

Category: 200
Number: 226
Adopted: November 2, 2021

This Policy supersedes March 18, 2004

SUBJECT: COUNTY BURIAL BENEFITS AND FOUNDATIONS POLICY

1. PURPOSE: This policy is established pursuant to the referenced state laws, to clarify county policies for the implementation of state law regarding burial benefits for veterans of the armed forces of the United States of America. This policy does not address Federal Burial Benefits which are governed by Federal law.
2. AUTHORITY: The Gratiot County Board of Commissioners (“Board of Commissioners”) and applicable State Statutes (County Department of Veterans Affairs, Act 192 of 1953, as amended; Funeral Expenses of Veterans, Act 235 of 1911, as amended).
3. APPLICATION: This policy applies to the administration of County Burial Benefits for veterans and their spouses by the Gratiot County Department of Veterans Affairs (“GCDVA”), and other County agencies involved in such support. This policy supplements and clarifies existing law. It does not seek to restate that which is clear in the referenced statutes.
4. RESPONSIBILITY: The Director of GCDVA (“Director”) will be responsible for the implementation of this policy under the joint supervision of the Gratiot County Veterans Commission (“Veterans Commission”) and the Gratiot County Administrator.
5. DEFINITIONS:
 - 5.1. Veteran: As used in Act 235 of 1911, as amended, and Act 190 of 1965, as amended, a “veteran” is defined as an honorably discharged member of the armed forces of the United States, including the reserve components, who served for a period of not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service-connected disability, during a period of time in which the United States was at war or during the Vietnam conflict.
 - 5.2. Service: As used in Act 235 of 1911, as amended, “service” means service in the armed forces of the United States during a period of war as described in 38 CFR 3.2, except that “period of war” for the Vietnam era means 1) February 28, 1961 through May 7, 1975 for a veteran who served during this period, or 2) on or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.
 - 5.3. Estate: As used in Act 235 of 1911, as amended, “estate” means ownership of real or personal property at the time of death, the title to which property was held either in the sole name of the decedent or by the entirety, tenancy in common, or joint tenancy with the spouse, child, or parent of the decedent, but does not include real property owned by the decedent as the homestead of the decedent.

5.4. Homestead: As used in Act 235 of 1911, as amended, “homestead” means a dwelling or unit in a multiple unit dwelling and includes a mobile home or trailer coach.

6. POLICY:

6.1. Determination of Eligibility for \$300 County Burial Benefit. The County will calculate the estate based upon the veteran’s assets at the time of the veteran’s death, including jointly held assets. Life insurance is excluded, unless the estate, rather than a surviving family member, is the beneficiary. In accordance with a strict interpretation of the law, the County counts the entire value of real property not utilized as the veteran’s homestead, and one-half (1/2) of personal property which is jointly owned. The County does not provide a benefit to those who die on active duty, since the armed forces amply provide for such burial. The veteran’s eligibility for Federal Burial Benefits does not preclude consideration for County Burial Benefits.

6.2. Determination of Residency. To qualify as a resident for purposes of this policy, a veteran must have been a resident of the State of Michigan at the time of their death and a resident of the State of Michigan for a period of six (6) months before entering the service or a period of three (3) years immediately before death in accordance with Act 235 of 1911, as amended.

6.3. Determination of Eligibility for County Payment of Expenses Incurred in the Placement of Veteran Headstones or Markers. Veterans who qualify for the \$300 County Burial Benefit as discussed in Paragraph 6.1 are eligible to receive additional funding to pay for the installation of their respective headstones or markers. The County will pay \$150 for the cost for emplacement of eligible veterans’ headstones or markers.

6.4. Final Determination. The Director shall bring any issues not addressed in this policy before the Veterans Commission at the next regularly scheduled meeting. The Veterans Commission shall then make a recommendation, which shall be presented by the Director to the Board of Commissioners for final determination. If time does not permit for the Director to meet with the Veterans Commission and the Board of Commissioners, the Director shall make a final determination based on the merits of the respective issue. The Veterans’ Commission is responsible for reviewing all proposed policy changes presented by the Director. Any recommendations made by the Veterans Commission shall be reviewed for final determination by the Board of Commissioners.

7. ADMINISTRATIVE PROCEDURES:

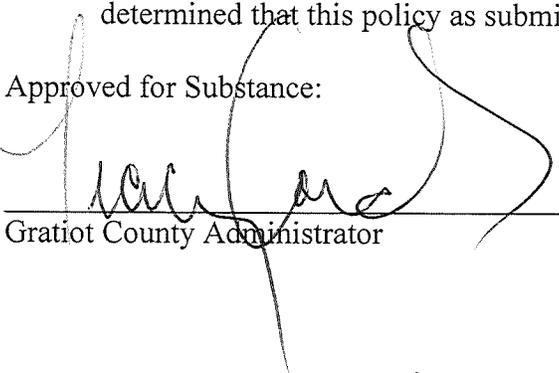
7.1. The surviving spouse, next of kin, or estate manager (collectively, “Executor”) will make application for the County Burial Benefits through the GCDVA. A certified copy of the Certificate of Death and a certified copy of the veteran’s discharge (DD214) will be turned in to the Director. Applications for discharge paperwork are available through the GCDVA in the event that the Executor cannot locate the veteran’s discharge.

7.2. The Executor will turn in a sworn itemized statement of the expenses incurred in the burial of the deceased veteran mentioned in the application.

- 7.3. The Executor will complete and sign before a Notary Public the GCDVA Form 10 (Financial Statement in Support of Claim for Gratiot County Burial Allowance).
- 7.4. If the deceased veteran's estate is valued at less than \$40,000 on GCDVA Form 10, the Executor will complete Form 5012 (Report of Burial) and sign it before a Notary Public. NOTE: There is no requirement to complete Form 5012 if the Executor does not qualify for benefits.
- 7.5. The Director will forward the completed Form 5012 and authorization voucher to the Gratiot County Treasurer for payment of the County Burial Benefit. GCDVA Form 10 will be maintained on e-file in the GCDVA office.
- 7.6. The Executor will complete VA Form 40-1330 (Application for Standard Government Headstone or Marker).
- 7.7. Following emplacement of the headstone or marker, the Executor will complete GCDVA Form 20 (Application for Reimbursement for Foundation for Government Marker) and send it to the Director. The Director will then certify the application and forward it for payment as outlined in Paragraph 6.3.

8. ADMINISTRATOR/CIVIL COUNSEL REVIEW: The Gratiot County Administrator has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. The Gratiot County Civil Counsel has determined that this policy as submitted complies with all applicable laws, rules, and regulations.

Approved for Substance:

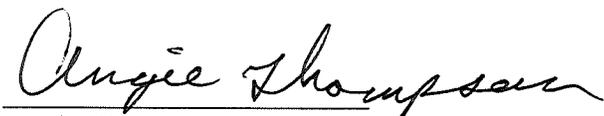


Gratiot County Administrator

Approved as to Legal Content:

/s/Courtney A. Gabbara
Gratiot County Civil Counsel

Approved on the 2nd day of November, 2021 by the Gratiot County Board of Commissioners



Angie Thompson
Gratiot County Clerk