

003523844

HOUSE BILL NO. 62

Offered January 12, 2000

Prefiled January 6, 2000

A BILL for the relief of Christopher Dugan.

Patrons—McQuigg; Senator: Colgan

Referred to Committee on Claims

Whereas, Harold Dugan was drafted into the United States Army on February 20, 1968; and
Whereas, at the time Harold Dugan entered the armed forces he was a resident of Alexandria, Virginia; and
Whereas, on June 1, 1976, Harold Dugan received an honorable discharge from the United States Army; and

Whereas, on November 24, 1997, Harold Dugan was informed by the Veterans' Administration of the United States (VA) that he had been issued a 100 percent disability; rating; and

Whereas, the 100 percent disability rating reached back to an effective date of September 15, 1994; and

Whereas, the Virginia War Orphans Education Program (the program) was established to provide educational assistance for children of veterans who meet certain requirements including that each child requesting educational assistance must be no less than sixteen years of age, and no more than twenty-five years of age; and

Whereas, Harold Dugan has four children, Christopher, William, Jamie and Heather; and

Whereas, Christopher Dugan, the oldest child, was born on October 25, 1970; and

Whereas, in December of 1997, Christopher Dugan, the oldest son of Harold Dugan, submitted an eligibility application to the Virginia Department of Veterans' Affairs (DVA) which administers the program; and

Whereas, in January of 1998, the DVA informed Christopher Dugan that he was not eligible for the program because he was twenty-seven years old at the time the application was submitted; and

Whereas, at the time of the September 15, 1994, effective date for Harold Dugan's 100 percent disability status Christopher Dugan was twenty-three years old and would have qualified for eligibility under the program; and

Whereas, the over-three-year delay in processing of the disability rating resulted in Christopher Dugan being beyond the age of eligibility even though the claim was filed shortly after his father was informed by the VA of the rating; and

Whereas, Harold Dugan's other three children have received educational assistance from the program; and

Whereas, Christopher Dugan has no other means to obtain relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Director of the Department of Veterans Affairs is hereby directed to examine the eligibility application submitted by Christopher Dugan and determine whether he meets the eligibility requirements, notwithstanding his age. If Christopher Dugan meets the eligibility requirements, the Director shall determine the amount of educational assistance he is entitled to pursuant to § 23-7.4:1 A. The amount of the assistance, if any, shall be allocated from the funds appropriated for the Virginia War Orphans Education Program and paid to Christopher Dugan upon his execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection with the aforesaid occurrence.

INTRODUCED

HB62