

DEPARTMENT OF DEFENSE

Amendments to Chapter 7-31, Hawaii Administrative Rules.

SUMMARY

1. §7-31-4, Hawaii Administrative Rules is amended by adding Section 7-31-4.3

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Amendments to Chapter 7-31, Hawaii Administrative Rules

1. Section 7-31-4, Hawaii Administrative Rules is amended by adding subsection §7-31-4.3 to read as follows:

"§7-31-4.3 Disbursement of World War II Filipino veterans burial grant funds.

(a) The office shall use the Filipino Veterans Burial Grant Program for World War II Filipino veterans, and World War II Filipino-American veterans, and shall make payment directly to a mortuary or crematory for funeral and burial services, and for transport of the remains of deceased eligible World War II Filipino veterans, and deceased eligible World War II Filipino-American veterans to the Philippines upon submission of an itemized unpaid invoice.

(b) As used in this section:

(1) "World War II Filipino Veteran," means a Filipino veteran who enlisted in World War II in the Organized Guerrillas or the Commonwealth Army of the Philippines between October 6, 1945, and June 30, 1947, was discharged under conditions other than dishonorable and who at the time of the veteran's death, was a United States citizen and a resident of the State of Hawaii.

(2) "World War II Filipino-American veteran", means a Filipino veteran who enlisted in World War II in the Armed Services of the United States between October 6, 1945, and June 30, 1947, was discharged under conditions other than dishonorable, and who at the time of the veteran's death was a United States citizen and a resident of the State of Hawaii.

(c) Applications for a World War II Filipino Veterans Burial Grant under this section:

(1) Must be made by a World War II Filipino veteran's survivor or an interested party, or a World War II Filipino-American Veteran's survivor or an interested party; and

(2) Must be made on an appropriate form designated by the office and be accompanied by an itemized unpaid invoice reflecting services that have been satisfactorily performed on behalf of the deceased World War II Filipino Veteran, or deceased World War

II Filipino-American, and any supporting documentation requested by the office.

(d) The office shall:

- (1) Accept applications for a World War II Filipino Veterans Burial Grant;
- (2) Review and verify the application, itemized unpaid invoices, and supporting documentation submitted with the application to assure that the application form is complete, the itemized unpaid invoice reflects services that have been satisfactorily performed on behalf of the deceased World War II Filipino veteran, that such services are for funeral and burial services of the World War II Filipino veteran and for the transportation of the remains of the World War II Filipino veteran to the Philippines, and any supporting documents requested by the office are complete and accurate; and
- (3) Make an eligibility determination within five (5) working days after the application, itemized unpaid invoice, and required documents are received by the office.

(e) Any payment authorized by the Director of the office under the World War II Filipino Veterans Burial Grant shall be:

- (1) Based upon the total cost of the funeral, burial, and transportation services that have been satisfactorily performed, but shall not exceed \$2,000 per World War II Filipino veteran, or \$2,500 per World War II Filipino-American veteran;
- (2) Subject to the availability of appropriated funds for use by the World War II Filipino Veterans Grant Program;
- (3) Any payment made to a mortuary under these rules shall be matched on a one-to-one basis from private funds;
- (4) No payment will be made by the Office of Veterans Services unless the complete cost of mortuary services including transportation to the Philippines will be covered by the sum of the burial grant (\$2,000, or \$2,500 depending upon the decedent veteran's service) and the private source funding;
- (5) If a decedent veteran passes away outside the State of Hawaii, the Office of Veterans Services may provide payment to an out of state mortuary under these Rules; and
- (6) Decedent's representatives may apply for funding under these Rules for eligible deaths that occur on or after July 10, 2017.

(f) When there are insufficient appropriated funds available for the World War II Filipino Veterans Grant Program to make payments, all subsequent applications shall be denied.

(g) If an application is not approved for reasons other than the availability of funds, the survivor or interested party who submitted the application may appeal to the Director of the Office of Veterans Services.

- (1) A written notice appealing any such decision must be received by the Director within seven (7) working days of the notice of disapproval.
 - (2) The notice must include all reasons for the appeal and all documents supporting the appeal, which may include affidavits, notarized statements, invoices and other documents necessary to refute the denial;
 - (3) The Director will make a decision on the appeal based upon all evidence submitted and either approve the denial or overturn the denial within seven (7) working days after receipt of appeal documents;
 - (4) The Director's decision is final.
- (h) The deceased World War II Filipino, or deceased World War II Filipino-American veteran's survivor or interested party shall be responsible for all arrangements for funeral and burial services, and the transportation of the remains of the World War II Filipino, or World War II Filipino-American veteran to the Philippines through any licensed provider of mortuary and crematory services of their choice.

[Eff:]

(Auth: HRS § 363-13) (Imp: HRS: § 363-13)