

# CALIFORNIA VETERANS BOARD

## POLICY BOOK



**CALIFORNIA  
VETERANS**



# BOARD POLICY BOOK



## BOARD POLICY

**July 2015**

### CURRENT BOARD MEMBERS

**Charlene Taylor, Chair**

**Hugh Crooks, Vice Chair**

**Caroline Morales, Member**

**Gena Truitt, Member**

**Sean Sargeant, Member**

**Todd Trotter, Member**

**Juan Gonzalez, Member**

# **POLICY STATEMENTS**

**Purpose** The Policy Book provides structure and guidance to the California Veterans Board as it relates to internal operations.

## **Contents**

The contents of the Policy Book are developed, approved and published with the authority of the California Veterans Board. All Board members shall comply with the policies contained herein.

## **Maintenance**

The Executive Officer shall be responsible for the maintenance of the Policy Book. The California Veterans Board will generate requirements for supplements or revisions to the material contained in the book. The goal is to review the Policy Book every two years and make revisions as necessary because of legislative, functional or other changes.

## **Distribution**

It shall be the responsibility of the Executive Officer to distribute supplements and revisions to the Board Members and to the Secretary of CalVet. This Policy Book shall be available online at the California Veterans Board website.

# CALIFORNIA VETERANS BOARD

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## GENERAL POLICY

### SECTION

A-1	General Policy Statement	Revised	07/15/15
A-2	Budgetary Matters	Reviewed	07/15/15
A-3	Board Meeting Publicity	<b>Deleted</b>	04/12/07
A-4	Appeals to the Board	Reviewed	07/15/15
A-4.1	Production of Record by Divisions on Appeals	Revised	07/15/15
A-5	Report on Pending Litigation and Legislation	Reviewed	07/15/15
A-6	Board Meeting Agenda Items	Revised	07/15/15
A-7	Contracts by the Department	<b>Deleted</b>	07/15/15
A-8	Board Travel	<b>Deleted</b>	04/12/07
A-9	Committees	<b>Deleted</b>	04/12/07
A-10	Unauthorized Public Comments by Board Members	<b>Deleted</b>	04/12/07
A-11	Board Quorum and Voting Majority	<b>Deleted</b>	04/12/07
A-12	Special Counsel to the Board	<b>Deleted</b>	02/15/07
A-13	Administrative Support for Veterans Homes Board Members	Revised	07/15/15
A-14	Veterans Benefits: Leave from the Dept. to Make Late Applications	<b>Deleted</b>	07/15/15
A-15	Complaint Procedure	Reviewed	07/15/15

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## FARM AND HOME PURCHASES

### SECTION

B-1	Interest Rates	<b>Deleted</b>	12/03/04
B-2	Property Substitution	<b>Deleted</b>	07/15/15
B-3	Cal-Vet Loan Priorities	<b>Deleted</b>	12/03/04
B-4	Loan Refinancing for Wounded and Disabled Veterans	<b>Deleted</b>	12/03/04
B-5	Fire & Hazard Insurance/Lost Payment Account	<b>Deleted</b>	05/12/06
B-6	Farm and Home Program Business Plan and Reports	<b>Deleted</b>	07/15/15
B-7	Farm and Home Insurance Programs	<b>Deleted</b>	12/03/04

B-8	To Allow Interest Rate Changes to Cal-Vet loans	<b>Deleted</b>	04/22/05
B-9	Interest Rates (with attachments)	<b>Deleted</b>	07/15/15
B-10	Unrestricted Funds	<b>Deleted</b>	07/15/15

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### VETERANS HOMES POLICY

**SECTION**

C-1	Financial Status	<b>Deleted</b>	12/03/04
C-2	Disqualifying Conditions	<b>Deleted</b>	07/15/15
C-3	Substance Abuse Problems	<b>Deleted</b>	07/15/15
C-4	Good Order and Discipline at Veterans Homes	<b>Deleted</b>	07/15/15
C-5	Medical Staff on Duty	<b>Deleted</b>	07/15/15
C-6	Morale, Welfare, and Recreation Funds	<b>Deleted</b>	07/15/15
C-6.1	MWRF, Estates of Deceased Members – Cost Recovery	<b>Deleted</b>	07/15/15
C-7	Land Use	<b>Deleted</b>	07/15/15
C-8	Burial Procedure	<b>Deleted</b>	07/15/15
C-9	Perpetual Care and Maintenance of Memorial Cemetery at Yountville Veterans Home	<b>Deleted</b>	07/15/15
C-10	Veterans' Spouses - Admission Resolution Non-veteran Spouse Residents	<b>Deleted</b>	07/15/15
C-11	Inter-Facility Transfer Policy	<b>Deleted</b>	07/15/15
C-12	Resident Participation in Health Service Plans	<b>Deleted</b>	07/15/15
C-14	Discharge of Non-Veteran Spouses	<b>Deleted</b>	07/15/15

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### VETERAN SERVICES POLICY

**SECTION**

D-1	Revocation of Specific Powers of Attorney	<b>Deleted</b>	07/15/15
D-2	Services to be provided by the Veterans Services Division Not Covered by Law or Regulation	<b>Deleted</b>	07/15/15

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## RESOLUTIONS POLICY

### SECTION

E-1	POW Advisory Committee	<b>Deleted</b>	04/22/05
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### ADOPTED RESOLUTIONS – Incorporated in Policy B-9

### SECTION

F-1	Interest Rates on Cal-Vet Loans	<b>Deleted</b>	04/12/07
F-2	Interest Rates on Cal-Vet Loans	<b>Deleted</b>	04/12/07
F-3	Non-veteran Spouse Residents	<b>Deleted</b>	04/12/07

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### ATTACHMENTS – Incorporated in Policy B-9

### SECTION

G-1	Guidelines for B-1	<b>Deleted</b>	04/12/07
G-2	Methodology for Establishing Unrestricted Program Interest Rates on Contracts of Purchase Funded on or After June 1, 2001	<b>Deleted</b>	04/12/07

## **BOARD ADMINISTRATIVE BOOK**

### **PROCEDURE**

- 1 Conduct of Meetings
- 2 Board Agenda
- 3 Board Meeting Publicity
- 4 Member Travel and Per Diem
- 5 Board Responsibilities
- 6 Rules of Decorum for Public Hearings
- 7 Election of Board Chairperson and Vice Chairperson
- 8 Schedule of Meetings

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	A-1
<b>ADOPTED:</b>	10/26/73
<b>REVISED:</b>	5/29/98, 12/3/04, 02/15/07, 04/12/07, 7/15/15
<b>REVIEWED:</b>	04/12/07, 8/13/09, 8/18/11
<b>SUBJECT:</b>	General Policy Statement, Board Policy Development and Authority

## **PURPOSE**

To define and prescribe the role of the California Veterans Board in developing, revising and approving its policies.

## **POLICY**

1. The California Veterans Board shall develop additional policies as the need is identified.
2. All policies shall be reviewed every two years by the Executive Officer of the Board. Recommended changes shall be reviewed by the Chair of the Administrative Committee or their designee.
3. Proposed changes shall be presented to The Board for approval/denial.

### **Legal Reference:**

1. The California Court of Appeals, Definition of Policy-Making. "To make policy" is to establish the" general principles by which government is guided in its management of public affairs..." (Black's Law Dict., [5<sup>th</sup> ed. 1979], p.1041, col. 2.). More specifically, policymaking involves the creation of "guidelines, goals, objectives, systems, codes, customs, plan of action, course of action, methodology, platform, approach, tenets, creed, beliefs, direction, scheme, habit, tactic, style, management, design, strategy, line, polity, proposal protocols." (West's Legal-Thesaurus/Dict., [1985]. Source: State Board of Education v. Honig, (1993) 13 Cal App. 4<sup>th</sup> 720; 765



<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-2</b>
<b>ADOPTED:</b>	<b>1/20/84</b>
<b>REVISED:</b>	<b>5/29/98, 12/3/04, 04/12/07</b>
<b>REVIEWED:</b>	<b>04/12/07, 8/13/09, 8/18/11, 7/15/15</b>
<b>SUBJECT:</b>	<b>Budgetary Matters</b>

**PURPOSE**

To define and prescribe the role of the Board in budgetary matters.

**POLICY****1. Board Budget**

The Executive Officer shall prepare, at the direction of the Board, an annual proposed budget for the Board. The Proposed budget for the Board shall be reviewed and revised by the Board Administrative Committee and approved by the Board. At the direction of the Board, the Executive Officer shall prepare any necessary Budget Change Proposals (BCP) to be considered for inclusion in the department's proposed budget.

**2. The Executive Officer shall be informed by the Department of legislative budget hearings as soon as the information is available to the Department, and the Executive Officer shall inform the Chair immediately thereafter by telephone, fax or electronic mail.****3. The Executive Officer shall make semi-annual budget reports and an annual financial report available to the Board at regularly scheduled meetings.**

TITLE	CALIFORNIA VETERANS BOARD GENERAL POLICY
SECTION:	A-4
ADOPTED:	2/8/80
REVISED:	5/29/98, 12/03/04, 04/20/05, 02/15/07, 8/13/09
REVIEWED:	02/15/07, 8/13/09, 8/18/11, 7/15/15
SUBJECT:	Appeals to the Board

**PURPOSE:**

To prescribe the procedures and rules for appeals by veterans to the Board pursuant to Section 86 of the Military and Veterans Code.

**POLICY:**

It shall be the policy of the Department of Veterans Affairs that appeals to the Board shall be governed by the following procedures and rules:

1. Appeals by veterans from decisions of a division of the California Department of Veterans Affairs (the Department) shall be filed in writing with the Board's Executive Officer (EO) at the Board's office in Sacramento, using the Notice of Appeal form prescribed by the Board. When a division of the Department denies or makes an adverse decision on a veteran's application for benefits, the division shall notify the veteran in writing of the denial or adverse decision, the reasons therefore, and of the right to appeal the decision to the California Veterans Board, and shall provide the veteran with a copy of the Notice of Appeal form. The filing of a Notice of Appeal shall not postpone or stay the decision being appealed.
2. Upon receipt of a Notice of Appeal, the EO shall assign and note thereon an appeal number consisting of the last two digits of the current calendar year, followed by a dash and a number indicating the order in which the appeal was received in the calendar year. (E.g., the first and subsequent appeals received in the calendar year 2005 would be numbered thusly: 05-01, 05-02, 05-03, and so on.) The EO shall note on the Notice of Appeal the date actually received and the date deemed received, and shall place the appeal on the Board's agenda for scheduling at the next regular meeting of the Board after actual receipt thereof.
3. At that meeting, the Board shall ascertain the type of review or hearing requested, shall determine how, when, and where the review or hearing will be conducted, and shall instruct the EO to give written notice of the time and place of such review or hearing to the veteran appellant, his or her attorney if any, and to the Department. Subject to State Government budgetary constraints and travel restrictions, the Board shall make all reasonable efforts to schedule such review or hearing and to render its decision thereon within the times and at the places prescribed by Military and Veterans Code §86(a). Ordinarily, the Board will conduct the reviews or hearings itself, but reserves the option to delegate the holding of hearings from time to time as permitted by law.
4. The veteran shall choose whether to have the appeal considered by a **Review of the Record**, or at an **Informal Hearing** or a **Formal Hearing**. A **Review of the Record** shall be conducted without an appearance by the veteran or the Department, and shall consist of a review of the Notice of Appeal and all supporting documents filed by the veteran and a review of the Department's files and records on the matter.

An **Informal Hearing** shall consist of appearances by the veteran appellant, his or her attorney if any, and an attorney or representatives for the Department if the Department so desires, and informal discussions or presentations without the observance of strict rules of evidence or procedure. A **Formal Hearing** shall be recorded electronically, with testimony taken under oath or affirmation, the burden of going forward shall be on the veteran appellant. The appellant and the Department shall have the right to make opening and closing statements, to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut adverse evidence. The rules of evidence and procedure for conducting administrative hearings in this State shall be followed.

5. If an informal or formal hearing is requested, the Executive Officer shall notify the veteran appellant by registered mail of the time, date, and place for the hearing of his or her appeal. The veteran appellant shall also be informed that if he or she does not appear for the hearing that his/her appeal may still be decided at the scheduled time and date. A final decision will be rendered by the Board with the information available at the time of the scheduled hearing.
6. In the event the veteran appellant is unable to attend the hearing because of a personal or medical emergency, the Board may consider rescheduling the hearing.
7. If the appellant withdraws his/ her appeal, the appellant should notify the Board Executive Officer prior to the scheduled hearing of the appeal. The notification of withdrawal should be in writing or by telephone followed by notification in writing.
8. If the holding of a hearing is delegated, the hearing officer shall give notice of the time and place of the hearing to the parties, shall conduct the hearing, and shall prepare a Proposed Decision, setting forth findings of fact, conclusions of law, and reasons, for submittal to the parties and the Board. The Board will place the Proposed Decision on the agenda for its next regular meeting after submittal, and may adopt, modify, or reject the Proposed Decision.
9. Hearings not delegated will be conducted during a regular or special open meeting of the Board under the Bagley-Keene Open Meeting Act unless the veteran requests a closed hearing in writing and provides the Board with sufficient reasons and citations of legal authority for a closed hearing.
10. All decisions shall be determined by a majority vote of at least a quorum of Board members. After a decision is made, the Board may assign the writing of the decision, with or without explanations or reasons, to the EO, or a Board member. Following approval by the Board, a copy of the decision shall be mailed to each party. The Board's decision shall be final, except for judicial review.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-4.1</b>
<b>ADOPTED:</b>	<b>7/07/06</b>
<b>REVISED:</b>	<b>7/15/15</b>
<b>REVIEWED:</b>	<b>02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Production of Record by Divisions on Appeals.</b>

**PURPOSE:** To prescribe policies and procedures for the Department of Veterans Affairs in producing the record on appeals to the California Veterans Board.

**PREAMBLE:** The law provides that any person deeming himself or herself a veteran who applies for benefits may appeal any decision made by a division of the Department to the California Veterans Board; that upon receipt of the appeal, the Board shall grant a hearing, if requested, and shall render its decision not later than the second meeting of the Board following the receipt of the appeal, or after the hearing if one is held; that an appeal shall be deemed to have been received by the Board on the date of the first meeting of the Board after delivery of the appeal to the Executive Officer of the Board; that the Board shall have the power to change or modify with good cause any decision that is adverse to the appellant; and that, except for judicial review, the Board’s decision is final. *Military and Veterans Code §86*. To enable the Board to conduct full, fair, and impartial reviews on such appeals, and to render its decisions within the times prescribed by the statute, it is necessary that the Board be provided in a timely manner with a complete, easy-to-follow, and reliable record on each appeal.

**POLICY:** It shall be the policy of the Department of Veterans Affairs that:

“Complete record” shall mean “entire record” and shall consist of copies of any and all documents, forms, papers, and other records of any kind in any medium, including computer and other electronic records, in the possession or under the control of the division whose decision is being appealed and having a bearing on or related in any way to the veteran appellant and his or her application for benefits. Wherever practicable, hard copies or printouts of computer and other electronic records shall be made and provided; otherwise, such records shall be provided in acceptable and usable media form such as audio and video cassettes, diskettes, compact disks, and similar recording media.

It shall be the responsibility of the division whose decision is being appealed to provide the Board with the complete record on an appeal when requested by or on behalf of the Board.

The pages of the written portion of the record shall be numbered in sequential order in the lower right corner of the page. A “Bates numbering” or similar system may be used for such purpose. All other portions of the record shall be appropriately and clearly labeled. The entire record shall be produced in file form.

A responsible employee or officer of each division shall be designated and appointed by the division chief in writing as "Custodian of Records" for purposes of appeals and a copy of the designation and appointment shall be delivered to the Board's Executive Officer. For each record on appeal, the Custodian of Records shall date and sign a "Certification of Record" in the following form:

**"CERTIFICATION OF RECORD**

"I, \_\_\_\_\_, am the duly appointed and designated Custodian of Records of the Division of \_\_\_\_\_, and I hereby certify that the attached or enclosed file consists of true copies of the complete record of the division on the application for benefits and appeal of \_\_\_\_\_ from the division's decision on the application.

"I solemnly affirm under the laws of the State of California that the foregoing is true and correct.

"Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_  
Custodian of Records"

(e) The certification and the complete record shall be delivered directly by the Custodian of Records to the Board or its Executive Officer not later than ten (10) calendar days after the record is requested.

(f) duplicate copy (clearly marked as such) of the complete record may be delivered to the Department's Legal Division at the same time and, if requested, shall be made available to the appellant without charge.

*Authority: Military & Veterans Code §§72 & 86.*

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-5</b>
<b>ADOPTED:</b>	<b>9/17/82</b>
<b>REVISED:</b>	<b>12/7/02, 12/3/04, 04/12/07</b>
<b>REVIEWED:</b>	<b>04/12/07, 8/13/09, 8/18/11, 7/15/15</b>
<b>SUBJECT:</b>	<b>Report on Pending Litigation and Legislation</b>

**PURPOSE**

To keep the Board apprised of the litigation involving the Department of Veterans Affairs or the Board, and to review pending veterans' legislation and adopt official Board positions on legislation, as appropriate.

**POLICY**

It shall be the policy of the Department of Veterans Affairs that:

1. That the Department notifies the Board of significant litigation involving the Department.
2. It shall also be the policy of the Board to establish, through a majority vote of the Board, official Board positions on pending state and federal legislation affecting veterans, as the Board deems appropriate. Board positions shall be independent determination of the Board, but whenever possible they shall be supportive, of and consistent with, the Governor's policy objectives.
3. The Secretary of the Department shall insure that the Board is provided information on significant litigation to which the Department or Board is a party.
4. The Board Chairman shall appoint a Legislative Committee, with concurrence of the Board, whose role shall be to review pending state and federal legislation affecting veterans and to make position recommendations to the Board, as appropriate.

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD GENERAL POLICY</b>
<b>SECTION:</b>	<b>A-6</b>
<b>ADOPTED:</b>	<b>7/27/84</b>
<b>REVISED:</b>	<b>5/20/94, 12/03/04, 02/15/07, 7/15/15</b>
<b>REVIEWED:</b>	<b>05/29/98, 02/15/07, 8/13/09, 8/18/11</b>
<b>SUBJECT:</b>	<b>Board Meeting Agenda Items</b>

**PURPOSE**

To establish general guidelines regarding the submission of items for monthly Board meeting agendas.

**POLICY**

It shall be the policy of the California Veterans Board that:

1. All agenda items shall be submitted to the Executive Officer in outline form 15 working days prior to the meeting date to allow sufficient mail-out time of the Meeting Notice.
2. All supporting data for items shall be submitted to the Executive Officer five days before the meeting is held in order to have data available to the Board during its meeting.

TITLE	CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY
SECTION:	A-13
ADOPTED:	03/10/2006
REVISED:	7/15/15
REVIEWED:	02/15/07, 8/13/09, 8/18/11
SUBJECT:	Administrative Support for Veterans Homes Board Members.

**PURPOSE:** To provide for continuing administrative support by the Veterans Homes of California to the member of the Board appointed from among the residents of the Homes.

**PREAMBLE:** The law requires that one member of the California Veterans Board shall be a resident of a California Veterans Home, with appointments of such members to be made for terms of two years on a rotational system based on the age of the Home, beginning with the oldest Home. It is necessary for each Home to assist, cooperate with, and to provide adequate and appropriate administrative support to the resident appointed from that Home to serve on the Board in all matters involving the business of the Board.

**POLICY:** (a) It shall be the policy that the resident of a Veterans Home who is appointed to the California Veterans Board shall receive full recognition as a member of the Board and shall be accorded all the courtesies and privileges of that office, and that each Veterans Home shall provide adequate assistance, cooperation, and administrative support to its resident member of the Board during the member’s entire period of service on the Board. Such assistance, cooperation, and support shall include:

1. Providing the member with appropriate means of electronic communication, including e-mail, facsimile transmission, word processing, and telephone; and providing the member with all reasonable assistance in making and receiving communications about Board business. Special equipment and subscription service need not be provided, so long as such means of communication and assistance are made available to the member.
2. Such assistance to and cooperation with the member as may be needed in arranging and scheduling the member’s absences from the Home while traveling to and from Board meetings and other Board activities and functions.
3. All other assistance and cooperation which may be necessary or reasonable under the member’s circumstances.

(b) This policy is intended to be implemented from within the existing resources of each Veterans Home

Reference: *Military & Veterans Code §66*  
*Military & Veterans Code §67(b)*

<b>TITLE</b>	<b>CALIFORNIA VETERANS BOARD POLICY BOOK GENERAL POLICY</b>
<b>SECTION</b>	<b>A-15</b>
<b>ADOPTED</b>	<b>2/8/08, 6/13/08</b>
<b>REVISED</b>	<b>6/13/08</b>
<b>REVIEWED</b>	<b>6/13/08, 8/13/09, 8/18/11, 7/15/15</b>
<b>SUBJECT</b>	<b>Complaints</b>

**PURPOSE:** To establish the procedures for addressing complaints the California Veterans Board (Board) receives from veterans, dependents or other sources.

**POLICY:** Pursuant to section 72 of the California Military and Veterans Code, the Board is responsible for determining the policies by which the California Department of Veterans Affairs (Department) operates. Section 78 of the Military and Veterans Code provides that the Secretary of the Department is responsible for Departmental operations. Accordingly, the Board, in collaboration with the Department when necessary, will respond to complaints it receives that concern Departmental policy. The Department will respond to complaints the Board receives that concern Departmental operations. If it is not clear whether a complaint involves policy or operations, the Board and the Department will work together to provide a timely response to the complainant.

The following procedures will be used when responding to complaints:

1. Upon receipt of a complaint, the Executive Officer shall inform the Board Chair of the complaint.  
The Executive Officer and the Board Chair shall make a determination whether the complaint involves Board policy or Departmental operations.
2. If the complaint involves Board policy, it will be managed by the Board Chair and Executive Officer as appropriate. If the complaint does not require Board deliberation and action, the Board Chair will respond to the complainant through the Executive Officer within 10 business days. If Board action is required, the response will be provided within 10 business days following the next Board meeting. If the Board Chair deems that the complaint requires more urgent action, a special meeting by teleconference may be convened.
3. If the complaint concerns Departmental operations, it will be forwarded to the Department Secretary for resolution. The Department shall provide a response to the complainant with a copy to the Board within 10 business days of the Department’s receipt of the complaint.
4. In those instances in which resolution cannot be reached in the stated time frames, an interim reply will be provided by the Executive Officer to the complainant.
5. The Executive Officer shall provide an update to the Board of the complaints received and their status or disposition at each Board meeting.