SECTION I: USING THE GUIDE AND SEEKING HELP	1-3
SECTION II: HELP FOR VETERANS	4-19
Toll-Free Numbers	4
Where to Start	5
Housing	7
Finding & Keeping a Job	8
VA Health Care	11
Mental Health Services	13
Alcohol - Substance Abuse Treatment & Counseling	15
Financial Help & Employment and Job Searches	15
Legal Help	17
Women Veterans	18
SECTION III: SEEKING FEDERAL BENEFITS	19-22
Eligibility for Benefits While Incarcerated	19
Benefits Payments while Incarcerated	20
Family Benefits – Apportionment	20
Help Seeking Benefits	21
CHECKLIST	23
RESOURCE ADDRESSES / SITES	24

Forward

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

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

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 To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out-of-date information in this Guidebook please send the discrepancies, and updated information if you have it, to:

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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 don't have phone or access to the web. Keep in mind that **this guide does not include all of the services available**. What is available in one area may be different from what is available in another, so be sure to check with local resources to learn about services in your area.

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

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

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

- I need a place to live.
- I need a job.
- I need clothing to wear to work.

- I need to find out what benefits I can get as a veteran.
- I want to get addictions treatment.
- I owe child support.

Think about your list as you read through this guide. Who do you think can help you with each of your needs? Is there one organization that may be able to work with you, on many different things, or do you need to contact several agencies? Keep track of the steps you take, including the dates and names of people you contact for information or assistance. Although this guide provides *national and state* addresses for many organizations, we recommend you **check your phone book for local, county, and state agencies that know what help is available in your area.**

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

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

The web 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 Department of Employment and Training (DET) and Employment Security Department offices (referred to as Job Service Centers or Unemployment Offices).

Section II

Section II provides information about assistance for specific needs.

Section III

Section III covers basic information about seeking VA benefits.

Checklist

The Checklist summarizes each section of this guide.

SECTION II

HELP FOR VETERANS

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

TOLL-FREE NUMBERS

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

- **US Department of Veterans Affairs** — www.va.gov
 - ✓ Benefits: 1-800-827-1000
 - ✓ Medical Centers: 1-800-892-8384, or www.newengland.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 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)

WHERE TO START

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

- Every **VA Medical Center** has a **Homeless Coordinator** who is responsible for helping homeless veterans access VA and community-based care to end homelessness among veterans. The Homeless Coordinator 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 Coordinator in New Hampshire call 1-800-892-8384 or go to www.newengland.va.gov/.
- **The Benefits Section of the Veterans Administration in Manchester** provides assistance with Veterans benefits and 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 and ask the operator to connect you to the benefits department.
- **National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online. This does not list every program in the country, so be sure to check your phone book for local programs. The following are some of those listed for the State of New Hampshire :

Directory of Local Homeless Service Organizations

American Legion Auxiliary Advice and Assistance
Phone: 1-800-504-4098

Veterans of Foreign Wars Advice and Assistance
Phone: 603-432-3975

NH State Veterans Home Nursing Home
Phone: 603-527-4400

New Hampshire Help Line
Phone: 1-800-852-3388 or 603-225-9000

Vocational Rehab/ Employment
Phone: 603-222-5755

Vet Center
Phone: 1-800-562-3127 or 603-668-7060

Helping Hands Housing
Phone: 603-623-8778

Harbor Homes Housing
Phone: 603-594-8951

Victory Farm Housing
Phone: 603-585-9427

Liberty House Housing
Phone: 603-669-0761

Salvation Army - provides services, including shelter and transitional housing, for homeless individuals and families. For local services and information contact: The Salvation Army, 1-603-627-7013.

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.

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, 333½ Pennsylvania Ave., SE Washington, DC 20003-1148, or go to www.nchv.org. Also, find listings for shelters in list above.

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".

FINDING & KEEPING A JOB

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

EMPLOYMENT SERVICES

- **Department of Employment and Training (DET) in New Hampshire** provides 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. DET 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
 - Access to 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

Local Veterans Employment Representatives (LVER) and Disabled Veterans Outreach Program (DVOP) specialist assigned by the **State Department of Employment and Training (DET)** help veterans find and keep jobs. LVERs are located with the local DET site. 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."

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 Department of Employment and Training is the “Right Connection” to the Work Opportunity Tax Credit. If an employer wants more information and forms, they can call their local DET Center.

The New Hampshire Department of Employment and Training provides employment and training services to homeless veterans to help them get back into the workforce through DVOPs and LVERs. These representatives assist 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 these representatives, contact the local DET office in the area of your release.

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.newengland.va.gov/.

Through its **Compensated Work Therapy Programs**, the VA offers structured work opportunities and supervised therapeutic housing for at-risk and homeless veterans with physical, mental health and addictions problems. VA contracts with private industry and the public sector for work by these veterans, who learn job skills, re-learn successful work habits, and regain a sense of self-esteem. Veterans are paid for their work and given assistance with employment in the community. In New Hampshire, the VA currently has Compensated Work Therapy Programs located at the Veterans Administration Hospital in Manchester, New Hampshire.

The State of New Hampshire has a **Vocational Rehabilitation** program that helps people with disabilities find and keep jobs. Apply for these services immediately after your release. Look in the phone book white pages under "New Hampshire," "Agency of Human Services" then "Vocational Rehabilitation," or search the internet for "Vocational Rehabilitation" in your state.

VA HEALTH CARE

If eligible for veteran's benefits:

- We encourage you to enroll in the VA Health Benefits System as soon as you are released. The **VA Medical Center in Manchester, New Hampshire** has a **Homeless Coordinator** who helps veterans and their families find resources inside and outside the VA Health Care system. Call 1-800-892-8384 or go to www.newengland.va.gov/ for further information.

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 yellow 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 yellow pages under "Public Health" to contact local government office for clinics in your area.

ADDITIONAL RESOURCES

TRICARE (<http://www.tricare.osd.mil/>)

Find out more about the military health system.

Disabled American Veterans (<http://www.dav.org/>)

Formed in 1920 and chartered by Congress in 1932, the million-member DAV is the official voice of America's service-connected disabled veterans -- a strong, insistent voice that represents all of America's 2.1 million disabled veterans, their families and survivors. Its nationwide network of services -- free of charge to all veterans and members of their families -- is totally supported by membership dues and contributions

from the American public. Not a government agency, the DAV's national organization receives no government funds.

Blinded Veterans Association (<http://www.bva.org/>)

If you are a blind or visually impaired veteran, if you are a relative or a friend or if you just want to get involved, write, email or give us a call. We are the Blinded Veterans Association (BVA), an organization specifically established to promote the welfare of blinded veterans. We are here to help veterans and their families meet the challenges of blindness.

Paralyzed Veterans of America (<http://www.pva.org/livingsci/vbd/vbdindex.htm>)

The PVA Veterans Benefits Department (VBD) provides assistance and representation before the U.S. Department of Veterans Affairs (VA), without charge, to veterans with spinal cord injury or dysfunction, and their eligible dependents. We assist clients with applying for health care, as well as other benefits they may be entitled to.

Lariam Action USA (<http://www.lariaminfo.org/>)

Lariam Action is an information and support service for people who have questions about the effects of the antimalaria drug Lariam® (mefloquine).

Special Health Information for Veterans:

- If you think you may be at risk for AIDS and HIV infection after your release, contact the VA Medical Center in Manchester 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 VA Medical Center in Manchester 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 Coordinator at the Manchester **VA Medical Center** (1-800-892-8384) or **Vet Center** (1-800-562-3124) **located in Manchester** or go to www.newengland.va.gov/.

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

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

ADDITIONAL RESOURCES

Veterans and Families (<http://www.veteransandfamilies.org/home.html>)

Veterans and Families is a national non-profit community service and support organization, founded and directed by veterans, parents, grandparents, family members, employers, mental health professionals, academics and community leaders.

National Center for Post-Traumatic Stress Disorder (<http://www.ncptsd.va.gov/>)

The National Center for PTSD is a part of the VA that works to advance the clinical care and social welfare of America's veterans through research, education, and training in the science, diagnosis, and treatment of PTSD and stress-related disorders. Their website is provided as an educational resource concerning PTSD and other enduring consequences of traumatic stress.

PTSD Alliance (<http://www.ptsdpeace.org/veterans.html>)

"Vets Helping Vets": PTSD Alliance works with all people suffering from Post Traumatic Stress, including military veterans.

Vet Centers (<http://www.va.gov/rcs/VetCenterDirectory.htm>)

Vet Centers are small community organizations managed by the VA and dedicated to providing counseling for combat veterans from combat veterans.

VVA's PTSD Claims Guide (<http://www.vva.org/Benefits/ptsd.htm>)

The purpose of this guide is to assist you, the veteran, or your survivor(s), in presenting your claim for benefits based on exposure to psychologically traumatic events during military service that has resulted in post-traumatic stress disorder (PTSD).

SUBSTANCE ABUSE TREATMENT

If eligible for veterans' benefits:

Contact the Addictions Treatment Center at the local **VA Medical Center**. Call 1-800-892-8384 or go to www.newengland.va.gov/.

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: 1-800-888-9383.

FINANCIAL HELP

- The American Legion provides **Temporary Financial Assistance** (TFA) from its national headquarters to help maintain a stable environment for children of veterans. To obtain an application, look in the phone book to contact a local post, or contact the National Headquarters (see page 6) 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.
- **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 white pages, or go to: <http://www.ssa.gov/notices/supplemental-security-income/>.

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

EMPLOYMENT AND JOB SEARCHES

RecruitMilitary (<http://www.recruitmilitary.com/>)

RecruitMilitary was founded in February 1998 and quickly became a leader in the use of contingency search to place transitioning and veteran personnel in positions in corporate America. RecruitMilitary established its reputation on the basis of unparalleled service, attention to detail in all activities, and perhaps most important, great choices for both its job candidates and its employer clients.

Helmets to Hardhats (<http://www.helmetstohardhats.org/successStoryMain.jsp>)

Helmets to Hardhats provides the best career opportunities in building and construction trade to those who have earned the nation's support through their years of service and sacrifice, easing the difficult passage into civilian life for military families.

ESGR: Employer Support of the Guard and Reserve (<http://esgr.org/default.asp>)

Guardsmen and Reservists have the right to return to their civilian jobs following their service. National Guardsmen and Reservists who think their employers have acted unfairly -- for instance, if they believe they were fired because of their military service -- should contact the ESGR.

VetBiz (<http://www.vetbiz.gov/default2.htm>)

Find out more about starting and running a veteran-owned business.

Veteran Job Search at Military.com
(<http://www.military.com/Careers/Home/0,13373,,00.html?loc=QL>)

Search over 100,000 job postings online.

REALifelines

(http://www.workforceatm.org/articles/template.cfm?results_art_filename=woundedvets.htm)

The Recovery and Employment Assistance Lifelines initiative is a joint project of the U.S. Department of Labor, the Bethesda Naval Medical Center and the Walter Reed Army Medical Center. It will create a seamless, personalized assistance network to ensure that seriously wounded and injured service members who cannot return to active duty are trained for rewarding new careers in the private sector.

Career Command Post (http://www.quintcareers.com/former_military.html)

CCP specializes in bringing transitioning active duty military personnel and armed forces veterans together with civilian employers hiring for executive, managerial, professional, technical, skilled and semi-skilled positions, from the Military Transition Group, Inc.

VetJobs.com (<http://www.vetjobs.com/>)

A great site for veterans and transitioning military personnel and their family members. Job openings for all levels and types of jobs. You can search for jobs (by type, keyword, and location), as well as post your resume sponsored by Veterans of Foreign Wars of the United States. Free to job-seekers.

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 <http://www.nhla.org/resources.php>.
- **Pine Tree Legal Assistance** has an online list of organizations across the nation that provides free legal help to clients who qualify. Go to www.ptla.org/links/services.htm.
- Lawyers in private practice sometimes volunteer in "pro-bono" programs to take cases for poor clients free of charge. Check the yellow pages to contact your **Local Bar Association** to learn if there is a pro-bono program in your community, or go to www.abanet.org/barserv/stlobar.html.

WOMEN VETERANS

- Most VA **Medical Centers** and readjustment offices have a designated Women Veterans Coordinator to assist women veterans in accessing VA benefit programs and healthcare services. Call 1-800-827-1000 or go to www.newengland.va.gov/.

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.

*VA Regional Office Center
Norris Cotton Federal Building
275 Chestnut Street
Manchester, NH 03103*

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>.

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.

Just for Veterans

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

Resource Addresses/Sites

The American Legion (<http://www.legion.org/>)

The American Legion was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans' organization. A community-service organization, The American Legion now numbers nearly 3 million members in nearly 15,000 Posts worldwide. Among the resources offered are military family support and service assistance resources.

Veterans of Foreign Wars (<http://www.vfw.org/>)

The Veterans of Foreign Wars has a rich tradition in enhancing the lives of millions through its community service programs and special projects. From providing free phone cards to our nation's active-duty military personnel to raising money for the World War II memorial, the VFW is there, "*honoring the dead by helping the living.*"

Vietnam Veterans of America (<http://www.vva.org/>)

Founded in 1978, Vietnam Veterans of America, Inc. is the only national Vietnam veterans organization congressionally chartered and exclusively dedicated to Vietnam-era veterans and their families. VVA is organized as a not-for-profit corporation and is tax-exempt under Section 501(c)(19) of the Internal Revenue Service Code.

AMVETS (<http://www.amvets.org/>)

Offers free counseling and claims assistance for honorably discharged veterans and dependants. For almost 60 years, AMVETS has provided service and support to America's veterans and their communities.

National Gulf War Resource Center (<http://www.ngwrc.org/>)

The National Gulf War Resource Center is an international coalition of advocates and organizations providing a resource for information, support, and referrals for all those concerned with the complexities of Persian Gulf War issues, especially Gulf War illnesses and those held prisoner or missing in action.

Veterans Service Organization Directory

(<http://www1.va.gov/vso/index.cfm?template=view>)

Check the VA directory for a complete listing of veterans organizations chartered by Congress and/or recognized by the VA for claim representation.

National Veterans Foundation (<http://www.nvf.org/>)

Call their national hotline for veterans seeking resource referral, benefits information, or emotional support: 1-800-777-4443.

Transition Guide (<http://www.transitionguide.org/>)

For active-duty service members, the transition to civilian life can be rough. Check out this guide for some good free advice.

This publication was compiled with the guidance from and assistance of The State of Washington's Department of Veterans Affairs