

## Report From Agency

### ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS ADOPTING RULES

#### INTRODUCTORY CLAUSE

The Wisconsin Department of Veterans Affairs hereby proposes an order to amend VA 2.02 (3) (b), relating to the tuition reimbursement program.

#### ANALYSIS PREPARED BY THE DEPARTMENT OF VETERANS AFFAIRS

Statute interpreted: §45.20 (2) (f), Stats.

Statutory authority: §45.20 (2) (f), Stats.

Explanation of agency authority: The statute authorizes the department to "...promulgate a rule that establishes the number of days after the commencement of an academic term that begins after December 31, 2005 by which a veteran who will be seeking reimbursement under this section must provide the department with all of the following information". The department is amending the administrative rule by extending the number of days following the commencement of a term in which a veteran may submit a pre-application.

Related statute or rule: There are no related statutes or rules beyond the authorizing statute and the rule being amended.

Plain language analysis: The amending of VA 2.02(3)(b) will allow the department to address pre-application issues for veterans who are returning from deployment and are unable to submit pre-applications within the current 30-day period allotted by the rule.

Summary of, and comparison with, existing or proposed federal regulations: There is no current or pending federal regulation that addresses this initiative.

Comparison with rules in adjacent states: There are no similar rules in adjacent states.

Summary of factual data and analytical methodologies: The department reviewed the number of applications, number of denials and reasons for denial in the program over the FY 07(07/01/06 to 06/30/07). In FY 07, the department received 3,673 applications for the program. The department denied 730 applications, or approximately 20% of the applications submitted. The failure to submit a timely pre-application was cited in 241 of these denials. The failure to submit a timely pre-application therefore represented the rationale for approximately one third of all the denials issued under this program in FY 07.

The pre-application requirement was established in July, 2005 and became effective with classes commencing on January 1, 2006. Despite department efforts to publicize and educate veterans regarding program requirements, the failure to timely file a pre-application resulted in one third of the denials issued by the department in the last fiscal year. The department determined that extending the period for filing the pre-application would address the disproportionate number of denials based on that rationale.

Analysis and supporting documents used to determine the effect on small business or in the preparation of an economic impact statement: The department has determined that the proposed order would have no regulatory aspect, has no effect on small business and has fiscal impact upon the private sector.

Effect upon small business: None.

Agency contact person: for this rule is James A. Stewart, Chief Legal Counsel.  
His e-mail address is: jimmy.stewart@dva.state.wi.us and his phone number is (608) 266-3733.

Place where comments are to be submitted: Wisconsin Department of Veterans Affairs, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843 or at the above internet address.

#### TEXT OF RULE

SECTION 1 VA 2.02(3)(b) is amended to read:

VA 2.02(3)(b) Pre-application. For semesters beginning after December 31, 2005, reimbursement may be made only if the veteran fully completes and files a pre-application with the department, on a form approved by the department, within ~~30~~ 180 days of the commencement of the semester for which reimbursement is sought. It may be submitted through a county veteran's service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. Failure to file a pre-application under the terms of this paragraph will result in the denial of any grant application subsequently filed for the applicable semester.

The amendment of the rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register date as provided in §227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, November \_\_\_\_, 2007.

STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS

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WILLIAM J. KLOSTER, ACTING SECRETARY