

By Mr. Connolly of Everett, petition of Edward G. Connolly and other members of the General Court relative to veteran's agents and veterans' benefits. Human Services and Elderly Affairs.

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**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Three.  
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AN ACT RELATIVE TO VETERAN'S AGENTS AND VETERANS' BENEFITS.

*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. Section 1 of chapter 115 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 striking out, in lines 52 through 57, the definition of "Veterans'  
4 agent" or "Part-time veterans' agent" and inserting in place  
5 thereof the following:—

6 "Full-time Veterans' Service officer" shall mean a veteran, as  
7 defined in clause Forty-third of section 7 of chapter 4, appointed  
8 under section 3 of this chapter to disburse benefits to a city, town  
9 or district, and who is a resident of the Commonwealth, and  
10 trained and certified by the department of veterans' services in  
11 accordance with regulations published pursuant to this chapter and  
12 who works the regular hours full-time employees in the city, town  
13 or district wherein he is employed but not less than thirty-five  
14 hours per week performing the duties of the veterans' service  
15 officer.

16 "Part-time Veterans' Service officer" shall mean a veteran, as  
17 defined in clause Forty-third of section 7 of chapter 4, appointed  
18 under section 3 of this chapter to disburse benefits, and who is a  
19 resident of the Commonwealth, and is trained and certified by the  
20 department of veterans' services in accordance with regulations  
21 published pursuant to this chapter and who works such hours as  
22 are necessary to carry out his responsibilities under this chapter  
23 during those regular hours the town hall and the office of the  
24 department of veterans' services are open in the city or town  
25 where he is employed.

1 SECTION 2. Section 2 of chapter 115 of the General Laws, as  
2 appearing the 2000 Official Edition, is hereby amended by  
3 striking out in line 1, the word “agents” and inserting in place  
4 thereof the words:— service officers.

1 SECTION 3. Said section 2 of chapter 115 of the General  
2 Laws, as so appearing, is hereby further amended by striking the  
3 third paragraph and inserting in place thereof the following:—  
4 Any person aggrieved by a decision of the commissioner’s  
5 operations’ division, or by the failure of a city, town or district to  
6 render adequate veterans’ benefits or to approve or reject an appli-  
7 cation for veterans’ benefits within three days of receiving such  
8 application, or aggrieved by the withdrawal of such benefits, shall  
9 have the right to appeal to the commissioner’s department for an  
10 administrative hearing. The right to a hearing shall be exercised  
11 by filing a written appeal with the department within 21 calendar  
12 days of receipt of notice of said decision, action or failure to act of  
13 which the party is aggrieved. The hearing shall be conducted in  
14 accordance with the provisions of chapter 30A. Any person  
15 aggrieved by such an administrative decision, shall have a right to  
16 appeal within ten days of receipt of written notice, to the division  
17 of administrative law appeals established within the executive  
18 office of administration and finance pursuant to section four H of  
19 chapter seven, hereinafter in this section referred to as “the divi-  
20 sion”. A hearing on such appeal held pursuant to this paragraph  
21 shall be conducted as an adjudicatory proceeding under  
22 chapter 30A. The division shall issue its decision within ninety  
23 days after the day of the filing of the appeal, except that when an  
24 aggrieved person appeals the rejection of his application for vet-  
25 erans’ benefits or the failure to act on said application or the  
26 failure of a city or town to render assistance to meet an emergency  
27 or hardship situation, the division shall render and issue its deci-  
28 sion within forty-five days after the date of filing of said appeal.  
29 The decision of the division shall be subject to judicial review in  
30 accordance with the provisions of chapter 30A. The time for com-  
31 mencing such an action for judicial review shall run from the  
32 receipt of notice of the decision of the division. In such an action  
33 for judicial review, the record shall consist of (a) the entire pro-  
34 ceedings before the division of administrative law appeals or

35 (b) such portions thereof as the commissioner and the parties may  
36 stipulate, or (c) a statement of the case agreed to by the commis-  
37 sioner and the parties.

1 SECTION 4. Said section 2 of said chapter 115, as so  
2 appearing, is hereby further amended by deleting the fourth para-  
3 graph and inserting in place thereof the following:

4 Upon the written request of any mayor of a city or the  
5 selectmen of a town, or upon the written request of a veterans'  
6 service officer or director of veterans' services, or based upon an  
7 allegation made by any five veterans or dependents, or based upon  
8 any independent finding by the department that warrants an inves-  
9 tigation, the commissioner shall investigate any matter relating to  
10 the administration therein of the provisions of this chapter and the  
11 expenses of such investigation shall be certified by him to the  
12 state treasurer who shall collect the same as an additional tax upon  
13 such city, town or district.

1 SECTION 5. Said section 2 of said chapter 115, as so  
2 appearing, is hereby further amended by striking out in lines 71  
3 and 78, the word "agent" and "agents", respectively, and inserting  
4 in place thereof the words:— service officer

1 SECTION 6. Section 2A of chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended in striking out said  
3 section and inserting in place thereof the following:—

4 If the department's administrative hearing officer decides a  
5 controversy between an applicant and a veterans' service officer  
6 relative to the validity or amount of a claim for veterans' benefits,  
7 as provided in section two, in favor of the applicant, said veterans'  
8 service officer shall, forthwith, make payment to the applicant in  
9 accordance with said decision notwithstanding any appeal there-  
10 from by the veterans' service officer. If the division of administra-  
11 tive law appeals sustains the appeal of said veterans' service  
12 officer as to the validity of such claim, payment to the applicant  
13 shall thereupon cease and all amounts paid to the applicant shall  
14 be reimbursed by the commonwealth in the manner provided in  
15 section six. If the division of administrative law appeals sustains  
16 the appeal of said veterans' service officer as to the amount of

17 such claim, payment to the applicant of any amount in excess of  
18 the amount approved by the division of administrative law appeals  
19 shall thereupon cease and all amounts paid to the applicant in  
20 excess of the amount so approved shall be reimbursed by the com-  
21 monwealth in the manner provided by said section six.

22 The decision of the department's administrative hearing officer,  
23 in accordance with the provisions of said section two, may be  
24 enforced by the superior court on a petition in equity.

1 SECTION 7. Section 3 of said chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by deleting the first  
3 paragraph and inserting in place thereof the following:—

4 The mayor of each city, except Boston, and the selectmen of  
5 each town, shall appoint a veterans' service officer to act for him  
6 or them in the disbursement of veterans' benefits by such city or  
7 town; provided, however, that in each town having a part time vet-  
8 erans' service officer the town clerk shall receive applications and  
9 assist applicants for veterans' benefits, and shall submit said  
10 applications to the veterans' services officer. Two or more con-  
11 tiguous towns may, by vote of the selectmen, and subject to the  
12 approval of the commissioner, appoint one full time veterans  
13 service officer and such additional staff as necessary, and may  
14 apportion the payment of compensation among such towns. Two  
15 or more non-contiguous towns, may, subject to approval of the  
16 commissioner, appoint one full time veterans service officer and  
17 such additional staff as necessary, and may apportion the payment  
18 of compensation among such towns.

19 The appointment of a veterans' service officer shall not create a  
20 civil service position. Any person who is appointed to the position  
21 of veterans' service officer and certified by the Massachusetts  
22 Department of Veterans' Services as a trained veterans' service  
23 officer, and who has held such position for not less than three  
24 years, shall not be involuntarily separated and shall have the same  
25 rights and protection granted to any veteran under section 9A of  
26 chapter 30 of the General Laws, notwithstanding that his or her  
27 prior appointments were for a fixed term. Any local charter or by-  
28 law contrary to these provisions and contrary to chapter 115 as it  
29 exists prior to the effective date of the enactment of this law, shall  
30 govern.

1 SECTION 8. Said section 3 of said chapter 115, as so  
2 appearing, is hereby further amended by striking out in lines 10,  
3 14, 18, 20, 22, the word “agent” and inserting in place thereof the  
4 words:— service officer.

1 SECTION 9. Section 4 of said chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out in  
3 lines 10, and 15 the word “agent” and inserting in place thereof  
4 the words:— service officer.

1 SECTION 10. Section 5 of said chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out the first  
3 paragraph and inserting in place thereof the following:—

4 Veterans’ benefits shall be paid to a veteran or dependent by the  
5 city or town wherein he resides.

1 SECTION 11. Said section 5 of said chapter 115, as so  
2 appearing, is hereby further amended by striking out in lines 29,  
3 57, 60, 69, and 85, the word “agent” and inserting in place thereof  
4 the words:— service officer.

1 SECTION 12. Said section 5 of chapter 115, as so appearing, is  
2 hereby further amended by striking out in line 44, the word “idle-  
3 ness” and inserting in place thereof the word:— unemployment.

1 SECTION 13. Said section 5 of chapter 115, as so appearing, is  
2 further amended by striking out in line 44, the words “continuous  
3 vicious habits” and inserting in place thereof the words:—  
4 unwholesome habits.

1 SECTION 14. Said section 5 of chapter 115, as so appearing, is  
2 hereby further amended by striking out in line 103, the word  
3 “budget” and inserting in place thereof the following words:—  
4 schedule of benefits.

1 SECTION 15. Section 5A of chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out in  
3 lines 5, 25, 42, and 48 the word “agent” and inserting in place  
4 thereof the words:— service officer.

1 SECTION 16. Section 6 of chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out in  
3 line 13, the word “agent” and inserting in place thereof the  
4 words:— service officer.

1 SECTION 17. Section 7 of chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out in line 2,  
3 the word “ agent” and inserting in place thereof the words:—  
4 service officer.

1 SECTION 18. Section 10 of chapter 115, as appearing in the  
2 2000 Official Edition, is hereby amended by striking out in line 16  
3 the word “Two” and inserting in place thereof the following:—  
4 Subject to the commissioner’s approval, two

1 SECTION 19. Section 15 of chapter 115, as so appearing, is  
2 hereby amended by striking out in lines 1 and 2 the words  
3 “department of corporation and taxation” and inserting in place  
4 thereof the words:— department of revenue.



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