

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Guidelines for Military Family Relief Assistance Program

Note: The official text of these guidelines is published in the *Pennsylvania Bulletin* at 40 Pa.B. 2825 (Saturday, May 29, 2010).

1. *Authority.* These guidelines are promulgated under the authority of 51 Pa.C.S. § 7319(c) to implement the Military Family Relief Assistance Program (MFRAP) as set forth in section 7319 of the Military and Veterans Code, 51 Pa.C.S. § 7319, as amended by the Act of March 16, 2010, P. L. 138, No. 9, effective May 15, 2010.

2. *Purpose:* The Pennsylvania MFRAP provides emergency assistance to eligible service members and eligible relatives of eligible service members. The Program is established to provide emergency assistance grants to families of persons who are residents of Pennsylvania and members of the armed forces.

3. *Fund Committee:* The Adjutant General will appoint an MFRAP Fund Committee, which will assist in administering the Pennsylvania MFRAP. The Fund Committee may make recommendations to the Adjutant General for prioritization of payments if available funds are insufficient to address all the financial needs requested; and recommend changes to these guidelines.

a. *Composition.* The Fund Committee will consist of:

i. A chairperson, who shall be an officer serving in the grade of Colonel (06) in the Pennsylvania Army or Air National Guard.

ii. A vice chairperson, who shall be a non-commissioned officer servicing in the grade of Command Sergeant Major or Chief Master Sergeant (E9) in the Pennsylvania Army or Air National Guard.

iii. Three additional commissioned officers, all of whom shall be serving in the grade of Major (04) or above (or equivalent) and at least one of whom shall be a member of a reserve component other than the Pennsylvania National Guard.

iv. Two additional noncommissioned officers, all of whom shall be serving in the grade of E7 or above, and one of whom may be a member of reserve component other than the Pennsylvania National Guard.

v. The Deputy Adjutant General for Veterans' Affairs and the Deputy for Administration of the Department of Military and Veterans or their designees.

vi. The Department's Office of Chief Counsel will provide legal advice and assistance to the fund committee (without vote).

b. *Subcommittee on Application Review.* At least three members of the Fund Committee will constitute a subcommittee to review each application for assistance. The membership of the application review subcommittee will rotate based on availability and to ensure that all Fund Committee members have the opportunity to review applications from time to time.

c. *Quorum.* Except for review of applications for assistance, which will be conducted by the subcommittee described in paragraph 3b, five members of the Fund Committee will constitute a quorum for the conduct of business.

d. *Term.* The term of a member of the Fund Committee will extend from the date of appointment until December 31 of the next following year, provided that members will continue to serve until a successor is appointed as long as the member remains eligible. The Adjutant General may extend or adjust the term of service in order to assure that all terms do not end simultaneously.

4. *Eligible Recipients:*

a. *Residence Requirement:* Members of the Armed Forces of the United States are residents of Pennsylvania at the time of the application for assistance. A resident of Pennsylvania is defined as either of the following:

i. An individual who is domiciled in this Commonwealth. The individual must either physically reside in Pennsylvania or be absent from the State pursuant to military orders. An individual's spouse or dependent who is domiciled in this Commonwealth who is stationed in another state or country shall qualify under the program as a resident of Pennsylvania so long as the person does not become domiciled in another state.

ii. An individual who qualifies under the definition of "Resident Individual" in Section 301(P) of the Act of March 4, 1971 (P. L. 6, No. 2), known as the Tax Reform Code of 1971.

b. *Eligible Service Member.* Any of the following:

i. A member of the Armed Forces of the United States or its reserve components, including the Pennsylvania National Guard, who is serving on active duty authorized under Title 10 or Title 32, United States Code, (other than active duty for training) for a period of 30 or more consecutive days.

ii. A member of the Pennsylvania National Guard serving on State active duty, authorized 51 Pa.C.S. § 508, for a period of 30 or more consecutive days.

iii. A member in good standing of any reserve component of the Armed Forces of the United States, including the Pennsylvania National Guard, for a period of one year after release from a tour of active duty, authorized under Title 10 or Title 32, United States Code, (other than active duty for training) of 30 or more consecutive days duration when the need for assistance is directly related to the member's performance of active duty.

iv. A member in good standing of the Pennsylvania National Guard for a period of one year after release from a tour of state active duty, authorized under 51 Pa.C.S. § 508, of 30 or more consecutive days duration when the need for assistance is directly related to the member's performance of state active duty.

v. A former member of the Armed Forces of the United States or its reserve components, including the Pennsylvania National Guard for a period of 2 years after discharge if:

1. The member was discharged for medical reasons arising out of the member's military service.

2. The medical disability that resulted in the member's discharge was incurred in the line of duty and was not the result of misconduct.

3. The medical condition giving rise to the discharge did not exist prior to the member entering military service.

4. The medical disability was incurred while the member was serving on active duty, other than active duty for training, or State active duty, for a period of 30 or more consecutive days.

5. The former member received an honorable discharge for medical reasons.

6. The need for assistance is directly related to the former member's military service or the disability incurred as a result of the military service.

c. *Eligible Relative of an Eligible Service Member.*

i. The dependent spouse or dependent child of the eligible service member or, in the case of applicants for financial assistance to visit a hospitalized service member, the service member's spouse, parent, sibling or child.

ii. An eligible relative must be a legal resident (domiciliary) of Pennsylvania at the time of application for assistance. An otherwise eligible relative may retain eligibility if absent from the Commonwealth accompanying the eligible service member to military duty in another state or country.

5. *Definitions.* In addition to the terms described in paragraph 4, the following definitions shall apply in these guidelines unless the context clearly indicates otherwise or unless the governing statute, as amended, uses a different definition.

"Qualifying period of military service" means active duty, other than active duty for training, of a duration of 30 or more consecutive days or State active duty ordered under 51 Pa.C.S. § 508 or a duration of 30 or more consecutive days.

6. *Other Assistance.*

a. Except as provided in paragraph 6c, in order to qualify for assistance under this program, applicants are encouraged to seek assistance from other available sources prior to award of MFRAP grants. Other available sources include, but are not limited to:

i. Army Emergency Relief (AER) (www.aerhq.org).

- ii. Air Force Aid Society (AFAS) (www.afas.org).
- iii. Navy-Marine Corps Relief Society (NMCRS) (www.nmcrs.org).
- iv. Coast Guard Mutual Assistance (CMGA) (www.cgmahq.org).
- v. Salvation Army (www.salvationarmyusa.org)
- vi. American Red Cross (ARC) (www.redcross.org).
- vii. Veterans' Emergency Assistance if applicable (www.dmva.state.pa.us).

b. The application for MFRAP assistance should include copies of applications for other forms of assistance filed by the applicant.

c. The approval authorities described in paragraph 11 may waive any requirement to seek assistance from other sources when unusual or exigent circumstances makes such application impractical or unlikely to produce results in a timely manner or when the applicant shows that the circumstances are such that other potential source of funds are inapplicable to the particular circumstances. The Level 1 approval authority may approve the waiver in cases involving applications for assistance in the amount of up to \$1,500 and the Level 2 approval authority may approve the waiver in cases seeking assistance of \$1,500 or more.

7. Application Process:

a. Eligible recipients may apply for funds by submitting a completed application packet containing the following: A completed application for Pennsylvania MFRAP (PA MFRAP Form 01), signed by the applicant.

- i. Proof of residency (if applicable).
- ii. Proof of military membership and member's active duty status.
- iii. Proof of dependency (if applicable).
- iv. Military member's most current Leave and Earnings Statement (LES).
- v. Supporting documentation (if applicable), such as car repair estimates, rental agreements, utility bills, bank statements, employment records, and the like.
- vi. Certification, under penalty of law, that the information is true and correct to the best of the knowledge, information and belief of the application.
- vii. Verification, if applicable, from military commander/first sergeant (senior NCO) of information submitted.

b. Applications, with support documents, must be mailed to: Department of Military and Veterans Affairs, ATTN: Military Family Relief Assistance Program, Fort Indiantown Gap, Annville, PA 17003-5002.

c. To expedite the application process, applications and supporting documents may be faxed to MFRAP (Fax: (717) 861-2680) or e-mailed to ra-pa-mfrap@state.pa.us. An application with the applicant's or authorized representative original signature must be submitted, along with the supporting documentation the MFRAP office.

d. If an application is submitted on behalf of an eligible service member or an eligible relative of an eligible service member, a copy of a fully-executed power of attorney authorizing the person submitting the application to act on the applicant's behalf must be submitted.

e. Application forms are available on-line at www.dmva.state.pa.us, from DMVA (Military Family Relief Assistance Program, Building S-0-47, Fort Indiantown Gap, Annville, PA 17003-5002) or from Pennsylvania National Guard Family Assistance Centers.

8. *Grants:*

a. Applications for grants will be evaluated according to the criteria set forth in 51 Pa.C.S § 7319 and in paragraph 9 of these guidelines subject to the availability of funds and the exercise of the approval authority's discretion in evaluating the relative priority of requests if funds are not sufficient to satisfy all eligible requests.

b. As required by 51 Pa.C.S. § 7319, applicants must demonstrate that they have a direct and immediate financial need for assistance as a result of the military service of the applicant. Such circumstances must be beyond the control of, and not the result of misconduct by, the applicant.

c. Grants may be made for purposes such as: food, rent, utilities, emergency transportation and vehicle repair, medical/dental expenses, short term personal needs when pay is delayed or stolen, emergency home repairs necessary to maintain habitability of essential areas, as well as other emergency needs at the discretion of the approval authority.

d. Grants may also be made if it is demonstrated that financial need is caused by:

i. The need for travel, lodging and subsistence for which the applicant lacks financial resources as a result of:

(1) The death or critical illness of an eligible member's parent (or parent-in-law), spouse, sibling (or sibling-in-law) or child.

(2) The wounding of the service member in the line of duty sustained as a result of combat or attack resulting in an immediate need for funds for travel, lodging, subsistence or other activities directly related to the casualty.

ii. No more than two eligible relatives of an eligible service member may receive assistance for travel under paragraph 8d.

e. A natural or manmade disaster resulting in the deprivation of food, shelter or other necessities of life.

f. Emergency need for child care for dependent children.

g. It is recognized that neither 51 Pa.C.S. § 7319 nor these guidelines can describe every possible emergency scenario that might result in eligible service members or their families having an immediate and direct financial need as a result of military service. Applicants may qualify for grants when they demonstrate the existence of financial need related to military service coupled with an emergency situation where the failure to obtain emergency assistance will substantially deter the service member from meeting his/her military obligations. The following situations are examples:

- i. Failure to receive pay and allowances in a timely manner because of errors in military pay systems where circumstance exist precluding casual payment or advance payment.
- ii. Loss of income as a result of permanent change of station or extended TDY causing member and family to move.
- iii. Loss of employment of spouse due to member's service, extended TDY, or deployment.
- iv. Unusual medical care costs incurred by the eligible member or dependents which are not covered by TRICARE or other government sources.
- v. The eligible member or dependents are victim(s) of crimes that result in loss of income, property or credit (for example, identity theft, and the like).
- vi. The special needs of an eligible member or a dependent result in a need for assistance that cannot be met as a result of the eligible member's military service.
- vii. The death of a relative of an eligible service member resulting in increased costs or sudden, unexpected loss of income or support.
- h. Examples of situations where granting MFRAP assistance would be inappropriate include payments to:
 - i. Pay for nonessential items or finance vacations.
 - ii. Pay fines or legal expenses in criminal matters.
 - iii. Assist with home purchase down payment or financing or home improvements (unless directly related to qualifying military service or disability incurred in qualifying military service).
 - iv. Pay bills incurred in purchase of nonessential items.

9. *Evaluation Criteria:* The criteria that will be considered in determining whether to approve applications for financial assistance include:

- a. Nature of assistance requested.
- b. Degree of financial hardship.
- c. Current family income.
- d. Current debts and obligations.
- e. Number of dependents.
- f. Connection between financial hardship and military member's active duty status.
- g. The cause of the financial hardship and its relationship, if any, to the negligence or fault of the applicant in managing income and assets.
- h. Change in income (based on military active duty).
- i. Changes in employment and income status of dependents related to military member's active duty status.
- j. Increased expenses due to military member's active duty.

- k. Military pay problems.
- l. Other issues of financial hardship related to military member's active duty.
- m. Bankruptcy filed or pending.
- n. Pending Disciplinary Action (military member only).
- o. Length of military duty.
- p. Other aid available and/or received.
- q. Amounts and date of any funds previously awarded to the applicant from this fund.

10. *Maximum Grants:*

a. The maximum grant under this program is \$3,500 or such lesser amount determined by The Adjutant General based on the amount of money in the MFRAP special fund.

b. No more than \$3,500 may be paid to an eligible service member and the eligible relatives of an eligible service member in any 12-month period. Eligibility for grants derives from the eligibility of the service member. This limit means that the eligible service member and all eligible relatives of the eligible service member may not receive (in total for all applicants) more than \$3,500 in any 12-month period.

c. Only one grant will be made to address need arising out of each event or episode to either the eligible service member or the eligible relative of the eligible service member, but not to both.

11. *Approval Authority:* The following shall have authority to act on requests for financial assistance, unless otherwise restricted by The Adjutant General:

a. Level 1. Requests for grants up to \$1,500 may be acted upon by the Pennsylvania MFRAP Coordinator.

b. Requests for grants of \$1,500 or more may be approved by the Fund Committee's Subcommittee for Application Review.

12. *Appeals and Reconsideration:* Any applicant aggrieved by a decision with respect to a grant application may appeal to The Adjutant General in writing within 10 days of receiving the decision. The appeal shall state the reasons for the appeal and describe the requested relief. The Adjutant General shall review the appeal and make a decision concerning it. In accordance with 51 Pa.C.S. § 7319(b)(4), The Adjutant General shall make the final determination concerning any appeal.

13. *Reporting Requirements:*

a. On or before July 30 of every year for the length of the MFRAP, the Department shall submit a report to the Chairperson and Minority Chairperson of the Appropriates Committee of the Senate, the Chairperson and Minority Chairperson of the Appropriations Committee of the

House of Representatives, the Chairperson and Minority Chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Chairperson and Minority Chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives detailing the MFRAP guidelines, the number of applicants, the total amount of money raised and distributed and the type of applicant need.

b. The report shall also set forth any participation by a governmental or nongovernmental organization utilized in the furtherance of the MFRAP.

14. *Effective Date.* These guidelines take effect on publication and apply to all grant applications submitted on or after the effective date and all grant applications pending on the effective date.

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