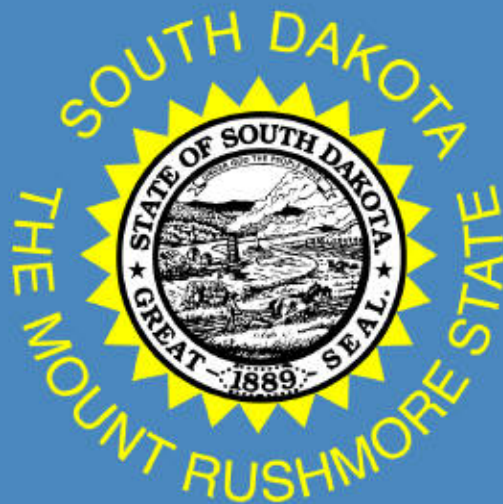


# **South Dakota Guidebook for Incarcerated Veterans**



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## Forward

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 South Dakota and their families; laws do vary from state to state. Therefore, check your local 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 To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out-of-date information in this Guidebook please send the discrepancies, and updated information if you have it, to:

Becky Hess  
Health Care for Re-entry Veterans Specialist  
Sioux Falls VA Health Care System  
605-336-3230 ext. 7762  
rebecca.hess@va.gov

Or

Candice Cummings  
Health Care for Homeless Veterans Coordinator  
Sioux Falls VA Health Care System  
2501 W. 22<sup>nd</sup> St.  
Sioux Falls, SD 57105  
605-336-3230 ext 6135

Or

Linda Chlecq  
Black Hills VA Medical Center  
113 Comanche Road  
Ft. Meade, SD 57741

### Acknowledgements:

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Thank you.

**Date last revised:** March 2011

## 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 internet access. Keep in mind that this guide does not include all of the services available to you. 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 \_\_\_\_\_ organization and they suggested I contact you).
- ❑ Any restrictions for mailing (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 unclear 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 Internet 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 Work Source and Work Source Affiliate sites, Work Force Development Council member locations, and Employment Security Department offices (referred to as job Service Centers or Unemployment Offices).

**Section II** of this guide provides information about assistance for specific needs. **Section III** covers basic information about assistance about seeking VA Benefits. At the end is a **Checklist** that 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 of first few pages of the phone book. You may also want to check under specific county "Social Services" in the blue or yellow pages for hotlines and local numbers.

#### US Department of Veterans Affairs – [www.va.gov](http://www.va.gov)

Benefits: 1-800-827-1000

Medical Center - Sioux Falls 1-800-316-8387  
Ft. Meade 1-800-743-1070  
Hot Springs 1-800-764-5370 or  
[www.visn23.va.gov](http://www.visn23.va.gov)

Veteran Special Issues Help Line 1-800-749-8387

Information regarding: Persian Gulf War issues  
Agent Orange issues  
Shipboard Hazard and Defense (SHAD)

**Focus on Recovery Helpline** – a 24-hour national alcohol and drug abuse addiction and treatment hotline which hooks people up with treatment: 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. Also general health information available. Also look up "Public Health" in the local blue pages in the phone book.

**National Hotline for Homeless Veterans**- 1-877-4AID VET (424-3838)

**National Coalition for Homeless Veterans** – [www.nchv.org](http://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 emergency shelter, motel vouchers, clothing, urgent care medical services, 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 in the phone book, and will be organized by federal, state, county and city. Included below are some guidelines for services, but your local agencies are your best resource. **Remember, it never hurts to ask!**

Every **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 to end homelessness among veterans. 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. To locate your nearest HCHV Coordinator call 1-877-222-8387 or go to [www.va.gov/HOMELESS/HCHV.asp](http://www.va.gov/HOMELESS/HCHV.asp)

**State of South Dakota Division of Veterans Affairs** provides assistance with veterans’ benefits and entitlements information, VA claims process, representation and advocacy, Veterans’ Homes for those in need of nursing care and employment assistance through federally funded reintegration projects. Call 1-605-773-3269 in Pierre, SD or 1-800-316-8387 for the Vet’s Benefits Administration at the Sioux Falls Regional Office 2501 W. 22<sup>nd</sup> St. Sioux Falls, SD 57117.

**County Veterans Service Offices:** For information regarding veterans benefits contact your county service officer. A list of service officers can be accessed at [www.state.sd.us](http://www.state.sd.us) under government services and agencies.

**National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online. This does not include every program in the country, so be sure to check the phone book for local programs.

**Homeless coalitions** are organizations made up of agencies involved in housing issues, and may include shelters, food cupboards, housing authorities and other advocates. The South Dakota Homeless Consortium can provide a listing of providers across the state. The website is: [www.sdhda.org](http://www.sdhda.org). 605-773-3181 or 605-773-5154. Sioux Empire Homeless Coalition serves the Sioux Falls area including Minnehaha and Lincoln County. They are not a direct service agency but coordinate with various community agencies on issues related to homeless in the community. Their e-mail address is [siouxempirehomelesscoalition@gmail.com](mailto:siouxempirehomelesscoalition@gmail.com).

The Rapid City Area Homeless Coalition serves the Rapid City regional area. Their phone number is: 605-341-2844. The 211 HELP!Line is available across the State by simply dialing 211. Not all of these coalitions provide direct services, but they may be able to tell you about local programs or services.

**Housing and Urban Development (HUD)** has listings online that provide information about emergency shelters, foreclosure prevention program, and links to other resources. For information about South Dakota, go to: [www.hud.gov/local/index.cfm?state=sd](http://www.hud.gov/local/index.cfm?state=sd) .

**South Dakota Veterans Home** Information regarding eligibility and admission application procedures can be obtained from the South Dakota Department of Veterans' Affairs. You may contact your county Veteran service officer for information. The Veterans home is located in Hot Springs.

**Church agencies and faith-based organizations** may be able to provide assistance. Check with your County Social Service office or the yellow pages under Social Service Organizations. The Salvation Army provides services, including shelter and transitional housing. For information contact: The Salvation Army, 800 N. Cliff Ave., Sioux Falls, SD 605-338-6649.

## 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, contact the **Health Care for Homeless Veterans (HCHV) Coordinator** for your area  
Sioux Falls VA Medical Center  
1-800-316-8387, Ext. 6135  
Black Hills VA Medical Center- Hot Springs 1-800-764-5370  
Ft. Meade 1-800-743-1070.  
Call 1-800-VET-HELP or go to [www.nchv.org](http://www.nchv.org).

**South Dakota Homeless Consortium** – This coalition includes agencies and organizations from across the state, and includes representatives from



emergency shelters and various housing programs. Information is available at their website: [www.sdhda.org](http://www.sdhda.org).

Look in your phone book's **yellow pages** under "**Social Service Organizations**" for local shelters or agencies that may be able to help. Following are some emergency shelters in South Dakota:

- Union Gospel Mission 701 E. 8th Street Sioux Falls, SD 605 334-6732
- St. Francis House 1301 E. Austin Sioux Falls, SD 605-334-3879
- Salvation Army 800 N. Cliff Ave. Sioux Falls, SD 605-338-6649
- Sicangu Enterprise Center Mission, SD 57555 605-856-2955
- Cornerstone Mission 30 Main St Rapid City, SD 605- 341-2741
- Friendship House 211 West Blvd North Rapid City, SD 605- 342-9961

Also, look in your phone book's **blue pages** under local, city, or county government "Social Services" or "Human Services."

To find a list of emergency shelters for men, women and families in every state, check the **Department of Housing and Urban Development** website online at [www.hud.gov/homeless](http://www.hud.gov/homeless).

### **Long-Term and Permanent Housing**

Public housing waiting lists can be long, and the length of time varies from community to community. Even if you are not sure where you will be living, apply for housing to get your name on the waiting lists. This will give you as many housing options as possible. To learn how to apply, contact the local **housing authority** listed in your phone book's blue pages. Look for city and county listings under "housing authority," or "public housing." They will usually have various programs at each office.

- Sioux Falls Housing 630 S. Minnesota Ave. Sioux Falls, SD 605-332-0704
- Homes are Possible 9 5th Avenue Southeast Aberdeen, SD 605- 225-4274
- Planning and Development District III 1808 Summit Street Yankton, SD 57078-1909 (605) 665-4408

### **Finding and Keeping a Job**

Finding a job can be difficult, and may seem overwhelming, but it is possible and very important. When released, you may find that you are starting over. You should ask your corrections case manager about job counseling and training while incarcerated so you are prepared to work when released. **Don't wait** to get started about thinking what you will do. **Start planning now.**

**Veterans Employment and Training Services** through the US Department of Labor assist with employment discrimination problems, Veterans preference issues, and oversee SD Job Service Veterans programs. More information can be found at: [www.doleta.gov](http://www.doleta.gov) .

The **Department of Labor (DOL)** has a website listing SD offices that offer information on unemployment benefits, links to disability employment directory of state liaisons, and more. Go to: [www.dol.gov/dol/topic/disability/index.htm](http://www.dol.gov/dol/topic/disability/index.htm)  
In South Dakota, go to [www.sdjobs.org](http://www.sdjobs.org) .

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 assistance 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.vba.va.gov](http://www.vba.va.gov) .

Through its **Veterans Industries and Compensated Work Therapy (CWT)** programs, the VA offers structured work opportunities in a therapeutic setting for at-risk and homeless Veterans with physical, mental health and addiction problems. The 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. For more information contact VA Black Hills Health Care System in Hot Springs at 1-800-764-5370.

The state of South Dakota has a **Vocational Rehabilitation** program that helps people with disabilities find and keep jobs. Apply for these jobs *immediately* after your release through your County Social Service office. Also contact your local Job Service office for information or search the internet for "Vocational Rehabilitation" in your state.

**Other job resources for South Dakota:**

---Volunteers of America, Dakotas Bolinger Center 1309 W. 51<sup>st</sup> St. Sioux Falls, SD (605)339-1199- Dislocated worker program, Employability III employment program.

---South Dakota One-Stop Career Center 811 E. 10<sup>th</sup> St. Sioux Falls, SD (605)367-5300 and in Madison, SD 120 SW 2<sup>nd</sup> St. (605)256-5300.

---US Dept of Labor Veteran's Employment and Training Services 420 S. Roosevelt Aberdeen, SD 57401 (605)626-2325.

---SD Vocational Rehabilitation Time Square Plaza New York St. Rapid City, SD 57701 1-800-439-8861.

## **HEALTH CARE**

***If eligible for Veterans benefits:***

### ***Physical Health Care***

We encourage you to enroll in the VA Health Benefits System as soon as you are released. Every VA Medical Center has an Eligibility department that assists Veterans with enrollment for health care. Contact the Eligibility department at the VA Medical Center in your state regarding health care benefits. Every VA Medical Center has a **Health Care for Homeless Veterans Coordinator** who helps Veterans and their families find resources both within and outside the VA Health Care system. Call 1-800-316-8387, Ext. 6306 at the Sioux Falls VA. For information regarding care at the Hot Springs VAMC call 1-800-764-5370 or the Ft. Meade VAMC call 1-800-743-1070. You can also go to <http://www.visn23.va.gov/> to find the medical center nearest you.

#### **Black Hills Medical Health Care Center**

##### **Hot Springs Campus**

500 N. 5<sup>th</sup> St.

Hot Springs, SD 57747 1-800-764-5370

#### **Black Hills Medical Health Care Center**

##### **Ft. Meade Campus**

113 Comanche Rd.

Ft. Meade, SD 57741 1-800-743-1070

#### **Royal C. Johnson VA Medical Center and Regional Office**

2501 W. 22<sup>nd</sup> St.

Sioux Falls, SD 57117 1-800-316-8387 or (605)336-3230

#### **S.D. State Veteran's Home**

2500 Minnekahta Ave.

Hot Springs, SD 57747 (605)745-5127

#### **Sioux Falls Vet Center #0425**

601 S. Cliff Ave Suite A

Sioux Falls, SD 57104 (605)330-4552

#### **Rapid City Vet Center #4023**

621 Sixth St. Suite 101

Rapid City, SD 57701 (605)348-0077

**Disabled Veterans Rep**

111 New York St.  
Rapid City, SD 57701  
Phone: (605)394-1652

Sioux Falls Vet Rep  
2501 W 22nd St.  
Sioux Falls, SD 57117  
Phone: 1-800-827-1000

***If not eligible for veteran's benefits, free or low-cost health care may be available from the following sources:***

Contact your local County Social Service office for information about accessing medical care. Check the blue pages under county government for the phone number.

**National Health Care for the Homeless Council** has a list of health care providers working with homeless people across the country. For a list of providers in your state, go to [www.nhchc.org](http://www.nhchc.org).

**Free Clinics** are available in many communities. You can access them by contacting your County Social Service or Public Health office. Look for phone numbers for these agencies in the blue pages of your phone book under the county or city listings. Also look for county and city Health Department listings.

**Special Health information for Veterans:**

If you think you may be at risk for AIDS and HIV infection after your release, contact the nearest VA Medical Center to get tested, and seek counseling.

Those at highest risk for AIDS and HIV infection are:

- people who share needles 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 or AIDS.

Veterans, homeless, and incarcerated people are at 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 nearest VA Medical Center 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.

## **Substance Abuse & Mental Health Treatment**

### ***If eligible for Veterans benefits:***

For information regarding substance abuse treatment or mental health services at the Sioux Falls VA Medical Center contact, 605-336-3230 ext. 6890; Addiction Treatment Program at 605-336-3230 ext. 6163.

For information regarding mental health services, substance abuse treatment or the homeless program at the Black Hills VA Medical Center call Hot Springs at 1-800-764-5370 or Ft. Meade at 1-800-743-1070.

Every VA Medical Center has an Eligibility department that assists veterans with enrollment for health care. Contact the Eligibility department at the Sioux Falls VA Medical Center regarding health care (605)336-3230 ext.4196. Contact the Black Hills VA Medical Center at Hot Springs 1-800-743-1070 or Ft. Meade at 1-800-743-1070 and ask for Eligibility.

*If not eligible for Veterans benefits, the following sources may be able to help you accessing various resources:*

Contact your County Social Service office for assistance accessing treatment and counseling services. Or information can be obtained through the Department of Health and Human Services 1-800-662-4357.

Some communities will have other programs to address these needs. Look under mental health services in the yellow pages for a listing in your area. Some communities also offer 211 Help!Line which list services and programs.

**National Alliance for the Mentally Ill** lists community mental health services providers at: [www.nami.org](http://www.nami.org). or call 1-800-950-6264.

**National Mental Health Association** offers support groups, rehabilitation, socialization, and housing services through community organizations located across the country. Call 1-800-969-NMHA, or look online at [www.nmha.org](http://www.nmha.org).

## **Financial Help**

If you are unemployed with little or no income, you may be eligible for the **Supplemental Nutrition Assistance Program (SNAP)**, formerly known as food stamps). You can find a list of food stamp hotlines for each state at <http://www.fns.usda.gov/snap/outreach/map.htm>. The South Dakota contact number is 1-877-999-5612. You can also contact financial workers at your County Social Service office, listed in the blue pages of the phone book.

**Supplemental Security Income (SSI)** benefits can be applied for *before* your release, although you won't receive benefits until after you are released. Food Stamps can be applied for with SSI. It usually takes about three months to review your 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, or call your local **Social Security office** listed in your phone book. You can also look online at <http://www.socialsecurity.gov/ssi/index.htm>. If you have applied for SSI and have already been released, contact your County Social Service office to see if you are eligible for **General Assistance** programs.

**Federal Emergency Management Agency (FEMA)** has a program called Emergency Food and Shelter Program to help prevent homelessness. These programs are accessed through local agencies. Contact your local County Social Service office, or United Way office for information about programs in your area and what eligibility rules are.

## Legal Help

*Veterans' status issues:*

Contact your **County Veteran Service Officer** for help with discharge upgrades, seeking VA benefits, and filing a VA claim. Contact phone numbers are listed in the blue pages in the county section. Call 1-800-652-2308 for the nearest Service Officer, or a listing of the veteran services officers for each South Dakota County can be accessed at [www.state.sd.us](http://www.state.sd.us).

*Other legal issues:*

Most law is specific to the state in which you live. Most common legal problems are governed by where you live or where the problem occurred. When seeking legal help, make sure you get information that 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 link to directories of legal aid offices and pro-bono programs. Go to [www.abanet.org](http://www.abanet.org).

**Legal Services or Legal Aid offices** have staff lawyers and paralegals to provide free legal help to clients who have low or no incomes. The lawyers are usually experts in the types of problems low or no income clients often encounter. Look in the yellow or white pages for you local Legal Aid or Assistance office or check on line at [www.findlaw.com](http://www.findlaw.com) .

Lawyers in private practice sometimes volunteer in "pro-bono" programs to take cases for low-income clients free of charge. Check the yellow pages to contact

your local **Bar Association** to learn if there is a program in your community, or go to [www.abanet.org](http://www.abanet.org) .

### **East River Legal Services**

335 N. Main Ave. #308

Sioux Falls, SD 57104 (605)336-9230 or 1-800-952-3015.

### **Women Veterans**

Most **VA Medical Centers** and readjustment offices have a designated Women Veterans Coordinator to assist with accessing VA benefit and healthcare program. Contact the **Sioux Falls VA Medical Center** at 1-800-316-8387, ext. 6356, or the **VA Regional Office** at 1-800-316-8387 for information.

Check with your local **Job Service** office to ask if there any specific programs assisting women seeking employment. To locate your local office, look in your phone book in the blue pages, or in the business listings in the white pages under South Dakota Career Center, or go to [www.sdjobs.org](http://www.sdjobs.org) .



## 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.

**U.S. Dept of Veterans Affairs – Regional Office Sioux Falls**  
**2501 W. 22<sup>nd</sup> St.**  
**Sioux Falls, SD 57117**

Call 1-800-827-1000 or find information about benefits at [www.vba.va.gov](http://www.vba.va.gov).

#### **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](http://www.vba.va.gov/pubs/forms1.htm). You can also apply for certain benefits online at: <http://vabenefits.vba.va.gov/vonapp/main.asp>.

## **HELP SEEKING BENEFITS**

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 (VSO) 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 below to see if there is a service representative near you.

American Legion- Sioux Falls	605-336-3470
American Legion-Watertown	605-886-3604
Disabled American Veteran- Sioux Falls VARO	605-336-3230
Veterans of Foreign Wars	605-332-7441
Paralyzed Veterans- North Central Chapter	605-336-0494
SD Department of Veterans Affairs- Pierre	605-773-3269
Vietnam Veterans of America	605-712-4900
SD Order of Purple Heart	605-343-7927
SD Department of Veterans Affairs – Sioux Falls	605-333-6869

- Although we encourage you to seek the aid of a service representative, you may choose to apply for VA benefits on your own. Write the VARO or find the forms online at: <http://www.va.gov/vaforms/>.

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 e-mail.
- ❑ 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

U.S. Dept of Veterans Affairs (USDVA) – [www.va.gov](http://www.va.gov)

Veterans Health Administration-VISN 23- [www.visn23.va.gov](http://www.visn23.va.gov)

South Dakota Dept of Veterans Affairs- <http://mva.sd.gov/default.html>

The American Legion- Dept of SD- [www.sdlegion.org](http://www.sdlegion.org)

Disabled American Veterans- [www.dav.org](http://www.dav.org)

Veterans of Foreign Wars- [www.vfw.org](http://www.vfw.org)

Vietnam Veterans of America- [www.vva.org](http://www.vva.org)

Reference Service for South Dakota – [www.sd.gov](http://www.sd.gov)

---Education

---Government

---Employment

National Coalition for Homeless Veterans- [www.nchv.org](http://www.nchv.org)

South Dakota Homeless Consortium- [www.sdhda.org](http://www.sdhda.org)

US Dept of Housing and Urban Development (HUD)- [www.hud.gov](http://www.hud.gov)

Social Security Administration- [www.ssa.gov](http://www.ssa.gov)