

Guidebook for Rhode Island Incarcerated Veterans

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The Providence 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. 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. Listed below are important numbers that can help you transition back to the community.

VA Health Care

VA Benefits	380 Westminster St., Providence	800-827-1000
VA Medical Center	830 Chalkstone Ave., Providence	401-273-7100
Vets Center	2038 Warwick Ave., Warwick	401-739-0167
Women Veterans	830 Chalkstone Ave., Providence	401-273-7100
National Coalition for Homeless Veterans		800-838-4357
Persian Gulf War Helpline		800-749-8387
VA Health Benefits Hotline		877-222-8387
National Suicide Prevention Hotline		800-273-8255
Disabled American Veterans	83 Park St., Providence	401-223-3695
VA Homeless Coordinator	480 Metacom Ave., Bristol	401-253-8000 ext. 528
VA Homeless Outreach Worker		401-253-8000 ext. 523

In addition the above resources, the following agencies have services that may be helpful:

RI Coalition for the Homeless	160 Broad St., Providence	401-421-6458
RI Veterans Affairs	480 Metacom Ave., Bristol	401-253-8000
Operation Stand Down	1010 Hartford Ave., Johnston	800-861-8387
Crossroads (Travelers Aid)	160 Broad St., Providence	401-521-2255

Employment

Local Veterans Employment Representatives (LVER) and Disabled Veterans Outreach Program (DVOP) specialist are assigned by the RI State Employment Department to help veterans find and keep jobs. LVERs are located at the local **NetWork RI** sites. DVOP Specialists work under the supervision of the LVER to develop job and training opportunities for veterans, 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 below.

NetWork RI	One Reservoir Ave., Providence	401-462-8947
RI Veterans Action Center	250 Prairie Ave., Providence	401-521-6710
Social Security/SSI	380 Westminster St., Providence	800-772-1213
Veterans Resource Center	830 Chalkstone Ave., Providence	401-273-7100 ext. 3409

Military Discharges/Upgrades

RI Veterans Action Center	250 Prairie Ave., Providence	401-521-6710
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Transportation

RI Public Transit Authority		401-781-9400
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Helplines

National Aids Hotline		800-342-2437
RI Domestic Violence		800-494-8100
RI Council on Alcoholism		800-622-7422
Samaritans – Suicide Hotline		800-365-4044
Project Aids Rhode Island		800-726-3010
Gamblers Hotline		800-942-6253

Shelters

Amos House	415 Friendship St, Providence	401-272-0220
McKinney Shelter	15 Meeting St., Newport	401-846-6385
Crossroads	160 Broad St., Providence	401-521-2255
Warm Shelter	56 Spruce St., Westerly	401-596-9276
Warwick Shelter	48 Budlong Ave., Warwick	401-461-2120
Urban League	208 Prairie Ave., Providence	401-861-9112
Welcome House	8 North Rd., Wakefield	401-782-4770
Woonsocket Shelter	184 Sayles St., Woonsocket	401-766-0844

Subsidized/Low Income Housing

Check with local housing authorities as each city and town has its own listing of available housing.

US Dept of HUD	10 Weybosset St., Providence	401-277-8300
RI Coalition for the Homeless	160 Broad St., Providence	401-421-6458

Medical Assistance – Food Stamps

RI Department of Human Services Information Line		888-347-3322
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Legal Clinics

Crossroads	160 Broad St., Providence	401-521-2255
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Medical Van

Crossroads	160 Broad St., Providence	401-521-2255
Call to verify schedule		

Clothing – Furniture

RI Donation Exchange – You can register at the shelters or call 401-831-5511 for information

Providence Food Pantries

Call the Crossroads Helpline for the nearest site. 800-367-2700

Substance Abuse Treatment – Halfway Houses

VA Medical Center	830 Chalkstone Ave., Providence	401-273-7100
Salvation Army	201 Pitman St., Providence	401-421-5270
Tri-Hab Residential	58 Hamlet Ave., Woonsocket	401-766-1665
Minority Action Program	66 Burnett St., Providence	401-785-0050
CODAC	1052 Park Ave., Cranston	401-461-5056
Providence Center	520 Hope St., Providence	401-276-4000
Wilson House	80 Summit St., Pawtucket	401-728-4010
Marathon House	131 Wayland Ave., Providence	800-422-3344
Kent House	2020 Elmwood Ave., Providence	401-781-2700
SSTAR Detox	1950 Tower Hill Rd., N. Kingstown	401-456-4440
Another Way for Women	31 Barton St., Pawtucket	401-725-0410
Interim House (women)		401-831-4570

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.

Providence Regional Office
380 Westminster Street, Providence, R.I. 02903
Phone: 1-800-827-1000

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 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.