

1 **Title 770 - Oklahoma Department of Veterans Affairs**

2 Chapter 1 Administrative Operations

3 Chapter 10 Center Division Program

4 Chapter 15 Claims and Benefits Division Program

5

6 **Title 770 - Oklahoma Department of Veterans Affairs**

7 Chapter 15 - Claims and Benefits Division Program

8 Subchapter 1 General Provisions

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12

13 **Title 770 - Oklahoma Department of Veterans Affairs**

14 **Chapter 15 - Claims and Benefits Division Program**

15 Subchapter 7 - Honorable Interment of Indigent Veterans Program

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20 **770:15-7-1. Purpose**

21 The purpose of the *Honorable Interment of Indigent Veterans Program* is to provide assistance
22 for the proper interment or cremation of honorably discharged indigent veterans of the United States
23 Armed Forces. *The program shall provide for a burial grant for any indigent veteran or any person who*
24 *qualifies for financial assistance as determined by the Oklahoma Department of Veterans Affairs [Senate*
25 *Bill No. 398, 2016].*
26

27 **770:15-7-2. Eligibility for Interment of Indigent Veterans Program**

28 To be eligible for Honorable Interment Of Indigent Veterans Program through the Oklahoma
29 Department of Veterans Affairs, a veteran must be honorably discharged and otherwise meet all the
30 following, pursuant to 72 O.S.§2 and 72 O.S. §34.

31 (1) *The deceased shall be a veteran as defined by 38 U.S.C. 101(2) [Senate Bill No. 398,*
32 *2016].*

33 (A) *Who is eligible under 38 Code of Federal Regulation 38.620 [Senate Bill No.*
34 *398, 2016].*

35 (B) *An Oklahoma resident who served in the National Guard or Reserve Component*
36 *whose only service is active duty training or inactive duty for training but meets all other*
37 *38 Code of Federal Regulations 38.620 statutes [Senate Bill No. 398, 2016].*

38 (2) *The indigent veteran has been determined to be homeless as defined as follows: A*
39 *homeless veteran is an individual without permanent housing who may live on the streets, stay in*
40 *a shelter, mission, abandoned building or in any other unstable or non-permanent situation*
41 *[Senate Bill No. 398, 2016].*

42 (3) *The Veteran shall have died in Oklahoma [Senate Bill No. 398, 2016].*

43 (4) *The Veteran shall have been homeless and indigent at the time of death [Senate Bill No.*
44 *398, 2016].*

45 (5) *The Veteran's estate did not possess money or other assets to pay for or defray funeral*
46 *expenses [Senate Bill No. 398, 2016].*

47 (6) *There is no other person obligated by law to pay for funeral expenses of the deceased*
48 *[Senate Bill No. 398, 2016].*

49 (7) *The veteran's remains have been interred or buried in Oklahoma [Senate Bill No. 398,*
50 *2016].*
51

52 **770:15-7-3. Procedures for Processing Claims**

53 (a) *The Oklahoma Department of Veterans Affairs Executive Director or his or her designee require*
54 *the following documentation / evidence in support of the claim for reimbursement:*

55 (1) *Documentation showing the Veteran was homeless and indigent at the time of death.*

56 (2) *Documentation or discharge records verifying the deceased veteran was eligible under 38*
57 *CFR 38.620 and a veteran as defined by 38 U.S.C. 101(2).*

58 (3) *Documentation or discharge records verifying the deceased was an Oklahoma resident*
59 *who served in the National Guard or Reserve Component meeting all other 38 CFR 38.620*
60 *statutes but does not meet 38 U.S.C. 101(2).*

61 (4) *An Oklahoma Certificate of Death for the Veteran.*

62 (5) *Documentation showing the Veteran's estate did not possess money or other assets to pay*
63 *for or defray funeral expenses.*

64 (6) *The applicant will attest that a due diligence search and inquiry have been completed and*
65 *no other person(s) obligated by law to pay for funeral expenses of the deceased has been found.*

66 (7) Documentation showing the veteran's burial location/cemetery or placement of the
67 veteran's cremains.

68 (8) Documentation showing the veteran has a Memorial Headstone/Marker provided
69 pursuant to 38 U.S. Code § 2306 or otherwise meeting the physical standards for size,
70 composition, placement, and informational content as those available to qualifying veterans
71 through the Department of Veterans Affairs.

72 (b) The Oklahoma Department of Veterans Affairs will accept for consideration
73 documents/supporting evidence from:

74 (1) Medical Examiner's and/or;

75 (2) Federal, State, City, or County Law Enforcement agencies and/or;

76 (3) County or City Offices responsible for the arrangement for the disposition of the indigent
77 veteran and/or;

78 (4) Funeral Director completion and signed affidavit or;

79 (5) ODVA Form 505.

80 81 **770:15-7-4. Policies and Basis for Claims**

82 (a) The Executive Director of the Department of Veterans Affairs or his or her designee shall make
83 final approval of Indigent Veteran Burial Applications.

84 (1) The approving authority shall determine whether the deceased meets eligibility criteria
85 and approve funds to defray burial costs on a reimbursement basis.

86 (2) Maximum reimbursement shall not exceed Five Hundred Dollars (\$500.00) per indigent
87 veteran.

88 (3) Reimbursement will be paid from the Indigent Veteran Burial Revolving Fund.

89 (b) If there are insufficient resources in the Indigent Veteran Burial Revolving Fund, payment will be
90 made from the Oklahoma Department of Veterans Affairs Revolving Fund.

91 (c) Once funds are available in the Indigent Veteran Burial Revolving Fund the Oklahoma
92 Department of Veterans Affairs may be reimbursed for payments made from the Oklahoma Department
93 of Veterans Affairs Revolving Fund.

94 (d) The handling, allowing, disallowing and supervision of the Indigent Veteran Burial Revolving
95 Fund is vested in the Headquarters office with the Executive Director.

96 (e) Review of applications or claims shall be made by a panel of at least 3 members from the Central
97 Office and/or Claims Office staff and recommendations made to the Executive Director for his or her
98 final approval.

99 (f) The Executive Director shall make a complete investigation of any reported or suspected
100 misrepresentation of eligibility of the deceased. If there is fraud connected with the case, the ODVA
101 Executive Director may deny payment on a current application, suspend future eligibility of the applicant,
102 and may refer unusual cases to the Attorney General for appropriate action.

103 (g) The Oklahoma Department of Veterans Affairs Executive Director or his or her designee will
104 establish internal operating procedures for the expeditious processing of the claim.

105 (h) The Department of Veterans Affairs will accept the discharge or statement of service in
106 determining eligibility for the claim. Honorable discharges are accepted without question. For discharge
107 characterizations other than Honorable, or other irregularities regarding CFR 38 statutes, ODVA will ask
108 the Veterans Administration for a determination as to whether or not the veteran meets all the eligibility
109 criteria for all benefits as it pertains to interment.

110 (i) The procedures in (a) through (h) of this section may include the development of forms, letters of
111 instruction, checklists for the use of review panels, and correspondence to claimants.