

Title 484 WAC

VETERANS' AFFAIRS, DEPARTMENT OF

Chapters

484-10	Departmental headquarters.
484-20	Washington soldiers' home and colony— Washington veterans home.
484-30	Veterans field services.
484-40	Fiduciary services.
484-50	Public records.

Chapter 484-10 WAC DEPARTMENTAL HEADQUARTERS

WAC

484-10-005	Purpose of organization.
484-10-010	State veterans institutions.
484-10-015	Veterans services.
484-10-020	Personnel services.
484-10-025	Administrative services.
484-10-030	Fiduciary services.
484-10-035	Veterans affairs advisory committee.
484-10-040	Coordination with other agencies.
484-10-045	Practice and procedures.
484-10-050	Exception to rules.

WAC 484-10-005 Purpose of organization. The department of veterans affairs shall be the administrative body responsible for all duties and functions delegated to it by state law. Additionally, within budgetary limitations, it will initiate and maintain program control of:

- (1) State veterans institutions.
- (2) A system of veterans services, for veterans and their beneficiaries in various locations throughout the state, to provide claims and referral activities.
- (3) Fiduciary services for eligible incompetent veterans and their beneficiaries. [Order 7659, § 484-10-005, filed 7/28/77.]

WAC 484-10-010 State veterans institutions. The Washington soldiers home and colony, and the Washington veterans home shall have, respectively, a chief executive officer to be called a superintendent. The superintendent shall be directly responsible to the director of the department of veterans affairs. [Order 7659, § 484-10-010, filed 7/28/77.]

WAC 484-10-015 Veterans services. Field services for veterans and their beneficiaries shall be administered from the department of veterans affairs by a person designated by the director of the department. This designee shall be responsible for implementing departmental policy and maintaining program control, either directly and/or through contract administration. [Order 7659, § 484-10-015, filed 7/28/77.]

WAC 484-10-020 Personnel services. Personnel services for departmental recruiting, testing and compliance with all applicable laws, rules, and policies shall be maintained by the department of veterans affairs.

The person responsible for administration of these services shall be designated by the director of the department. [Order 7659, § 484-10-020, filed 7/28/77.]

WAC 484-10-025 Administrative services. Intradepartmental administrative services shall be provided by the department to include, but not be limited to: Accounting, purchasing, budget preparation, maintenance of supplies, and such management studies and program support functions as the director deems necessary. [Order 7659, § 484-10-025, filed 7/28/77.]

WAC 484-10-030 Fiduciary services. Such fiduciary and other services mandated by RCW 43.60A.070 may be provided by the department of veterans affairs. Program administration and control shall be lodged in departmental headquarters, although the staff actually providing the services may be located elsewhere. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-10-030, filed 7/17/80; Order 7659, § 484-10-030, filed 7/28/77.]

WAC 484-10-035 Veterans affairs advisory committee. Full recognition of the state veterans affairs advisory committee, as established under RCW 43.60A.080, shall be given by the department of veterans affairs, and its director.

(1) The director, or his designee, and such members of the department staff as he selects shall meet with the committee on a regular schedule unless there be mutual agreement between the chairman of the committee and the director to the contrary.

(2) Minutes shall be kept of the proceedings at each meeting, including recommendations of the committee, and a complete copy provided to each member of the committee within 30 calendar days.

(3) When requested by the committee to do so, the director shall present the governor, in person or in writing, the recommendations of the committee as recorded in the minutes.

Such presentation shall be in addition and distinct from any contact or communications by the committee itself. [Order 7659, § 484-10-035, filed 7/28/77.]

WAC 484-10-040 Coordination with other agencies. The department of veterans affairs shall be responsible for coordination with other agencies, both public and private, of all programs and projects affecting veterans and their beneficiaries, as its director may deem appropriate. [Order 7659, § 484-10-040, filed 7/28/77.]

WAC 484-10-045 Practice and procedures. In those contested cases, declaratory proceedings, and requests for rule making in which the department of veterans affairs has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended except for those situations covered under WAC 484-120-105. [Order 7659, § 484-10-045, filed 7/28/77.]

WAC 484-10-050 Exception to rules. (1) The rules are necessarily based on conditions which are considered to apply in the great majority of situations. Individual circumstances may exist in which application of the rule seems to work in opposition to the objective desired. This may occur when an individual's situation differs from that of the majority or when his circumstances are peculiar. In these cases, exceptions may be considered.

(2) An exception cannot be made to a specific provision of the law. However, individual case exception to a rule or procedure not specifically enunciated in the law can be authorized by the department of veterans affairs when it appears to be in the best interest of overall economy and the individual's welfare.

(3) Exception decisions are not subject to the fair hearing procedure of WAC 484-120-105. [Order 7659, § 484-10-050, filed 7/28/77.]

Chapter 484-20 WAC

WASHINGTON SOLDIERS' HOME AND COLONY--WASHINGTON VETERANS HOME

WAC

484-20-010	Definitions.
484-20-015	Application for membership.
484-20-020	Conditions of eligibility for admission.
484-20-025	Eligibility--State residency.
484-20-030	Eligibility--Military service.
484-20-035	Eligibility--Transfer of property.
484-20-040	Eligibility--Property resources.
484-20-045	Eligibility--Indigency as inability to earn support.
484-20-050	Eligibility--Income.
484-20-055	Eligibility--Surviving spouse of veteran.
484-20-060	Eligibility--Married couple.
484-20-065	Use of income by member.
484-20-068	Duly constituted body.
484-20-070	Veterans home or soldiers home revolving fund.
484-20-075	Aid and attendance account.
484-20-080	Annual declaration of income and assets.
484-20-085	Members' rights and responsibilities--Notification.
484-20-090	Supplementary rules--Promulgation.
484-20-095	Supplementary policies and procedures.
484-20-100	Violation--Investigation.
484-20-105	Penalties.
484-20-110	Fair hearing.
484-20-115	Furlough.
484-20-120	Discharge.
484-20-125	Discharge--Honorable.
484-20-130	Discharge--Disciplinary.
484-20-135	Transfer.
484-20-140	Readmission.
484-20-145	Burial.
484-20-150	Population level.
484-20-155	Administrative appeal.

WAC 484-20-010 Definitions. (1) Aid and attendance fund - aid and attendance funds are

(a) Those received by members from the veterans administration for the benefit of members for aid and attendance, and

(b) Funds administered in accordance with WAC 484-20-065 through 484-20-075.

(2) Allowable income - that income not less than the amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use except as delineated in WAC 484-20-065 and 484-20-075.

(3) Department - the department of veterans affairs.

(4) Duly constituted body, representative of the members - a body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

(5) Director - the director of the department of veterans affairs or his designee.

(6) Member - an individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(7) Superintendent - the superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

(8) Supplementary rules - rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.

(9) Supplementary policies and procedures - policies and procedures published under authority of the superintendents which significantly affect the members.

(10) Veterans and soldiers home revolving funds - the repository for income in excess of allowable income which shall include an aid and attendance account.

(11) Administrative appeal - the request for reversal or modification of an administrative decision. [Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-20-010, filed 7/17/80; Order 7659, § 484-20-010, filed 7/28/77.]

WAC 484-20-015 Application for membership. (1) An application for admission to membership shall be made to the superintendent on forms prescribed by the director.

(2) An applicant shall either submit a copy of his or her military discharge or other acceptable proof of qualifying military service with the application, or present a copy at the time of admission. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission. If an applicant is denied admission, the document so informing him shall include a statement of the reason and authority for such denial.

(4) An applicant denied admission may, within thirty days of notification of denial, submit a written request for an appeal to the director.

(5) An applicant shall not be admitted without approval by the director.

(6) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-015, filed 7/17/80; Order 7659, § 484-20-015, filed 7/28/77.]

WAC 484-20-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if he/she meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-020, filed 7/17/80; Order 7659, § 484-20-020, filed 7/28/77.]

WAC 484-20-025 Eligibility--State residency. An applicant shall be an actual bona fide resident of the state of Washington at the time of application. [Order 7659, § 484-20-025, filed 7/28/77.]

WAC 484-20-030 Eligibility--Military service. (1) An applicant must have served

(a) In the armed forces of the United States government in any of its wars and have received an honorable discharge, or

(b) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received an honorable discharge.

(2) The inclusive dates referred to in subsection (1)(a) are

(a) Civil War - April 12, 1861, to May 26, 1865,

(b) Spanish-American War - April 21, 1898, to August 12, 1898,

(c) Philippine Insurrection - August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province,

(d) Boxer Rebellion - June 10, 1900, to June 12, 1901,

(e) World War I - April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918,

(f) World War II - December 7, 1941, to December 31, 1946,

(g) Korean War - June 27, 1950, to January 31, 1955,

(h) Viet Nam - August 5, 1964, to May 7, 1975. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-030, filed 7/17/80; Order 7659, § 484-20-030, filed 7/28/77.]

WAC 484-20-035 Eligibility--Transfer of property. Transfer or assignment by an applicant of real or personal property within three years of the date of application shall create the presumption that such assignment or transfer was for the purpose of rendering himself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-035, filed 7/17/80; Order 7659, § 484-20-035, filed 7/28/77.]

WAC 484-20-040 Eligibility--Property resources. (1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1500 except as provided in subsections (2) through (4).

(2) Upon recommendation of the superintendent the director may authorize an exception to the limit in subsection (1).

(3) An applicant for membership in the colony of the state soldiers' home may not own real property except property within the Orting school district which is the domicile of the applicant(s).

(4) An applicant for membership in either home may own real property in excess of \$1500 provided such property is the domicile of the spouse and/or dependent children of the applicant. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-040, filed 7/17/80; Order 7659, § 484-20-040, filed 7/28/77.]

WAC 484-20-045 Eligibility--Indigency as inability to earn support. To be eligible for admission an applicant must provide evidence of inability to support himself or herself. [Order 7659, § 484-20-045, filed 7/28/77.]

WAC 484-20-050 Eligibility--Income. An applicant with income in excess of that required to purchase the type of care he or she requires shall not be eligible for membership unless

(1) The director, upon recommendation of the superintendent, has authorized an exception and

(2) The applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-050, filed 7/17/80; Order 7659, § 484-20-050, filed 7/28/77.]

WAC 484-20-055 Eligibility--Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to membership provided

(1) The veteran was a member at the time of death or would have been eligible for membership except for his/her income or resources; and

(2) The spouse

(a) Is at least fifty years of age, and

(b) Is unable to support himself or herself, and

(c) Has not remarried a person who is not a member or eligible for membership. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-055,

filed 7/17/80; Order 7659, § 484-20-055, filed 7/28/77.]

WAC 484-20-060 Eligibility--Married couple. A married couple may be admitted to membership if

(1) Living together as man and wife, and

(2) Married at least three years prior to application or if the veteran married a person who is a member or eligible for membership. [Order 7659, § 484-20-060, filed 7/28/77.]

WAC 484-20-065 Use of income by member. (1) A member who is receiving aid and attendance shall be charged an amount determined appropriate by the superintendent up to the cost of care per month with the funds so collected to be deposited in the aid and attendance account of the revolving fund.

(2) A member who receives nursing care, but does not receive a specific allowance from the veterans administration for aid and attendance shall contribute an amount to the aid and attendance account equivalent to the amount of aid and attendance allowance he/she would receive if entitled, spouses and surviving spouses receiving nursing care may be required to relinquish an amount equivalent to the amount a veteran is required to relinquish, provided that the aid and attendance charge may be reduced to an amount that will leave the member with sufficient funds to fully meet the member's needs.

(3) Allowable income shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. Subsequent to June 30, 1980. The monthly increase will be determined by the formula $PXA/12$ rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase).

(4) Members shall contribute all income in excess of allowable income to the veterans home or soldiers home revolving fund except as outlined in subsection (2) except that such amount shall not exceed the total cost of care of the member. The superintendent may make exceptions for individuals on furlough who are attempting to reestablish residency within the community.

(5) A member may contribute toward the support of a nonresident spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s). The needs of the dependents will take precedence over any requirement that the individual relinquish funds to the home.

(6) The provisions of this section do not apply to members of the soldiers' home colony.

(7) Individuals who are normally in receipt of aid and attendance allowance from the veterans administration and whose benefits have been discontinued as a result of their estate having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued, pay from the estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-065, filed 7/17/80; Order 7659, § 484-20-065, filed 7/28/77.]

WAC 484-20-068 Duly constituted body. The duly constituted body, representative of the members, shall be selected by a vote of the general home membership. One representative from each living unit (including the Washington soldiers' home colony) shall constitute the body, representative of the members. Each level of care must be represented (light nursing, heavy nursing and domiciliary). [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-068, filed 7/17/80; Order 7659, § 484-20-068, filed 7/28/77.]

WAC 484-20-070 Veterans home or soldiers home revolving fund. (1) The superintendent shall deposit income in excess of allowable income in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from a duly constituted body, representative of the members.

(4) A budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative which shall delineate income by sources and allocations by category, which budget shall be approved by duly constituted body representative of the members. If agreement between the superintendent and the duly constituted body cannot be reached, the director of the department of veterans affairs shall make the final determination on an appropriate allocation of funds and the appropriateness of budget disbursements and expenses. This section does not authorize unilateral relocation or disbursement of funds.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules.

(6) A quarterly report of the revolving fund activity shall be available for public inspection. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-070, filed 7/17/80; Order 7659, § 484-20-070, filed 7/28/77.]

WAC 484-20-075 Aid and attendance account. The superintendent shall establish an aid and attendance account within the revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the members; limited to nursing, other health related care services. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-075, filed 7/17/80; Order 7659, § 484-20-075, filed 7/28/77.]

WAC 484-20-080 Annual declaration of income and assets. Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of

his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets. [Statutory Authority: RCW 43.60A-.070. 80-09-069 (Order 80-01), § 484-20-080, filed 7/17/80; Order 7659, § 484-20-080, filed 7/28/77.]

WAC 484-20-085 Members' rights and responsibilities--Notification. (1) Each member shall be advised in writing of the following supplementary rules

(a) His rights and responsibilities,
(b) Acts prohibited in the institution,
(c) Disciplinary action which may be taken in the event of misconduct and of the member's right to request a fair hearing pursuant to WAC 484-20-105.

(2) Each member shall be provided with a copy of the rules in this chapter and of any supplementary rules adopted pursuant to WAC 484-20-090. Copies of all rules shall be conspicuously posted in the home. [Order 7659, § 484-20-085, filed 7/28/77.]

WAC 484-20-090 Supplementary rules--Promulgation. The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-090, filed 7/17/80; Order 7659, § 484-20-090, filed 7/28/77.]

WAC 484-20-095 Supplementary policies and procedures. The superintendent of each home shall establish supplementary policies and procedures not inconsistent with the substance and intent of the rules in this chapter and in conformance with existing federal and state statutes and standards. Representation of a duly constituted body, representative of the members, shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input. [Order 7659, § 484-20-095, filed 7/28/77.]

WAC 484-20-100 Violation--Investigation. Reports of possible violation of supplementary rules shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence. [Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-100, filed 7/17/80; Order 7659, § 484-20-100, filed 7/28/77.]

WAC 484-20-105 Penalties. The superintendent may impose penalties for the violation of supplementary rules; such penalties may include

(1) Restricting the member to the home grounds for a maximum of thirty days, or

(2) An enforced furlough to a maximum of sixty days, or

(3) Discharge from the home. [Order 7659, § 484-20-105, filed 7/28/77.]

WAC 484-20-110 Fair hearing. (1) Any member dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter, may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the penalty which is being appealed from;

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(c) Set forth the address of the member, his/her representative or attorney; and

(d) Be signed by the member, his/her representative or attorney.

(4) At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding the case which contain information which is relevant and material to the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

(5) A fair hearing in accordance with the provisions of chapter 388-08 WAC shall be held within thirty days after receipt of the request and shall be held either in the home or colony in which the client resides, or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the director for such purposes.

(6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but

shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other

matters as may aid in efficient disposition of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the department;

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

(16) The department shall, within thirty days after the date of the fair hearing, notify the member in writing of its decision. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(17) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. [Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-20-110, filed 7/17/80; Order 7659, § 484-20-110, filed 7/28/77.]

WAC 484-20-115 Furlough. (1) Furlough time will be earned by the member at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) At the request of the member. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances. If the furlough exceeds thirty days the member may not return to the home until appropriate facilities are available for his care.

(b) As a disciplinary measure as provided in WAC 484-20-105.

(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.

(4) The superintendent or his designee may authorize furlough in advance of accrual when deemed appropriate. [Order 7659, § 484-20-115, filed 7/28/77.]

WAC 484-20-120 Discharge. A member may be discharged from the home by the superintendent. The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. [Order 7659, § 484-20-120, filed 7/28/77.]

WAC 484-20-125 Discharge--Honorable. A member may be honorably discharged by the superintendent

(1) At his request provided his conduct has been meritorious, or

(2) When the superintendent has determined that he has sufficient ability and means to support himself. Members whose assets are equivalent to the cost of their care for one year will be considered eligible for discharge under this subsection. When this situation arises, the superintendent will forward information concerning the assets and needs of the member to the director for review prior to taking discharge action under this authority. An individual, if he desires to continue his/her membership, must relinquish accumulated assets in excess of the equivalent to cost of care for one year to the revolving fund. [Order 7659, § 484-20-125, filed 7/28/77.]

WAC 484-20-130 Discharge--Disciplinary. A member may be given a disciplinary discharge by the superintendent when he

(1) Has been absent without leave for a period in excess of fifteen days or

(2) Is in violation of the rules in this chapter or of any rule of conduct as provided by WAC 484-20-090. [Order 7659, § 484-20-130, filed 7/28/77.]

WAC 484-20-135 Transfer. A member may apply for transfer to either home or colony. Transfer shall be authorized upon recommendation of the appropriate superintendent(s) and approval of the director. [Order 7659, § 484-20-135, filed 7/28/77.]

WAC 484-20-140 Readmission. A former member who requested voluntary discharge may not apply for membership until three months after discharge. A former member who was discharged for cause may not apply for membership until twelve months after discharge. The director may approve an exception based on the recommendation of the superintendent. [Order 7659, § 484-20-140, filed 7/28/77.]

WAC 484-20-145 Burial. The superintendent may authorize burial in cemeteries located on the grounds for

(1) A deceased member for whom relatives have not made other arrangements;

(2) The surviving spouse of a member when the deceased person was buried in the home cemetery, unless the surviving spouse shall have remarried; or

(3) Cremated remains of a spouse, who has not remarried since the death of a member who is buried in the home cemetery, may be buried in the same gravesite when requested by the next of kin. All costs incurred in such interment and placement of a flat headstone marker will be assumed by the next of kin prior to approval of such interment. [Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-20-145, filed 7/17/80; Order 7659, § 484-20-145, filed 7/28/77.]

WAC 484-20-150 Population level. The superintendent shall keep the membership of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the legislature. The superintendent may not assign members

a level of care inconsistent with the needs of the individuals. [Order 7659, § 484-20-150, filed 7/28/77.]

WAC 484-20-155 Administrative appeal. The duly constituted body representative of the members may appeal to the superintendent or the director in respect to any administrative decision significantly affecting the members, if alleged to be detrimental to the members' welfare, provided such body votes the request for appeal by a vote of two-thirds of all the body's members. [Order 7659, § 484-20-155, filed 7/28/77.]

Chapter 484-30 WAC

VETERANS FIELD SERVICES

WAC

484-30-005	Description and purpose of services.
484-30-010	Data gathering and reporting.
484-30-015	Auditing.

WAC 484-30-005 Description and purpose of services. The department may establish and maintain offices within the state to afford services to veterans and their beneficiaries. Within limitations imposed by budgetary considerations, these offices shall maintain services and training including, but not limited to:

(1) **Claims service.** This service will primarily be in providing forms, and assistance in preparing them, for eligible veterans and their beneficiaries, in claims against the federal government under Title 38, United States Code. However, assistance may also be rendered in assisting any eligible veteran or beneficiary in preparing and presenting a claim against any agency, private or public, which has to do with a right, of a veteran or his beneficiary, which is based upon service in the military service of the United States of America.

(2) **Referral service.** This service shall consist of referral of the veteran or beneficiary to a resource which may have the capability of affording supplementary or discrete benefits to those for which a veteran or beneficiary may be eligible as a result of military service. Such referrals would include, but not be limited to:

(a) Social Security or supplementary security income offices.

(b) Employment and employment training resource facilities, public and private.

(c) Public assistance.

(d) Vocational rehabilitation sources, public and private.

(e) Alcohol and drug related assistance.

(f) Mental health facilities.

(3) **Outreach services.** These services shall include claims and referral services, but are provided at outreach locations, on a regular basis, from the established veterans service office.

(4) **Representation at veterans administration regional office.** This shall consist of the maintenance of personnel at the veterans administration regional office in Seattle, to represent eligible veterans and their beneficiaries before VA rating and appeal boards, or other VA administrative bodies, when such can be done through a power

of attorney granted by the veteran or beneficiary. [Order 7659, § 484-30-005, filed 7/28/77.]

WAC 484-30-010 Data gathering and reporting. In order to ensure that all eligible veterans and beneficiaries are treated equitably, such data as may be required shall be compiled in each veterans service office and submitted to the department of veterans affairs on a monthly basis. Such data shall be in form and content as prescribed by the department. [Order 7659, § 484-30-010, filed 7/28/77.]

WAC 484-30-015 Auditing. The veterans service offices of the department of veterans affairs shall be audited to the extent and frequency necessary to ensure compliance with such procedural and data gathering requirements as are established by the department. [Order 7659, § 484-30-015, filed 7/28/77.]

**Chapter 484-40 WAC
FIDUCIARY SERVICES**

WAC	
484-40-005	Scope of services.
484-40-010	Conservation of income.
484-40-015	Case level.
484-40-020	Auditing.

WAC 484-40-005 Scope of services. As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

(1) Executor under the last will of the estate of any deceased veteran.

(2) Administrator of the estate of any deceased veteran.

(3) The guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran.

(4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories. [Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-40-005, filed 7/17/80; Order 7659, § 484-40-005, filed 7/28/77.]

WAC 484-40-010 Conservation of income. Paramount in consideration in the handling of the funds of those eligible for fiduciary services shall be expenditure of funds in the best interest of the individual. [Order 7659, § 484-40-010, filed 7/28/77.]

WAC 484-40-015 Case level. (1) The director of the department of veterans affairs, or his designee, is authorized to provide the scope of services enumerated under WAC 484-40-005. He is not required to do so.

(2) The director of veterans affairs shall determine when the case level is commensurate with available personnel and funding.

(3) The director of the department may refuse the provision of further services, under this chapter, whenever he deems appropriate for whatever reasons he deems appropriate. [Order 7659, § 484-40-015, filed 7/28/77.]

WAC 484-40-020 Auditing. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency.

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited. [Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-40-020, filed 7/17/80; Order 7659, § 484-40-020, filed 7/28/77.]

**Chapter 484-50 WAC
PUBLIC RECORDS**

WAC	
484-50-005	Disclosure.
484-50-010	Exemptions.

WAC 484-50-005 Disclosure. (1) All public records of the department of veterans affairs are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 and WAC 484-50-010.

(2) Requests for any identifiable public record may be initiated at the headquarters of the department of veterans affairs, in Olympia. [Order 7659, § 484-50-005, filed 7/28/77.]

WAC 484-50-010 Exemptions. (1) The department of veterans affairs reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310 or federal or other state laws and regulations.

(2) Pursuant to RCW 42.17.260, the department of veterans affairs reserves the right to delete identifying details when it makes available or publishes any public record, in any case in which there is reason to believe that disclosure of such details may be unreasonable invasion of personal privacy. The public records officer shall fully justify such deletion in writing. [Order 7659, § 484-50-010, filed 7/28/77.]