



## Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

### 1. General Information

a. Agency/Board Name <b>Military Department, Wyoming</b>		
b. Agency/Board Address <b>5800 Central Avenue</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82009</b>
e. Name of Agency Liaison <b>Christopher Smith</b>		f. Agency Liaison Telephone Number <b>307-772-6759</b>
g. Agency Liaison Email Address <b>christopher.l.smith186.mil@mail.mil</b>		h. Adoption Date <b>January 23, 2018</b>
i. Program <b>General Agency, Board or Commission Rules</b>		

### 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted: **SEA0023 - 2011**

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>1</b>	<b>Direct Payment or Reimbursement of Medical Expenses</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>2</b>	<b>Wyoming Military Assistance Trust Fund</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>3</b>	<b>Educational Assistance Plan</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>4</b>	<b>Information Practices</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>5</b>	<b>Wyoming First Responder Fund</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>6</b>	<small>Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premiums Assistance Plan</small>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>7</b>	<b>Wyoming Veterans Commission Expendable Trust Fund</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **November 26, 2017**

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office** and **Attorney General**:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**


a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: **January 26, 2018**

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**: **January 26, 2018**

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Christopher Smith
Signatory Title	Staff Judge Advocate
Date of Signature	January 26, 2018

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**STATEMENT OF PRINCIPAL REASONS**  
**FOR FORMAL ADOPTION OF REGULAR RULES**

The Wyoming Military Department is proposing to amend six chapters of its rules under the program “General Agency, Board or Commission Rules.” The proposed amended chapters are:

- Chapter 1: Reimbursement of Medical Expenses
- Chapter 2: Military Assistance Trust Fund;
- Chapter 3: Educational Assistance Plan;
- Chapter 4: Information Practices;
- Chapter 5: Wyoming First Responder Fund; and
- Chapter 6: Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan

In addition, the Wyoming Military Department is proposing to create one chapter of new rules pursuant to Senate Enrolled Act 23 from the 2011 Legislative Session. The proposed new chapter is:

- Chapter 7: Wyoming Veterans Commission Expendable Trust Fund

The Department intends this rules packet to proceed through the rules promulgation process simultaneously with the other proposed packet to repeal rules. The Department proposed to amend the six chapters listed to reorganize its rules into one program and renumber the chapters for clarity. In addition to reorganization, the Department is proposing to revise all chapters to clarify existing language and streamline its rules in accordance with the Governor’s directive. In addition, the Department is proposing to create one new chapter that for the Wyoming Veterans Commission Expendable Trust Fund. Specifically, the Department is proposing the following amendments through the regular rulemaking process:

Chapter 1: Direct Payment or Reimbursement of Medical Expenses

- Changes were made to correct grammatical errors and to better clarify existing language.
- Added “Direct payment or” to the chapter title.
- Revised language throughout the chapter to include direct payment or reimbursement.
- In Section 1, spelled out “Wyoming Statute” as required by the Rules on Rules from the Secretary of State’s office. All other citations to statutes were changed to W.S. as required by the Rules on Rules.
- Section 7(a), removed “officers and enlisted men are entitled to receive reimbursement for” and replaced with “the adjutant general may pay or reimburse.”

Chapter 2: Military Assistance Trust Fund

- Changes were made to correct grammatical errors and to better clarify existing language.
- Removed “Wyoming Military Department” from the chapter title.
- In Section 1, spelled out “Wyoming Statute” as required by the Rules on Rules from the Secretary of State’s office.
- Section 2, removed “The fund, however, will be used only as a last resort.”
- Section 3(a), removed “The Adjutant General of the State of Wyoming shall fully

implement the intent of the legislature in enacting the Wyoming Military Assistance Trust Fund as contained in W.S. 19-7-401 through 19-7-403. As the Military Assistance Trust Fund may be available only as funds are provided by the Wyoming legislature, the plan will be administered to fully utilize the authorized funds. However, if funds are curtailed, a priority shall be established to best advance the goals of the legislature in enacting the fund.” This language was unnecessary because the authority is already described in section 1.

- Section 3(d)(iii), removed “Appeal & Waiver Authority. The Adjutant General is the final appeal authority for: Any requests denied in total (automatic when no assistance is initially approved); Any requests denied in party upon written request by applicant submitted to the Wyoming Military Department; Any requests denied in part upon written request by applicant submitted to the Wyoming Military Department.” This language was repetitive and unnecessary.
- Section 6(a), added that payments are at the sole discretion of the Adjutant General or his designees.
- Section 7, removed Appeals section because the Adjutant General is the final approval authority.
- Section 8, removed the requirement for the State Family Program Director to provide a quarterly report to the Adjutant General.

### Chapter 3: Educational Assistance Plan

- Changes were made to correct grammatical errors and to better clarify existing language.
- In Section 1, spelled out “Wyoming Statute” as required by the Rules on Rules from the Secretary of State’s office.
- Moved definitions from Section 4 to Section 3 and reorganized definitions to be in alphabetical order.
- Removed the definition of “Completion of “only one (1) degree, certificate or other educational objective.”
- In Section 4(a), removed “The Adjutant General of the State of Wyoming shall fully implement the intent of the legislature in enacting the Educational Assistance Plan as contained in W.S. 19-9-501. As the Educational Assistance Plan may be available only as funds are provided by the Wyoming legislature, the plan will be administered to fully utilize the authorized funds. However, if funds are curtailed, a priority shall be established to best advance the goals of the legislature to promote participation and new enlistments in the Wyoming National Guard.” This language was unnecessary because the authority is already described in section 1.
- In Section 4(b) “determining the amount, if any, of educational assistance to be provided to the member” and “notifying the member of the amount of educational assistance” as duties of the administrator.
- In Section 4(c), removed the requirement to provide an annual report to the Wyoming legislature if requested.
- In Section 5, reorganized subsections for clarity.
- Removed the approved institutions and course of study subsection because it was repetitive.
- Removed subsection relating to funding priorities.
- Removed the appeals subsection because the Adjutant General is the final approval authority.

#### Chapter 4: Information Practices

- In Section 1, added section for statutory authority.
- In Section 2, adopted A&I's Uniform Procedures, Fees, Costs, and Charges for Inspection by incorporation to clarify procedure for public records requests in its entirety. All other sections were removed as a result of adopting the A&I's uniform rules.

#### Chapter 5: Wyoming First Responder Fund

- In Section 1, spelled out "Wyoming Statute" as required by the Rules on Rules from the Secretary of State's office.
- In Section 2, removed "and that are not serving in the Wyoming national guard" and replaced with "and a method for pro-rata payment of funds when there are insufficient to funds to cover all eligible applicants."
- Reorganized Section 4(a). Moved subsection (i) to subsection (ii) and clarified the eligibility requirements.
- Added subsection (b) to Section 4, to preclude government employees from receiving contributions from the Fund.
- In Section 5(a), added "A Release of Information form" and "Affidavit signed by employer" to the documents that must be submitted with an application.
- Reorganized section 5(a)(vii) to include the previous requirements of submitting a WOLFS 109(a) form, current statements from retirement accounts, and a letter from the applicant's employer for all non-state retirement plan participants.
- In Section 6(a), added "The contributions shall be applied at the percentage which the employer and employee would have contributed to their plan during the period of deployment, had the employee not deployed."
- Added Section 7, Proration of Payments to clarify how funds will be distributed if the Fund is limited.

#### Chapter 6: Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Plan

- In Section 1, spelled out "Wyoming Statute" as required by the Rules on Rules from the Secretary of State's office.
- In Section 3(c)(i), added "The Adjutant General may determine that payment for a single year of a biennium is the most appropriate allocation of the budget appropriation."
- In Section 5(a), removed "of the Wyoming Military Department by February 28 of each year" and replaced with "upon request."
- In Section 5(a)(ii), removed "If the same monthly premium was not paid for the full year, then the amounts actually paid shall be listed with any changes annotated to show the month of any change. The reimbursement amount shall be shown for payments which occurred January 1 through June 30 and those which occurred July 1 through December 31."

#### Chapter 7: Wyoming Veterans Commission Expendable Trust Fund

- In Section 1, provide for the authority to promulgate rules.
- In Section 2, set forth the purpose of the rules.
- In Section 3, set forth the source of the funds.
- In Section 4, provide how the expendable trust fund will be implemented.

- In Section 5, explain who is eligible to receive funds from the trust fund.
- In Section 6, provide for the application process.
- In Section 7, set forth a requirement that the Commission shall provide an annual report to the Adjutant General.

## COMMENTS AND EDITS

The Wyoming Military Department proposed changes to Chapters 1, 2, 3, 4, 5, 6, and 7. The public comment period was from November 20, 2017 through January 15, 2018. The Wyoming Military Department received no public comment with but received six internal proposed edits.

### Edit #1

Chapter 3-Section 3(f)

(f) “Tuition” means the amount up to but **note** exceeding the in-state figure published annually by the institution attended by the member.

This should be “not” instead of “note.”

### Edit #2

Chapter 3-Section 5 (a) & (b)

(a) Information Sheet **signed** by the member;

(b) Certificate of Eligibility **signed** by the member’s commander or official unit representative;

Both of these subsections should say “approved” instead of “signed.”

### Edit #3

Chapter 5-Section 4(a)

(a) A person is eligible to apply for and receive funds **form** the fund if he or she is:

This should say “from” instead of “form.”

### Edit #4

Chapter 6-Section 5(a)

(a) The respective WY ARNG and WY ANG Finance **of** Personnel office shall certify a listing of those members qualified for reimbursement of premiums to the Deputy Director upon request for processing reimbursement of premiums paid by the member during the previous year. The following information for each member shall be provided:

This should say “Finance or Personnel” instead of “Finance of Personnel.”

**Edit #5**

Chapter 6-Section 5(a)(iii)

(iii) **Evidence** of completion of basic military training or officer training. A written waiver of training for good cause, approved by the Adjutant General or designee, may be substituted;

This should say “Certification from Unit/Personnel” instead of “Evidence.”

**Edit #6**

Chapter 6-Section 5(a)(iv)

(iv) **Evidence** of meeting the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which the premium is being reimbursed; and

This should say “Certification from Unit/Personnel” instead of “Evidence.”



## Chapter 1

### Direct Payment or Reimbursement of Medical Expenses

**Section 1. Authority.** These rules are promulgated by the Adjutant General under the authority given by Wyoming Statute 19-9-403(a).

#### **Section 2. Definitions.**

(a) “Medical expense” means expenses related to customary treatment by a licensed doctor of medicine, chiropractic or osteopathy, dentist, optometrist, podiatrist, psychologist, physician’s assistant, and advance practitioner of nursing acting within the scope of his or her license. Medical expense also includes expenses for prescription medications, surgical or hospital service, medical and surgical supplies, apparatus, essential and adequate artificial replacement, and prosthetics.

(b) “Reasonable medical expense” means those charges for medical expenses that are necessary and determined reasonable by reference to charges and quantity of services normally allowed by the State of Wyoming’s employee group health insurance, Medicare, Medicaid customary charges in the area for similar services, and any other relevant sources related to the particular expense at issue. Direct payment or reimbursement may be limited to the lowest levels generally accepted by health care providers for providing similar services in the State of Wyoming.

(c) “State active duty” means that time during which an officer or enlisted man is serving on state active duty orders or traveling to or from any location in relation to performing state active duty.

#### **Section 3. Initial Reporting Requirement.**

(a) Prompt reporting is essential to determine whether medical expenses are reasonable and are a direct consequence of state active duty.

(b) The occurrence of any medical condition giving rise to a claim under W.S. 19-9-403(a) shall be reported within the time period below in writing to the Wyoming Military Department Human Resources Office, on a reporting form approved by that office, and contain all information required by the form. The officer or enlisted man (also collectively referred to as “member”) shall file a completed reporting form before the completion of the period of state active duty giving rise to the claim or within forty-eight (48) hours after the time that a reasonable person would have recognized that he or she had suffered a medical condition potentially covered under W.S. 19-9-403(a), whichever time period is shorter. Failure to comply with this requirement shall constitute a basis for denying the claim.

(c) At a minimum, the reporting form approved by the Military Department Human Resources Office shall include the following, with all information certified to be true by the member:

- (i) Name, unit, home address, and dates of state active duty;
- (ii) A complete and detailed description of the alleged medical condition and any factors believed to have caused the condition;
- (iii) Any health care providers seen by the member for the condition;
- (iv) Any witnesses that may have knowledge related to the medical condition;
- (v) Any previous treatment by the member for the same or similar condition in the past;
- (vi) A release and authorization allowing the Wyoming Military Department Human Resources Office to obtain treatment or medical reports related to the member;
- (vii) A list and description of any health insurance coverage that the member may have; and
- (viii) Such other information as the Wyoming Military Department Human Resources Office may require to assist it in determining the claim.

**Section 4. Utilization of Other Payment Sources.** Any claim for medical expenses may be denied to the extent that the expense is or was reasonably eligible for payment, coverage or reimbursement from any other source including, but not limited to, other governmental benefits, health insurance, workers' compensation, any other form of insurance or medical payment coverage, or any other entity that may be legally liable for payment of the medical expense at issue. The payment of medical expenses under W.S. 19-9-403(a) may be denied if coverage from another source was reasonably available, regardless of whether the member has taken the appropriate measures to apply for or require payment from any other party.

**Section 5. Claims for Reimbursement.**

- (a) In addition to the reporting requirement in Section 3, all claims for direct payment or reimbursement of reasonable medical expenses shall be submitted to the Wyoming Military Department Human Resources Office within forty-five (45) days of the date that payment is due or made by the officer or enlisted man seeking reimbursement and shall be sworn to under oath by the member and contain information necessary to determine the amount of payment or reimbursement.
- (b) The Human Resources Office shall design a form to facilitate the submission of claims.
- (c) All claims shall be accompanied by a treatment report from the medical provider, a copy of any bill for services, medications or supplies, receipt indicating amount paid

by the member, documentation of submittal for or payment made by any insurance carrier or third party, and other documentation substantiating the amount of direct payment to a provider or reimbursement for which the member may be eligible

#### **Section 6. Investigation.**

(a) The Wyoming Military Department Human Resources Office shall be responsible for investigating all claims for medical expense payment or reimbursement under W.S. 19-9-403(a) and preparing a written decision that shall be sent to the member.

(b) All claims for payment or reimbursement of reasonable medical expenses shall be investigated to the extent necessary to determine whether the claimed medical expense is reasonable, whether the expense is a direct consequence of state active duty, and the extent to which any insurance carrier, other governmental entity, or other party may have potential legal liability for payment of the medical expense at issue.

(c) In conducting its investigation, the Human Resources Office may obtain statements from witnesses, review documents, and consult with experts upon matters relevant to a determination of the claim. The member may be required to produce any relevant information. In cases in which the complexity of the matter requires it, the Human Resources Office may request that the Adjutant General appoint an Investigating Officer to conduct an investigation.

#### **Section 7. Determination of Claims.**

(a) While serving in state active duty, the adjutant general may pay or reimburse reasonable medical expenses incurred by an officer or enlisted man as a direct consequence of state active duty. Medical expenses paid or reasonably eligible for payment by any third party on behalf of the officer or enlisted man shall not be eligible for payment or reimbursement.

(b) Medical expenses are the direct consequence of state active duty if the medical expense is for the treatment of a medical condition that arises out of and in the course of the member's service in state active duty, except that it shall not include medical expenses resulting from medical conditions due to gross negligence, intoxication, or culpable misconduct of the member receiving medical treatment.

(c) Only reasonable medical expenses paid or payable by the officer or enlisted man as a direct consequence of state active duty will be allowed for direct payment to a provider or reimbursement.

(d) Following its investigation, the Human Resources Office shall promptly make its written decision. If the Human Resources Office denies any claim, it shall serve by mail or personal delivery a copy of its written findings and decision to the member and a copy to the Adjutant General, advising the member that he/she has fifteen (15) calendar days from the date the decision was mailed or personally delivered to the member to request a hearing, in writing, before the Adjutant General. The request shall state the reason and basis for the request and disagreement with the Human Resources Office's decision. If a member fails to request a

hearing within fifteen (15) calendar days from service of the Human Resources Office's decision, the Human Resources Office's decision shall become final.

(e) If the member timely requests a hearing, the Adjutant General shall forward the matter to the Office of Administrative Hearings (OAH) to conduct a hearing and provide a recommended decision. Following receipt of the OAH's recommended decision, the Adjutant General shall make the final decision.

(f) The Adjutant General's final decision shall be sent to the member by mail or personal delivery.

**Section 8. Reconsideration and Recoupment from Claimant.** The Adjutant General may seek recoupment by any lawful means for any payments made by the State of Wyoming pursuant to W.S. 19-9-403(a) based upon a mistake of law or fact or misrepresentation. Under no circumstances will a decision to make direct payment to a provider or allow reimbursement for any claims under W.S. 19-9-403(a) bind the Adjutant General to pay or reimburse further or additional claims.

## Chapter 2

### Wyoming Military Assistance Trust Fund

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 19-7-402(c).

**Section 2. Purpose.** The Wyoming Military Assistance Trust Fund provides conditional emergency assistance to qualified military members and dependents. The plan is established to provide emergency assistance during periods of financial hardship resulting from the military member's active duty status.

#### **Section 3. Plan Implementation.**

(a) The Adjutant General is the final authority in administering the Wyoming Military Assistance Trust Fund.

(b) The Adjutant General, and his designees, are permitted to exercise discretion in administering these rules. Moreover, except for eligibility requirements, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein.

(c) Evaluative Criterion For Approval (may include but are not limited to):

(i) Nature of assistance requested;

(ii) Degree of financial hardship;

(A) Current family income;

(B) Debt and obligations; and

(C) Number of dependents;

(iii) Link and causation between financial hardship and military member's active duty status;

(A) Change in income (based on active duty);

(B) Changes in employment and income status of dependents related to military member's active duty status;

(C) Increased expenses based on military member's active duty;

(D) Military pay problems; and  
(E) Other issues of financial hardship related to military member's active duty status.

- (iv) Bankruptcy filed or pending;
- (v) Pending Disciplinary Action (military Member only);
- (vi) Length of active duty;
- (vii) Other aid available and/or received; and
- (viii) Amounts and date of any funds previously received from this fund.

(d) Approval Process.

(i) The level of approval authority is dictated by the amount of assistance requested. Each approval authority possesses the discretion to approve an amount lower than the amount requested, or to deny the request completely. The levels of approval authority are as follows:

(A) Level 1 – Wyoming Military Department State Family Program Director (applications up to \$1,500); and

(B) Level 2 – Deputy Director of Wyoming Military Department (applications over \$1,500 to \$3,000).

(ii) Requests for over \$3,000 can only be approved by the Adjutant General, and only in extraordinary circumstances.

#### **Section 4. Eligible Recipients.**

(a) Any member of the Wyoming national guard or a reserve unit that is based in Wyoming who has been called to active duty or active state service;

(b) Any Wyoming resident who is a member of a military reserve unit that is not based in Wyoming, if the member is called to active duty;

(c) Any other Wyoming resident performing service in the uniformed services as defined in W.S. 19-11-103(a)(ix) for any branch of the military of the United States; and

(d) Members of the immediate family for those personnel identified in paragraphs (a) through (c) of this section. For purposes of this paragraph, “immediate family” means spouse and each child as defined by W.S. 2-1-301(a)(v) and, if they are dependents of the member of the military, the parents, grandparents, siblings, stepchildren and adult children of the member of the military.

(e) Recipients who meet the above status criteria must also need assistance as a last resort to address financial hardship resulting from the military member’s active duty status.

**Section 5. Application Process.**

(a) Eligible recipients may apply for funds, based upon available funds by submitting a completed application packet containing:

- (i) Application for Wyoming Military Assistance Trust Fund;
- (ii) Wyoming State Auditor Form (WOLFS 109);
- (iii) Consent and authorization to release information;
- (iv) Proof of residency (if applicable);
- (v) Proof of military membership and member’s active duty status;
- (vi) Proof of dependency (if applicable);
- (vii) Military member’s most current Leave and Earnings Statement (LES)(if available); and
- (viii) Substantiating documents (if applicable, i.e. car repair estimates, rental agreement, utility bill, bank statements, employment records, etc.).

(b) Send applications to: Wyoming Military Department, ATTN: State Family Program Director, 5410 Bishop Blvd., Cheyenne, WY 82009.

**Section 6. Assistance.**

(a) Payments are subject to the availability of funds and the sole discretion and approval authority of the Adjutant General or his designees.

(b) The following are examples of acceptable reasons for assistance: food, rent, utilities, emergency transportation and vehicle repair, funeral expenses, medical/dental expenses, personal needs when pay is delayed or stolen, emergency home repairs (habitability/essential

areas but not home improvements), etc., as well as other emergency needs at the discretion of the approval authority.

- (c) Regardless of appropriation and availability, funds shall not be used to:
  - (i) Help pay for nonessentials;
  - (ii) Finance ordinary leave or vacation;
  - (iii) Pay fines or legal expenses;
  - (iv) Help liquidate or consolidate debt;
  - (v) Assist with house purchase or home improvements; or
  - (vi) Cover bad checks or pay credit card bills



## Chapter 3

### Educational Assistance Plan

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statutes 19-9-501 through 19-9-504(b).

**Section 2. Purpose.** The Wyoming National Guard Educational Assistance Plan (Educational Assistance Plan) provides conditional educational tuition assistance to qualified members of the Wyoming National Guard. The plan is established to provide higher educational opportunities to qualified guard members while providing an incentive to individuals to initiate or extend their service in the Wyoming National Guard.

#### **Section 3. Definitions.**

(a) “Administrator” means a group, individual, or person designated by the Adjutant General to administer the plan.

(b) “Mandatory fees” are those fees that are mandatory for all students as defined by the institution.

(c) “Member” means an active, in good standing, member of the Wyoming National Guard.

(d) “Plan member” means a qualified participant in the Wyoming National Guard Education Assistance Plan.

(e) “Standards for satisfactory participation in the active Wyoming National Guard” means meeting requirements of the Wyoming Army or Air National guard as defined by appropriate regulations.

(f) “Tuition” means the amount up to but not exceeding the in-state figure published annually by the institution attended by the member.

#### **Section 4. Plan Implementation.**

(a) The Adjutant General is the final authority in administering the Educational Assistance Plan.

(b) The Adjutant General shall appoint an administrator who is responsible for the daily operation of the Educational Assistance Plan. The duties of the administrator shall include, but are not limited to:

- (i) Processing all applications for educational assistance;
- (ii) Determining the amount, if any, of educational assistance to be provided to the member;
- (iii) Notifying the member of the amount of educational assistance;
- (iv) Requesting required funds from the Adjutant General to pay educational institutions;
- (v) Providing reports as requested by the Adjutant General; and
- (vi) Determining the amount to be repaid by any plan member in accordance with W.S. 19-9-504(a) and promptly notifying the plan member in writing of the repayment amount due.

**Section 5. Application Process.** Any member of the Wyoming National Guard may apply for educational assistance from the Wyoming National Guard Educational Assistance Plan by submitting a completed application packet to the administrator. The application packet shall contain all requested information, including but not limited to:

- (a) Information Sheet approved by the member;
- (b) Certificate of Eligibility approved by the member's commander or official unit representative;
- (c) Agreement to Terms and Conditions form signed by the member; and
- (d) Waiver approval by the Adjutant General for use of the program prior to completion of Basic military Training or Officer Training, if applicable.

**Section 6. Limitation of Benefits.**

- (a) Payment of benefits under the plan is subject to the availability of funds. However, the following limitations shall apply:
  - (i) For authorized courses at an approved Wyoming public institution of higher education, payment may be made for up to the full cost of resident tuition and mandatory fees
  - (ii) For authorized courses at a Wyoming private institution of higher education, payment may be made for the lesser of the actual costs of resident tuition and

mandatory fees or an amount equal to the average resident tuition and mandatory fee charges of all Wyoming public institutions of higher education for an undergraduate student enrolled for twelve (12) semester hours.

(b) If a member is enrolled less than full time, payment will be made on a proportional basis for up to the full cost of resident tuition and mandatory fees; and

(c) The Educational Assistance Plan may be used to complete only one (1) degree, certificate, or other educational objective.

### **Section 7. Repayment.**

(a) All plan members are subject to repayment of benefits to the State of Wyoming General Fund in accordance with W.S. 19-9-504(a).

(b) The full amount of any repayment shall be immediately due upon the occurrence of any event requiring repayment by the plan member in accordance with W.S. 19-9-504(a) and notification to the plan member by the administrator.

(c) The plan member may petition the Adjutant General in writing for a reduction or waiver of repayment or for a scheduled repayment of benefits, or both. The Adjutant General, at his sole discretion, may allow a waiver of benefit repayment due to:

(i) Death or incapacity of the plan member; or

(ii) Extenuating circumstances where extreme hardship and good cause are shown.

(d) Plan repayment shall not exceed a period of four years from the date of notification of repayment by the administrator.

## Chapter 4

### Information Practices

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 16-4-204(d).

**Section 2. Incorporation by Reference.** The Wyoming Military Department hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Department has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Department's office and are available for public inspection and copying at the same location.

## Chapter 5

### Wyoming First Responder Fund

**Section 1 Authority.** These rules are promulgated by authority of Wyoming Statute 19-11-115(f).

**Section 2. Purpose.** The Wyoming First Responder Fund (“Fund”) provides payment of employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year, if the payment is permitted by the Internal Revenue Code. These rules specifically establish the method to apply for funds from the First Responder Fund for persons specified in W.S. 19-11-155(e) and (f) and a method for pro-rata payment of funds when there are insufficient funds to cover all eligible applicants.

**Section 3. Implementation.** The Adjutant General, or his designee, is permitted to exercise discretion in administering these rules. Moreover, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein that are not specifically established by statute.

#### **Section 4. Eligibility Requirements.**

(a) A person is eligible to apply for and receive funds from the fund if he or she is:

(i) Any person whose primary occupation is a first responder and who is called or ordered into federal service of the United States under Title 10 of the United States Code. A “first responder” is an individual who, in the initial stages of an incident, is responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers, emergency management, public health, public safety, clinical care, public works, and other skilled support personnel that provide immediate support services during prevention, response, and recovery operations; and

(ii) A resident of the State of Wyoming. Residency shall be determined by the “Home of Record” on the Title 10 order (which is the federal document that is used to call or order a person into federal service in any state). The location of the primary occupation shall be in the State of Wyoming. The person shall be a member of the National Guard or the Reserves of the United States.

(b) An employee of the federal government or the State of Wyoming is not eligible for contributions from the Fund. This program is not intended to reimburse the federal government for its decisions or reimburse employees of the State of Wyoming who have direct agency appropriations to pay for the benefit through an Executive Order of the Governor.

**Section 5. Application Process.**

(a) Applicants may apply for funds from the Fund by submitting a completed application packet that contains the following:

- (i) An application for Fund;
- (ii) A Release of Information form; and
- (iii) An Affidavit of Employment signed by employer;
- (iv) Title 10 orders calling the applicant into federal service;

(v) DD Form 214, 215 or NGB 22 to prove honorable military service for the period of the orders; and

(vi) Non-state retirement plan participants shall submit the following additional documents:

(A) Pertinent cover sheet and excerpt of assigned emergency response plan;

(B) State of Wyoming WOLFS 109(a), for the retirement fund;

(C) Current statement from retirement accounts(s); and

(D) Letter from employer itemizing monthly employee and employer contribution amounts that would have been paid if the employee had not been put on Title 10 orders, or, were paid during the period of time the employee was on Title 10 orders.

(b) Send application packets to: Wyoming Military Department, Attn: State Military Affairs Division, 5410 Bishop Blvd., Cheyenne, WY 82009.

(c) Once the application packet and supporting materials have been received and reviewed, the Adjutant General or his designee will notify the applicant if he/she is eligible for funds and the amount of the award.

(d) The amount of any award is at the sole discretion of the Adjutant General.

**Section 6. Payments.**

(a) Employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year from the first date of eligibility, may be paid by the Adjutant General if the payment is permitted by the Internal Revenue Code. Payment shall be made upon termination of Title 10 orders. The contributions shall be applied at the percentage which the employer and employee would have contributed to their plan during the period of deployment, had the employee not deployed.

(b) Over payments or incorrect payments shall be reimbursed by the responsible party to the Fund within 30 days of notification.

**Section 7. Proration of Payments.** If the amount in the Fund is limited, the following priority will be followed in making payments:

(a) Available funds will be paid to eligible first responders who apply in accordance with Section 5, on a “first come, first serve” basis until the funds are exhausted.

(b) If a group of eligible first responders apply at approximately the same time and the funds available are insufficient to provide contributions to all applicants, then the available funds will be provided on a pro-rata basis by dividing the total amount of the funds available by the total of claims made to determine the contribution percentage for each applicant. Once funds are exhausted, no other applications will be considered until such time as the Fund is replenished, if ever.

## Chapter 6

### Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 19-9-601.

**Section 2. Purpose.** The Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan provides reimbursement to qualified members of the Wyoming National Guard for group life insurance premiums.

#### **Section 3. Plan Implementation.**

(a) The Wyoming National Guard SGLI Premium Assistance Plan will be administered subject to legislative appropriation. The Adjutant General is the final authority in administering the Plan.

(b) The Adjutant General, or his designees, is permitted to exercise discretion in administering these rules. Moreover, except for “qualified member” requirements as set forth in Section 4 of these rules and W.S. 19-9-603, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein.

(c) The Deputy Director of the Wyoming Military Department is designated as the paying authority for all premium reimbursements and may authorize payment of premiums for qualified members annually no later than May 1 of the following year and shall be responsible to:

(i) Assess the available funds and reimburse the full amount of premium payments for the statutory coverage amount. If the available funds are less than the amount required to reimburse all members, a prorated amount shall be determined and paid. The Adjutant General may determine that payment for a single year of a biennium is the most appropriate allocation of the budget appropriation.

(ii) Review documentation submitted by the Wyoming Army National Guard (WY ARNG) and Wyoming Air National Guard (WY ANG) validating that a member listed is qualified for reimbursement for completeness and maintain for audit purposes.

(d) The Adjutant General is the final appeal and waiver authority for any request.

**Section 4. Qualified Members.** Members of the Wyoming National Guard are considered qualified who:



(a) Have completed basic military training or officer training unless waived by the Adjutant General for good cause;

(b) Meet the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which premium is reimbursed; and

(c) Are committed through an enlistment contract or other written agreement to membership in the active Wyoming National Guard for not less than six (6) years, including initial enlistment and any previous contract(s).

#### **Section 5. Application Process.**

(a) The respective WY ARNG and WY ANG Finance or Personnel office shall certify a listing of those members qualified for reimbursement of premiums to the Deputy Director upon request for processing reimbursement of premiums paid by the member during the previous year. The following information for each member shall be provided:

(i) Name, current address phone number, social security number for each qualified member (information must match WOLFS 109 form);

(ii) The total amount of SGLI reimbursement for each member for the previous calendar year. The amount will only be for those SGLI premium payments for insurance on the Guard member and will not include any amount for family members. No amount shall be included that has been or will be reimbursed by the Federal Government;

(iii) Certification from Unit/Personnel of completion of basic military training or officer training. A written waiver of training for good cause, approved by the Adjutant General or designee, may be substituted;

(iv) Certification from Unit/Personnel of meeting the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which the premium is being reimbursed; and

(v) A commitment through an enlistment contract or other written agreement to membership in the active Wyoming National Guard for not less than six (6) years, including initial enlistment and any previous contract or contracts. Documentation showing this information may be submitted, but is not required, if the respective National Guard office submittal indicates the member listed meets this requirement.

(b) Wyoming State Auditor Form (WOLFS 109) shall be completed and submitted for each member for direct deposit.

(c) In the alternative to the National Guard Finance or Personnel office providing the required information in subsection (a), individual members of the Wyoming National Guard may provide the information required in subsection (a) and must include payment documentation, such as Leave and Earning Statements, to show the SGLI payments the member actually made during the relevant period. The Deputy Director may produce a standard, required form, to be signed by the individual member and unit commander or designee authorized to make these submissions. Individual WY ARNG members shall submit this documentation through the Army National Guard military personnel office and individual WY ANG members shall submit this documentation through the air national guard finance office. These offices will then submit the documents to the Deputy Director for review and processing.

(d) The address for the Deputy Director for all required submissions is: Wyoming Military Department, ATTN: Deputy Director, 5410 Bishop Blvd., Cheyenne, WY 82009.

**Section 6. Rejected Payment.** If a reimbursement payment is rejected or otherwise cannot be completed due to circumstances outside of agency control, the Wyoming Military Department will research and correct the issue in the most reasonable manner:

- (a) by the agency accounting office if local correction is possible;
- (b) by the agency accounting office in direct cooperation with the member; or
- (c) by submitting a request to the appropriate national guard personnel officer/finance office for assistance.

**Section 7. Appeals.**

(a) Applicants may appeal reimbursement decisions by requesting an appeal in writing stating the basis for the reconsideration and providing certified or notarized documentation to support the reconsideration. Send all appeals to: Wyoming Military Department, ATTN: Deputy Director, 5410 Bishop Blvd., Cheyenne, WY 82009, whose office will research the appeal issues and submit the appeal to the Adjutant General.

(b) Final appeal authority is the Adjutant General.

**Section 8. Reporting Requirements.** The Deputy Director shall compile an annual report and provide it to the Adjutant General containing number of members and payment amounts disbursed, as well as any other information directed by the Adjutant General.

## Chapter 7

### Wyoming Veterans Commission Expendable Trust Fund

**Section 1. Authority.** These rules are promulgated under the authority of Wyoming Statute § 19-14-107(c)(ix).

**Section 2. Purpose.** The Wyoming Veterans Commission (“Commission”) Expendable Trust Fund (“Fund”) provides funds to be used in support of Wyoming veterans and their families. The funds will be used in a manner to benefit as many Wyoming veterans and their families as feasible.

**Section 3. Source of Funds.** The fund consists of three funding sources: 1) proceeds from sales of armed forces license plates; 2) donations; and 3) interest.

#### **Section 4. Implementation.**

(a) The chairman of the Commission, and designees, are permitted to exercise discretion in administering these rules. Moreover, except for eligibility requirements, the chairman and designees possess discretion to waive the requirements set forth herein.

(b) Evaluative criterion for approval may include, but is not limited to:

- (i) The nature of the request for the proposed use of the funds;
- (ii) Degree of impact upon Wyoming veterans and families;
- (iii) Elimination of possible other sources of funds; and
- (iv) Outcome of the proposed use of funds.

(c) Approval process.

(i) All written requests for funds will be brought before a meeting of the Commission, and the request will be distributed to the members of the Commission before or during the meeting.

(ii) Approval or disapproval of the request will be by simple majority vote of the Commission.

(iii) The Commission retains the right to waive these rules as appropriate.

#### **Section 5. Eligible Recipients.**

(a) Internal use of the funds by the Commission itself;

(b) External use of the funds by a U.S. Congressionally chartered veterans service organization;

(c) Any Wyoming non-profit organization, properly recognized as such by the Internal Revenue Service (IRS), with a mission to support Wyoming veterans and their families.

**Section 6. Application Process.** Eligible applicants shall apply for funds in writing, addressed to the Commission at 5410 Bishop Boulevard, Cheyenne, WY 82009.

**Section 7. Reporting Requirements.** The executive director of the Commission shall provide an annual report to the Adjutant General and the members of the Commission concerning the status of the Fund and an accounting thereof.

## Chapter 1

### Direct Payment or Reimbursement of Medical Expenses

**Section 1. Authority.** These rules are promulgated by the Adjutant General under the authority given by Wyoming Statute, ~~Stat. Ann.~~ § 19-9-403(a).

#### **Section 2. Definitions.**

(a) “Medical expense” means expenses related to customary treatment by a licensed doctor of medicine, chiropractic or osteopathy, dentist, optometrist, podiatrist, psychologist, physician’s assistant, and advance practitioner of nursing acting within the scope of his or her license. Medical expense also includes expenses for prescription medications, surgical or hospital service, medical and surgical supplies, apparatus, essential and adequate artificial replacement, and prosthetics.

(b) “Reasonable medical expense” means those charges for medical expenses that are necessary and determined reasonable by reference to charges and quantity of services normally allowed by the State of Wyoming’s employee group health insurance, Medicare, Medicaid customary charges in the area for similar services, and any other relevant sources related to the particular expense at issue. Direct payment or Reimbursement may be limited to the lowest levels generally accepted by health care providers for providing similar services in the State of Wyoming.

(c) “State active duty” means that time during which an officer or enlisted man is serving on state active duty orders or traveling to or from any location in relation to performing state active duty.

#### **Section 3. Initial Reporting Requirement.**

(a) Prompt reporting is essential to ~~the accurate determination of~~ determine whether medical expenses are reasonable and are a direct consequence of state active duty.

(b) The occurrence of any medical condition giving rise to a claim under ~~Wyo. Stat. Ann.~~ § 19-9-403(a) shall be reported within the time period below in writing to the Wyoming Military Department ~~National Guard~~ Human Resources Office, on a reporting form approved by that office, and contain all information required by the form. The officer or enlisted man (also collectively referred to as “member”) shall file a completed reporting form before the completion of the period of state active duty giving rise to the claim or within forty-eight (48) hours after the time that a reasonable person would have recognized that ~~they~~ he or she had suffered a medical condition potentially covered under ~~Wyo. Stat. Ann.~~ § 19-9-403(a), whichever time period is shorter. Failure to comply with this requirement shall constitute a basis for denying the claim.

(c) At a minimum, the reporting form approved by the Military Department ~~National Guard~~ Human Resources Office shall include the following, with all information

certified to be true by the member:

- (i) Name, unit, home address, and dates of state active duty;
- (ii) A complete and detailed description of the alleged medical condition and any factors believed to have caused the condition;
- (iii) Any health care providers seen by the member for the condition;
- (iv) Any witnesses that may have knowledge related to the medical condition;
- (v) Any previous treatment by the member for a the same or similar condition in the past;
- (vi) A release and authorization allowing the Wyoming Military Department Human Resources Office to obtain treatment or medical reports related to the member;
- (vii) A listing and description of any health insurance coverage that the member may have; and
- (viii) Such other information as the Wyoming ~~National-Guard~~ Military Department Human Resources Office may require to assist it in determining the claim.

**Section 4. Utilization of Other Payment Sources.** Any claim for medical expenses may be denied to the extent that the expense is or was reasonably eligible for payment, coverage or reimbursement from any other source including, but not limited to, other governmental benefits, health insurance, workers' compensation, any other form of insurance or medical payment coverage, or any other entity that may be legally liable for payment of the medical expense at issue. The payment of medical expenses under ~~Wyo. Stat. Ann. § 19-9-403(a)~~ may be denied if coverage from another source was reasonably available, regardless of whether the member has taken the appropriate measures to apply for or require payment from any other party.

**Section 5. Claims for Reimbursement.**

(a) In addition to the reporting requirement in Section 3, all claims for direct payment or reimbursement of reasonable medical expenses shall be submitted to the Wyoming ~~National-Guard~~ Military Department Human Resources Office within forty-five (45) days of the date that payment is due or made by the officer or enlisted man seeking reimbursement and shall be sworn to under oath by the member and contain information necessary to determine the amount of payment or reimbursement.

(b) The Human Resources Office shall design a form to facilitate the submission of claims.

(c) All claims shall be accompanied by a treatment report from the medical

provider, a copy of any bill for services, medications or supplies, receipt indicating amount paid by the member, documentation of submittal for or payment made by any insurance carrier or third party, and other documentation substantiating the amount of direct payment to a provider or reimbursement for which the member may be eligible.

## **Section 6. Investigation.**

(a) The Wyoming ~~Military Department National Guard~~ Human Resources Office shall be responsible for investigating all claims for medical expense payment or reimbursement under Wyo. Stat. Ann. § 19-9-403(a) and preparing a written decision that shall be sent to the member.

(b) All claims for payment or reimbursement of reasonable medical expenses shall be investigated to the extent necessary to ~~clearly~~ determine whether the claimed medical expense is reasonable, whether the expense is a direct consequence of state active duty, and the extent to which any insurance carrier, other governmental entity, or other party may have potential legal liability for payment of the medical expense at issue.

(c) In conducting its investigation, the Human Resources Office may obtain statements from witnesses, review documents, and consult with experts upon matters relevant to a determination of the claim. The member may be required to produce any relevant information. In cases in which the complexity of the matter requires it, the Human Resources Office may request that the Adjutant General appoint an Investigating Officer to conduct an investigation.

## **Section 7. Determination of Claims.**

(a) While serving in state active duty, the adjutant general may pay or reimburse ~~officers and enlisted men are entitled to receive reimbursement for~~ reasonable medical expenses incurred paid by ~~the an~~ officer or enlisted man as a direct consequence of state active duty. Medical expenses paid or reasonably eligible for payment by any third party on behalf of the officer or enlisted man shall not be eligible for payment or reimbursement.

(b) Medical expenses are the direct consequence of state active duty if the medical expense is for the treatment of a medical condition that arises out of and in the course of the member's service in state active duty, except that it shall not include medical expenses resulting from medical conditions due to gross negligence, intoxication, or culpable misconduct of the member receiving medical treatment.

(c) Only reasonable medical expenses paid or payable by the officer or enlisted man as a direct consequence of state active duty will be allowed for direct payment to a provider or reimbursement.

(d) Following its investigation, the Human Resources Office shall promptly make its written decision. If the Human Resources Office denies any claim, it shall serve by mail or personal delivery a copy of its written findings and decision to the member and a copy to the Adjutant General, advising the member that he/she has fifteen (15) calendar days from the date

the decision was mailed to or personally delivered to the member to request a hearing, in writing, before the Adjutant General. The request shall state the reason and basis for the request and disagreement with the Human Resources Office's decision. If a member fails to request a hearing within fifteen (15) calendar days from service of the Human Resources Office's decision, the Human Resources Office's decision shall become final.

(e) If the member timely requests a hearing, the Adjutant General shall forward the matter to the Office of Administrative Hearings (OAH) to conduct a hearing and provide a recommended decision. Following receipt of the OAH's recommended decision, the Adjutant General shall make the final decision.

(f) The Adjutant General's final decision shall be sent to the member by mail or personal delivery.

**Section 8. Reconsideration and Recoupment from Claimant.** The Adjutant General may seek recoupment by any lawful means for any payments made by the State of Wyoming pursuant to ~~Wyo.-Stat.-Ann. § 19-9-403(a)~~ based upon a mistake of law or fact or misrepresentation. Under no circumstances will a decision to make direct payment to a provider or allow reimbursement for any claims under ~~Wyo.-Stat.-Ann. § 19-9-403(a)~~ bind the Adjutant General to pay or reimburse further or additional claims.



## Chapter 2

### Wyoming Military Assistance Trust Fund

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 19-7-402(c).

**Section 2. Purpose.** The Wyoming Military Assistance Trust Fund provides conditional emergency assistance to qualified military members and dependents. The plan is established to provide emergency assistance during periods of financial hardship resulting from the military member's active duty status.

#### **Section 3. Plan Implementation.**

(a) The Adjutant General is the final authority in administering the Wyoming Military Assistance Trust Fund.

(b) The Adjutant General, and his designees, are permitted to exercise discretion in administering these rules. Moreover, except for eligibility requirements, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein.

(c) Evaluative Criterion For Approval (may include but are not limited to):

(i) Nature of assistance requested;

(ii) Degree of financial hardship;

(A) Current family income;

(B) Debt and obligations; and

(C) Number of dependents;

(iii) Link and causation between financial hardship and military member's active duty status;

(A) Change in income (based on active duty);

(B) Changes in employment and income status of dependents related to military member's active duty status;

(C) Increased expenses based on military member's active duty;

(D) Military pay problems; and  
(E) Other issues of financial hardship related to military member's active duty status.

- (iv) Bankruptcy filed or pending;
- (v) Pending Disciplinary Action (military Member only);
- (vi) Length of active duty;
- (vii) Other aid available and/or received; and
- (viii) Amounts and date of any funds previously received from this fund.

(d) Approval Process.

(i) The level of approval authority is dictated by the amount of assistance requested. Each approval authority possesses the discretion to approve an amount lower than the amount requested, or to deny the request completely. The levels of approval authority are as follows:

(A) Level 1 – Wyoming Military Department State Family Program Director (applications up to \$1,500); and

(B) Level 2 – Deputy Director of Wyoming Military Department (applications over \$1,500 to \$3,000).

(ii) Requests for over \$3,000 can only be approved by the Adjutant General, and only in extraordinary circumstances.

#### **Section 4. Eligible Recipients.**

(a) Any member of the Wyoming national guard or a reserve unit that is based in Wyoming who has been called to active duty or active state service;

(b) Any Wyoming resident who is a member of a military reserve unit that is not based in Wyoming, if the member is called to active duty;

(c) Any other Wyoming resident performing service in the uniformed services as defined in W.S. 19-11-103(a)(ix) for any branch of the military of the United States; and

(d) Members of the immediate family for those personnel identified in paragraphs (a) through (c) of this section. For purposes of this paragraph, “immediate family” means spouse and each child as defined by W.S. 2-1-301(a)(v) and, if they are dependents of the member of the military, the parents, grandparents, siblings, stepchildren and adult children of the member of the military.

(e) Recipients who meet the above status criteria must also need assistance as a last resort to address financial hardship resulting from the military member’s active duty status.

**Section 5. Application Process.**

(a) Eligible recipients may apply for funds, based upon available funds by submitting a completed application packet containing:

(i) Application for Wyoming Military Assistance Trust Fund;

(ii) Wyoming State Auditor Form (WOLFS 109);

(iii) Consent and authorization to release information;

(iv) Proof of residency (if applicable);

(v) Proof of military membership and member’s active duty status;

(vi) Proof of dependency (if applicable);

(vii) Military member’s most current Leave and Earnings Statement (LES)(if available); and

(viii) Substantiating documents (if applicable, i.e. car repair estimates, rental agreement, utility bill, bank statements, employment records, etc.).

(b) Send applications to: Wyoming Military Department, ATTN: State Family Program Director, 5410 Bishop Blvd., Cheyenne, WY 82009.

**Section 6. Assistance.**

(a) Payments are subject to the availability of funds and the sole discretion and approval authority of the Adjutant General or his designees.

(b) The following are examples of acceptable reasons for assistance: food, rent, utilities, emergency transportation and vehicle repair, funeral expenses, medical/dental expenses, personal needs when pay is delayed or stolen, emergency home repairs (habitability/essential

areas but not home improvements), etc., as well as other emergency needs at the discretion of the approval authority.

(c) Regardless of appropriation and availability, funds shall not be used to:

(i) Help pay for nonessentials;

(ii) Finance ordinary leave or vacation;

(iii) Pay fines or legal expenses;

(iv) Help liquidate or consolidate debt;

(v) Assist with house purchase or home improvements; or

(vi) Cover bad checks or pay credit card bills

## Chapter 3

### Educational Assistance Plan

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statutes 19-9-501 through 19-9-504(b).

**Section 2. Purpose.** The Wyoming National Guard Educational Assistance Plan (Educational Assistance Plan) provides conditional educational tuition assistance to qualified members of the Wyoming National Guard. The plan is established to provide higher educational opportunities to qualified guard members while providing an incentive to individuals to initiate or extend their service in the Wyoming National Guard.

### **Section 3. Definitions.**

(a) “Administrator” means a group, individual, or person designated by the Adjutant General to administer the plan.

(b) “Mandatory fees” are those fees that are mandatory for all students as defined by the institution.

(c) “Member” means an active, in good standing, member of the Wyoming National Guard.

(d) “Plan member” means a qualified participant in the Wyoming National Guard Education Assistance Plan.

(e) “Standards for satisfactory participation in the active Wyoming National Guard” means meeting requirements of the Wyoming Army or Air National guard as defined by appropriate regulations.

(f) “Tuition” means the amount up to but not exceeding the in-state figure published annually by the institution attended by the member.

### **Section 4. Plan Implementation.**

(a) The Adjutant General is the final authority in administering the Educational Assistance Plan.

(b) The Adjutant General shall appoint an administrator who is responsible for the daily operation of the Educational Assistance Plan. The duties of the administrator shall include, but are not limited to:

- (i) Processing all applications for educational assistance;
- (ii) Determining the amount, if any, of educational assistance to be provided to the member;
- (iii) Notifying the member of the amount of educational assistance;
- (iv) Requesting required funds from the Adjutant General to pay educational institutions;
- (v) Providing reports as requested by the Adjutant General; and
- (vi) Determining the amount to be repaid by any plan member in accordance with W.S. 19-9-504(a) and promptly notifying the plan member in writing of the repayment amount due.

**Section 5. Application Process.** Any member of the Wyoming National Guard may apply for educational assistance from the Wyoming National Guard Educational Assistance Plan by submitting a completed application packet to the administrator. The application packet shall contain all requested information, including but not limited to:

- (a) Information Sheet approved by the member;
- (b) Certificate of Eligibility approved by the member's commander or official unit representative;
- (c) Agreement to Terms and Conditions form signed by the member; and
- (d) Waiver approval by the Adjutant General for use of the program prior to completion of Basic military Training or Officer Training, if applicable.

**Section 6. Limitation of Benefits.**

(a) Payment of benefits under the plan is subject to the availability of funds. However, the following limitations shall apply:

- (i) For authorized courses at an approved Wyoming public institution of higher education, payment may be made for up to the full cost of resident tuition and mandatory fees
- (ii) For authorized courses at a Wyoming private institution of higher education, payment may be made for the lesser of the actual costs of resident tuition and

mandatory fees or an amount equal to the average resident tuition and mandatory fee charges of all Wyoming public institutions of higher education for an undergraduate student enrolled for twelve (12) semester hours.

(b) If a member is enrolled less than full time, payment will be made on a proportional basis for up to the full cost of resident tuition and mandatory fees; and

(c) The Educational Assistance Plan may be used to complete only one (1) degree, certificate, or other educational objective.

### **Section 7. Repayment.**

(a) All plan members are subject to repayment of benefits to the State of Wyoming General Fund in accordance with W.S. 19-9-504(a).

(b) The full amount of any repayment shall be immediately due upon the occurrence of any event requiring repayment by the plan member in accordance with W.S. 19-9-504(a) and notification to the plan member by the administrator.

(c) The plan member may petition the Adjutant General in writing for a reduction or waiver of repayment or for a scheduled repayment of benefits, or both. The Adjutant General, at his sole discretion, may allow a waiver of benefit repayment due to:

(i) Death or incapacity of the plan member; or

(ii) Extenuating circumstances where extreme hardship and good cause are shown.

(d) Plan repayment shall not exceed a period of four years from the date of notification of repayment by the administrator.

## Chapter 4

### Information Practices

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 16-4-204(d).

**Section 2. Incorporation by Reference.** The Wyoming Military Department hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Department has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Department's office and are available for public inspection and copying at the same location.



## Chapter 5

### Wyoming First Responder Fund

Section 1 Authority. These rules are promulgated by authority of Wyoming Statute 19-11-115(f).

Section 2. Purpose. The Wyoming First Responder Fund (“Fund”) provides payment of employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year, if the payment is permitted by the Internal Revenue Code. These rules specifically establish the method to apply for funds from the First Responder Fund for persons specified in W.S. 19-11-155(e) and (f) and a method for pro-rata payment of funds when there are insufficient funds to cover all eligible applicants.

Section 3. Implementation. The Adjutant General, or his designee, is permitted to exercise discretion in administering these rules. Moreover, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein that are not specifically established by statute.

#### Section 4. Eligibility Requirements.

(a) A person is eligible to apply for and receive funds from the fund if he or she is:

(i) Any person whose primary occupation is a first responder and who is called or ordered into federal service of the United States under Title 10 of the United States Code. A “first responder” is an individual who, in the initial stages of an incident, is responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers, emergency management, public health, public safety, clinical care, public works, and other skilled support personnel that provide immediate support services during prevention, response, and recovery operations; and

(ii) A resident of the State of Wyoming. Residency shall be determined by the “Home of Record” on the Title 10 order (which is the federal document that is used to call or order a person into federal service in any state). The location of the primary occupation shall be in the State of Wyoming. The person shall be a member of the National Guard or the Reserves of the United States.

(b) An employee of the federal government or the State of Wyoming is not eligible for contributions from the Fund. This program is not intended to reimburse the federal government for its decisions or reimburse employees of the State of Wyoming who have direct agency appropriations to pay for the benefit through an Executive Order of the Governor.

**Section 5. Application Process.**

(a) Applicants may apply for funds from the Fund by submitting a completed application packet that contains the following:

(i) An application for Fund;

(ii) A Release of Information form; and

(iii) An Affidavit of Employment signed by employer;

(iv) Title 10 orders calling the applicant into federal service;

(v) DD Form 214, 215 or NGB 22 to prove honorable military service for the period of the orders; and

(vi) Non-state retirement plan participants shall submit the following additional documents:

(A) Pertinent cover sheet and excerpt of assigned emergency response plan;

(B) State of Wyoming WOLFS 109(a), for the retirement fund;

(C) Current statement from retirement accounts(s); and

(D) Letter from employer itemizing monthly employee and employer contribution amounts that would have been paid if the employee had not been put on Title 10 orders, or, were paid during the period of time the employee was on Title 10 orders.

(b) Send application packets to: Wyoming Military Department, Attn: State Military Affairs Division, 5410 Bishop Blvd., Cheyenne, WY 82009.

(c) Once the application packet and supporting materials have been received and reviewed, the Adjutant General or his designee will notify the applicant if he/she is eligible for funds and the amount of the award.

(d) The amount of any award is at the sole discretion of the Adjutant General.

**Section 6. Payments.**

(a) Employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year from the first date of eligibility, may be paid by the Adjutant General if the payment is permitted by the Internal Revenue Code. Payment shall be made upon termination of Title 10 orders. The contributions shall be applied at the percentage which the employer and employee would have contributed to their plan during the period of deployment, had the employee not deployed.

(b) Over payments or incorrect payments shall be reimbursed by the responsible party to the Fund within 30 days of notification.

**Section 7. Proration of Payments.** If the amount in the Fund is limited, the following priority will be followed in making payments:

(a) Available funds will be paid to eligible first responders who apply in accordance with Section 5, on a “first come, first serve” basis until the funds are exhausted.

(b) If a group of eligible first responders apply at approximately the same time and the funds available are insufficient to provide contributions to all applicants, then the available funds will be provided on a pro-rata basis by dividing the total amount of the funds available by the total of claims made to determine the contribution percentage for each applicant. Once funds are exhausted, no other applications will be considered until such time as the Fund is replenished, if ever.

## Chapter 6

### Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statute 19-9-601.

**Section 2. Purpose.** The Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan provides reimbursement to qualified members of the Wyoming National Guard for group life insurance premiums.

#### **Section 3. Plan Implementation.**

(a) The Wyoming National Guard SGLI Premium Assistance Plan will be administered subject to legislative appropriation. The Adjutant General is the final authority in administering the Plan.

(b) The Adjutant General, or his designees, is permitted to exercise discretion in administering these rules. Moreover, except for “qualified member” requirements as set forth in Section 4 of these rules and W.S. 19-9-603, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein.

(c) The Deputy Director of the Wyoming Military Department is designated as the paying authority for all premium reimbursements and may authorize payment of premiums for qualified members annually no later than May 1 of the following year and shall be responsible to:

(i) Assess the available funds and reimburse the full amount of premium payments for the statutory coverage amount. If the available funds are less than the amount required to reimburse all members, a prorated amount shall be determined and paid. The Adjutant General may determine that payment for a single year of a biennium is the most appropriate allocation of the budget appropriation.

(ii) Review documentation submitted by the Wyoming Army National Guard (WY ARNG) and Wyoming Air National Guard (WY ANG) validating that a member listed is qualified for reimbursement for completeness and maintain for audit purposes.

(d) The Adjutant General is the final appeal and waiver authority for any request.

**Section 4. Qualified Members.** Members of the Wyoming National Guard are considered qualified who:

(a) Have completed basic military training or officer training unless waived by the Adjutant General for good cause;

(b) Meet the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which premium is reimbursed; and

(c) Are committed through an enlistment contract or other written agreement to membership in the active Wyoming National Guard for not less than six (6) years, including initial enlistment and any previous contract(s).

#### **Section 5. Application Process.**

(a) The respective WY ARNG and WY ANG Finance or Personnel office shall certify a listing of those members qualified for reimbursement of premiums to the Deputy Director upon request for processing reimbursement of premiums paid by the member during the previous year. The following information for each member shall be provided:

(i) Name, current address phone number, social security number for each qualified member (information must match WOLFS 109 form);

(ii) The total amount of SGLI reimbursement for each member for the previous calendar year. The amount will only be for those SGLI premium payments for insurance on the Guard member and will not include any amount for family members. No amount shall be included that has been or will be reimbursed by the Federal Government;

(iii) Certification from Unit/Personnel of completion of basic military training or officer training. A written waiver of training for good cause, approved by the Adjutant General or designee, may be substituted;

(iv) Certification from Unit/Personnel of meeting the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which the premium is being reimbursed; and

(v) A commitment through an enlistment contract or other written agreement to membership in the active Wyoming National Guard for not less than six (6) years, including initial enlistment and any previous contract or contracts. Documentation showing this information may be submitted, but is not required, if the respective National Guard office submittal indicates the member listed meets this requirement.

(b) Wyoming State Auditor Form (WOLFS 109) shall be completed and submitted for each member for direct deposit.

(c) In the alternative to the National Guard Finance or Personnel office providing the required information in subsection (a), individual members of the Wyoming National Guard may provide the information required in subsection (a) and must include payment documentation, such as Leave and Earning Statements, to show the SGLI payments the member actually made during the relevant period. The Deputy Director may produce a standard, required form, to be signed by the individual member and unit commander or designee authorized to make these submissions. Individual WY ARNG members shall submit this documentation through the Army National Guard military personnel office and individual WY ANG members shall submit this documentation through the air national guard finance office. These offices will then submit the documents to the Deputy Director for review and processing.

(d) The address for the Deputy Director for all required submissions is: Wyoming Military Department, ATTN: Deputy Director, 5410 Bishop Blvd., Cheyenne, WY 82009.

**Section 6. Rejected Payment.** If a reimbursement payment is rejected or otherwise cannot be completed due to circumstances outside of agency control, the Wyoming Military Department will research and correct the issue in the most reasonable manner:

- (a) by the agency accounting office if local correction is possible;
- (b) by the agency accounting office in direct cooperation with the member; or
- (c) by submitting a request to the appropriate national guard personnel officer/finance office for assistance.

**Section 7. Appeals.**

(a) Applicants may appeal reimbursement decisions by requesting an appeal in writing stating the basis for the reconsideration and providing certified or notarized documentation to support the reconsideration. Send all appeals to: Wyoming Military Department, ATTN: Deputy Director, 5410 Bishop Blvd., Cheyenne, WY 82009, whose office will research the appeal issues and submit the appeal to the Adjutant General.

(b) Final appeal authority is the Adjutant General.

**Section 8. Reporting Requirements.** The Deputy Director shall compile an annual report and provide it to the Adjutant General containing number of members and payment amounts disbursed, as well as any other information directed by the Adjutant General.

## Chapter 7

### Wyoming Veterans Commission Expendable Trust Fund

**Section 1. Authority.** These rules are promulgated under the authority of Wyoming Statute § 19-14-107(c)(ix).

**Section 2. Purpose.** The Wyoming Veterans Commission (“Commission”) Expendable Trust Fund (“Fund”) provides funds to be used in support of Wyoming veterans and their families. The funds will be used in a manner to benefit as many Wyoming veterans and their families as feasible.

**Section 3. Source of Funds.** The fund consists of three funding sources: 1) proceeds from sales of armed forces license plates; 2) donations; and 3) interest.

#### **Section 4. Implementation.**

(a) The chairman of the Commission, and designees, are permitted to exercise discretion in administering these rules. Moreover, except for eligibility requirements, the chairman and designees possess discretion to waive the requirements set forth herein.

(b) Evaluative criterion for approval may include, but is not limited to:

(i) The nature of the request for the proposed use of the funds;

(ii) Degree of impact upon Wyoming veterans and families;

(iii) Elimination of possible other sources of funds; and

(iv) Outcome of the proposed use of funds.

(c) Approval process.

(i) All written requests for funds will be brought before a meeting of the Commission, and the request will be distributed to the members of the Commission before or during the meeting.

(ii) Approval or disapproval of the request will be by simple majority vote of the Commission.

(iii) The Commission retains the right to waive these rules as appropriate.

#### **Section 5. Eligible Recipients.**

(a) Internal use of the funds by the Commission itself;

(b) External use of the funds by a U.S. Congressionally chartered veterans service organization;

(c) Any Wyoming non-profit organization, properly recognized as such by the Internal Revenue Service (IRS), with a mission to support Wyoming veterans and their families.

**Section 6. Application Process.** Eligible applicants shall apply for funds in writing, addressed to the Commission at 5410 Bishop Boulevard, Cheyenne, WY 82009.

**Section 7. Reporting Requirements.** The executive director of the Commission shall provide an annual report to the Adjutant General and the members of the Commission concerning the status of the Fund and an accounting thereof.