

**10 GCA HEALTH AND SAFETY
CH 67 OFFICE OF VETERANS AFFAIRS**

**CHAPTER 67
OFFICE OF VETERANS AFFAIRS**

NOTE: Section 10 of P.L. 16-111 repealed this Chapter effective September 30, 1983. However, P.L. 17-25:III:II reenacted this Chapter in its entirety by repealing P.L. 16-111-:10.

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§ 67100. Creation of Office.

There is within the Office of *I Maga'lahaen Guåhan* an Office of Veterans Affairs. The Veterans Affairs Officer is a member of the classified service and is the administrative head of the Office of Veterans Affairs subject to the direction and control of *I Maga'lahaen Guåhan*, who is the appointing authority.

SOURCE: GC § 8975, as amended by P.L. 14-092. Amended by P.L. 24-298:12. Amended by P.L. 28-046:4.

NOTE: Public Law 28-068:IV:42 (Sept. 30, 2005) purported to transfer the duties herein assigned to the Civil Service Commission to the Director of Administration. However, P.L. 28-046 (June 10, 2005) already removed reference to the Civil Service Commission.

§ 67101. Definitions.

As used in this Chapter:

- (a) Officer means Veterans Affairs Officer.
- (b) Office means the Office of Veterans Affairs.

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(c) Veteran includes veterans of the Guam Combat Patrol, the United States Navy Insular Force, Philippine Scouts and the United States Armed Forces.

(d) Spouse means a person who is legally married to the Veteran at the time that Veteran was on active duty, or active duty for training, or inactive duty for training and prior to the date when the service connected injuries occurred, and subsequently rated by the U.S. Department of Veterans Affairs as being one hundred percent (100%) Disabled due to service connected reasons or is rated as being Individually Unemployable by the U.S. Department of Veterans Affairs.

(e) Surviving Spouse means a person who:

(1) was married to the service member who died from service-connected injuries while on active duty, active duty for training, or inactive duty training, and is not currently remarried; or

(2) was married to the Veteran, for at least one (1) year immediately prior to death of a Veteran who is rated by the U.S. Veterans Administration as being one hundred percent (100%) Disabled or Individually Unemployable, and is not currently remarried.

(f) (1) Legal Guardian for Minor Children of a Single Parent is a person lawfully vested with the power, and charged with the obligation of taking care of and managing the property and rights of a person who because of age, understanding, or self-control, is considered incapable of administering his or her own affairs, while the service member, who is a single parent, is deployed to an area where dependents are not allowed to accompany the service member.

(2) Said designation as Legal Guardian shall have been effected prior to the deployment of the service member.

(g) Legal Guardian for Disabled Service Member is a person lawfully vested with the power, and charged with the obligation, of taking care of and managing the property and

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rights of a person who because of service-connected disabling injuries is in need of care, and provided that the service member is divorced, never married, widowed, or has no children.

(h) Individually Unemployable. As defined by the U.S. Department of Veterans Affairs, a Veteran must be unable to maintain substantially gainful employment as a result of his/her service-connected disabilities. Additionally, a Veteran must have:

(1) one (1) service-connected disability ratable at sixty percent (60%) or more; or

(2) two (2) or more service-connected disabilities, at least one (1) disability ratable at forty percent (40%) or more, with a combined rating of seventy percent (70%) or more.

SOURCE: GC § 8976. Amended by P.L. 28-046:5 (June 10, 2005). Subsections (d)-(h) added by P.L. 31-240:2 (Dec. 6, 2012).

2018 NOTE: Subitem designations added in subsection (f) pursuant to authority granted by 1 GCA § 1606.

§ 67102. Purpose of Office.

(a) The Office shall be responsible for the administration of all local laws respecting veterans of the Armed Forces of the United States.

(b) It shall also be that agency of the government of Guam charged with the responsibility of cooperating with the Veterans Administration of the United States in all matters relating to local veterans.

(c) The Office shall assist every veteran of Guam and the dependent or survivor of every veteran of Guam in presenting and pursuing such claim as the veteran, dependent, or survivor may have under current Federal law governing VA benefits arising out of qualifying military service and in establishing the veteran's, dependent's or survivor's right to any privilege, preference, care or compensation provided for by the laws of the United States or of Guam.

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(1) The processing of claims for veterans and their dependents and survivors shall be limited to the initial claims.

(2) The claims may include the following types of benefits and service:

(A) Disability compensation benefits.

(B) Disability pension benefits.

(C) Dependents' indemnity compensation.

(D) Widow's death pension.

(E) Burial benefits.

(F) Confirmed and continued claims.

(G) Vocational rehabilitation and education.

(H) Waivers of indebtedness.

(I) Other benefits that result in monetary awards to the claimant.

(d) It shall furnish staff services for Guam veterans and shall cooperate with all local veterans organizations.

SOURCE: GC § 8977. Amended by P.L. 28-046:6 (June 10, 2005).

2018 NOTE: Subsection/subitem designations added/alterd pursuant to authority granted by 1 GCA § 1606.

§ 67103. Powers and Duties of Officer.

The Officer:

(a) shall administer the Office and implement the provisions set forth in Section 67102 above;

(b) shall exercise and discharge the duties of the Office through such organizational units as he may establish;

(c) shall enforce the provisions of this Chapter and of any other laws granting him jurisdiction pertaining to veterans of the Armed Forces of the United States;

(d) may administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any

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other power of a notary public, but only as part of his duties under this Chapter and neither he nor his office shall charge any fee for such certification or notarial service;

(e) may formulate and adopt rules necessary or proper for the internal administration of the Office; and

(f) may study and plan for the establishment of a Territorial Veterans Cemetery, seeking such assistance, advice and support from the Armed Forces of the United States, the Federal Veterans Administration, other local and Federal agencies, and veterans and veterans organizations.

(g) shall receive and consider the recommendations of the Guam Veterans Commission.

SOURCE: GC § 8978, as amended by P.L. 15-81; R/R by PL 16-105:7. Amended by P.L. 28-046:7 (June 10, 2005).

§ 67103.1. Guam Veterans Cemetery, Eligibility For.

The Guam Veterans Cemetery shall be used for the burial of persons who served honorably in the armed forces of the United States, the Insular Guard, the Guam Militia, the Guam Scouts, the Guam Combat Patrol or who were employed in a civil capacity on Wake Island on December 7, 1941, United States Merchant Marine vessels and other duties in direct support of the United States government at war and their spouses and dependents.

SOURCE: Added by P.L. 16-105:9. Repealed and reenacted by P.L. 24-118:1.

§ 67104. Transfer of Records, Equipment and Employees.

Upon effective date of this Chapter, all contracts, books, records, papers, documents, property and pending business heretofore made, used and acquired or conducted by the Veterans Affairs Coordinator shall be transferred to the Office of Veterans Affairs, and all employees of the Veterans Coordinator engaged in performing functions herein transferred shall be transferred to the Office of Veterans Affairs.

SOURCE: GC § 8979.

§ 67105. Burial in Veteran's Cemetery.

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Any veteran of the United States Armed Forces shall be buried without charge to the family of the deceased veteran in the Veteran's Cemetery of Guam.

SOURCE: P.L. 18-24:11.

§ 67105.1. Veterans Cemetery Trust Fund.

(a) The Veterans Cemetery Trust Fund is transferred from the Guam Parks Commission to the Guam Veterans Commission.

(b) Any money paid by the federal government to Guam in connection with the use of the Cemetery *shall* be deposited in the Veterans Cemetery Trust Fund and used for the maintenance of the Cemetery.

(c) Expenditures from the Fund *shall* be by direction of the Veterans Affairs Officer.

(d) The Veterans Affairs Officer *shall*, at the end of every quarter, provide an accounting to the Guam Veterans Commission, *I Maga'låhen Guåhan* (the Governor of Guam) and *I Liheslaturan Guåhan* for the use of the Fund, and have it posted on the Office's website.

SOURCE: Added by P.L. 28-078:4 (Dec. 5, 2005), amended by P.L. 33-138:1 (Mar. 4, 2016).

2016 NOTE: Subsection designations added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 67106. Solicitation, Acceptance, Utilization and Administration of Gifts, Bequests and Donations.

The Veterans Affairs Officer may solicit, accept, utilize and administer on behalf of the Office of Veterans Affairs, gifts, bequests and donations.

(a) The funds received shall be deposited in the Veterans Affairs Fund.

(b) Such gifts, bequests and donations shall be used for

(1) the maintenance of the Veterans Cemetery of Guam,

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- (2) the maintenance of the Veterans Affairs Office,
- (3) the sponsorship of Memorial Day and Veterans' Day events, and

(4) purposes intended by the donor which are consistent with the goals and objectives of the Office of Veterans Affairs as stated in this Section.

(c) A quarterly report shall be submitted by the Veterans Affairs Officer to *I Maga'låhen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the Public Auditor, describing the solicitation, acceptance, utilization and administration of gifts, bequests and donations, and posted on the Office's website.

SOURCE: GC § 8970, numbered § 67105 by Compiler and later renumbered § 67106 by P.L. 18-24. Repealed and reenacted by P.L. 28-078:1, (Dec. 5, 2005), amended by P.L. 33-138:2 (Mar. 4, 2016).

2016 NOTE: Subsection/subitem designations added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 67107. Guam Veterans Commission.

(a) Commission Membership. There is hereby established a Guam Veterans Commission which *shall*, at a minimum, be composed of a total of nine members, to include the following representation:

(1) four members, each of whom *shall* be representative of a veterans or retirees association for each branch of the U.S. Armed Forces to consist of:

- (A) U.S. Army Retirees (or Veterans) Association;
- (B) U.S. Air Force Retirees (or Veterans) Association;
- (C) U.S. Navy Retirees (or Veterans) Association;
- and
- (D) U.S. Marine Corps Retirees (or Veterans) Associations;

(2) two members from the officially chartered Guam chapters of multi-service Veteran Service Organizations.

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Organizations to be represented on the Guam Veterans Commission, pertaining to Subsections (1) and (2), are required to be duly registered as a non-profit organization with the Guam Department of Revenue and Taxation, in accordance with Title 18 of Guam Code Annotated; and/or is registered as a non-profit organization within the United States and recognized as exempt under IRC 501(c)(19). The organizations *shall* furnish the Guam Veterans Affairs Office with a copy of an official documentation reflecting such requirement; and

(3) a maximum of three members, whom each *shall* be a veteran, may be appointed from other veteran organizations on Guam, to include the Coast Guard. Should a Veteran Service Organization have *more than* one Chapter, each Chapter may recommend a representative to serve as a member of the Commission, of which said appointment may be authorized to serve as provided herein.

(4) Ex-Officio Members. With the recommendation of the Guam Veterans Commission, *I Maga'lahaen Guåhan* may appoint as an ex-officio, non-voting member a veteran of a foreign country who has fought alongside U.S. armed forces members as allies in combat, who is representative of an established veterans organization on Guam, and who has resided on Guam for a minimum of three years immediately preceding the appointment. Said veteran *shall* serve for a term of three years from the date of appointment.

(b) Commission Membership Terms and Conduct of Business.

(1) Veteran Organization Appointments. The Commander, or designee, of Veteran Service Organizations *shall* present in writing to the Chairman of the Commission the name of the individual who *shall* represent their organization to serve on the Commission, which *shall* be subject to the aforementioned provisions above.

(2) Terms of Commission Members. Every member of the Commission *shall* serve for a term of three years, to commence on the date of appointment.

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(A) Should the representative terminate his/her term prior to the conclusion of the three years, the Veteran Service Organization *shall* appoint a successor to serve for a new three year term, which *shall* commence upon the date of appointment.

(B) Said appointment *shall* be in writing and presented to the Chairman of the Guam Veterans Commission, with a copy to be furnished to the Veterans Affairs Officer of the Office of Veterans Affairs.

(3) Quorum Requirements. For purposes of a quorum and for the official conduct of business, a minimum of five voting members on the Commission *shall* constitute a quorum. For the official conduct of business, a majority of the members present, following the constituting of a quorum, *shall* be required to conduct official business.

(4) Scheduled Meetings. The Commission *shall* meet monthly and *shall* advise the Veterans Affairs Officer regarding matters affecting veterans and related issues. Said meeting times, place and dates *shall* be decided to allow the greatest level of participation and attendance by Commission members.

(5) Veteran Community Participation. The Commission *shall* provide veterans and their families with the opportunity to air grievances for the purpose of effecting corrective action or change to existing policies that affect the delivery of benefits and services to the Guam veteran population.

(6) Administrative Support. The VAO, through the direction of the VAO Administrator, *shall* provide administrative support to the Guam Veterans Commission in the conduct of its meetings.

(7) Commission Activities. Upon official written request by the Chairman of the Commission for information or action by the VAO Administrator on issues affecting the Commission or Veterans, the VAO Administrator *shall* provide a written response to the Commission within four weeks from the date of receipt of such communication. Should

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the VAO Administrator require additional time to provide a sufficient response to the matter, the VAO *shall* request in writing a time extension, *not to exceed* an additional four weeks, and further provide justification for the need for such time extension in said written communication. Such request *shall* be granted upon receipt by the Chairman of the Commission.

SOURCE: Added by P.L. 28-046:10 (June 10, 2005). Amended by P.L. 29-009:2 (Sept. 7, 2007), P.L. 30-086:2 (Feb. 8, 2010). Repealed and reenacted by P.L. 32-135:1 (Apr. 28, 2014).

2018 NOTE: Subitem designations added in subsection (b)(2) pursuant to authority granted by 1 GCA § 1606.

§ 67107.1. New Membership Process.

The process for new membership to the Guam Veterans Commission is as follows:

(a) The Guam Veterans Affairs Office shall receive new membership requests and submit same to the Chairman of the Guam Veterans Commission.

(b) The Veterans Commission shall review the new membership request and forward its recommendation to *I Maga'lahaen Guåhan* for appropriate action.

SOURCE: Added by P.L. 30-086:2 (Feb. 8, 2010).

§ 67108. Vacancy.

When the position of Veterans Affairs Officer, Office of Veterans Affairs is vacant or vacated, the Guam Veterans Commission may recommend a nominee to *I Maga'lahaen Guåhan* from a list of eligible applicant(s) provided by the Department of Administration.

SOURCE: Added by P.L. 28-046:11 (June 10, 2005).

§ 67109. Veterans Affairs Fund.

There is hereby created, separate and apart from other funds of the government of Guam, a special fund known as the Veterans Affairs Fund (Fund).

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(a) The Fund shall not be commingled with the General Fund or any other funds of the government of Guam.

(b) The Veterans Affairs Officer and a member of the Guam Veterans Commission shall approve all expenditures paid from the Fund.

(c) The Veterans Affairs Officer shall be the administrator of the Fund, and may issue warrants of expenditure pursuant to § 67106 of this Chapter and shall maintain a record of all donations and expenditures.

SOURCE: Added by P.L. 28-078:2, (Dec. 5, 2005), amended by P.L. 33-138:3 (Mar. 4, 2016).

2016 NOTE: Subsection designations added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 67110. Guam Veterans Registry.

(a) The Office of Veterans Affairs *shall* be responsible for the establishment and maintenance of a Guam Veterans Registry (Registry), which *shall* be updated no less than semiannually.

(1) The update of the Registry *shall* entail the addition of newly registered veterans residing on Guam, and the scrubbing of the list to ensure that the names of veterans who no longer reside on the island or who have passed away are deleted from the Registry.

(2) The Registry *shall* be utilized by the Office for the purpose of providing Guam veterans and their families with current information on veterans' benefits and activities, through the use of its webpage or other means deemed necessary that would ensure the maximum dissemination of veteran-related information; and for the validation of Guam's veteran population to further strengthen the Office's ability to pursue financial resources and support in the provision of services or programs for the benefit of Guam's veterans and their families.

(3) The Office may use data collected at other government agencies, which may be collecting the required data, in whole or in part.

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(4) Nothing herein shall relieve the duty of any other entity to collect veterans' data for the benefit of veterans on Guam.

(b) All government of Guam entities, whenever applicable, *shall* render assistance to the Office of Veterans Affairs in carrying out the provisions contained herein.

(1) All government entities to whom a DD214 form or other proof of veteran status is presented by an applicant as a qualifying document for benefits or services *shall* forward a copy of the applicant's DD214 form or other proof of veteran status to the Office of Veterans Affairs no later than thirty (30) days after the date of acceptance by that government entity; provided, that said service member or his or her legal guardian provides documented consent to the transmittal of said information to the Office of Veterans Affairs pursuant to this Section.

(2) Transmission of forms may be made by electronic means over a secured network as prescribed by the Office of Veterans Affairs.

(3) The Office of Veterans Affairs *shall* have the authority to adopt regulations to implement and administer the provisions of this Section and ensure the confidentiality of veteran information.

(c) The Administrator of the Office of Veterans Affairs *shall* submit a quarterly progress report of the Guam Veterans Registry to the Speaker of *I Liheslaturan Guåhan*.

SOURCE: Added by P.L. 32-101:1 (Nov. 28, 2013). Amended by P.L. 34-086:2 (Mar. 2, 2018).

2018 NOTE: Subitem designations added pursuant to authority granted by 1 GCA § 1606.
