

# State Letter #03-03

## Disregard of Monetary Allowances for Certain Children of Vietnam War Veterans

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**TO:** State Refugee Coordinators, Voluntary Agencies, Mutual Assistance Associations, Wilson/Fish Grantees

**FROM:** Nguyen Van Hanh, Ph.D.  
Director  
Office of Refugee Resettlement

**SUBJECT:** Disregard of Monetary Allowances for Certain Children of Vietnam War Veterans.

**PURPOSE:** To inform State refugee coordinators, voluntary agencies, mutual assistance associations, and Wilson/Fish grantees of the final regulations published on July 31, 2002 and provide notification that this disregard should be applied in determining cash and medical assistance eligibility and the amount of benefits in accordance with the referenced statutory requirement.

**REFERENCES:** 38 U.S.C.1823(c). (See attached). [HARD COPY ONLY]

**BACKGROUND:** Pursuant to sections 421 and 422(c) of Pub. L. 104-204, effective October 1, 1997, title 38, United States Code, was amended by the addition of a new chapter 18, under which certain VA benefits and services are provided to children of Vietnam veterans (including adult children) who were born with the congenital defect spina bifida. A subsequent amendment to chapter 18 made by section 401 of Pub. L. 106-419, effective December 1, 2001 provide VA benefits and services to children of women Vietnam veterans born with certain other birth defects. Included among the benefits provided for these children is a monthly monetary allowance paid at a rate that is based on the child's level of disability. Section 1823(c) of title 38, United States Code, states that "[n]otwithstanding any other provision of law, a monetary allowance paid an individual under [chapter 18] shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program." The disregard should be applied in determining cash and medical assistance eligibility and the amount of benefits.

States, their voluntary agency partners in the Public/Private Partnership (PPP) program, and Wilson/Fish grantees should be aware that any VA benefits or services received

under the above law by an applicant for refugee cash or medical assistance should not be considered as income or resources in determining eligibility for these benefits.  
INQUIRIES: Inquiries should be directed to your local Veterans Administration Office.

Last Reviewed: May 14, 2019