

Category: 200  
Number: 226  
Adopted: March 18, 2004

Subject: **COUNTY BURIAL BENEFITS AND FOUNDATIONS POLICY**

1. PURPOSE: This policy is established pursuant to the referenced state laws, to clarify county policies for the implementation of state law regarding burial benefits for veterans of the armed forces of the United States of America. This policy does not address Federal Benefits which are governed by Federal law.
2. AUTHORITY: Gratiot County Board of Commissioners; Applicable State Statutes (County Department of Veterans Affairs, Act 192 of 1953; Funeral Expenses of Veterans, Act 235 of 1911).
3. APPLICATION: This policy applies to the administration of Veterans Benefits by the Gratiot County Department of Veterans Affairs, and other county agencies involved in such support. This policy supplements and clarifies existing law, it does not seek to restate that which is clear in the referenced statutes.
4. RESPONSIBILITY: The Director, Gratiot County Department of Veterans Affairs will be responsible for the implementation of this policy, under the joint supervision of the Gratiot County Veterans Commission and the Gratiot County Administrator.
5. DEFINITIONS:
  - 5.1. Veteran: As used in Act 235 of 1911, a veteran is defined as an honorably discharged member of the armed forces of the United States who served for a period of not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service connected disability, during a period of time in which the United States was at war or during the Vietnam conflict.
  - 5.2. Service: As used in Act 235 of 1911, "service" includes persons serving in the armed forces of the United States in a place of emergency when ordered to so serve by the government of the United States, as defined in section 1 of Act No. 190 of the Public Acts of 1965, as amended, being section 35.61 of the Michigan Compiled Laws, including the Vietnam conflict. Such service is also understood to include those wars, campaigns, and operations subsequent to the Vietnam conflict recognized as wartime service by the United States Department of Veterans Affairs.
  - 5.3. Estate: As used in Act 235 of 1911, "estate" means ownership of realty or personalty at the time of death, the title of which property was held either in the sole name of the decedent or by the entirety, tenancy in common, or joint

tenancy with the spouse, child, or parent of the decedent, but does not include realty owned by the decedent as the homestead of the decedent.

- 5.4. Homestead: As used in Act 235 of 1911, “homestead” means a dwelling or unit in a multiple unit dwelling and includes a mobile home or trailer coach.
- 5.5. Residency: As suggested in the discussion by the State Attorney General, “residence means the place where one resides; an abode, a dwelling or habitation; especially, a settled or permanent home or domicile. Residence is made up of fact and intention. There must be the fact of abode, and the intention of remaining.” Also, “The question as to whether or not a person is a ‘resident’ of a particular county or state is purely one of established intent and fact and each case must be decided upon its own merits.” Hence, the question of residence is a factual one to be determined on an individual basis after consideration of all relative factors, including where the individual lives, where the individual receives mail, driver’s license address, where the individual is registered to vote, and the address used by the individual in contacts with public authorities, such as tax returns, etc.

## 6. POLICY:

- 6.1. Determination of Eligibility for \$300 County Burial Benefit. Gratiot County will calculate the estate based upon the “veteran’s share” of jointly held assets “at the time of the veterans death” (life insurance is excluded, unless the estate, rather than a surviving family member, is the beneficiary). In accordance with a strict interpretation of the law, and the most recent Attorney General’s opinions on point, Gratiot County counts the entire value of real property not utilized as the veteran’s homestead, and one-half of personal property which is jointly owned. The County does not provide a benefit to those who die on active duty, since the armed forces amply provide for such burial. The veteran’s eligibility for Federal Burial Benefits does not preclude consideration for County Burial Benefits.
- 6.2. Determination of Residency. Residency will be determined IAW the principles outlined in Paragraph 5.5.
- 6.3. Determination of Eligibility for County Payment of Expenses incurred in the placement of Veterans Headstones or Markers. The benefit that pays for the installation of veterans’ headstones or markers is tied to eligibility for the \$300 County Burial Benefit discussed in Paragraph 6.1. However, the cost of installation of the headstone/marker is in addition to the \$300 benefit. The County will pay the full cost for emplacement of eligible veterans’ headstones/markers. Annually, the Director, Gratiot County Department of Veterans’ Affairs will survey cemeteries to determine the fee for emplacement of veterans’ headstones/markers. When possible, the Gratiot County Department of Veterans’ Affairs will negotiate a special veterans' rate with county cemeteries, or private contractors. If state law is determined to allow the county to set a standard rate for this service, the standard rate will be set by the Gratiot County Board of

Commissioners when the budget is adopted for each Fiscal Year. Federal law authorizing headstones/markers for veterans has no bearing on the state headstone/ marker benefit.

- 6.4. The Director of Veterans Affairs will bring any issues not addressed in this policy before the Gratiot County Veterans Commission at the next regularly scheduled meeting. The Veterans Commission will then make a decision, authorize the Director of Veterans Affairs to take action accordingly, and report such decisions and interpretations to the Gratiot County Board of Commissioners. The Director of Veterans Affairs will then update this policy to reflect the Veterans Commission's ruling, as well as any new guidance from the Gratiot County Board of Commissioners. Changes with financial implications will require the approval of the Gratiot County Board of Commissioners, with a recommendation from the Gratiot County Veterans Commission.

7. ADMINISTRATIVE PROCEDURES:

- 7.1. The surviving spouse, next of kin, or estate manager (hereafter referred to as the surviving spouse) will make application for the county benefits through the Gratiot County Department of Veterans Affairs. A certified copy of the Certificate of Death and a certified copy of the veteran's discharge (DD214) will be turned in to the Director, GCDVA. Applications for discharge paperwork are available through the GCDVA in the event that the surviving spouse cannot locate the veteran's discharge.
- 7.2. The surviving spouse will turn in a copy of all funeral expenses (normally provided by the funeral home).
- 7.3. The surviving spouse will complete and sign before a Notary Public, the GCDVA Form 10 (Financial Statement in Support of Claim for Gratiot County Burial Allowance). NOTE 1: The Director, Gratiot County Department of Veterans Affairs maintains active status as a Notary Public. NOTE 2: Automobile values are determined by the surviving spouse. The GCDVA will maintain a "Used Car Guide" to assist widows in estimating the value of their automobile, using the "Average Trade-In" value as a guide in estimation.
- 7.4. If the deceased veteran's estate is valued at less than \$25,000 (\$40,000 if the County Commission has not passed an exemption resolution as provided by state law effective February 7, 2004) on GCDVA Form 10, the surviving spouse will complete Form 5012 (Report of Burial) and sign it before a Notary Public. NOTE: There is no requirement to complete Form 5012 if the surviving spouse does not qualify for benefits.
- 7.5. The Director, GCDVA will forward the completed Form 5012 (Report of Burial) and authorization voucher to the Treasurer for payment of the County Burial Benefit (GCDVA Form 10 will be maintained on file in the GCDVA office).

- 7.6. The surviving spouse will complete VA Form 40-1330 (Application for Standard Government Headstone or Marker).
- 7.7. Following emplacement of the Government Headstone or Marker, the surviving spouse will complete GCDVA Form 20 (Application for Reimbursement for Foundation for Government Marker) and send it to the Director, GCDVA. The Director will then certify the application and forward it for payment as outlined in Paragraph 6.3.
8. ADMINISTRATOR/LEGAL COUNSEL REVIEW: The Administrator has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. The County Civil Counsel has determined that this policy as submitted complies with all applicable laws, rules and regulations.

Approved as to Substance:

Approved as to Legal Content:

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Gratiot County Administrator

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Gratiot County Civil Counsel