

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 727

An Act to amend and reenact § 2.1-738 of the Code of Virginia, relating to claims to the Department of Veterans' Affairs.

[H 543]

Approved April 6, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-738 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-738. General powers and duties of Director.

The Director shall establish, equip, and operate such offices as may be necessary or desirable to render assistance to veterans of the armed forces of the United States and their Virginia-domiciled surviving spouses, orphans, and dependents in matters of rehabilitation and in the preparation, presentation, and prosecution of all lawful claims, by, or on behalf of, such veterans and their surviving spouses, orphans, and dependents, to obtain the benefit of their rights and privileges under various federal, state, and local laws enacted for their benefit. *However, after an original claim has been disallowed by the U.S. Department of Veterans Affairs, the Director may cancel a veteran's power of attorney to the Virginia Department of Veterans' Affairs and discontinue representation of that veteran when, in the Director's judgment, the claim is not a lawful one. For the purposes of this section, "lawful claim" means a claim which, to the best of the claimant's knowledge, information and belief, formed after reasonable inquiry, is well-grounded in fact and is warranted by existing law or is a good faith argument for the extension, modification or reversal of existing law related to the application of such claimant's right or privilege.*

~~For these purposes~~ The Director is authorized to employ such personnel as in his judgment may be necessary for the proper operation of such offices and for the proper discharge of the duties and functions of such Department.

Such offices shall be so located as to make the services of the Department conveniently available to such veterans and their surviving spouses, orphans, and dependents. Appropriate geographic areas of responsibility shall be assigned from time to time for each office. The various localities in each such area shall be visited by a representative attached to the office having responsibility for the area at such intervals as may be necessary or desirable.