

## SUPPLEMENT TO INITIAL STATEMENT OF REASONS

### June 2016

**Section 461(b):** The DVS-100 form was repealed in proposed text included in the initial 45-day comment period. The Initial Statement of Reasons did not mention this fact, by mistake, so the action is mentioned in this updated Statement of Reasons. VSD-002 and VSD-003 were added as new documents in February 2016, and then updated again in June 2016. Completion of these forms is necessary in order for CalVet to determine if the applicant is eligible for interment at a State Veterans Cemetery. Without these forms, CalVet would not have the data and evidence required to make decisions on eligibility and disinterment according to Chapter 24, Title 38 of the U.S. Code.

Necessary changes were made to VSD-002, dated February 2016, and incorporated into the June 2016 revision as follows:

1. On page 1: The name of the form (VSD-002 – Eligibility for Burial Benefits Determination Form) was moved from the top of the page to the footer. This was replaced by text and check boxes that ask the applicant if they are applying for burial at CCCVC or NCVC. These changes were necessary in order to reduce confusion by both applicants and CalVet as to which State Veterans Cemetery the person is applying. The counties in which the cemeteries are located are added to the names of the cemeteries to also reduce confusion for applicants in case they do not know the official names of the cemetery in which they would like to apply.
2. On page 1: The “Highest Rank” field was deleted because that information is not necessary to establish eligibility.
3. On page 1: The “Date of Entry into Active Service” and “Date of Separation” fields were combined into one field named “Dates of Service” to simplify our request for the dates that the veteran served in the U.S. Military.
4. On page 1: The “Military Retiree” checkboxes were added. This is necessary for CalVet to be alerted ahead of time that we will need to schedule a full military honors funeral or not, and ensure we have proof of military retiree status in time for the interment.
5. On page 2: This page was reformatted to simplify and clarify the list of requirements for establishing eligibility at a State Veterans Cemetery. The former bulleted list was a combination of requirements and information; information was separated out, and the list was appropriately labeled with the text, “To register for eligibility determination, please submit the following:” In addition, the bulleted list of requirements includes clearer, more descriptive and specific language and additional information to assist applicants.
  - a. The completed application form was added to the list of requirements. This is necessary to clarify that the completed and signed application as well as the rest of the bulleted requirements are needed in order to determine eligibility.
  - b. The military discharge document was previously ambiguous and led many applicants to submit a discharge document that was not sufficient to determine eligibility. Text was added to state the information that the discharge document must have to fulfill this requirement. Also, the discharge document in the February 2016 version named the Form DD-214 “or other equivalent discharge document.” The June 2016 revision states that the document, “may be a different record, particularly for World War II and Korea-

era veterans.” This is necessary because typically those veterans do not have a Form DD-214, so it can create confusion for the applicant.

- c. The marriage certificate was included in the February 2016 version, but did not specify that the document is only required if the veteran is/was married. Text was added to clarify that a marriage certificate is only required if a spouse of a veteran is applying for interment in the State Veterans Cemetery. Also, text was added to request a translation of any foreign marriage certificates. This is necessary because there are a significant number of veterans who are married overseas and we receive marriage certificates in a variety of languages and are not able to read them to determine that the veteran and spouse meet the eligibility requirements.
  - d. If the person is deceased, a copy of the death certificate is required in order to process the application and schedule a memorial service and burial.
6. On page 2: The paragraph stating that there is an interment fee for eligible spouses and dependent children was changed from “at the time of need” to “is due at time of interment” to clarify specifically when the payment is due.
  7. On page 2: The fact that there is no interment fee for eligible veterans was added to the area discussing interment fees. In the same paragraph, “Associated funeral expenses are incurred by the Veteran and/or family” was changed to more accurately reflect that any other expenses associated with the burial are at the expense of the Veteran and/or family. This is necessary in order to clarify that there are other expenses, such as burial permits and funeral home expenses, that are to be paid for by the Veteran and/or family (and not the State Veterans Cemetery).
  8. On page 2: A statement was added to explain that CCCVC is only available for interment of cremated urns in above-ground columbaria, and NCVC is available for in-ground caskets and urns, as well as urns in above-ground columbaria. This statement is necessary to reduce confusion with the public about what types of interments are offered at the two State Veterans Cemeteries.
  9. The contact phone number for CCCVC was changed to NCVC’s phone number because the phone number on the February 2016 revision went to the Monterey County Veterans Service Office. It is better for the public to call NCVC regarding eligibility determination than the Monterey County office. Also in the contact information section, “the appropriate cemetery” was added in the area describing where to send the application and documents. This is necessary to specify that the application shouldn’t go to either cemetery; the package should go to the cemetery in which the person is applying.
  10. A contact name with their title was also added to the contact information for each cemetery to be in compliance with Civil Code Section 1798.17.
  11. On page 2, the Privacy Act Notice was updated to include the Information Practices Act of 1977, as well as the following changes to be in compliance with Civil Code Section 1798.17: The contact person was indicated for each cemetery, and the information requested is noted as mandatory instead of voluntary. This was changed from voluntary to mandatory because without the information, CalVet is not able to determine eligibility for interment in a State Veterans Cemetery. The Information Practices Act of 1977 is necessary in order to include the State law in CalVet’s requirements to maintain privacy for individuals submitting personal information via the VSD-002. The Federal Privacy Act statement was included because the information on this form adheres to the Federal regulations regarding disinterment, and some of the information will be

used in a Federal database that logs all national and State Veterans Cemetery interments. It is also a requirement in Civil Code Section 1798.17(h). This statement mirrors the statement in VSD-003.

Necessary changes were made to VSD-003, dated February 2016, and incorporated into the June 2016 revision as follows:

1. The first page was reformatted to include some of the 12CCR Section 464 for background information to families seeking disinterment, the definition of “immediate family members,” clear instructions for completion of the form, explanation of requirements, and fees for disinterment. This change was necessary in order to assist families who are not familiar with looking up California Code of Regulations, while attempting to reduce redundancy of what is stated in the regulations already, for individuals seeking disinterment of a person in a State Veterans Cemetery.
2. On page 2 and 3, the Privacy Act Notice was updated to include the Information Practices Act of 1977, as well as all of the requirements for compliance with Civil Code Section 1798.17. This is necessary in order to include the State law in CalVet’s requirements to maintain privacy for individuals submitting personal information via the VSD-003. The Federal Privacy Act statement was included because the information on this form adheres to the Federal regulations regarding disinterment, and some of the information will be used in a Federal database that logs all national and State Veterans Cemetery interments. It is also a requirement in Civil Code Section 1798.17(h). This statement mirrors the statement in VSD-002.
3. On page 2 and 3, the Respondent Burden sections were removed because the text is unnecessary. There is no State requirement to explain how much time it will take for the requestor to complete the application.
4. On page 2, the form line asking for the “Relationship to deceased” was changed to “Relationship of deceased.” This was an error that was fixed, because CalVet wants to know the name of the deceased and the deceased’s person’s relationship to the requestor. If left unchanged, CalVet would have been asking the relationship of the requestor to the deceased.
5. On page 2, the text “(Attach additional pages as necessary)” was added to the space asking for the reason for disinterment. This is necessary because many reasons can be complicated, and so this text notifies requestors that they can attach pages and their reason does not need to fit in the space provided.

**Section Renumbering:** Section 463(a)(1) was initially proposed, and then renumbered to Section 463(b) because it is not a subsection of 463(a), but rather its own subsection in regards to Burial Fees. Subsequently, Section 463(b) was changed to 463(c).

**Section 463(b):** The text was clarified to match the wording in Section 463(c) by adding “The fee for” at the beginning and deleting “incur a fee” in the last sentence.

**Section 463(a):** This subsection was amended to specify that the department shall not charge a fee for the “initial” burial of eligible veterans. This change was necessary in order to support subsection 463(b) in that there is a fee for subsequent burials; therefore, not all burials of eligible veterans are at no cost.

**Section 463(c):** For clarity, the text for this subsection was changed to mirror the wording used in subsection 463(b). Instead of “set in accordance with,” the phrase “equal to” is used. This is the same

wording used in the previous subsection in reference to the amount of the fees. This change is necessary to avoid confusion regarding what the fees are in the two subsections; different wording could mean different intent, when the intent is the same.

**Authority and Reference:** Authority and References cited were reformatted appropriately.

**Section 464:** This entire section was initially proposed with two short subsections. In the third comment period, the proposed subsections were replaced by new subsections, but there was no mention of this in the supplemental statement of reasons. The changes were necessary in order to state the actual requirements of the State instead of referring to a Federal code. This will reduce confusion by not requiring the public to seek out the Federal code, and instead implement State regulations.

**Section 464(a):** The fourth comment period included examples what is meant by “cogent reasons.” This is necessary to establish context of the statement so that the public doesn’t misunderstand the meaning of “cogent.” Also, “or State instrumentality of competent jurisdiction” was deleted because in California, a court order is the only other way that a disinterment will be approved without the family members giving consent.

**Section 464(d):** This subsection was deleted because it was redundant with what is stated in (e)—all costs will be covered by the fees stated in the subsection that follows (formerly e, now renumbered to d with the deletion of this subsection). Leaving it in the text was confusing because it seemed that there were other expenses that would be charged to the applicant for the disinterment.