

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray relative to the right to appeal decisions of veterans' agents to the Commissioner of Veterans' Services. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT MAKING SUBSTANTIVE, TECHNICAL, AND CORRECTIVE CHANGES TO THE VETERANS' BENEFITS LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The commissioner shall decide all controversies
2 between towns relative to the residence of applicants for veterans'
3 benefits and, subject to the approval of the attorney general, his
4 decisions shall be final. The commissioner shall hold adjudicatory
5 proceedings to decide any controversies between any applicant
6 and a veterans' agent or part-time veterans' agent relative to the
7 validity or amount of a claim for such benefits. Any person
8 aggrieved by the failure or refusal of the commissioner to autho-
9 rize or approve benefits or the failure of a city or town to render
10 adequate veterans' benefits within forty-five days of receipt of the
11 application, or terminate such benefits may appeal to the commis-
12 sioner and shall have the right to adjudicatory proceedings held by
13 the commissioner. Any person aggrieved by an adjudicatory deci-
14 sion of the commissioner shall have a right to further appeal, after
15 due notice, to the division of administrative law appeals estab-
16 lished within the executive office of administration and finance
17 pursuant to section four H of chapter seven, hereinafter referred to
18 in this section as "the division". A hearing on such appeal held
19 pursuant to this paragraph shall be conducted at a location conve-
20 nient to the person appealing and shall be conducted as an adjudi-
21 catory proceeding under chapter thirty A. The division shall issue
22 its decision within ninety days after the day of the filing of the
23 appeal, except that when an aggrieved person appeals the rejection

24 of his application for veterans' benefits or the failure to act on
25 said application or the failure of a city or town to render assis-
26 tance to meet an emergency or hardship situation, the division
27 shall render and issue its decision within forty-five days after the
28 date of filing of said appeal. The decision of the division shall be
29 subject to judicial review. The time for commencing such an
30 action for judicial review shall run from the receipt of notice of
31 the decision of the division. In such an action for judicial review,
32 the record shall consist of (a) the entire proceedings before the
33 division, or (b) such portions thereof as the commissioner and the
34 parties may stipulate, or (c) a statement of the case agreed to by
35 the commissioner and the parties.

1 SECTION 2. Section 2 of chapter 115, as so appearing, is fur-
2 ther amended by inserting after the word "commissioner",
3 appearing in line 132 the following words:— and in accordance
4 with this chapter and chapter 471 of the Acts of 1972.

1 SECTION 3. Section 2A of chapter 115, as so appearing, is
2 hereby amended by striking out in line 1 the word "decides" and
3 inserting in place thereof the words:— holds an adjudicatory pro-
4 ceeding to decide.

1 SECTION 4. Section 2A of chapter 115, as so appearing, is
2 hereby further amended by striking out in line 6 the words "gov-
3 ernor and council sustain" and inserting in place thereof the
4 words:— commissioner sustains.

1 SECTION 5. Section 2A of chapter 115, as so appearing, is
2 hereby further amended by striking out in line 10 the words "the
3 governor and council sustain" and inserting in place thereof the
4 words:— commissioner sustains.

1 SECTION 6. Section 2A of chapter 115, as so appearing, is
2 hereby further amended by striking out in line 13 the words "the
3 governor and council" and inserting in place thereof the words:—
4 the division of administrative law appeals.

1 SECTION 7. Section 5 of chapter 115, as so appearing, is
2 hereby amended by striking out in line 39 the words “if the
3 veterans’ agent and” and inserting in place thereof the word:—
4 unless.

1 SECTION 8. Section 5 of chapter 115, as so appearing, is
2 hereby further amended by striking out in lines 44 and 45 the
3 words “voluntary idleness or continuous vicious habits” and
4 inserting in place thereof the words:— voluntary unemployment
5 or continuous unwholesome habits.

1 SECTION 9. Section 5 of chapter 115, as so appearing, is
2 hereby further amended by deleting the first paragraph and
3 inserting in place thereof the words:— Veterans’ benefits shall be
4 paid to a veteran or dependent by the city or town wherein he
5 resides.

