STATE OF ALABAMA DEPARTMENT OF VETERANS AFFAIRS
ADMINISTRATIVE CODE

CHAPTER 920-X-2
VETERANS BENEFITS

TABLE OF CONTENTS

920-X-2-.01	Veteran Service Offices
920-X-2-.02	Alabama GI Dependents Scholarship
920-X-2-.03	State Veterans Homes
920-X-2-.04	State Veterans Cemetery
920-X-2-.05	Disciplinary Action And Separation From Services (Repealed)
920-X-2-.06	Equal Employment Opportunity (Repealed)

920-X-2-.01 Veteran Service Offices.

(1) The Alabama Department of Veterans Affairs (ADVA) provides certified claims representation at offices throughout the state. The service officers may advise veterans regarding benefits they may be eligible to receive based upon their military service, assist them in identifying nonprofit resources and, in certain cases, represent them before the United States Department of Veterans Affairs (USDVA). These service officers may similarly assist the veteran's dependents where there is no conflict with the veteran's interests

(2) The ADVA website, https://va.alabama.gov, has information regarding each of the Service Offices to include location and hours of operation.

(3) Powers of Attorney

(a) For a service officer to represent a veteran or dependent before the USDVA, the individual must grant a limited power of attorney by completing the appropriate federal form.

(b) Where the service officer does not hold the power of attorney, the service officer may not file forms or otherwise represent the individual before the USDVA. The service officer may still advise veterans and their dependents as to their benefits and how to complete the appropriate forms to file for their benefits. Where the individual has appointed another individual or organization to represent them before the USDVA, the ability of the service officer to assist may be further limited.

(c) Prior to accepting a power of attorney, the service officer should ensure the individual is making an informed decision by providing them information as to their representation options.

(d) The ADVA may elect to not accept a new power of attorney or may elect to revoke an existing power of attorney where they determine they cannot effectively represent the individual. This may be due to a conflict, questions regarding the competency of the individual, excessive abusive, disruptive, hostile, or threatening behavior, or other factors.

(4) The ADVA veteran service officers receive cross accreditation with the American Legion and VFW.

Author: Jeffrey L. Newton

Statutory Authority: Code of Ala. 1975, §§ 31-5-4, 31-5-5, 31-5-10.
History: Filed October 31, 2000. **New Rule:** Filed January 4, 2001; effective February 8, 2001. **Repealed and New Rule:** Published September 30, 2025; effective November 14, 2025.

920-X-2-.02 Alabama GI Dependents Scholarship.

(1) Administered by the Alabama Department of Veterans Affairs (ADVA), the Alabama GI Dependents Scholarship education benefit provides qualifying dependents of disabled Alabama veterans tuition, required books, and instructional fees at qualifying universities, community colleges, and technical schools.

(2) Definitions

(a) Covered Expenses

1. Expenses for Tuition, Books, and Fees are covered by the Scholarship subject to legal limitations. Depending on the law current when the dependent filed their Scholarship application these limitations may include, but are not limited to, undergraduate work, in-state tuition rates, application of other grants and scholarships first, and maximum spending caps.

2. Tuition is the amount charged by the School as tuition for the Covered Class(es).

3. Covered Classes are college-level classes taken by the Eligible Dependent at the School approved for that academic period.

(i) Only expenses for college-level classes are covered; expenses for remedial coursework and courses not for credit are not included.

(ii) Whether the Eligible Dependent passes the class or has previously attempted the class is not considered in determining whether it is covered.

4. Books are the textbooks and other similar material required by the School for the Covered Class. This includes, among other things, ebooks and access codes providing access to required resources. This does not include:

(i) Materials that are only suggested or recommended and

(ii) Materials not specifically required for the instruction of a particular class such as equipment.

(iii) Replacement of textbooks that are lost or stolen will be the financial responsibility of the Eligible Dependent.

5. Fees are expenses assessed by the School that directly relate to the instruction of the particular Covered Class such as laboratory fees. This does not include non-instructional fees such as registration fees, building fees, student activity fees, etc.

(b) Dependent – natural born or adopted child, stepchild, spouse, or un-remarried widow(er).

(c) Eligible Dependent – a Dependent who has been determined to be eligible for the Scholarship and who remains eligible. This excludes those whose circumstances at the time of school attendance do not meet the eligibility requirements, those who have exhausted their benefit, and those whose benefits have expired.

(d) Qualifying Service- The most recent separation from active service as defined in statute must have been honorable.

(e) School – the qualifying school for which the dependent was last issued a Certificate of Eligibility.

(3) Eligibility determinations are made by considering the totality of the evidence presented and known to the evaluator at the time of the determination. The individual seeking benefits bears the burden of proving eligibility.

(4) The veteran or dependent must include a copy of the veteran's disability award letter or a disability rating verification letter obtained from the US Department of Veterans Affairs as part of their application package for benefits. The letter must be dated no more than six (6) months prior to date of application. If veteran's disability rating was received as a result of a Medical Evaluation Board and/or a Physical Evaluation Board (MEB/PEB) evaluation, a copy of the MEB/PEB evaluation must be submitted in lieu of the disability award letter or disability rating verification award letter.

(5) Permanent Alabama residency prior to entry into service may be shown for any period of qualifying service where there was at least a one (1) year break between periods of service.

(6) The ADVA will only seek tax record information as evidence of the veteran’s current permanent residency where the applicant’s good faith effort to prove residency by other means has failed.

(7) Where the dependent is a stepchild:

(a) The veteran and the child's parent must marry prior to the child's 19th birthday.

(b) A Stepchild verification must be completed by the veteran or widow/er and included in the student's application package for benefits in the Alabama G.I. Dependent Scholarship Portal.

(8) All Dependents are required to complete and submit a Declaration of Citizenship or Alien Status for the Alabama G.I. Dependents Scholarship Benefits as part of their application. Where the form indicates the Dependent is not a citizen or national of the United States, supporting documentation of the Dependent’s lawful presence must be submitted such that it can be verified using the federal SAVE (Systematic Alien Verification for Entitlements) program.

(9) Duration of Benefit

(a) Eligibility is effective as of the date the approvable application for benefits is submitted through the Alabama G.I. Dependent Scholarship Portal.

(b)The amount of benefits expended is based on the number of credit hours for which the Eligible Dependent is officially enrolled using the following formula:

1-5 hours = 1/4 (0.25) of a semester

6-8 hours = 1/2 (0.50) of a semester

9-11 hours= 3/4 (0.75) of a semester

12 hours or more = 1 semester

(c) An Eligible Dependent’s unused eligibility expires six (6) to eight (8) years after their initial application depending on their status. The ADVA may grant an extension of that time due to serious accident, prolonged illness, or military service that may have interrupted the Eligible Dependent’s progress.

1. Medical - To request an extension due to medical conditions, the Eligible Dependent must provide a signed medical statement from the attending physician for any prolonged illness or involvement in a serious accident. The medical statement must clearly identify the inclusive dates of the period that the Eligible Dependent was unable to attend school due to medical reasons. Medical records are not accepted as the staff is not qualified to interpret the medical notations.

2. Military Service - Extensions may be granted due to military service completed after the Eligible Dependent initiated his/her training under this program. Military service performed prior to approval of the Eligible Dependent's application will not be considered.

3. Extensions do not alter the number of semesters the Eligible Dependent is eligible to receive under this program.

4. The ADVA has no authority to consider any extension of the educational benefits after the maximum entitlements have been expended.

5. The ADVA has no authority to consider any extension of the educational benefits for a child or stepchild beyond the child's 38^{th} birthday except that a child or stepchild of a partially disabled veteran cannot be extended past the child's 34^{th} birthday.

6. All requests for extensions should be received at the ADVA Headquarters Office in Montgomery at least 90 days prior to the Eligible Dependent's certificate expiration date. Any requests for training extension received after the Eligible Dependent's expiration date will not be honored. Exception: Those Eligible Dependents whose training period was interrupted due to military service and whose certificate of eligibility expired after the start of that service may request an extension of training time up to one (1) year after separation from military service.

(10) Termination of Benefits

(a) Spouses and stepchildren are no longer eligible to receive benefits once the spouse and the qualifying veteran are no longer legally married.

(b) Spouses and stepchildren of deceased qualifying veterans are no longer eligible to receive benefits once the surviving spouse remarries.

1. Where the surviving spouse remarries, eligibility based upon the deceased qualifying veteran's service cannot be regained regardless of the surviving spouse's marital status thereafter.

2. Eligibility of a natural or adopted child is not altered by the marital status of the qualifying veteran nor a subsequent marriage of the surviving parent.

(c) Marriage certificates, divorce decrees and death certificates must be forwarded to the ADVA Headquarters Office in Montgomery as soon as possible to avoid an overpayment payable to the ADVA by the dependent.

(11) Application Process

(a) In order to be eligible, the student must complete and submit an approvable application to include all supporting documentation through the Alabama G.I. Dependent Scholarship Portal. The Portal may be accessed by visiting the program's webpage at https://va.alabama.gov/dependents-scholarship/.

(b) All applicants under the age of 18 at the time of application must also have a legal parent or guardian sign/ initial, as appropriate, the required forms.

(c) Those currently eligible to receive benefits who wish to attend a different institution must submit an approvable transfer request through their active account in the Alabama G.I. Dependent Scholarship Portal.

(d) ADVA staff will review the package and make an eligibility determination.

(e) All students who submit an application will be notified of their approval, denial or the need for additional information through the email listed in their account in the Alabama G.I. Dependent Scholarship Portal. The qualifying college listed on their application will also receive the approval notification through email. This information will also be available to the student in their account in the

Alabama G.I. Dependent Scholarship Portal. Denial notifications will also be mailed to the student at the address listed in their account. Schools will invoice the ADVA for the expenses covered under the program and invoice the Eligible Dependent for any remaining balance; Schools may waive remaining expenses at the sole discretion of the School.

(f) All Eligible Dependents and any parent or guardian signing the application or an associated form or who makes a sworn statement as evidence of eligibility are responsible to notify the ADVA of any changes that may affect eligibility.

(g) If benefits are paid for a student who was not eligible to receive benefits, it will result in an overpayment payable to the ADVA by the dependent.

(h) Providing false information or documents, to include failing to disclose a relevant fact or failing to report changes to a relevant fact, may result in denial of benefits, required repayment, and legal action up to and including criminal prosecution.

(12) Invoices received by the ADVA must only include Eligible Dependents who have current certificates of eligibility to their respective institution for the billable period.

(13) Invoices must be certified by an institution official verifying that:

(a) Invoices are correct

(b) Invoices are not in excess of those charged to other students

(c) Payment has not yet been received

(d) Amounts only include authorized expenses.

(e) Amounts only include the expenses remaining after all other grants and scholarships allowed by law have been applied to required educational expenses. Exceptions: Alabama National Guard Education Assistance Program benefits are not required to be applied prior to these benefits. Additionally, payments by employers under registered apprenticeship programs are not considered grants or scholarships required to be applied.

(f) Textbooks furnished to the Eligible Dependents are prescribed and necessary for their courses of instruction.

(g) Each Eligible Dependent

1. Completed a Free Application for Federal Student Aid (FAFSA) for the applicable academic year,

2. Filed with the institution a completed Family Educational Rights and Privacy Act (FERPA) release form authorizing the institution to release personally identifiable information required to determine the Eligible Dependent's continued eligibility and as required for necessary reporting, and

3. Is in compliance with Standards of Satisfactory Academic Progress (SAP) as defined by the institution.

(14) Invoices must be certified and signed by an authorized school invoice official in the Alabama G.I. Dependent Scholarship Portal.

(15) All invoices must contain an alphabetical listing of Eligible Dependent names and a grand total. For each Eligible Dependent, the invoices must contain the complete social security number, the actual inclusive dates of the semester, the number of credit hours for which the Eligible Dependent is officially enrolled, and a breakdown of tuition, textbooks, and instructional fees along with a total charge for each Eligible Dependent.

(16) If mandatory textbooks are not available through the campus bookstore and cannot be ordered in a reasonable amount of time, the School may allow the Eligible Dependents to purchase the required textbooks from an alternate location and provide proper itemized receipts to the institution for reimbursement through the program. Only the purchase price of the textbooks not to exceed the purchase price at the School's authorized bookstore will be covered by the Scholarship.

Author: Jeffrey L. Newton
Statutory Authority: Code of Ala. 1975, §§ 31-5-5, 31-6-1 through 31-6-17.
History: Filed September 30, 2000. **New Rule:** Filed January 4, 2001; effective February 8, 2001. **Repealed and New Rule:** Published September 30, 2025; effective November 14, 2025.

920-X-2-.03 State Veterans Homes.

(1) Owned and operated by the Alabama Department of Veterans Affairs (ADVA), the Alabama State Veterans Homes (Homes) provide nursing home care and some assisted living care to Alabama veterans. The Homes are operated and maintained in accordance with the operational standards and measures of the United States Department of Veterans Affairs, the laws of the State of Alabama, and the policies of the ADVA.

(2) The ADVA website, https://va.alabama.gov, has information regarding each of the State Veterans Homes to include location and contact information.

(3) The use of smoke or nicotine products, including vaping products, are prohibited at each of these facilities.

(4) Eligibility

(a) Eligibility is determined by the laws and rules of the United States Department of Veterans Affairs and the policies of the ADVA.

(b) Veterans who meet the federal eligibility criteria may be considered for admission if all of the following are true:

1. They have been a resident of Alabama for at least one (1) year immediately preceding their application for admission;

2. They are legally present in the United States and meet the requirements of Alabama's immigration law;

3. They are not listed on an official sex offender registry; and

4. They are not in a felony fugitive status.

(c) Where a veteran appears eligible for admission but there is currently no available space, that veteran will be listed on the waitlist for that Home based upon the date of their application. Once the veteran nears the top of the waitlist, a more thorough assessment of eligibility, including the ability of the Home to provide the level of care required, will be made. When space becomes available, the first eligible veteran on the list will be offered the space.

(5) Veterans may elect to apply to any or all of the Homes and be listed on any or all of the waitlists.

(6) Applications may be obtained from the local veterans service office, by contacting the facility, or by download from the ADVA's website.

Author: Jeffrey L. Newton
Statutory Authority: Code of Ala. 1975, §§ 31-5-5, 31-5A-6
History: Filed September 30, 1982. **Repealed and New Rule:** Published September 30, 2025; effective November 14, 2025.

Ed. Note: Renumbered only: was previously 920-X-2-.01, as per certification filed January 4, 2001; effective February 8, 2001.

920-X-2-.04 State Veterans Cemetery.

(1) Owned and operated by the Alabama Department of Veterans Affairs (ADVA), the Alabama State Veterans Memorial Cemetery at Spanish Fort (Cemetery) honors the service and the sacrifice of veterans and their eligible family members by providing a dignified burial with lasting remembrance through gravesites, headstones, and other memorial options. The Cemetery is operated and maintained in accordance with the operational standards and measures of the National Cemetery Administration, the laws of the State of Alabama, and the policies of the ADVA.

(2) The Cemetery is located at:

34904 Alabama Highway 225

Spanish Fort, AL 36527

(3) Consistent with NCA guidelines, the Cemetery offers eligible individuals the following at no charge to the individual or family:

(a) Grave plot or columbarium niche or a place to scatter cremains,

(b) A pre-placed crypt or liner for casketed burial,

(c) Opening and closing of the grave or niche,

(d) An inscribed marble or granite headstone or niche cover or memorial plaque,

(e) A place to conduct a committal service which may include military honors when arranged, and

(f) Perpetual Care.

(4) The Cemetery offers pre-registration. The pre-registration process allows individuals to establish eligibility for interment benefits in advance and document their wishes regarding certain arrangements. Pre-registration is intended to simplify and assist the next of kin at the time of death. There is no cost or obligation associated with this process.

(5) Eligibility

(a) Eligibility for interment or otherwise being honored at the Cemetery is determined in accordance with the laws and rules of the National Cemetery Administration and the policies of the ADVA.

(b) Hmong veterans and their eligible family members, as defined and authorized by Title 38, Section 2402 of the United States Code, who would be eligible but for the military service requirement, may be interred or otherwise honored as appropriate.

(c) Guardsmen and Reservists, and their eligible family members, who may not have previously qualified for interment at a national veterans cemetery because they did not meet the minimum active-duty service time, may be interred or otherwise honored as appropriate if they meet one of the following service requirements:

1. Service as a member of the reserve component of the Armed Forces who was discharged or released from service under conditions other than dishonorable after serving at least 24-months of continuous service or whose death occurs under conditions other than dishonorable while a member of the reserve component, or

2. Service as a member of the Army National Guard or the Air National Guard who was discharged or released from service under conditions other than dishonorable after serving at least 24- months of continuous service or whose death occurred under conditions other than dishonorable while a member of the Army National Guard or the Air National Guard, or

3. Service as a member of the Reserves Officers' Training Corps (ROTC) of the Army; Navy; or Air Force whose death occurred under conditional other than dishonorable while a member of the ROTC. Current enrollment in good standing at the time of death will satisfy the time-in-service eligibility criteria.

(d) The 24-month continuous service requirement for Guardsmen and Reservists does not include the Individual Ready Reserve (IRR) nor Inactive National Guard (ING) time.

(e) It is the responsibility of the one seeking to have the individual interred or otherwise honored to prove eligibility. The following documents may be necessary to determine eligibility

1. DD Form 214

2. DD Form 214-1 (future legislation)

3. NGB Form 22, Report of Separation and Record of Service, Departments of the Army and the Air Force, National Guard Bureau

4. NAVPERS 1070/615, Record of Discharge from the U.S. Navy Reserve

5. Annual Retirement Point Record/Annual Statement of Service History

6. DD Form 256/257, Certificate of Honorable/General Discharge

7. ROTC Students: Verify current enrollment with college or military institute

8. Birth Certificates

9. Marriage Certificates

10. Proof of United States citizenship or legal presence in the United States

11. Documentation equivalent to those above or otherwise necessary to prove eligibility as determined by the ADVA.

(6) Memorial Monuments and Commemorative Works

(a) The ADVA Commissioner shall evaluate the artistic and commemorative merit of any proposed Memorial monuments and commemorative works (Works) and shall determine whether a proposed Work may be placed at the Cemetery.

(b) Works will only be accepted from other government entities and organizations whose purpose, objectives, teachings, and activities are primarily patriotic in nature as exemplified by their constitution, by-laws, or similar documents.

(c) Works whose primary components, as determined by the ADVA, depict actual or realistic replicas of ordnances will not be accepted.

(d) Works which the ADVA determines are primarily religious in nature or which feature religious emblems or themes will not be accepted.

(e) Works which the ADVA determines include words or design elements that are incompatible with the ADVA's mission to honor veteran or that could be perceived as offensive or derogatory by a reasonable person will not be accepted.

(7) Unclaimed Cremains

(a) Under certain circumstances, those in possession of cremated remains may release identifying information to veteran service organizations or nonprofit organizations approved by the ADVA for the purpose of determining eligibility for interment/inurnment at a veterans cemetery.

(b) A veterans service organization or nonprofit organization desiring to participate in this program shall submit to the ADVA a formal request letter with evidence of their nonprofit status and any information evidencing their mission (i.e., articles of incorporation, website, pamphlet, etc.).

(c) Once this letter and evidentiary items are received, the Commissioner will determine if the request is approved. If approved, a letter from the Commissioner approving the organization will be issued. If an organization is disapproved, a letter from the Commissioner will be issued outlining the reasons for disapproval.

(d) A listing of approved veteran service organizations and nonprofit organizations will be available from the ADVA's website.

Author: Jeffrey L. Newton
Statutory Authority: Code of Ala. 1975, §§ 31-5-5, 34-13-122.
History: Filed September 30, 1982. **Repealed and New Rule:** Published September 30, 2025; effective November 14, 2025.

Ed. Note: Renumbered only: was previously 920-X-2-.02, as per certification filed January 4, 2001; effective February 8, 2001.

920-X-2-.05 Disciplinary Action And Separation From Services (Repealed).

(Repealed)
Author: Frank Wilkes
Statutory Authority: Code of Ala. 1975, §§31-5-6, 8, 9.
History: Filed September 30, 1982. **Amended:** Filed January 4, 2001; effective February 8,2001. **Repealed:** Published September 30, 2025; effective November 14, 2025.

Ed. Note: Was previously 920-X-2-.03, as per certification filed January 4, 2001;effective February 8, 2001.

920-X-2-.06 Equal Employment Opportunity (Repealed).

(Repealed)
Author: Frank Wilkes
Statutory Authority: Title VII of the Civil Rights Act of 1964, as amended in 1972.Implemented per Act No. 763, Section 13, 1976 Regular Session of the AlabamaLegislature.History: **New Rule:** Filed January 4, 2001; effective February 8, 2001.Ed. Note: Was previously 920-X-7-.01, as per certification filed January 4, 2001;effective February 8, 2001.
History: **New Rule:** Filed January 4, 2001; effective February 8, 2001.Ed. Note: Was previously 920-X-7-.01, as per certification filed January 4, 2001;effective February 8, 2001. Filed September 30, 1982. **Amended:** Filed October 31, 2000. **Repealed:** Published September 30, 2025; effective November 14, 2025.

Ed. Note: Ed. Note: Was previously 920-X-7-.01, as per certification filed January 4, 2001; effective February 8, 2001. History: Filed September 30, 1982. **Amended:** Filed October 31, 2000.