

STATE OF ALABAMA
DEPARTMENT OF VETERANS AFFAIRS
ADMINISTRATIVE CODE

CHAPTER 920-X-1
ORGANIZATION AND GENERAL INFORMATION

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920-X-1-.01 The Board Of Veterans Affairs.

(1) The Board of Veterans' Affairs shall consist of the Governor, as chair, and representatives who shall serve for a term of four years from the date of their respective appointments. These representatives shall be selected from the memberships of the Alabama Department of the American Legion, the United Spanish American War Veterans, the Veterans of Foreign Wars, the Disabled American Veterans, the Veterans of WWI of the USA, Incorporated, the Vietnam Veterans of America, AMVETS, the Military Order of the Purple Heart, and American Ex-Prisoners of War, Incorporated as prescribed by Ala. Code §31-5-3.

(2) The Board, in conjunction with the State Service Commissioner, shall be responsible for the formulation and adoption of policies, rules, and regulations for the administration and operation of the Board and the Department of Veterans' Affairs.

(3) The Board, subject to Ala. Code §31-5-6, shall exercise all rule-making authority of the department and may make, alter or amend regulations not inconsistent with state law and which are necessary for performing its mission.

(4) The Board shall have the power, and it shall be its duty, to fix the salaries and minimum standards of service and to define the job responsibilities for all service commissioners. The state service commissioner, in accordance with the rules and regulations of the State Personnel Board, will fix salaries and minimum standards of service and define the job responsibilities for all other employees.

(5) The Board shall meet four times a year. The meetings will be held on the first Friday in each of the following months: January, April, July and October. In the event a meeting date falls on a legal holiday, then such meeting shall be held as determined by the Chairman or Vice-Chairman. Unless otherwise specified in the call, all meetings shall be held in Montgomery, Alabama, at the headquarters of the Department.

(a) The Board Secretary will mail notices of regular meetings to all Board members at least one week prior to meeting date. The notice will include an agenda of known items to come before the Board.

(b) Regularly scheduled meetings may not be changed from the above dates unless a majority of the Board approves the change. Members desiring to change a meeting date must contact the Vice-Chairman of the Board. The Vice-Chairman will poll the Board members by the most expedient means possible to determine if a majority approves the change and will notify the Board Secretary if a change is approved.

(c) Special meetings of the Board may be called at any time by the Chairman, Vice-Chairman, or upon request of a minimum of five members of the Board. The time and place of the meeting shall be designated in the call. A notice from the Board secretary conveyed in writing, (including facsimile or E-mail), or by telephone stating the reasons for the meeting will be provided at least forty-eight (48) hours prior to the scheduled time of the special meeting.

(d) In the absence of the Chairman from a meeting of the Board, the Vice-Chairman shall preside. The Vice-Chairman shall be elected from the current members by a majority vote of the Board for a term of four (4) years, or until the expiration of his term as a representative to the Board. The Board shall also elect, by majority vote, a Deputy Vice-Chairman to preside at Board meetings in the event that both the Chairman and the Vice-Chairman are absent.

(e) The Vice-Chairman may be removed from his elected position prior to the expiration of the four year term for good

cause shown, as determined by a three-fourths vote of the Board. In the event of the death of the Vice-Chairman, or upon his incapacitation (as determined by the Board), or upon his failure to appear and answer the roll call for three consecutive Board meetings, the Deputy Vice-Chairman shall immediately assume the duties of the position and serve in that capacity until the expiration of the elected Vice-Chairman's term. Thereafter, at the next regularly scheduled meeting, another Board member shall be elected by majority vote to the position of Deputy Vice-Chairman.

(f) All meetings of the Board shall be conducted in accordance with Robert's Rules of Order (as amended).

(6) The presence of a majority of the members at a regular or special meeting shall constitute a quorum for the transaction of all business.

(7) Members of the Board shall be entitled to a per diem, not exceeding twenty-five dollars (\$25) per day, to be fixed by the board, and the amount of their travel and other necessary expenses actually paid while in attendance at the meetings of the state board or while on the business of the state department.

Author: Frank Wilkes

Statutory Authority: Code of Ala. 1975, §§31-5-3, 31-5-4.

History: New Rule: Filed January 4, 2001; effective February 8, 2001.

920-X-1-.02 The Department.

(1) The Department of Veterans Affairs is established pursuant to Title 31, Chapter 5, Code of Ala. 1975. Title 38 of the United States Code creates federal benefits to which an eligible veteran, their dependents or survivors may be entitled. The primary function of the department is to provide assistance to all former, present, and future members of the Armed Forces of the United States and their dependents or survivors in formulating and processing claims for and securing such compensation, pension, hospitalization, education, burial, and other benefits or privileges to which said person(s) or any of them are or may become entitled under any federal or state law or regulation by reason of their service in the Armed Forces of the United States.

(2) The department operates under the supervision and control of the State Board of Veterans Affairs in accordance with

these rules and regulations and the applicable provisions of the Alabama Code.

Author:

Statutory Authority: Code of Ala. 1975, §§31-5-3, 31-5-4.

History: Filed September 30, 1982. **Amended:** Filed January 4, 2001; effective February 8, 2001.

Ed. Note: Was previously 920-X-1-.01, as per certification filed January 4, 2001; effective February 8, 2001.

920-X-1-.03 The State Service Commissioner. The state service commissioner is appointed by the State Board of Veterans Affairs and serves a term of four years. The state service commissioner is the executive and administrative officer of the department, and shall have the power to issue administrative orders and directives to all officials and employees in the department. The commissioner appoints all assistant, district, county and assistant county service commissioners, with approval of the state board, and all clerical and stenographic personnel subject to the rules of the state merit system as approved by the State Personnel Board.

Author:

Statutory Authority: Code of Ala. 1975, §31-5-6.

History: Filed September 30, 1982. **Amended (Title Only):** Filed January 4, 2001; effective February 8, 2001.

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920-X-1-.04 General Description. The Department of Veterans Affairs is comprised of the following offices or divisions:

(1) Office of the State Service Commissioner. The overall planning and coordinating administrative unit of the department.

(2) Agency Administrative Division. This division is made up of four sections: Personnel and Budgeting, Alabama G. I. and Dependents Educational Benefits, Printing, Supply and Property, plus the Mail/File Room. This division is headed by an assistant state service commissioner who reports directly to the state service commissioner.

(a) The Personnel and Budgeting Section is responsible for the preparation and administration of all personnel actions

and files; plus annual budgets, operations plans and fiscal expenditures.

(b) The Alabama G. I. and Dependents Educational Benefits Section is responsible for the adjudication of claims and the awarding of up to 45 months of free books, tuition and instructional fees to qualified dependents and survivors of eligible Alabama veterans while attending any state supported college, university or technical college. The State Service Commissioner or his/her designee has the responsibility and duty of determining eligibility for this benefit. This section must also reimburse the state educational institutions providing benefits under this program.

(c) The Printing and Supply and Property Section is responsible for printing and reproduction, purchasing and distributing supplies and property accounting for the department.

(d) The Mail/File Room is responsible for the processing and distributing of all incoming and outgoing mail; plus maintaining central case records for Alabama veterans.

(3) Statewide Claims Division. This division is made up of two operational units: Claims Section and County Service offices.

(a) Claims Section is responsible for providing professional reviews of veterans files located in the Montgomery Veterans Administration Regional Office to better enable the local veterans service officer to prepare evidence for the prosecution and presentation of claims, to represent claimants in personal appearances before VA Rating Boards, to disseminate all changes in laws, rules and regulations of the Veterans Administration to all county veterans service officers and to provide technical assistance in expediting claims for VA benefits.

(b) County service offices are responsible to provide professional veterans affairs assistance to all veterans, their dependents and survivors. The county service officer counsels and aids all veterans, their dependents and survivors in applying for all benefits available to them as set out in federal and/or state statutes. All services performed are free of any charges.

(4) State Veterans Homes are responsible for care and support of elderly or disabled veterans in the State of Alabama. The department is authorized to receive from any source gifts, contributions, bequests and individual reimbursements, the receipt of which does not exclude any other source of revenue. All funds received by the department shall be deposited in the

State Treasury in the Alabama Veterans' Home Trust Fund and such funds shall be expended per authorization of the State Board of Veterans Affairs.

(a) The homes provide skilled nursing care for residents at each facility. Eligible veterans are responsible for the cost of care they receive as residents of one of the veterans' homes. The three homes are: Bill Nichols State Veterans Home, 1784 Elkahatchee Road, Alexander City, AL 35010; William F. Green State Veterans Home, 300 Faulkner Drive, Bay Minette, AL 36507; Floyd E. "Tut" Fann State Veterans Home, 2701 Meridian Street, Huntsville, AL 35811.

(b) Admission to and discharge from any Alabama state veterans home shall be in accordance with the policies and procedures as established by the State Board of Veterans Affairs at the time application for admission or for discharge is presented; provided, however, that the State Board of Veterans Affairs may admit and discharge veterans to any Alabama veterans homes who qualify for care and treatment under Title 38, U.S. Code and may adopt appropriate rules consistent with accepted medical considerations to carry out this function. (Acts 1988, 1st Sp. Sess. No. 88-776, p. 184)

Author: Clyde Marsh

Statutory Authority: Code of Ala. 1975, §§31-5-6, 31-5-7.

History: Filed September 30, 1982. **Amended:** Filed January 7, 1999; effective February 11, 1999. **Amended:** Filed April 11, 2011; effective May 16, 2011.

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920-X-1-.05 Statutory Provisions And Delegation Of Authority.

The missions and duties of the department are carried out pursuant to statutory authority as set out in Code of Ala. 1975, §§31-5-1, et seq., and any provisions as enacted by the legislature with respect to the agency. The state service commissioner to whom functions are delegated in accordance with statutory authority shall, with regard to those functions, exercise all the jurisdiction conferred by law on the department.

Author:

Statutory Authority: Code of Ala. 1975, §§31-5-3(c), 31-5-6(b).

History: Filed September 30, 1982. **Amended:** Filed January 4, 2001; effective February 8, 2001.

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920-X-1-.06 Location Of Department Offices. The headquarters of the Department of Veterans Affairs is located on the fourth floor (Suite 470) of the RSA Plaza, 770 Washington Avenue, Montgomery, Alabama 36130. The Claims Division is located in at the VA Regional Office, 345 Perry Hill Road, Montgomery, Alabama 36109. County service offices are located throughout the state in office space provided by the respective counties.

Author: Clyde Marsh

Statutory Authority: Code of Ala. 1975, §31-5-13.

History: Filed September 30, 1982. **Amended:** Filed January 7, 1999; effective February 11, 1999. **Amended:** Filed January 4, 2001; effective February 8, 2001. **Amended:** Filed April 11, 2011; effective May 16, 2011.

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920-X-1-.07 Information.

(1) Any person desiring any information should contact the headquarters office.

(2) All records maintained by the department are public records open for inspection by any members of the public pursuant to Code of Ala. 1975, §36-26-44, unless such records are specifically exempted by state or federal law.

Author:

Statutory Authority: Code of Ala. 1975, §31-5-2(c).

History: Filed September 30, 1982.

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920-X-1-.08 Applications And Requirements For Employment.

Applications for employment may be obtained from the personnel office in the headquarters, Department of Veterans Affairs, located at the address listed in 920-X-1-.05. All county service commissioners are appointed by the state service commissioner, subject to the approval of the State Board of Veterans Affairs, and shall be a resident of the county, and a qualified elector therein, and shall be a veteran who served on active duty in the

military or naval forces of the United States for a period of 60 days or more in any war in which the U. S. shall have been engaged and shall have been honorably discharged therefrom. The state service commissioner shall, with approval of the State Board of Veterans Affairs, appoint any number of assistant state service commissioners as the state board deems necessary. Such appointees shall be residents of the state of Alabama, and shall be veterans who served on active duty for a period of 60 days or more in the military or naval forces of the United States in any war in which the United States shall have been engaged, and shall have been honorably discharged therefrom.

Author:

Statutory Authority: Code of Ala. 1975, §§31-5-8, 31-5-9.

History: Filed September 30, 1982. **Amended:** Filed January 4, 2001; effective February 8, 2001.

Ed. Note: Was previously 920-X-1-.07, as per certification filed January 4, 2001; effective February 8, 2001.