



**A Guidebook  
for  
Incarcerated  
Veterans  
in  
North Carolina**

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## Forward

*This handbook can be an important tool. Review all of the programs thoroughly to understand the opportunities available. When these programs are used properly, the benefits will be a minimization of the outside pressures you may be confronted if released; social acceptance, economics, and re-establishment as a productive member of society.*

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 To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or out-of-date information in this Guidebook please send the discrepancies, and updated information if you have it, to:*

*Eddie Watts  
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EDDIE.WATTS@va.gov*

*We would like to acknowledge:*

*1) the National Coalition for Homeless Veterans which provided basic concepts and core information for this guide through its "Planning for Your Release" guide funded by the U.S. Department of Labor; 2) the Veterans Incarcerated Workgroup of Walla Walla, Washington, for the concept of state-specific information in its "Guidebook for Incarcerated Veterans" and for allowing the use of its guide as a template for this publication; 3) Vietnam Veterans of America, Inc. for developing the first incarcerated veterans guidebook, which has inspired and informed subsequent efforts; and 4) any public domain and agency resources included in the guidebook.*

*Thank you,  
**VISN 6 Homeless Workgroup**  
**Salisbury, NC***

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## 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**. 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 \_\_\_\_\_ X \_\_\_\_\_ organization and they suggested I contact you).
- Any restrictions for mailings (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 not clear 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. Ask to use a computer in your facility, or visit the public library after release.

**Section II** of this guide provides information about assistance for specific needs.

**Section III** covers basic information about seeking VA benefits. The last page contains 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 or first few pages of the phone book. You may also want to check under "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)
  - ✓ VA Benefits: 1-800-827-1000
  - ✓ Health Benefits: 1-800-222-8387
  - ✓ Education Benefits: 1-888-442-4551
  - ✓ Life Insurance: 1-800-660-8477
  - ✓ Debt Management: 1-800-827-0648
  - ✓ Mammography Hotline: 1-888-492-7844
  - ✓ Telecommunication Device for the Deaf – TDD: 1-800-829-4833
  - ✓ CHAMPVA: 1-800-733-8387
  - ✓ Headstones and Markers: 1-800-697-6948
  - ✓ Health Eligibility Center: 1-800-929-8387
  - ✓ Medical Centers: 1-877-222-8387, or <http://www1.va.gov/midatlantic/>
  - ✓ Persian Gulf War Helpline: 1-800-749-8387

- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 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
- **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 clothing, public transportation tokens, emergency shelter, 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 found near the front of the phone book. Check with your local Public Assistance Office to find out what programs are available and what their guidelines are. We have included some guidance below, but your local organizations are your best resources. **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. The listing for HCHV Coordinators for North Carolina is as follows:

### **Asheville VA Medical Center**

Sylvia Portenier  
Social Work Service  
1100 Tunnel Road  
Asheville, NC 28805  
(828) 298-7911  
1-800-932-6408

### **Durham VA Medical Center**

Bob Williamson  
Social Work Service  
508 Fulton Street  
Durham, NC 27705  
(919) 286-0411  
1-888-878-6890, ext. 6045

### **Fayetteville VA Medical Center**

Eugene Paul  
Social Work Service  
230 Ramsey Street  
Fayetteville, NC 28301  
(910) 488-2120  
1-800-771-6106, ext. 7971

### **Salisbury VA Medical Center**

John Leonard  
Mental Health Service Line  
1601 Brenner Avenue  
Salisbury, NC 28144  
(704) 638-9000  
1-800-469-8262, ext. 3466

- **National Coalition for the Homeless** has a directory of shelters and homeless assistance programs online. This does not list every program in the country, so be sure to check your phone book for local programs. The following are those listed for the State of North Carolina.

### **Directory of Homeless & Housing Advocacy Coalitions**

The following is a list of Homeless and Housing Advocacy Coalitions for the State of North Carolina. Not all of these coalitions provide direct services, but they may be able to tell you about local programs or services.

- ❑ **North Carolina Coalition to End Homelessness** – P.O. Box 27692, Raleigh, NC, 27611, (919) 755-4393
- ❑ **The Durham Affordable Housing Coalition** – 400 West Main Street Suite 408, Durham, NC, 27701, (919) 683-1185
- ❑ **Greensboro Housing Coalition** – 122 N. Elm Street Suite M6, Greensboro, NC 27401, (336) 691-9521
- ❑ **Affordable Housing Coalition of Asheville and Buncombe County** – 34 Wall Street Suite 607, Asheville, NC 28805, (828) 259-9216

#### **Asheville Buncombe Community Christian Ministry (ABCCM)**

207 Coxe Avenue  
Asheville, NC 28801  
828-299-8700

#### **Urban Ministries Shelter**

410 Liberty Street  
Durham, NC 27701  
919-688-2593

#### **Salvation Army**

204 Haywood Street  
Asheville, NC 28801  
828-253-4723

#### **Raleigh Rescue Mission**

314 E. Hargett Street  
Raleigh, NC  
919-828-9014

#### **Western Carolina Rescue Mission**

225 Patton Avenue  
Asheville, NC 28801  
828-254-0471

#### **South Wilmington Street Center**

1420 South Wilmington Street  
Raleigh, NC 27603  
919-857-9428

#### **Room In The Inn**

##### **A-HOPE**

19 n. Ann Street  
Asheville, NC 28801  
828-252-8883

#### **ACAC Emergency Shelter**

206 N. Fisher Street  
Burlington, NC 27216  
336-222-0749

#### **Durham Rescue Mission**

1201 E. Main Street  
Durham, NC 27701  
919-688-9641

#### **Chapel Hill Interfaith Shelter**

100 W. Rosemary Street  
Chapel Hill, NC 27516  
919-967-0643

- **Salvation Army** - provides services, including shelter and transitional housing, for homeless individuals and families. For available local services and information, check the phone book for the local office of the Salvation Army or contact the organization online at <http://www.salvationarmyusa.org/>.

- **United Way** - provides a variety of services through local organizations. Check the phone book for a local post or locate local organizations online at [www.unitedway.org](http://www.unitedway.org).
- **Local churches and faith-based organizations**, such as Catholic Charities, Salvation Army, and Volunteers of America, may have a variety of programs to assist you. Find these organizations by calling your county or city Department of Social Services. Check the blue pages of the phone book for the number.

## 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, call 1-800-VET-HELP, write to NCHV, 333 ½ Pennsylvania Ave., SE Washington, DC 20003-1148, or go to [www.nchv.org](http://www.nchv.org).

Look in the phone book **yellow pages** under "Social Service Organizations" for local shelters or organizations that may be able to help.

Look in the phone book **blue pages** under local, city, or county government Department of Social Services or "Human Services" or call the County Commissioner's Office for information about local low-income housing coalitions or homeless advocacy groups who may know what is available.

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

## **Long-term or Permanent Housing**

Public housing waiting lists can be long, but the length of time can vary from place to place. Even if you are not sure where you want to live yet, apply to get on the waiting list so that you have as many options as possible. To learn how to apply, contact the local housing authority listed in the phone book blue pages under "Local Government, Public Housing Authority".

## **FINDING & KEEPING A JOB**

Finding a job may be hard and can seem overwhelming, but it is possible and very important! When released you may find that you are completely starting over. You should ask for job counseling and training while incarcerated so you are prepared to work when released. **Don't wait** until you get out to start thinking about what you will do. **Start planning now!**

## **EMPLOYMENT SERVICES**

The Cumberland County (Fayetteville, NC) Joblink Career Center, in partnership with the Fayetteville VA Medical Center and several other community-based agencies, has created a re-entry program for ex-incarcerated veterans which provides transitional housing. Along with the housing, the Joblink Center has arranged for the veterans to receive comprehensive services such as medical care at the local VA Medical Center, employment counseling, case management and other referrals as needed to assist the veteran in locating suitable employment. For additional information regarding this re-entry program for veterans, contact the Health Care for Homeless Veterans Program Coordinator, Eugene Paul, at the Fayetteville VAMC, or the Cumberland County Joblink Career Center. The contact information for the Cumberland County Joblink Center is Mr. John Cone at 414 Ray Avenue, Fayetteville, NC, 28301, and the telephone number is 910-486-1010.

- **Local Veterans Employment Representatives (LVER) and Disabled Veterans Outreach Program (DVOP) specialist** assigned by the **State Employment**

**Security Department** to help veterans find and keep jobs. LVERs are located with the local WorkSource site or affiliate Job Service Centers (JSC). DVOP Specialists work under the supervision of the LVER to develop job and training opportunities for veterans with service-connected disabilities, linking veterans with employers and making sure follow-up services are provided. To find a LVER or DVOP near you, visit your state employment service office listed in the phone book blue pages under "State Government, Employment Security Department."

- 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 help 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 [www.vba.va.gov/bln/vre/regional\\_offices.htm](http://www.vba.va.gov/bln/vre/regional_offices.htm).
- Through its' **Veterans Industries and Compensated Work Therapy programs**, the VA offers structured work opportunities and supervised therapeutic housing for at-risk and homeless veterans with physical, mental health and addictions problems. 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. Veterans are paid for their work and given assistance with employment in the community.
- The State of North Carolina has a **Vocational Rehabilitation** program that helps people with disabilities find and keep jobs. Apply for these services immediately after your release. Look in the phone book blue pages under "Department of Social and Health Services (DSHS)," then "Vocational Rehabilitation," or search the internet for "Vocational Rehabilitation" in your state.

## VA HEALTH CARE

### *If eligible for veteran's benefits:*

- We encourage you to enroll in the VA Health Benefits System as soon as you are released. Every **VA Medical Center** has a **Health Care for Homeless Veterans Coordinator** who helps veterans and their families find resources inside and outside the VA Health Care system. Call 1-877-222-8387 to find the medical center nearest you.

### **VA Medical Centers in North Carolina**

#### **Asheville VAMC**

1100 Tunnel Road  
Asheville, NC 28805  
(828) 298-7911

#### **Durham VAMC**

508 Fulton Street  
Durham, NC 27705  
(919) 286-0411

#### **Fayetteville VAMC**

230 Ramsey Street  
Fayetteville, NC 28301  
(910) 488-2120

#### **Salisbury VAMC**

1601 Brenner Avenue  
Salisbury, NC 28144  
(704) 638-9000

### *If ineligible for veteran's benefits, free or low-cost health care may be available from the following sources:*

- **Department of Social and Health Services (DSHS)** can tell you where to find health care facilities for the homeless. Check the phone book blue pages under local, city, or county government for the number.
- **National Health Care for the Homeless Council** has a list of health care providers working with homeless people across the nation. For a list of providers in your state, go to [www.nhchc.org](http://www.nhchc.org).
- **Free clinics** are run by many local organizations and communities. Look in the phone book blue pages under "Public Health" to contact local government office for clinics in your area.

## 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 or syringes 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 / AIDS.
  
- Veterans, homeless, and incarcerated people are at high 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.

## MENTAL HEALTH SERVICES

### *If eligible for veterans' benefits:*

- Contact the Homeless Veteran Services Coordinator at the local **VA Medical Center** or **Vet Center**. The Vet Centers in North Carolina is listed below:

#### **Vet Centers in North Carolina**

**Charlotte Vet Center**  
223 S. Brevard Street  
Suite 103  
Charlotte, NC 28202  
704-333-6107

**Fayetteville Vet Center**  
4140 Ramsey Street  
Suite 110  
Fayetteville, NC 28311  
910-488-6252

**Raleigh Vet Center**  
1649 Old Louisburg  
Rd.  
Raleigh, NC 27604  
919-856-4616

**Greensboro Vet Center**  
2009 S. Elm-Eugene Street  
Greensboro, NC 27406  
336-333-5366

**Greenville Vet Center**  
150 Arlington Blvd  
Greenville, NC 27856  
252-355-7920

*If not eligible for veterans' benefits, the following sources may be able to tell you where you can go to get help:*

- **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 340 community organizations located across the country. Call 1-800-969-NMHA, or find a local office online at [www.nmha.org](http://www.nmha.org).

## SUBSTANCE ABUSE TREATMENT

### *If eligible for veterans' benefits:*

- Contact the Addictions Treatment Center at the local **VA Medical Center**. Call 1-877-222-8387 to find the medical center nearest you.

*If not eligible for veterans' benefits, the following sources may be able to tell you where you can go to get help:*

- The Department of Health and Human Services **Drug and Alcohol Treatment Referral Routing Service** can refer *you* to local programs. Call 1-800-662-4357.
- **Focus On Recovery Helpline** - A 24-hour national alcohol and drug abuse addiction and treatment hotline: 1-800-888-9383.

## **FINANCIAL HELP**

- The American Legion provides **Temporary Financial Assistance**, (TFA) from its national headquarters to help maintain a stable environment for children of veterans. To obtain an application, look in the phone book to contact a local post, or contact the National Headquarters to find the post nearest you.
- If you are unemployed with little or no income, you may be able to get **food stamps**. A person may normally qualify for \$85 to \$100 worth of food stamps per month. Call the toll-free information number at 1-800-221-5689, or find a list of food stamp hotlines for each state at [www.fns.usda.gov/fsp/contact\\_info/hotlines.htm](http://www.fns.usda.gov/fsp/contact_info/hotlines.htm). You can also contact the local Department of Human Services, many drop-in shelters, or legal aid services to ask for an application.
- **Supplemental Security Income (SSI)** benefits can be applied for before your release, even though you won't receive the benefits until after you are released. Food Stamps can be applied for together with SSI. Normally, it takes about three months to review an 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, call or your local social security administration office listed in the phone book blue pages, or go to: <http://www.ssa.gov/notices/supplemental-security-income/>.

- **Federal Emergency Management Agency (FEMA)** has a program called Emergency Food and Shelter Program to help prevent homelessness. Contact the local Office of the Mayor *or* United Way to ask who awards this money in your area and what the rules are.

## LEGAL

Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people to ensure to ensure that equal access to justice and to remove legal barriers to economic opportunity. Legal services are available in all 100 counties of North Carolina. The administrative office of Legal Aid is located at 224 South Dawson Street, Raleigh, NC 27601, and the telephone is 919-856-2564. For additional information on available legal services provided by Legal Aid, call the administrative office for the agency. Also, information is available at Legal Aid's web site as well. The web site address is [www.legalaidnc.org](http://www.legalaidnc.org).

### *Veteran status issues:*

- You should talk to a **Veterans Advocate Service Officer** for help with discharge upgrades, seeking benefits, and filing a VA claim (call 1-800-562-2308 for the nearest Service Officer).

### *Other legal issues:*

- Most law is state-specific. Most common legal problems are governed by the law in the state where you live or where the problem occurred. When looking for legal help, make sure that information you find 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 links 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 to provide free legal help to poor clients. The lawyers are usually experts in the types of problems that poor

clients often have. Look in the yellow pages for a local Legal Aid office or check online for the program, nearest you.

- Lawyers in private practice sometimes volunteer in "pro-bono" programs to take cases for poor clients free of charge. Check the yellow pages to contact your **Local Bar Association** to learn if there is a pro-bono program in your community, or go to [www.abanet.org/barserv/stlobar.html](http://www.abanet.org/barserv/stlobar.html).

## **WOMEN VETERANS**

- Most VA **Medical Centers** and readjustment offices have a designated Women Veterans Coordinator to assist women veterans in accessing VA benefit programs and healthcare services. Call 1-877-222-8387 to find the medical center nearest you.

## 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 – Winston Salem VA Regional Office**

Federal Building

251 N. Main Street Winston-Salem, NC 27155

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** 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.
- 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/>. You can also apply for certain benefits online at: <http://vabenefits.vba.va.gov/vonapp/main.asp>.

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 email.
- 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

US Dept of Veterans Affairs (USDVA)	<a href="http://www.va.gov/">www.va.gov/</a>
Veterans Health Administration – VISN 6	<a href="http://www1.va.gov/midatlantic/">http://www1.va.gov/midatlantic/</a>
Veterans of Foreign Wars	<a href="http://www.vfw.org">www.vfw.org</a>
Social Security Administration	<a href="http://www.ssa.gov/">www.ssa.gov/</a>
National Coalition for Homeless Veterans	<a href="http://www.nchv.org/">www.nchv.org/</a>