



A Guidebook For Veterans Incarcerated in New Mexico



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Foreword

This handbook can be an important tool. Review all of the programs thoroughly to understand the opportunities available. When these programs are used properly, you may benefit from a minimization of the outside pressures you may be confronted with when released. These resources may assist you in establishing social acceptance, economic security, and your new place as a productive member of society.

This booklet is a tool for incarcerated Veterans and their families who wish access to services to support a new and better way of life. This guidebook is designed to assist Veterans incarcerated in the State of New Mexico. Laws vary from state to state; therefore, check your own state laws and regulations for the most accurate information for you.

Agency staff names and addresses, phone numbers, and website addresses may change. If you attempt to contact one of the resources in this guidebook and find that it is not current, do your best to obtain the current information through telephone information or an internet search. You can also call one of the following VA toll-free numbers for additional assistance:

To locate a VA Medical Facility: 1-877-222-8387

To find out about VA benefits: 1-800-827-1000

To perpetuate the value of this document, we respectfully request that if you discover any incorrect, conflicting, or outdated information in this Guidebook please send corrections to:

VISN 18 Healthcare for Re-Entry Veterans Specialist
Raymond G. Murphy VA Medical Center
1501 San Pedro Dr. SE
Albuquerque, New Mexico 87108
1-800-465-8262

We would like to recognize and thank: 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.

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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 full 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. If computer access is not available at your facility, you can visit the public library after release. Computer access may also be provided at Workforce Solutions sites. To find a site use <http://www.dws.state.nm.us/dws-offices.html>

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

Section III covers basic information about seeking VA benefits.

The last pages contain **Resources** and a **Checklist** that summarize 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. Many states now also have a free social service resource directory, which can be accessed by dialing "3-1-1" from any telephone within the state.

- **US Department of Veterans Affairs** — www.va.gov
 - Benefits: 1-800-827-1000
 - Medical Centers: 1-877-222-8387
 - Persian Gulf War Helpline: 1-800-749-8387
- **National Suicide Prevention Lifeline** – 1-800-273-TALK (8255), press "1" for Veteran: A 24-hour hotline that will immediately connect callers to VA suicide prevention and mental health service professionals
- **Focus on Recovery Helpline** - 1-800-547-3821: A 24-hour national alcohol and drug abuse addiction and treatment helpline
- **National HIV/AIDS Hotline** - 1-800-232-4636: Talk to someone who knows about HIV / AIDS and who can tell you about services in your city or state
- **National Coalition for Homeless Veterans** — 1-800-VET-HELP (1-800-838-4357) or www.nchv.org
- **New Mexico Department of Veterans Services** – 1-866-433-8387 or www.dvs.state.nm.us/

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** that is responsible for helping homeless Veterans access VA and community-based care to end homelessness amongst Veterans. The HCHV program provides outreach, clinical assessments and referrals for medical and mental health care, long-term transitional residential assistance, case management and employment assistance with linkage to permanent housing. To locate your nearest HCHV Coordinator and/or your nearest VA Medical Center call 1-877-222-8387 or go to www.va.gov/homeless
- **The Veterans Benefits Administration** (sometimes referred to as the VA Regional Office) provides information and assistance with VA Disability Compensation and Pension, Education and Training Programs, VA Home Loans, Life Insurance, and other federal benefits for eligible Veterans. The VA Regional Office in New Mexico may be reached at:

VA Regional Office
Dennis Chavez Federal Building
500 Gold Avenue SW
Albuquerque, NM 87102
1-800-827-1000 toll-free or www.vba.va.gov

- **The New Mexico Department of Veterans Services** provides information about and/or assistance with some Veterans' benefits and entitlement information. They can be reached at:

NM Department of Veterans Services
Bataan Memorial Bldg.
407 Galisteo St., Room 142
Santa Fe, NM 87504
1-866-433-VETS (8387) or www.dvs.state.nm.us/

- **National Coalition for the Homeless-** www.nationalhomeless.org/ 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 New Mexico:

Directory of Local Homeless Service Organizations

The New Mexico Coalition to End Homelessness has a 'Directory of Resources to Assist the Homeless in New Mexico'. It includes information about most of the counties in the state. You can get this information online at: www.nmceh.org/

Directory of Homeless & Housing Advocacy Coalitions

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

Supportive Housing Coalition of New Mexico
PO Box 27459
Albuquerque, NM 87125
(505) 255-3643 or <http://thehousingcoalition.org/>

New Mexico Coalition to End Homelessness

Santa Fe Office:
P.O. Box 865/1219 Luisa St.
Santa Fe, NM 87504
(505) 982-9000

Albuquerque Office:
407 Rio Grande Blvd. NW
Albuquerque, NM 87104
(505) 217-9570

- **The 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.uwcnm.org/
- **Local churches and faith-based organizations**, such as Catholic Charities (www.catholiccharitiesusa.org) or the Salvation Army (www.salvationarmysouthwest.org/) 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 independent living upon your release. However, there are often waiting lists for housing assistance programs, so you should ask about applying as early as possible.

If you are released and find yourself homeless, emergency assistance is usually available. **Call New Mexico's Community Information & Referral Line** for information about local shelters, transitional housing and services for the homeless: dial 3-1-1 from any phone in New Mexico. 3-1-1 has information about services for: food, shelter, rent assistance, utility bill assistance, counseling, child care, after-school programs, senior services, disaster relief, and many other community resources. **ALSO**, 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.

Emergency and Transitional Housing

- To find out if there are homeless Veteran service providers in your area, contact the **National Coalition for Homeless Veterans** at 333½ Pennsylvania Avenue SE, Washington, DC 20003; 1-800-VET-HELP or www.nchv.org
- To find a listing of homeless services nationwide, go to the website of the **Department of Housing and Urban Development** at www.hud.gov/homeless
- 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. Use this link for resources in New Mexico: http://housingnm.org/emergency_housing/emergency-shelter

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 about job counseling and training while incarcerated so you are prepared to work when released. **DO NOT wait** until you get out to start thinking about what you will do. **Start planning now!**

- **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 Workforce Solutions site. 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 an LVER or DVOP near you, visit your state employment service office listed in the phone book blue pages under "State Government, Employment Security Department," go to www.dol.state.nm.us/.
- 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 go to www.benefits.va.gov/vocrehab/index.asp
- Through its' **Veterans Industries and Compensated Work Therapy programs**, the VA matches and supports work-ready Veterans in competitive jobs, and consults with business and industry regarding their specific employment needs. CWT programs promote employment opportunities for Veterans with physical, mental health, and addiction problems. Through these programs, Veterans may learn job skills, relearn successful work habits, and regain a sense of self-esteem. CWT programs are typically located within VA medical centers in most large metropolitan areas and many smaller communities. In Arizona, CWT programs are available at all three medical centers in the state. For further information go to: www.cwt.va.gov/
- The State of New Mexico 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" under www.dvrgetsjobs.com

HEALTH CARE

Veterans who served in the active military and were discharged under other than dishonorable conditions may qualify for VA health care benefits. Reservists and National Guard Members may also qualify for VA health care benefits if certain criteria are met. For most Veterans, entry into the VA Health Care System begins by applying for enrollment. To apply, complete VA Form 10-10EZ, Application for Health Benefits, which may be obtained from any VA health care facility or Veterans Benefits Administration/Regional Office.

If eligible for Veteran's benefits, we encourage you to apply for enrollment in the VA Health Care System as soon as you are released. Although some services may vary by location, VA Medical Centers may provide the following types of programs to eligible Veterans: comprehensive medical care, mental health care, substance abuse treatment, pharmacy services, employment services, homeless services, nursing homes, and many other programs/services. Community Based Outpatient Clinics also offer many of the same basic medical and mental health services as the Medical Centers, although hours of operation are usually more limited and services offered may not be as comprehensive.

Every **VA Medical Center** has a **Health Care for Homeless Veterans Program** which helps Veterans and their families find resources inside and outside the VA Health Care system. Call 1-877-222-8387 or go to www.va.gov to find the medical center nearest you. The following list includes information about the one VA Medical Center and all of the Community Based Outpatient Clinics within New Mexico:

New Mexico VA Health Care System (NMVAHCS)

Raymond G. Murphy VA Medical Center
1501 San Pedro, SE
Albuquerque, NM 87108
(505) 265-1711 or toll free 1-800-465-8262

Alamogordo Clinic

White Sands Mall
3199 N. White Sands Blvd. Suite D10
Alamogordo, NM 88310
(575) 437-9195

Artesia Clinic

2410 West Main
Artesia, NM 88210-3712
(575) 746-3531

Española Clinic

105 S. Coronado Ave.
Española, NM 87532
(505) 367-4213

Farmington Clinic

3605 English Road
Farmington, NM 87402
(505) 326-4383

Gallup Clinic
2075 NM Hwy 602
Gallup, NM 87301
(505) 722-7234

Las Vegas Clinic
624 University Ave
Las Vegas, NM 87701
(505) 425-1910

Northwest Metro Clinic
1760 Grande Blvd. SE
Rio Rancho, NM 87124
(505) 896-7200

Raton Clinic
1493 Whittier Street
Raton, NM 87440
(575) 445-2391

Santa Fe Clinic
5152 Beckner Road
Santa Fe, NM 87507
(505) 986-8645

Silver City Clinic
2950 Leslie Road
Silver City, NM 88061
(575) 538-2921

Taos Clinic
1353 Paseo del Pueblo Sur
Taos, NM 87571
(575) 751-0328

Truth or Consequences Clinic
1960 North Date Street
Truth or Consequences, NM 87901
(575) 894-7662

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

- **The New Mexico Human Services Department**
www.hsd.state.nm.us/default.aspx can tell you where to find health care facilities for the homeless. 1-888-997-2583
- **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
- **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. You can also find out more about free clinic through your nearest homeless shelter.

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;
- ❑ children born to mothers who have HIV;
- ❑ people who received blood transfusions before 1985; or,
- ❑ people who have sex with anyone who is at risk for HIV / AIDS.

▪ Veterans, homeless, and/or 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 for HCV 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; or,
- ❑ 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; or,
- ❑ you have had an abnormal liver function test.

SUBSTANCE ABUSE & MENTAL HEALTH SERVICES

If eligible for Veterans' benefits:

- Contact the Homeless Veteran Services Coordinator at the local **VA Medical Center** or **Vet Center**. Call 1-877-222-8387 to or go to www.va.gov, to find the medical center nearest you.
- Eligible combat theater Veterans may obtain mental health and substance abuse services at:

Albuquerque Vet Center

1600 Mountain Rd. NW
Albuquerque, NM 87104
(505) 346-6562

Farmington Vet Center

4251 E. Main, Suite B
Farmington, NM 87402
(505) 327-9684

Las Cruces Vet Center

230 S. Water Street
Las Cruces, NM 88001
(575) 523-9826

Santa Fe Vet Center

2209 Brothers Rd., Suite 110
Santa Fe, NM 87505
(505) 988-6562

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

- The Substance Abuse and Mental Health Services Administration (SAMSHA) National Helpline can refer you to local mental health and/or substance use disorders programs 24 hours a day. Call 1-800-662-HELP (4357)
- **National Alliance for the Mentally Ill** lists community mental health services providers at www.nami.org or call 1-800-950-6264.
- **Mental Health America** offers support groups, rehabilitation, socialization, and housing services through 340 community organizations located across the country. Call 1-800-969-6642, or find a local office online at www.mentalhealthamerica.net/
- **Focus on Recovery Hotline** is a 24-hr. national drug and alcohol addiction and treatment hotline. Call 1-800-547-3821.

FINANCIAL HELP

- The American Legion provides **Temporary Financial Assistance** 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 (<http://www.legion.org/>) 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 \$50 to \$140 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/snap/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.socialsecurity.gov/ssi/index.htm>
- **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 (<http://national.unitedway.org/myuw/>) to ask who awards this money in your area and what the rules are.

LEGAL HELP

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 the 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/
- **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 face. Look in the yellow pages for a local Legal Aid office or check online for the program nearest you.
- **Pine Tree Legal Assistance** has an online list of organizations across the nation that provides free legal help to clients who qualify. You may access this list at: www.ptla.org/links/services.htm.
- **Equal Access to Justice, Inc.** has a website with information about legal programs and/or resources in New Mexico. Information can be found at: <http://eaj-nm.org>
- 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** (<http://www.nmbar.org/> or call 1-800-876-6227) to learn if there is a pro-bono program in your community, or go to www.abanet.org/barserv/stlobar.html.

WOMEN VETERANS HEALTH CARE

*You served, you deserve
★ the best care anywhere.*



- 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 or go to www.va.gov to find the medical center nearest you, or call 1-800-465-8262 for the New Mexico VA Health Care System.

The **New Mexico VA Health Care System** (Albuquerque) Services include the following:

General Health

- ▶ Birth Control
- ▶ Maternity Care
- ▶ Mammograms
- ▶ Comprehensive Primary Care
- ▶ Infertility Evaluation and Treatment
- ▶ Osteoporosis Screening and Treatment
- ▶ Gynecological Care
- ▶ Cancer Screenings
- ▶ Stop Smoking Program
- ▶ Wellness and Healthy Living
- ▶ Menopause Evaluation and Treatment
- ▶ Nutrition and Weight Management

Mental Health

- ▶ Management of Depression, Anxiety, and Stress
- ▶ Counseling and Treatment for:
 - ❖ Post Traumatic Stress Disorder
 - ❖ Military Sexual Trauma
 - ❖ Adjustment from Deployment
 - ❖ Violence and Abuse
 - ❖ Alcohol and Drug Dependence
 - ❖ Pain Management Support Groups
 - ❖ Parenting and Caregiver Issues

- **The State of New Mexico Department of Veterans Services** (<http://www.dvs.state.nm.us/>) has a designated Women Veterans Coordinator to help women Veterans. Call 1-866-433-8387.

SECTION III SEEKING FEDERAL BENEFITS

The Department of Veterans Affairs publishes a booklet called "**Federal Benefits for Veterans and Their Dependents**" that describes the types of benefits available and lists the addresses and phone numbers for VA facilities nationwide. Write the VA Regional Office (VARO) to request a copy.

U.S. Dept of Veterans Affairs - Regional Office

Dennis Chávez Federal Building

500 Gold SW

Albuquerque, NM 87102

Call 1-800-827-1000 or find information about benefits at www.vba.va.gov

Eligibility for VA Benefits During Incarceration

Incarcerated Veterans and their 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 continue to 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 VARO 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 a Veteran can legally only receive a portion of the full amount payable for his/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 (s)he is requesting an apportionment of his/her 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 a financial need for such amount can be demonstrated. 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 incarcerated Veteran, telephone 1-800-827-1000 and request a Veterans Service Organization representative or directly write to any Veterans Service Organization.

One other relevant restriction on incarcerated Veteran’s 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 documentation is provided to the VARO, the sooner VARO can begin to process your request.

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. You can contact any VSO listed below to see if there is a service representative near you.

AM VETS Room 3004 -- (505) 346-3004

American Legion Room 3102 -- (505) 346-4878

Disabled American Veterans Room 3116-- (505) 346-4864

Military Order of the Purple Heart Room 3001-- (505) 346-4875

Paralyzed Veterans of America Room 3111 -- (505) 346-4896

Veterans of Foreign Wars Room 3104 -- (505) 346-4879

New Mexico Department of Veterans Services Room 3001 - (505) 346-4875

Address as follows:

[Insert Service Organization Name]

Dennis Chávez Federal Bldg

Room *[Insert Room Number]*

500 Gold Avenue, SW

Albuquerque, NM 87102

The following **Veterans Service Organizations** have offices at the NMVAHCS. You may reach them by calling the Albuquerque VA Medical Center at (505) 265-1711 or 1-800-465-8262:

Disabled American Veterans
Military Order of the Purple Heart

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

- **Standard Form-180 – Request Pertaining to Military Records** - is used to get copies of your Record of Discharge (DD-214), military personnel and medical records. You will need a copy of your DD-214 when applying for any benefits. Requests may also complete online at <http://vetrecs.archives.gov>.
- **VA Form 21-526 - Application for Compensation or Pension-** must be filed to apply for compensation -or pension. This form, along with your DD-214 and the following forms should be mailed directly to the VARO nearest your release destination 30 to 45 days before our release.
- **VA Form 21-4138 - Statement in Support of Claim** - lets you explain why you deserve the benefits you seek in regards to 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 plan to 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 (e.g., Child Support)
- ❑ 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 Websites

American Legion - <http://www.legion.org/>

Disabled American Veterans – Dept of NM – <http://www.dav.org/>

National Coalition for Homeless Veterans – www.nchv.org/

New Mexico Coalition to End Homelessness – www.nmceh.org

New Mexico Department of Labor/WorkForce Solutions (NMDOL) –
www.dol.state.nm.us

New Mexico Department of Veterans Services (NMDVS) – <http://www.dvs.state.nm.us/>

Social Security Administration – <http://ssa.gov/>

U.S. Department of Veterans Affairs (VA) – www.va.gov/

Veterans Health Administration – VISN 18 www.va.gov/visn18

Veterans of Foreign Wars (Post Locations) – <http://emem.vfw.org/findpost.aspx>

Vietnam Veterans of America - <http://vva.org/>