

VIETNAM VETERAN ERA BONUS ACT (EXCERPT)
Act 370 of 1974

35.1027 Payment of claim; claim not assignable or subject to garnishment, attachment, or levy of execution; rejection of claim; notice; appeal; certification of record; order allowing or denying claim; return of files and records; reapplication for benefits.

Sec. 7.

(1) Upon submission to the adjutant general of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and transmit the claim for payment directly to the department of treasury for payment. Payment shall be made from the Vietnam veteran era bonus fund. A claim for payment under this act shall not be assignable, or subject to garnishment, attachment, or levy of execution.

(2) If the proof as to eligibility for payment submitted by an applicant either with or as a part of the applicant's initial application, or pursuant to request of the adjutant general after submission of the application, is not satisfactory to the adjutant general, the adjutant general shall reject the claim.

(3) Upon rejection of a claim the adjutant general shall mail to the claimant a notice of the rejection; the notice shall inform the claimant of the claimant's right to file with the adjutant general a request for appeal to the state court of claims within 6 months after the mailing of the notice by the adjutant general.

(4) The notice shall also inform the claimant that a failure to file a request for appeal to the court of claims within the stipulated time shall render the determination of the adjutant general final without any further right of claimant to appeal from same.

(5) The claimant shall have 6 months from the mailing by the adjutant general of a notice of rejection in which to appeal to the court of claims, and upon failure by the claimant to file with the adjutant general a request for appeal to the court of claims within this 6 months' period the determination by the adjutant general in the claim shall be final.

(6) Upon the filing of the request for appeal to the court of claims, the adjutant general shall immediately certify the entire record of the claim to the court of claims and shall furnish to the court additional information in, or which may thereafter come into the adjutant general's possession, or which may be requested by the court.

(7) Upon receipt of an order by the court of claims that a claimant whose claim has been so certified as in this act provided is entitled to payment, and upon the order becoming final, the claim shall be paid in the same manner as provided in this act.

(8) In each case in which the court of claims enters its order allowing or denying a claim, and upon the order becoming final, the files and records on the claim shall be returned by the court of claims to the adjutant general, to be retained by the adjutant general as permanent records.

(9) A person who filed a claim under this act and whose claim was rejected by either the adjutant general or the court of claims solely because of a discharge which was less than honorable, may file a reapplication for benefits if the discharge which caused the disqualification for benefits has subsequently been upgraded to a discharge indicating honorable service. The reapplication shall be submitted and processed in the same manner as an initial application.

History: 1974, Act 370, Imd. Eff. Dec. 23, 1974 ;-- Am. 1978, Act 119, Imd. Eff. Apr. 25, 1978