



Madison Brame

From: Marielle Macher <mmacher@cjplaw.org>
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To Kaitlyn Boswell:

Please see the public comments below.

Thank you,

Marielle

The Community Justice Project writes to express concern with § 5a.15(b)(3) of the DMVA's proposed rulemaking regarding the State Veterans' Programs. Section 5a.15(b)(3) provides that applicants to the Disabled Veterans' Real Estate Tax Exemption may prove their disability rating through the U.S. Department of Veterans Affairs rating code sheet, or, if permitted by the board, via a current U.S. Department of Veterans Affairs ("VA") tax abatement or summary of benefits letter. If these documents conflict, § 5a.15(b)(3) states that the rating code sheet will prevail.

Reliance on the rating code sheet in the event of a conflict is problematic, however, because the rating code sheet is an internal VA document that the VA uses as part of its decisionmaking process, not an official proof of the veteran's disability rating. In fact, the VA usually does not provide a copy of the rating code sheet to the veteran.

When documents conflict, the DMVA should instead rely on the official written decision notices provided to veterans under 38 C.F.R. § 3.103, and should interpret the decision notices in accordance with all applicable law and VA regulations.

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