

VETERANS RESOURCE MANUAL

A GUIDE TO LEGAL BENEFITS
& RESOURCES FOR NEW
JERSEY VETERANS



WRITTEN AND PUBLISHED BY **LEGAL SERVICES OF NORTHWEST JERSEY**
IN PARTNERSHIP WITH **LOWENSTEIN SANDLER LLP**



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The information in this manual is accurate as of April 2026. Please check our website, www.lsnwj.org, or talk to a lawyer for up-to-date legal advice.

Introduction & Purpose of this Manual

The goal of this manual is to provide educational material, insight, and guidance to veterans in New Jersey who are receiving some type of VA benefits, or to civilians and professionals who serve veterans seeking VA disability in New Jersey.

This manual is divided into two parts. **Part I** offers an introduction to the VA disability system and information on how VA grants cash benefits to veterans disabled by their military service. Also in Part I is information on seeking Military Discharge Upgrades and corrections.

Part II aims to provide a surface-level summary of the legal rights of disabled New Jersey veterans, specifically related to many of the practice areas of Legal Services of Northwest Jersey. [Jump to Part II](#) for an overview of the subjects covered there, and how your VA disability status can provide you extra protection in a variety of legal areas.

At the end of each section is a table of resources for veterans and advocates to explore in conjunction with the educational information in this manual.

Nothing in this manual should be taken as specific legal advice, and does not create an attorney-client relationship between LSNWJ and the reader. You as the reader are strongly encouraged to work with an accredited veteran service officer or claims agent to pursue a claim for VA disability, and to consult with an attorney about your rights in the civil legal areas discussed in Part II.

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Part I:
**VA Disability Benefits,
Military Discharge
Upgrades, & DD-214
Corrections**

VA Disability System Overview

The United States Department of Veteran’s Affairs (VA) operates a cash benefits program for certain qualifying veterans and their family members.¹ This program is called “**service connection**,” “**VA disability**,” or “**service connection benefits**.”

To qualify for this benefit, a veteran must prove that they have physical or mental disabilities which were caused by, related to, or made worse by their time in service. These benefits are **monthly, tax-free payments** that can **range from \$180 a month to over \$4,000 a month**, depending on how many disabilities a veteran has and how serious they are. If the VA finds you disabled under their rules, you can receive this disability money **regardless of your income**.

If you’ve ever served on Active Duty in the United States military, and are living with a disability that you believe was caused by your service, you may be entitled to cash benefits from the VA.

Keep reading for more information and resources about this program.

In certain cases, the VA will pay monetary benefits to eligible family members if the veteran passes away.

Veterans or dependent family **who receive VA disability benefits are eligible for a range of state and federal benefits beyond cash payments.** Many of these benefits will be discussed in this resource manual.

The VA system is “non-adversarial,” meaning the system is designed to favor veterans, and that VA must help veterans file and develop their disability cases.

Because of this pro-veteran standard, the VA has some guiding principles that are unique and important to veterans and advocates applying for these benefits:

- ✚ The VA disability system uses a **benefit of the doubt standard** to determine claims. This means if there is a 50-50 tie on any fact or issue related to a veteran’s claim, **the tie must be resolved in favor of the veteran.** *If the evidence for and against a claim is about equal, then the claim for benefits should be granted by VA.*
- ✚ The VA has a **duty to assist.** The VA has certain legal responsibilities to help veterans develop a claim, *including seeking evidence, providing medical exam(s), and informing a veteran of important forms or paperwork missing from their claim.*

¹ VA benefits are created and governed by federal law 38. U.S.C. §§ 1101–76. For the VA’s practical guide to veteran’s benefits, see the Disability Compensation Guide at [VA Disability Compensation](#).

- ✚ The VA is supposed to **support and help veterans and families** as they navigate the claim process. This means *VA acts as both a friend to veterans and a guardian of the taxpayers' money that funds this program.*

The VA disability process has a reputation for being slow and frustrating, with frequent denials based on flimsy reasoning and medical opinions that often ignore supportive evidence. **It is important to file a disability claim with the assistance of an accredited Veterans Service Officer (VSO) or accredited claims attorney**, to help you avoid common mistakes that may delay or damage your claim for benefits.

Some good principles to follow as you engage in the service-connection process:

Keep records of everything you or your advocate submit to VA about your claim. A missed deadline in the VA application process could mean missing out on back-paid benefits, so it is critical to stay organized.

Avoid contacting the VA about your claim yourself, and instead have your representative reach out on your behalf. Having one point of contact with the VA makes the communication process easier and more streamlined.

Keep going, even if you receive a denial. The VA processes many claims and the system is not perfect. Just because you were denied at first does not mean you are not entitled to disability benefits. **Be mindful of timelines when filing an appeal.**

If you have applied for benefits on your own and received a denial, contact a local accredited VSO or accredited claims attorney for assistance and to learn whether you have grounds to appeal. New Jersey's Department of Veterans Affairs employs accredited VSOs in every county who work to file disability claims for free for veterans and their families. Some county governments also employ their own VSOs.

Private attorneys can also become accredited with VA to file claims. However, they are not usually free. **Many accredited claims attorneys work on a contingency fee basis**, meaning they will only be paid if they are successful in your case. Like VSOs, claims attorneys are overseen by the VA, and there are limits to how high their fees can be.

Read on to learn more about the VA disability system and how VA determines which veterans are eligible for these benefits.

Use the NJ [Department of Veterans Affairs website](#) to find a VSO near you

To find an accredited claims attorney near you, search the VA's Office of General Counsel website, accessible [here](#).

How Do VA Benefits Work?

If the VA finds that your disabilities are connected to your service, VA will give each disability a “rating.” These ratings are assigned based on how severe your symptoms are, ranging from 0 to 100% in units of 10 (10%, 20%, 30%, etc.). **The higher your rating, the more money the VA will pay you each month.** This percentage represents how much your condition affects your ability to work and function in daily life. Your rating can also entitle you to other benefits, including VA and state-level benefits and programs.

Ratings can be increased or decreased based on changes in your health circumstances. A veteran's rating percentage is determined by:

- ✚ **Medical evidence**, doctor's reports or medical testing results
- ✚ **How your symptoms align with the VA's list of symptoms and ratings**, called the “[Diagnostic Code](#)”
- ✚ **The results of a VA exam** (also called a “Compensation & Pension” or “C&P Exam”)
- ✚ Other evidence gathered by VA or the veteran to corroborate their symptoms

The payments for each disability rating are set by Congress every year. [For 2026](#), a 10% rating will mean a monthly payment of about \$180 for a single veteran with no dependents. A 100% rating will total around \$3,938 a month for single veterans with no dependents.

If you are rated 30% or higher, you are eligible to receive more money in benefits if you have dependents, including a spouse, minor kids, or adult children with certain disabilities. [Skip ahead](#) to the Family Law section of this manual for more details.

If you have multiple conditions that the VA decides are related to service, the VA will combine them to give you an overall “combined rating.” These **combined rating percentages cannot total over 100% and are not calculated using regular math.** This can

be frustrating for veterans with many service-connected conditions that would total over 100% under the rules of regular math.

For more on how “combined ratings” are calculated, see VA’s explanation [here](#).

Service-connected veterans can also seek service connection for disabilities that were not directly caused by service, as long as the veteran can prove that the second disability was caused by a disability that is (or should be) service-connected. This is appropriately called **secondary service connection**. An example of this is if a veteran’s service-connected right knee condition causes her to put more wear and tear on her left knee, which causes left knee issues. If a doctor provides an opinion that her left knee issues were likely caused by her service-connected right knee, the veteran can receive benefits for her left knee issue **and** the right knee.

QUICK TIP: When discussing your options for service connection, be sure to tell your VSO or claims attorney about **all** of your current medical issues.



How Does VA Determine Who Should Get Service Connection?





Whether a veteran can receive VA disability benefits depends on two big-picture questions.

1. Does your service make you **eligible** to receive these VA benefits?
2. If so, do your disabilities, experiences in service, and medical history make you **entitled** to these VA benefits?

Are You Eligible?

VA looks at several factors to assess whether your service makes you eligible to receive VA disability. These include:

*If you believe you are currently rated **too low** for a service-connected condition, consult an accredited Veteran Service Officer or claims attorney to evaluate if your condition could entitle you to a higher rating.*

-  Your **character of discharge**
-  Your **length of service**
-  Whether you have ever had any **active-duty** service
-  If your disability was caused by misconduct on your part

The most common barriers to eligibility involve characters of discharge, or whether a veteran had “active duty” service or not. The **VA defines active duty as someone who has**

performed “active military, naval, air, or space service, and who was discharged or released...under conditions *other than dishonorable.*”

If you have an Honorable or General discharge characterization, those are typically accepted by the VA for service-connected benefits. If you received an Other than Honorable discharge (OTH), the VA will assess whether your discharge is acceptable to receive disability benefits. This is called a “Character of Discharge” determination. This determination is separate from a Military Discharge Upgrade, which is discussed in detail [here](#).

The VA does not automatically consider National Guardsmen and Reservists to be “veterans” for the purposes of getting VA disability money. ***For these groups of servicemembers, eligibility depends on the duty status at the time of injury***, including whether you were activated by the federal government, or if you were participating in Active or Inactive Duty for Training when injured. Consult a local Veterans Service Officer to assess whether your National Guard or Reserve service qualifies you for VA disability benefits.

Are You Entitled?

Once a veteran proves they are eligible for VA disability benefits, next they must prove they are entitled to those benefits. VA must see these three elements in your record:

1. A **current diagnosis** of an injury, illness, or disability
2. The existence of **an event during service** that you believe caused or led to your current diagnosis (an “in-service event”), and
3. That a medical practitioner has found a connection – or a “nexus” – between your current diagnosis and the in-service event proving that it is “**at least as likely as not**” that the condition was caused by that event on active-duty.

This standard means that if the medical evidence in support of and against the claim are about equal, the claim will be granted in the veteran’s favor. This **benefit of the doubt** standard is the standard of proof used in the VA system.

Each element required to prove service connection is discussed below.

Element 1 – Current Diagnosis

Applying for service connection without a current diagnosis is a common mistake veterans make as they do this process alone. Without a diagnosis of a condition or injury from a medical treatment provider, a claim for service connection is unlikely to be as successful as a claim submitted with a formal diagnosis.

Make sure you have a formal diagnosis by a medical provider for the injury, illness, or disability you are trying to get service connected. This can be made by either private or VA medical doctors, as long as the evidence meets the definition of “competent medical evidence.” This means the medical provider has specialized knowledge, education, experience, or training that qualifies them to make your diagnosis.

If you submit a claim without proof of a formal diagnosis, the VA must assist you with the claim by getting medical records on your behalf or ordering a medical examination of their own. This is part of the VA’s duty to assist. **However, it is faster, easier, and more successful to submit proof of diagnosis directly to VA when you submit your claim, rather than relying on VA to get the medical records or administer their own exam.**

Element 2 – In-Service Event

Once you prove a current diagnosed condition, next you must provide evidence that a particular event or incident happened during service to cause or contribute to your current diagnosis, known as an “in-service event.” This means submitting, identifying, or showing evidence to prove the disease, injury, or event that caused (or worsened) your current disability actually took place during service.

Some examples of an in-service event can include:

- ✚ Exposure to loud noises – artillery fire, machinery, etc. – with or without hearing protection
- ✚ Injuries on duty and any resulting treatment (documented or not)
- ✚ Taking enemy fire during combat, even if not documented in your service
- ✚ Physical stress from your MOS (in-service job)
- ✚ Witnessing distressing, traumatic, and dangerous events on duty
- ✚ Exposure to toxins, usually based on where you were stationed
 - *This includes Agent Orange, Burn Pit, or radiation exposure*

Even if the in-service event happened during a free time activity while on active duty, this can still meet the second prong of the service-connection process. Examples of this can include **and are not limited to:**

- ✚ injuries from an off-base motor vehicle accident
- ✚ a knee injury while playing basketball on base during free time
- ✚ a personal assault in the barracks by a fellow soldier or commanding officer

As long as the in-service event was not from some type of willful misconduct on your part, many things can be an in-service event for service connection purposes.

Part of the VA's duty to assist is collecting records from your military service that document your assignments, personnel history, and any medical treatment you received in service. These records are called your Military Personnel Records and your Service Treatment Records. These records are maintained by the Department of Defense, and are shared with the VA for service-connection claims.

Combat Presumption

A challenging part of proving an in-service event is that in the stress of war, many things are not written down. It is very unlikely that in your personnel records, someone took the time to write, "Currently experiencing mortar fire," if your unit came under fire. For many servicemembers, there is not explicit evidence that documents the exact moment or time of their in-service event.

A special rule applies to veterans engaged in combat which makes it easier to get service connection based on injuries related to that combat. **The rule allows lay (or non-professional) statements to be accepted as proof of an in-service injury, as long as the statements are consistent with "the circumstances, conditions, or hardships of the veteran's service."** Consider the following:

Jerry is filing a claim to **service-connect his PTSD** related to his time in the Army as an infantryman. Because of his job in service, he experienced firefights, mortar attacks, and witnessed members of his platoon die in combat. No official incident report exists for these in-service events, but he writes a personal statement detailing the things he experienced and saw, and submits it with his claim.

Because of his role as an infantryman in the Army, the VA can presume his PTSD was caused by the stressors he describes in combat, because they are **consistent with the circumstances, conditions, or hardships of his service.**

In this example, Jerry and his advocate could argue that because he saw combat, his personal statement about what he experienced should be accepted as proof that the in-service event took place, entitling him to service connection for his PTSD. Unless VA has an explicit reason to doubt Jerry's credibility, they must accept his account of what happened in combat.

Element 3 – Medical Nexus Opinion

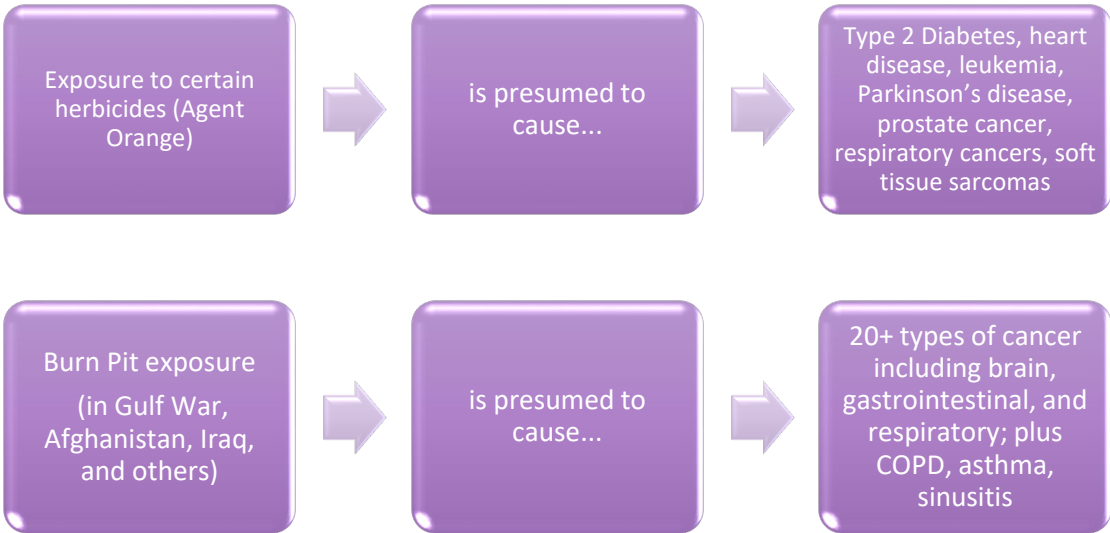
The third element required to get service connection is getting a medical nexus opinion that your claimed condition is caused by your in-service event. When you prove all three, the VA grants service connection and then assigns your disabilities a rating.

Presumptive Conditions

In some situations, a medical nexus is not necessary. Some conditions are “presumed” to be service-connected because of certain characteristics about the veteran’s service, such as type or location of service. For example, if you can prove you served in-country during the Vietnam War, the VA assumes that you were exposed to Agent Orange, even if direct exposure is not specifically documented in your records. If someone served in Iraq during Operation Iraqi Freedom, the VA assumes they were exposed to Burn Pit toxins used during that conflict, even if the veteran’s record does not mention it.

If your service fits into a presumptive category **and** you have a condition that VA knows is associated with that presumption, then **you do not need a medical nexus opinion to get service connection for that condition.**

Common presumption categories include:



A full list of presumptive groups recognized by the VA and a full list of the conditions associated with each presumption are listed in the Code of Federal Regulations at [38 C.F.R. § 3.307](#) and [§ 3.309](#). Veterans and their advocates are encouraged to bookmark these regulations and become familiar with the categories of presumptive service and conditions.

Conditions That Are Not Presumptive

For conditions that are not presumptive, **Veterans must provide a positive medical nexus opinion that their current disability is *at least as likely as not* the result of the in-service event.** Though this phrase is a mouthful, it means that there is at least a 50% chance that the condition was caused by service.

This nexus is a statement by a medical professional who has reviewed and studied the Veteran's medical file, service treatment records, and other relevant claim material. Additionally, the medical professional must support their conclusions based on a thoughtful analysis of the file and accepted medical treatise material.

VA will usually send claimants for disability exams as part of the application process. These VA exams are called "Compensation and Pension exams" (C&P Exams). VA examinations usually take months of waiting to get an appointment, are done by contract examiners who do not work for VA, and can often feel short and rushed.

It is in your best interest to get an independent medical opinion and submit it with a claim for VA disability benefits, rather than waiting for VA to rely solely on their C&P Exam. If you cannot afford or access an independent medical opinion from a non-VA doctor, be sure to take notes into your C&P Examination about your disability so you will be able to thoroughly answer questions about your symptoms and conditions.

Why is Service-Connection Important?

Service-connected benefits are meant to make up for the average wage loss someone would suffer from a disability, but VA benefits can be paid even a veteran is still working. Service connection becomes even more important when a veteran has dependent family members, or if their conditions make them housebound or cause them to need help with activities of daily living. **Being 100% service connected makes you eligible for education benefits for your family, housing adaptations, VA-paid home health services, and automobile modifications to accommodate your disability.**

In addition to being compensated for your sacrifices made in service, service-connection is important for many other reasons. Being service connected may entitle you to state resources, programs, and supports that span many different categories of needs. For instance, service-connected Vets can qualify for free VA health care coverage, nursing home or in-home care, and outpatient treatment as needed. Part II of this manual discusses these state and federal programs and supports available to service-connected veterans.

Additionally, service-connected Veterans in New Jersey seeking employment are provided "an absolute Veterans Preference when applying for a New Jersey civil service position." Qualifying disabled veterans are placed at the top of open competitive employment lists

ahead of non-veterans. Veterans are also protected federally when they return from active duty to civilian work.

A higher rating can get Veterans more benefits as their ratings increase. For instance, having a service-connected disability rating at 100% entitles you to: use the GI Bill for you or your dependents; a waiver of VA funding fee for a VA home loan; travel allowance or reimbursement for scheduled appointments at a VA medical facility, and more.

Types of Benefits Available to Certain Dependents

Service connection is also important because certain dependents of service-connected veterans have access to benefits and programs because of the veteran’s service and disability status. These benefits include:

- ✚ Dependency and Indemnity Compensation (known as Survivor Benefits or Death Benefits)
- ✚ Life insurance
- ✚ Education benefits (money for school)
- ✚ Life insurance
- ✚ Caregiver benefits, including monthly stipend and health care coverage
- ✚ Survivors pension

The primary categories of people eligible for dependent benefits include surviving spouses and surviving dependent children. The table below lays out the requirements for each relationship.

CATEGORY	REQUIREMENTS
Spouses	<ol style="list-style-type: none"> 1. You lived with the veteran without break until their death, and 2. Either: <ul style="list-style-type: none"> - you married the veteran within 15 years of their discharge, - you were married to the veteran for at least 1 year, or - you had a child with the veteran
Dependent children	<ol style="list-style-type: none"> 1. You are unmarried, 2. You are not part of the surviving spouse’s compensation, and 3. You are under 18 (or under 23 and attending school). <p style="text-align: center;"><i>You may also be considered a dependent child if you are over 18 but have been found “incapable of self-support” before your 18th birthday.</i></p>

The most significant benefit available to dependents or surviving dependents is Dependency and Indemnity Compensation (DIC), sometimes referred to as Survivor Benefits or Death Benefits. Other types of dependent and family benefits listed above are discussed more in the [Family Law](#) section of this manual.

Surviving Dependents and After-Death Benefits: Dependency and Indemnity Compensation (DIC)

Surviving spouses and dependents may be eligible for continued monthly benefits after a veteran passes away from their service-connected conditions. This is called Dependency and Indemnity Compensation (DIC) benefits.

If a veteran was service-connected at the time of death and their service-connected condition(s) was the primary or secondary cause of death, **the surviving spouse can apply for DIC benefits to receive an ongoing monthly benefit payment.** This amount is [set annually by VA](#), and can be increased if there are dependent children or if the surviving spouse is housebound or bedridden.

If a veteran passed away while pursuing a claim for service connection, **the surviving spouse should notify the VA of the veteran's passing, and file paperwork to substitute themselves on the claim.** This should be done with the help of an advocate, such as a county VSO. Once the surviving spouse becomes the claim substitute, VA will continue to process the Veteran's file. If the VA determines the Veteran's condition *should have been service-connected*, **and** that condition was the primary or contributing cause of death, then the surviving spouse would be entitled to receive DIC benefits.

Getting DIC becomes more difficult if a veteran passes without a pending claim or from something that was not service connected. **Nevertheless, surviving dependents can still file for death benefits and make the argument that the veteran's condition should have been service-connected.** The challenge with these cases is that there is no ability for VA to do a medical examination or interview the veteran about their symptoms or experience in service. This makes it harder to win than a traditional service-connection claim.

If you are a surviving spouse of a service-connected veteran, **contact your local county Veterans Service Officer to help understand the benefits you may be entitled to.**

WHEN TO APPLY FOR DIC?

*Though a surviving spouse can apply for DIC at any time after the veteran's death, LSNWJ recommends applying **within 1 year** of the veteran's passing.*

This could entitle surviving dependents to an earlier effective date, meaning an earlier date for benefits to begin.

Beware of Scams: For-Profit VA “Claim Sharks”

It is required to maintain VA accreditation to help veterans file disability claims. This includes oversight by VA, background vetting, continuing education requirements, and strict limitations on fees a claims attorney or agent can charge. Accredited Veteran Service Officers (VSOs) and Organizations are not legally allowed to charge veterans money to file a claim or appeal.

In recent years, however, there is a growing number of unaccredited, for-profit claims companies that charge veterans enormous fees to file their claims and do very little actual work. Charging fees to file initial claims is federally illegal, but the penalty for this was recently downgraded to a monetary fine.

This has motivated these unaccredited for-profit claim companies – known as “claim sharks” – to charge veterans even higher fees to make up for the fines their company may be assessed. Media investigations found that **some companies charge as much as five times the amount of a veteran’s monthly disability award**, and some companies have billed veterans when their rating has increased, even if the veteran was no longer working with the company to get that increase.

RED FLAGS AND COMMON TACTICS



MASSIVE FEES

Demanding large fees up-front

Charging a percentage of your backpay as a required fee

Billing you for future rating increases

BOGUS CLAIMS

Exaggerating conditions and filing frivolous claims

Missing deadlines

Unworkable timelines

URGENCY OR PROMISES

Asking for access to your VA.gov login

Pressure to sign VA Power of Attorney without review

You never have to pay to file an initial service-connection claim with the VA.

If you are contacted by a claims company:

- ✚ **WAIT.** Do not sign anything, ask for credentials and time to review. Discuss with people you trust before hiring.
- ✚ **DON'T PAY UPFRONT.** Ask for a written contract to review before paying, making sure it follows VA rules.
- ✚ **KEEP GOOD RECORDS.** Stay organized and keep copies of all forms, agreements, and contact with the company.
- ✚ **REPORT.** Report suspicious or malicious companies to VA's Office of General Counsel (accreditation@va.gov) and your state Attorney General if you suspect abuse.

Safer alternatives to paid companies include VSOs, VA-accredited claims attorneys or agents, or using other VA resources available through the Regional Offices. For resources on how to locate VSOs near you, [skip to the resource section](#).

Military Discharge Upgrades & DD-214 Corrections

The Discharge Upgrade process is an administrative review process that veterans can use to try and improve – or “upgrade” – their military discharge characterization. Unlike veteran disability benefits, this process is not overseen by the VA, but is instead done by the Department of Defense. Each branch of the military has its own administrative review boards that determine whether a veteran’s discharge should be improved, based on the facts of their service and other evidence.

The process for upgrading your military discharge can be complicated, and the likelihood of success is small without an advocate to help you.

LSNWJ recommends getting the assistance of an attorney or advocate as you pursue your Discharge Upgrade.

If you submit your Discharge Upgrade application **within 15 years of leaving the service**, you must file with the [Discharge Review Board](#) of your branch of service. For these types of applications, you must use the [DD Form 293](#), which is available online.

If you submit your Discharge Upgrade application **more than 15 years after leaving service**, you must file your application with the [Board for Correction of Military Records](#) for your branch (known as the “Board for Correction of Naval Records” for the Navy and the Marines). For these applications, you must complete a [DD Form 149](#), also available online.

Depending on which time period applies to you, you will submit the appropriate DD Form, your DD-214, and all supporting evidence by certified mail to the address listed below for your branch. **It is highly recommended for you to make a copy of everything you send in with your application, so you can make sure you have a copy for your records.**

<p style="text-align: center;">If you separated within 15 years of your Discharge Upgrade Application...</p>	<p style="text-align: center;">If you separated <u>over</u> 15 years ago...</p>
<p>Apply to your branch's <i>Discharge Review Board</i></p> <p>Using DD Form 293</p>	<p>Apply to your branch's <i>Boards for Correction of Military Records / Naval Records</i></p> <p>Using DD Form 149</p>
<p>ARMY: Army Review Boards Agency 251 18th Street South, Suite 385 Arlington, VA 22202-3531</p>	<p>ARMY: Army Review Boards Agency 251 18th Street South, Suite 385 Arlington, VA 22202-3531</p>
<p>NAVY AND MARINES: Secretary of the Navy Council of Review Boards ATTN: Naval Discharge Review Board 720 Kennon Ave S.E., Suite 309 Washington Navy Yard, DC 20374-5023</p>	<p>NAVY AND MARINES: Board for Correction of Naval Records 701 S. Courthouse Road, Suite 1001 Arlington, VA 22204-2490</p>
<p>AIR FORCE: Air Force Review Boards Agency 3351 Celmers Lane Joint Base Andrews NAF, Washington, MD 20762-6435</p>	<p>AIR FORCE: Air Force BCMR 3351 Celmers Lane Joint Base Andrews NAF, Washington, MD 20762-6435</p>
<p>COAST GUARD: Commandant (CG-133) ATTN: Office of Military Personnel US Coast Guard Stop 7907 2703 Martin Luther King, Jr. Ave., S.E. Washington, DC 20593-7907</p>	<p>COAST GUARD: DHS Office of the General Counsel Board for Correction of Military Records 245 Murray Lane, Stop 0485 Washington, DC 20528-0485</p>

At this time, Legal Services of Northwest Jersey does not provide services on this topic. We refer clients to two places for both application assistance and resources for filing on your own. These places are listed at the end of this chapter.

“Don’t Ask, Don’t Tell” Upgrades

In 1994, Congress passed the “Don’t Ask, Don’t Tell” Act, which was a law that banned gay, lesbian, bisexual service members from openly serving in the U.S. Military.

Service members discharged under “Don’t Ask Don’t Tell” and similar policies usually left service with military discharges of *Honorable* or a *General Under Honorable Conditions*, but many received a less-than-honorable discharge simply for their sexual orientation. It was common for someone discharged under this law to have their DD-214 list, “Homosexual Conduct,” “Homosexual Admission,” or simply “Homosexual” as the narrative reason for separation. This led to many veterans being denied re-enlistment and benefits because of their discharge.

After the repeal of “Don’t Ask, Don’t Tell” in 2010, the Department of Defense created a policy specifically to address this issue. Under this policy, military review boards are directed to correct DD-214s to remove reference to discharges under this repealed law.

If you were discharged under “Don't Ask, Don't Tell” or another prior military policy that includes discriminatory language, LSNWJ encourages you to speak with someone who handles Discharge Upgrade cases to explore whether assistance may be available.

Getting a Name Change Reflected on Your DD-214

If you are a trans veteran looking to change your name on your DD-214, that process is overseen by the Board of Correction of Military Records for each military branch. To start this process, you will first need to get a legal name change and gender change in your state of residence. Be sure to keep official documentation of those legal changes, as this will be crucial evidence you need to submit to your branch’s Board as part of this process.

Like Discharge Upgrades, LSNWJ does not provide assistance on this name change process at this time. Recommended resources are listed at the end of this chapter.

VA Disability Resources

HIGHER RATINGS

The VA has a table that lists what federal benefits are available as service connection ratings increase. Veterans and advocates are encouraged to examine that [here](#).

LAWYERS SERVING WARRIORS

National Veterans Legal Services Program (NVLSP) offers a free program to help veterans and servicemembers secure DoD benefits, including a **Military Discharge Upgrade** or DD-214 correction.

Apply for this free program [at their website](#).

SWORDS TO PLOWSHARES

This group is a California-based nonprofit who helps veterans and advocates around the country seeking benefits and dignity through the VA system.

They offer an array of **self-help resources** online, including a Self-Help **Discharge Upgrades** guide. That resource is available [for free](#). They also produce podcasts and other helpful material.

VA ACCREDITATION CHECK

The VA's Office of General Counsel oversees the VSOs, attorneys, and agents who are allowed to assist veterans with disability claims. **Consult this search feature to confirm that a claims company is accredited – [search by name here](#).**

Utilize this [VA search tool](#) to locate an accredited representative or VSO in your area.

You may also use the New Jersey [Department of Veterans Affairs website](#) to find a state VSO in your county.

Some counties have their own accredited VSO in addition to the state-level VSO. See the next page for a list of county offices that can help you file VA benefits claims.

County Level Veterans Affairs Offices and VSOs

Contact your county office to help file VA claims. For county governments without an accredited VSO, the state Department of Veterans Affairs employee is listed.

COUNTY	DEPARTMENT	POINT OF CONTACT	ADDRESS	PHONE NUMBER
<u>Atlantic</u>	Office of Veterans Services	Robert L. Frolow, VSO	Vet Center 201 S. Shore Road Northfield, NJ 08225	609-677-5700
<u>Bergen</u>	Division of Veterans Services	Shaun Hutchinson, Director	One Bergen County Plaza 2nd Floor Hackensack, NJ 07601	201-336-6325
<u>Burlington</u>	County Department of Military and Veteran's Services	Jose Melendez, Deputy and VSO	795 Woodlane Road Westampton, NJ 08060	609-265-5008
<u>Camden</u>	Camden County Office of Veterans Affairs	Ted Gallagher Director	Wolverton Library 3rd Floor 200 College Drive Blackwood, NJ 08012	856-374-5801
<u>Cape May</u>	Division of Veterans Services	Donna Groome Director	3801 Route 9 S Unit 4 Rio Grande, NJ 08242	609-886-2762
<u>Cumberland</u>	Department of Veterans Affairs	Steven Cervini Director	135 Sunny Slope Dr. Bridgeton, New Jersey 08302	856-453-2239
<u>Essex</u>	New Jersey Department of Veterans Affairs	DeAndre Gurley, VSO	VA Newark Regional Office 20 Washington Place Floor 4 Room #439 Newark, NJ 07102	609-671-3536
<u>Gloucester</u>	Veterans Affairs Office	Frank J. DiMarco Director	211 County House Road Sewell, NJ 08080	856-401-7660
<u>Hudson</u>	New Jersey Department of Veterans Affairs	Michelle Rangel, VSO	Jersey City Armory 678 Montgomery Street, 2nd Floor Jersey City, NJ 07306	609-671-3546







COUNTY	DEPARTMENT	POINT OF CONTACT	ADDRESS	PHONE NUMBER
<u>Hunterdon</u>	Division of Senior, Disabilities & Veterans' Services	Richard Booth, VSO	4 Gauntt Place Building #1 Flemington, NJ 08822	908-788-1361
<u>Mercer</u>	New Jersey Department of Veterans Affairs	Tamara Corrales, VSO	Lawrenceville Armory 151 Eggerts Crossing Rd, #136 Lawrenceville, NJ 08648	609-671-3555
<u>Middlesex</u>	New Jersey Department of Veterans Affairs	Carolina Castro, VSO	Woodbridge Armory 625 Main St Woodbridge, NJ 07095	609-671-3561
<u>Monmouth</u>	New Jersey Department of Veterans Affairs	Peter Midgley, VSO	630 Bangs Avenue Suite #320 Asbury Park, NJ 07712	609-671-3566
<u>Morris</u>	Veterans Services Office	Contact accredited VSO: MCVets@co.morris.nj.us	Veterans Services Office 540 West Hanover Avenue Morris Township, 07960	973-285-6866
<u>Ocean</u>	New Jersey Department of Veterans Affairs	Danielle Cardoso, VSO	Toms River VA Clinic 1055 Hooper Avenue Toms River, NJ 08754	609-671-3575
<u>Passaic</u>	New Jersey Department of Veterans Affairs	Yahaira Padilla, VSO	Passaic County Administration Building 401 Grand Street Paterson, NJ 07505	609-671-3581
<u>Salem</u>	Salem County Veterans Services Office	Brenda P. Banks, County VSO	110 Fifth Street, Main Conference Room, Salem, NJ 08079	856-339-8603
<u>Somerset</u>	Somerset County Veterans Services	Jean O'Brien, Director	27 Warren St. PO Box 3000 Somerville, NJ 08876	908-704-6329
<u>Sussex</u>	New Jersey Department of Veterans Affairs	Luis Segura, VSO	Catholic Charities Bldg. 48 Wyker Road Franklin, NJ 07416	609-671-3571
<u>Union</u>	Office of Veterans Affairs	W. Geoff Smith Coordinator	10 Elizabethtown Plaza Administration Building Elizabeth, NJ 07207	908-352-3980
<u>Warren</u>	Veterans Services (Division of Aging & Disability Services)	Jacque Petersen, VSO	Warren County Courthouse 413 Second Street Belvidere, NJ 07823	908-475-6211

Part II:

**Civil Legal Resources,
Rights, & Programs
for Service-Connected
Veterans**

Part II of this manual explores how each of LSNWJ's legal practice areas may be relevant to a service-connected veteran, and whether there are certain protections or programs available to clients because of their status as a disabled veteran.

The pages that follow cover topics that relate to many of the categories of cases handled at LSNWJ besides VA disability advice. The topics covered in Part II are:

-  Consumer law
-  Family law
-  Housing law
-  Social Security and VA benefits
-  Public entitlements
-  Expungement and driver's license restoration

Some areas of law in New Jersey have protections or opportunities specifically for service-connected veterans and others do not. The sections below address each area of civil law handled by LSNWJ. At the end of each section is a resource table.

As stated in Part I, **nothing in this manual creates an attorney client relationship between the authors and the reader of this manual. The purpose of this manual is to educate veterans and their advocates regarding the VA disability system in general, as well as rights, resources, and opportunities available to service-connected veterans under New Jersey law.**

You should not act or rely on any information in this manual without seeking the individualized advice of an attorney licensed to practice law in New Jersey. Since the law is constantly evolving, information you find in this aid should not be used as a substitute for the advice of competent legal counsel based on your specific facts and circumstances.

Consumer Protections for Veterans

Money problems can be distressing for veterans and civilians alike, sometimes leading to civil legal issues from unpaid debts, financial judgments, garnishments, or bankruptcy. For veterans receiving VA disability benefits, there are certain protections that could help safeguard those federal benefits during a financially tough time.

If you are a veteran who receives monthly VA service-connection benefits, those benefits cannot be garnished from your paycheck or taken out of your bank account by private creditors for the purpose of paying off your debt to them. This includes places like credit card companies, banks, or automobile lenders. This protection also applies to federal Social Security disability benefits.

Note that these protections apply only to your federal income, and do not protect other assets (like property or a car) against levy or garnishment. There are certain situations in which VA benefits *can* be taken to pay a debt, such as cases of unpaid alimony or child support, unpaid taxes or debts to the federal government, or a VA overpayment.

To keep your federal benefits safe in the event of debt collection from private creditors, **VA benefits should be kept in a separate, segregated account from any income you collect that is not from VA or another federal source.** Putting federal benefits into an account with non-federal funds, or into an account with a non-veteran co-owner, means the VA money in that account loses this protection against creditors.

Veterans, Debts, and Credit Repair

It is not uncommon for veterans – like civilians – to have large amounts of debt, whether related to cars, student loans, home loans, credit cards, or medical bills. There are many companies that advertise help with debt consolidation and credit repair, but most of these companies charge fees and then do no work on actually paying off your debts. **You should only work with a licensed debt adjuster to try and consolidate or lower your debt obligation.** Unless the company or individual is licensed, do not use them pay them to handle your debt; use that money to pay toward the debt yourself.

Find out whether someone is a licensed New Jersey debt adjuster by using the state Department of Banking and Insurance website [here](#).

*On the site: select the **Banking** option, input the company name, then choose **Debt Adjuster** from the drop-down menu*

Occasionally, veterans must seek medical treatment outside of the VA network, often in an emergency or for a particular

specialist. If you have an unpaid bill for a non-Veterans Affairs facility because you were referred there by the VA for treatment, you should contact a VSO to help you file a reimbursement claim with the VA. In certain situations, non-VA medical care is covered if the VA authorized it.

Many veterans are looking to see their credit history report or improve their credit score. Unfortunately, there are no Veteran-specific resources to repair poor credit if you have unpaid debts, missed loan payments, or old judgments on your report.

If you think there is an incorrect entry on your credit report, you can send a [dispute letter](#) to both your financial institution and the credit reporting company. Consult the services of a consumer attorney if you believe this applies to you.

Bankruptcy & Veterans

Bankruptcy is the legal process of consolidating, discharging, or paying off debts that you cannot afford to pay back. This court process can involve liquidating, or selling off, assets to repay creditors, or creating a repayment plan through a court. There are two types of bankruptcy in New Jersey, called Chapter 7 and Chapter 13 for the section where each process is written into law.

Bankruptcy is a technical and complicated process – don’t do it without help! Legal Services of Northwest Jersey highly recommends seeking the services of an attorney to assess your options.

In New Jersey, civilians and veterans hoping to file bankruptcy must undergo a briefing from an approved credit counseling agency before filing. This counseling must come from a credit counseling agency approved by the United States Trustee Program. You can find a list available online [here](#).

However, veterans who are “incapacitated, disabled, or on active duty in a combat zone” may be able to waive the credit counseling requirement. For service-connected Veterans seeking bankruptcies, consider discussing your disability, its symptoms, and other limitations with an attorney in the context of whether you must complete credit counseling before filing for bankruptcy. Based on your condition(s), you may qualify for this exception.

Chapter 7 Bankruptcy

This type of bankruptcy – known as a “personal bankruptcy” – is available to individuals or married couples whose income and expenses are under a certain amount set by law. A court will assess the money coming into and going out of a person or couple’s bank account each month to determine.

Thanks to a 2019 law called the HAVEN Act, **certain VA disability benefits do not get factored into the income calculations for bankruptcy proceedings**, which determine which type of bankruptcy filing someone is eligible for. If your income exceeds the limits set by law, Chapter 7 bankruptcy stops being available and you must file Chapter 13, which requires entering into a years-long payment plan to pay down debts.

For Veterans who are service connected at 30 percent or more, VA disability payments are not counted as income for bankruptcy purposes. This means for eligible veterans, your VA disability money will not be counted when assessing income for purposes of a Chapter 7 bankruptcy case.

Personal bankruptcy can often be resolved more quickly than Chapter 13 and allows you to discharge your debts, meaning have them erased rather than pay them back.

Chapter 13 Bankruptcy

This form of bankruptcy provides a slightly different type of relief than Chapter 7. In a Chapter 13, people must reorganize their debts into a repayment plan that can last for 3-5 years, depending on the person's income. Chapter 13 bankruptcy allows clients to keep, rather than sell off (or "liquidate"), their property and assets, and pay back the debts over time. This is only if the person's income is over the statutory limit.

Chapter 13 relief is usually a longer process than a Chapter 7 Bankruptcy. Chapter 7 focuses on quickly discharging debt, like credit cards and medical bills. Chapter 13 involves a more detailed process, and involves a *repayment* of the debts rather than *discharging* the debts.

Filing for either kind of bankruptcy will not stop your VA or other federal disability benefits from being paid. The only reason the VA can stop your payments is if they suspect fraud, in cases of overpayment, or if you are a fugitive felon or incarcerated for over 60 days for a felony conviction. Click [here](#) to jump to the section of this manual that discusses *Veterans in the Court System*.

Similar to Chapter 7, Chapter 13 bankruptcy includes exemptions for service connected disabilities. **Veterans with a 30% rating or higher may be exempt from the income test in certain situations related to Chapter 13 filings.**

To fully assess your options if you are a disabled Veteran considering bankruptcy, **seek the advice of an attorney** to learn more about your options. Below are some resources for New Jersey veterans exploring if bankruptcy is right for them.

VA Disability Benefits and Taxation

VA disability benefits are tax-free payments, which means they **are not included in a Veteran's gross income for tax filing purposes**. Any disability compensation paid to a

disabled veteran's family is also not taxed. In addition, any [home modifications](#) the VA would pay for – including making a home wheelchair accessible or adaptable for other disabilities like blindness and limb loss – are also not taxed.

For full guidance on taxable and non-taxable income, including special provisions for Veterans, see [IRS Publication 525](#) and consult a tax professional. This publication is updated annually.

In New Jersey, recently discharged Veterans can qualify for a one-time tax exemption within **1 year of separation from the military**. This exemption is **time-sensitive**.

QUICK TIP: Veterans should ensure that this tax exemption is not classified as income when applying for welfare benefits like SNAP, WFNJ, or TANF.



For veterans who own their home, you could qualify for a yearly state property tax exemption, meaning you would not have to pay property tax. This perk is available for disabled veterans who are rated **100% permanent and totally disabled**, and whose home in New Jersey is their primary home. **Eligible veterans should contact their town's tax assessor for directions on how to request this exemption.** If you cannot locate your municipality's tax assessor office, contact your local VSO for assistance.

Consumer Resources

DEBT & CREDIT REPAIR

New Jersey Department of Banking and Insurance

[Debt adjuster license search](#)

Consumer Financial Protection Bureau
an independent agency of the U.S. government responsible for protecting consumers in the financial sector

[Navigating The Military Financial Lifecycle](#)

This webpage hosts informational material about debt collection, your rights as a veteran, and good practices for financial security

[Credit Reports and Scores](#)

Access this page for information on how to get your credit report and how to dispute incorrect information on your report

[Sample credit dispute letters](#)

Use these sample letters to dispute information on your credit report

NJ 2-1-1

[Programs and Tools to Foster Financial Stability](#)

Offers a state-wide resource list for financial stability, including credit counseling, debt management, and tools to create savings plans

BANKRUPTCY

Legal Services of Northwest Jersey (LSNWJ)

www.lsnwj.org

Provides free advice and representation to low-income individuals in five NJ counties, covering consumer topics and bankruptcy advice

Residents can call their local county office:

Hunterdon: 908-782-7979

Morris: 973-285-6911

Somerset: 908-231-0840

Sussex: 973-383-7400

Warren: 908-475-2010

A flyer detailing LSNWJ practice areas is available [at the end of this manual](#)

U.S. Trustee Program

[List of approved credit counseling agencies for bankruptcy proceedings](#)

VETERANS & TAXATION

N.J. Treasury, Division of Taxation

[100% Disabled Veteran Property Tax Exemption](#)

Family Law for Disabled Veterans

This section discusses your status as a disabled veteran in a family law context, covering how service-connection affects child support or alimony obligations and how your dependents can possibly increase the monthly checks you receive from VA. This portion also discusses programs available to a disabled veteran's dependent family.

As of the publication of this manual, there are no special legal benefits available to disabled New Jersey veterans in the context of a Temporary or Final Restraining Order.

Support Obligations: Alimony & Child Support

Although VA disability benefits are tax-exempt, **these payments are considered when calculating child support and alimony in New Jersey.**

The New Jersey Rules of Court outline how VA benefits are factored into child support determinations.² In this state, VA disability money can be considered as income in alimony and child support determinations.

Child support obligations in New Jersey can be modified if the non-custodial parent (the parent paying child support) starts getting VA disability benefits or [Social Security Disability Insurance](#) after the initial child support order. In 2013, a New Jersey appeals court decided that **a noncustodial veteran parent who gets an increase or decrease in VA disability benefits has a right to request a reconsideration of their child support obligation.** The court ruled that a change in benefits can constitute a change in circumstance that could be grounds to reopen a child support case.

Under federal law, **VA disability compensation may be garnished under certain conditions to pay child support and alimony, following a court order.** This is one limited circumstance in which VA disability benefits can be garnished. *For more information on when VA money can and cannot be garnished, see [Consumer Protections for Veterans](#).*

Adding Dependents to Your VA Benefits

Certain veterans may be eligible for a higher disability compensation rate if they add a dependent spouse, children, and/or parent to their VA file. **To be able to add dependents, the Veteran must have a total VA disability rating of at least 30%.**

Using VA's definition, the following categories of people can be classified as dependents:

² Consult NJ Rules of Court Appendix IX-A and New Jersey law NJSA § 2A:34-23 (2024) for more information

- ✚ a spouse, including same-sex and some common-law marriages;
- ✚ a parent in the veteran’s care, if their income and assets are low; or
- ✚ an unmarried child who is either under 18; between the ages of 18-23 and enrolled in school full time; or permanently disabled before turning 18.

The VA will add extra money to the veteran’s monthly check for a dependent child, even if the veteran is not the custodial parent. As long as you can show the veteran is the child’s parent, and that they provide monetary support to the child, veterans can claim a non-custodial child as a dependent for VA benefits.

Veterans benefits get adjusted for the loss of a dependent due to death, divorce, change in circumstances, or a child aging out of being a dependent. **If a child goes to college, the Veteran must let the VA know and get VA approval of the school.** If a veteran gets divorced but does not remove the previous spouse as a dependent, VA may pay out too much in benefits. This will result in an overpayment.

A claim to add or remove a dependent can be filed at any time. This can be done by filing the appropriate forms with a VSO, which can be found [here](#).

Dependents & Marital Property

Unlike military retired pay, **VA disability benefits are not considered marital property.** Because they are not considered marital property, they cannot be divided in a divorce. This is important because it means that **a divorced spouse is not entitled to a share of the veteran's VA disability benefits after the end of the marriage.**

QUICK TIP: If you are receiving VA benefits for yourself, plus an additional amount for your dependents, **be sure to notify the VA immediately if your dependents change.** If VA pays you for dependents that you did not have, that will create an overpayment and VA could withhold your benefits to satisfy the overpayment.



Family Servicemembers’ Group Life Insurance

Spouses and dependent children of active duty service members covered under Servicemembers’ Group Life Insurance (SGLI) may be eligible to receive VA life insurance. This policy offers coverage to family members regardless of their own military or civilian status.

Covered parties under the FSGLI policy include spouses or dependent children of servicemembers covered under SGLI. This policy provides up to \$100,000 in coverage for spouses, and \$10,000 for each dependent child.

Contact your local Veterans Service Officer or a VA Medical Center to consider enrolling in this life insurance policy.

Survivors and Dependents' Education Assistance (DEA)

This type of education benefit applies to an eligible spouse, surviving spouse, or child of:

- ✚ A veteran rated 100% permanent and totally disabled for a service-connected condition;
- ✚ Service members who died on active duty as a result of a service-connected condition; or
- ✚ A service member in the hospital or receiving outpatient treatment for a service-connected permanent or total disability, and is likely to be discharged from active duty for that disability.

VA's Paid Family Caregiver Program

The VA has **the Program of Comprehensive Assistance for Family Caregivers (PCAFC)**, which **allows family members to get paid for caring for a service-connected veteran in the home**. Qualifying veterans must be rated at least 70%, and must prove that they need “continuous personal care services” for at least six months in a row.

If the veteran qualifies and gets in-home care from a family member, VA will pay that family member a monthly caregiver allowance. The stipend can be over \$34,000 annually. VA also provides mental health counseling to these family caregivers, as well as access to health insurance through Civilian Health and Medical Program of the Department of Veterans Affairs ([CHAMPVA](#)).

Family members may apply for this benefit [online here](#), or by completing and sending VA Form 10-10CG to the VA evidence intake center in Janesville, Wisconsin. Do that using the form located [here](#).

Survivors Pension Benefits

Veterans with at least one day of war-time service may be eligible to receive a small monthly pension amount, as long as their income and assets are below certain limits. Surviving spouses may be entitled to collect this pension if the veteran passes away.

Entitlement to this pension is **not related to disability** and does not require service-connected status. To receive a pension, veterans must have:

- ✚ At least 1 day of service during war-time,
- ✚ Income and net worth below certain amounts set by law, **and**
- ✚ Reached 65 years of age or more **or** been found 100% permanent and totally disabled by VA, regardless of age.

The net worth limits for Survivors Pension are set by Congress each year. For 2026, the net worth limit for Survivors Pension benefits is \$163,699. Net worth and assets must be evaluated by the VA, which uses a detailed calculation process over a 5-year lookback period.

Qualifying surviving spouses and unmarried dependent children of wartime veterans may also be eligible for VA pension, regardless of the veteran's cause of death. This Survivors Pension is only available if the surviving loved ones have limited income and net worth, which must be evaluated by the VA.

Contact your local state or county VSO to learn more about whether you qualify for this non-service connected pension benefit.

Veteran Funeral and Burial Info

For New Jersey veterans discharged under conditions other than dishonorable, there are a few services that can help with funeral or burial costs. Some of these services are offered by the VA, while some are offered by the New Jersey Department of Military and Veteran Affairs (DMAVA). See below for more information.

Cost-Free Interment

In New Jersey, the Department of Military and Veterans Affairs (DMAVA) offers free burial and interment at [William C. Doyle Vet Memorial Cemetery](#) in Wrightstown, New Jersey to eligible Veterans who were not dishonorably discharged, and who resided in NJ prior to their passing. "Interment" refers to how someone is laid to rest after passing away, including burial in a casket or by cremation.

New Jersey veterans are encouraged to pre-register for a burial plot at Doyle Cemetery for themselves and for their spouses, though pre-registering does not guarantee a reserved grave. Applications for burial plots or interment can be submitted either at Doyle Cemetery, at any Veterans Service Office, or by mail.

Qualifying Veterans are also [entitled to a free burial in any VA national cemetery](#) (if space is available). This includes a gravesite, opening and closing of the grave, perpetual care, a government headstone or marker, and a Presidential Memorial Certificate.

Service-connected Veterans can also be [reimbursed for some or all of the cost](#) of transportation for interment at a national cemetery.

Partial VA Reimbursement for Burial Expenses

The Department of Veterans Affairs (VA) offers partial reimbursement for burial expenses at private cemeteries. If the Veteran's passing was Service-Connected, the VA will reimburse up to \$2,000 for burial expenses. If the Veteran's passing was Non-Service-Connected, the VA will pay up to \$978 for burial expenses.

Applications for funeral and burial reimbursements can be submitted online through the Department of Veterans Affairs using [VA Form 21P-530EZ](#). Your regional or local Veterans Services Organization (VSO) can assist with paperwork. Find your VSO here: [Veterans Service Offices](#).

Family Law Resources

DEPENDENTS

[Managing dependents with the VA](#)

FAMILY BENEFITS

[VA Family Life Insurance](#)

[VA Paid Caregiver program](#)

[Apply for the paid caregiver program](#)

VETERAN BURIAL

New Jersey cemetery burial

[William C. Doyle Vet Memorial
Cemetery](#)

VA Burial

[VA Burial and Memorial Benefits](#)
[Partial VA Burial Reimbursement](#)

Housing Preferences and Eviction Protection

If a housing project is fully or partially funded by NJ Housing and Mortgage Finance Agency (HMFA), public housing, or a Department of Community Affairs housing voucher authority, **the landlord must give preference to veterans and surviving spouses of veterans trying to live in the project.** This takes priority over any other non-veteran preferences that the project has within its program.³

This applies to both existing and future housing projects financed by HMFA. **For existing housing projects with an existing waiting list, a preference must be created for veterans and surviving spouses.**

Additionally, if an existing building is turned into condominiums, a qualifying veteran may be considered a “protected tenant,” and cannot be forcibly evicted during the conversion process. This applies to veterans who...

- ✓ have a service-connected disability of at least 60%;
- ✓ meet income standards;
- ✓ were honorably discharged or released under honorable circumstances; and
- ✓ have lived in the unit as their principal residence for at least one year.

This protection from forcible eviction can continue for up to 40 years, so long as the Veteran continues to meet the qualifications.

Preventing Homelessness

For Veterans facing homelessness, there are several organizations and services available to help. New Jersey has a statewide hotline for individuals seeking information about resources to prevent homelessness. It can be reached by calling 2-1-1.

Through the Supportive Services for Veteran Families (SSVF) grant, the VA gives funding to local organizations to prevent the loss of a low-income veteran’s home. This SSVF funding is also to identify new opportunities for housing, or to rapidly re-home a veteran and their family who are homeless and will likely remain homeless without the assistance. For more information, see [here](#).

New Jersey’s Department of Veteran Affairs (DVA) offers several state-wide programs, such as referral assistance, to Veterans who are homeless or involuntarily displaced. DVA also has a collection of resources for veterans that may be able to assist in a variety of ways, [available here](#).




³ See N.J.A.C. § 5:40-2.1 for more information on this veteran preference.

Other federal provisions may offer some protection for Veterans facing eviction or homelessness, namely the Violence Against Women Act (VAWA). In part, VAWA prevents victims of domestic or dating violence, sexual assault, or stalking from being denied admission to, been terminated from participating in, or evicted from a covered housing program on the basis of their status as a victim. **Any home that qualifies under the Comprehensive Service Programs for Homeless Veterans program is considered a covered housing program under VAWA.**

Housing Rights & Reasonable Accommodations for Veterans with Disabilities

Veterans with service-connected disabilities have the right to request **reasonable accommodations** in housing to ensure they can fully use and enjoy their homes. This right is protected under both **federal** and **New Jersey law**. If a disability or disability-related need interferes with your ability to comply with a landlord’s rule or policy, you may request that the rule be modified to accommodate your disability.

A **reasonable accommodation** is a change to a landlord’s policy, practice, or service that is necessary for a person with a disability to use and enjoy their home. Examples may include:

-  Allowing a service animal in a “no pets” building
-  Granting a reserved parking space close to the unit
-  Permitting electronic rent payments for a Veteran with mobility limitations

Veterans with **service-connected disabilities** are in a strong position to request these accommodations.

Landlords may only request that you verify your disability if that disability or need for an accommodation is **not obvious**. You are *not required* to share detailed medical records or a diagnosis, but you *may* if you wish to do so.

Getting Verification for an Accommodation Request

Landlords can only ask for verification of your disability or need for an accommodation is not obvious.

To provide verification using VA records:

1. Visit www.VA.gov
2. Log into your account
3. Navigate to “Records” section
4. Use the **Download Your Benefits Letters** link to obtain proof of your service-connected disability

You can also call the VA at 800-827-1000 to request documentation.



QUICK TIP: You must connect your service-connected or other disability to the accommodation you are requesting. For instance, requesting a lower-floor unit due to a mobility-related disability.

Landlords **must grant reasonable accommodations** if the request:

- ✓ Is directly related to the tenant’s disability
- ✓ Does not impose an undue financial or administrative burden
- ✓ Does not fundamentally alter the nature or operation of the housing

An undue burden may exist if the cost or effort is too high for the landlord to reasonably handle. For example, a small landlord with limited resources may not be required by law to make major renovations for these purposes.

Landlords cannot require you to use a specific form for a reasonable accommodations request. Veterans can make accommodation requests in writing, over the phone, or in person. As long as the request is clear and tied to a disability, it must be considered.

VA-Guaranteed Home Loan: Foreclosure

The VA offers a [VA-Guaranteed Home Loan program](#) for veterans which helps in the home-buying process by providing veterans more favorable terms and rates on a loan. **Though the terms of the loan may be better than for civilians, a VA-guaranteed home loan is still a loan, and still must be paid by the veteran.** Failure to pay can result in a foreclosure.

Under the recent [VA Home Loan Program Reform Act](#), the VA is allowed to pay the holder of a VA-backed home loan – like a bank or other financial institution that issued the loan – the amount necessary to avoid foreclosure. Before making this type of payment, VA must carry out loss mitigation procedures to help avoid foreclosure of the home.

This law increases the VA’s authority to manage home loan defaults and increases funding for homeless veterans’ services. This law also creates a “partial claims program,” where the VA may purchase a portion of the debt on VA-backed loans that are at risk of default.

If a Veteran’s loan is partially purchased by VA to avoid default, but the loan still goes into default, the veteran must repay the VA for any loss resulting from that default.

VA Benefits & Housing Programs

While VA disability benefits are considered unearned income for many welfare programs (see *Public Entitlements & Veteran Status* for more), they are **not** considered part of the income calculation for **Veterans Affairs Supportive Housing (VASH)** eligibility.

In 2024, the rules changed to clarify that VA pension payments are still included in HUD-VASH eligibility consideration, **but VA disability benefits are excluded**. HUD-VASH vouchers help Veterans with housing costs and also assist landlords in renting to Veterans.

Payments made under **HUD-VASH**, including Section 8 and VA Supported Housing vouchers, do not count as income for eligibility in programs like SNAP, WFNJ, TANF, SSI, or EA.

QUICK TIP: Although the value of a HUD-VASH voucher cannot be counted as income, if your housing cost exceeds the voucher's value, you can claim the excess amount as a “shelter cost” for SNAP eligibility, which could help maximize your monthly food stamp allotment.



Housing Resources

COMMUNITY HOPE

NJ's largest nonprofit for homeless veterans and their families. Community Hope has several programs covering transitional housing, permanent supportive housing, rapid re-housing, and other general homelessness prevention.

Visit their website to learn more about their Hope for Veterans Programs

CATHOLIC CHARITIES

Catholic Charities, USA is a network of 168 agencies that offer a number of support services for Veterans, their families, and others. Several dioceses exist and operate in the state of New Jersey.

To find the nearest Catholic Charities agency to you, [click here](#).

SOLDIER ON

Soldier On offers both transitional and permanent housing for veterans and their families who are already homeless, or are at risk of becoming homeless. They can be contacted by phone at 1-866-406-8449.

Currently serving Bergen, Essex, Hudson, Somerset, Middlesex, Monmouth, Ocean, Burlington, Atlantic, Salem, Cumberland, and Cape May counties. More information available [online](#).

VETERAN RESOURCE PROGRAM

This program provides supportive services to veterans with unmet needs in the state. Services include emergency hotel stays, rental/housing assistance, utilities assistance, home furnishing assistance, transportation assistance, case management, and more.

To determine whether you qualify, call 1-833-920-VETS (8387) or email LKostue@ehcamerica.org.

NEW JERSEY REENTRY CORPORATION

New Jersey Reentry works to provide critically needed services to veterans, regardless of discharge status, who are being released from state prison, county jail, or addiction treatment centers, or who are facing homelessness. Some of their services include veterans' emergency and at-risk housing.

Contact them at their [website](#).

VETERANS MULTI-SERVICE CENTER

A vast network of services to very low-income veterans and their families who are homeless or at risk of becoming homeless. Call at **856-293-7321** or access their [website](#).

VMC offers assistance with utilities, rent, security deposits, housing counseling, credit repair, legal support, and financial planning services in Burlington, Cumberland, Camden, Gloucester, Salem, Atlantic, and Cape May Counties.

TRANSITIONAL HOUSING FACILITIES FOR VETERANS

[Veteran's Haven North, Glen Gardner, NJ](#)

An admission planner can be reached by phone at either **908-537-1980** or **908-537-1966**

[Veteran's Haven South, Winslow, NJ](#)

VHS can be reached by phone at **609-530-6826**

[Community Hope, Lyons, NJ](#)

Community Hope can be reached by phone at **201-643-7799**

[Home for the Brave, Camden, NJ](#)

Home for the Brave can be reached by phone at **856-966-0909**

[Gateway Family YMCA, Dudley House, Plainfield, NJ](#)

Dudley House can be reached by phone at **908-834-2175**

VETERAN'S ASSISTANCE SUPPORTIVE HOUSING (VASH)

[New Jersey Department of Community Affairs](#)

For additional information on the VASH Program in New Jersey, call:

North Jersey: 908-647-0180

South Jersey: 302-994-2511

Social Security Disability & VA Benefits

Veterans receiving VA benefits can also qualify for other government benefits, including Social Security Retirement, Social Security Disability Insurance (SSDI), and Supplemental Security Income (SSI). These benefits must be applied for separately from VA disability, since the VA and Social Security Administration (SSA) are different agencies with distinct processes for disability assessment and payout structure.

To explain, Supplemental Security Income (SSI) is awarded to people with qualifying disabilities who make under a certain monthly income. Social Security Disability Insurance (SSDI), on the other hand, is not income-dependent and is based on your disabilities **and** your work history. If you can prove you have a disabling condition and a long enough work history, you may qualify for SSDI. Your work history only counts for SSDI if your jobs paid into Social Security, meaning that Social Security had been taken out of your paychecks. **Work done “under the table” does not typically count toward SSDI eligibility.**

Though the application process is separate, the VA and SSA are required by law to share important information across departments when assessing a disability case. This information includes:

- ✚ **Medical evidence** and hospital records
- ✚ **Disability determinations** made by both agencies
- ✚ **Benefit receipt** and payment amounts

QUICK TIP: If you are a disabled veteran applying for either SSI or SSDI, you can request your C&P Exam (Compensation and Pension Exam) records from the VA. These can provide useful evidence to Social Security when they evaluate your disability. Make sure that the C&P Exam you request is for the same condition you claimed in your Social Security application.



Application Process for VA Benefits & Social Security

Each of these benefits—VA Disability, SSDI, and SSI—must be applied for independently. **You are encouraged to apply for both SSDI and SSI at the same time**, so that you can maximize the benefits you may receive from SSA.

Even if you are already VA service-connected and rated for a disability, Social Security will not automatically find you disabled under their system. The standard for disability for Social Security is *whether you have a severe impairment (that has lasted for a year or more) that significantly interferes with your ability to seek and maintain substantial gainful*

employment, such that there are no available jobs in the national economy that you can perform because of your reduced capacity.

[As described in Part I](#), the VA will rate your service-connected disabilities based on how severe your symptoms are, and the amount of monthly money you receive goes up or down depending on that rating. **Unlike the VA, SSA does not judge your disability on a sliding scale. SSA either finds you disabled or not disabled**, and your payouts are based on either your income for SSI, or your work history for SSDI.

Concurrent Benefits: SSDI & SSI

While you cannot receive both Social Security Disability Insurance (SSDI) and Social Security Retirement benefits at the same time, **it is possible to receive SSDI and SSI simultaneously, alongside VA Disability benefits**. This is known as receiving *concurrent benefits*. If you qualify for both SSDI and SSI, you may receive additional financial support beyond what you receive from the VA.

If you are a disabled veteran with a 100% VA rating, you are eligible for expedited SSDI claims processing through Social Security. This simply means your Social Security claims will be processed faster and at a higher priority level than applicants who are not 100% service-connected. Veterans with a lower VA disability rating can still receive and apply for concurrent benefits, but will be subject to the same processing times as civilians.

Veterans receiving VA benefits can still work, unless they have been awarded **Total Disability Based on Individual Unemployability (TDIU)** status by VA. However, if a service-connected veteran is found disabled by Social Security, that veteran must not earn above certain income levels set by SSA.

Total Disability based on Individual Unemployability

Veterans who are classified as **Total Disability Based on Individual Unemployability (TDIU)** are considered unemployable and cannot hold a steady job because of their service-connected disabilities.

However, **marginal employment** (i.e., odd jobs) is allowed.

To be eligible for TDIU you must have:

- At least one service-connected disability rated at **60%** or more, **OR**
- Two or more service-connected disabilities, with at least one rated at 40% and a combined rating of 70% or higher.

Learn more about what it means to be TDIU [on the VA website](#).

Even if you are already receiving VA disability money, you should apply for SSI and SSDI benefits. You may qualify to receive multiple types of benefits at once.

Dependent Benefits for Children of Veterans Receiving SSI or SSDI

Veterans who receive SSI or SSDI benefits can also have dependent children who are eligible for derivative Social Security benefits, meaning benefits based on their parents' income or work history. These payments are in addition to the money the veteran receives, and the payments are designed to support the dependent child. See the [Family Law](#) section for more information on dependents registered with VA.

A disabled adult child can qualify for derivative Social Security benefits if they meet the following criteria:

- The child's parent must be either **retired, disabled, or deceased**, and eligible for Social Security benefits.
- The child must be:
 - **Unmarried and under 18,**
 - **Between 18-19** and a **full-time student** in grade 12 or below, OR
 - **Over 18** and disabled since before turning 22.

Resources for Veterans Navigating Social Security Benefits

SOCIAL SECURITY ADMINISTRATION

[SSA Website](#)

Phone: 1-800-772-1213

Find your local SSA field office [here](#)

FACT SHEETS & RESOURCES

[SSA Information for Veterans](#)

[VA Benefits vs. SSA Benefits - How Do They Compare?](#)

[SSA and VA Disability Benefits – Tips for Veterans](#)

[Expedited processing of SSA Disability claims for disabled veterans](#)

[Understanding the difference between SSI and SSDI](#)

Public Entitlements & Veteran Status

If you receive VA benefits, you may have questions about how those benefits interact with other New Jersey public assistance programs. This section provides helpful information on how VA benefits can impact eligibility for welfare programs such as:

- **Supplemental Nutrition Assistance Program (SNAP or “food stamps”)**
- **Work First New Jersey (WFNJ)**
 - **General Assistance**
 - **Temporary Assistance for Needy Families (TANF)**
- **Emergency Assistance**
- **Medicaid**

Each of these programs has different income calculations to determine whether you are eligible. The county Boards of Social Services will look at an applicant’s **net income, gross income**, and their **earned income versus unearned income** to make this assessment.

Gross Income →	<i>Total income of your household (before taxes)</i>
Net Income →	<i>Your actual take-home pay (gross income minus taxes and other deductions)</i>
Earned Income →	<i>Money you earned or received from wages or salary</i>
Unearned Income →	<i>Money you get from benefits programs such as Supplemental Security Income (SSI), VA disability benefits, and survivor benefits</i>

Your VA benefits can affect your eligibility for these programs based on how each welfare program classifies and counts VA money. Does the specific program consider VA benefits to be earned or unearned income? Does that program count unearned income when assessing whether you are eligible for these state benefits, or do they exclude unearned income?

Though each program applies their own income definition, most New Jersey welfare programs consider veterans’ benefits to be unearned income, which means it is added to the calculations to determine whether you are eligible based on your income.

If you have applied for any of these state benefits and have been denied or reduced, contact LSNWJ to help determine whether that decision was correct.

NJ SNAP (Food Stamps)

For the Supplemental Nutrition Assistance Program (SNAP) in New Jersey, “unearned income” includes most non-wage payments. **This means VA benefits, as well as Social Security benefits, are factored in when calculating an applicant’s overall income, and having a high VA disability payment could reduce or eliminate your eligibility for SNAP.**

Even so, being considered “disabled” for VA purposes can be beneficial in a food stamps calculation case, because this means Social Services must: (1) use higher income thresholds when evaluating your SNAP eligibility, and (2) deduct the cost of your recurring medical expenses from your overall income, which will lower your income and give you a higher likelihood to qualify for the program.

Work First New Jersey: General Assistance & TANF

New Jersey’s cash assistance program is called Work First New Jersey (WFNJ). It provides monthly cash, child care, job search and readiness, and short-term housing support for eligible New Jersey residents. Single adults can apply to use General Assistance (GA) program through Work First New Jersey, and families in need can apply for the Temporary Assistance for Needy Families program.

Both TANF and GA are income-limited, and most outside payments – including **VA benefits – are counted as income that is available to the whole family.** This has the effect of possibly reducing a family’s TANF or GA amount, or making the household ineligible for GA or TANF altogether by having too high an income.

Because benefits from TANF or GA are relatively low dollar amounts, even moderate VA disability payments could fully disqualify applicants.

Emergency Assistance

In New Jersey, Emergency Assistance benefits (EA) are temporary housing benefits available to people receiving TANF, GA, or SSI. Because EA eligibility is income-based, a VA disability payment that is too high could prevent you from qualifying for this emergency housing benefit. Your status as a service-connected veteran alone will not qualify you for the program.

Even if you do not receive TANF, GA, or SSI, individual counties can sometimes provide limited housing help similar to EA to keep veterans from becoming homeless. Veterans may

also qualify for separate veteran-specific emergency housing programs through the VA or the state of New Jersey. These programs are separate from EA, TANF, and GA.

Use the table below to see which New Jersey public entitlements programs consider your VA disability money when judging your eligibility for the program:

Welfare Program	Is VA Disability Counted?	Effect of VA Benefits
NJ SNAP	Yes	Reduces SNAP amount or disqualifies veteran from program
TANF / GA	Yes	High VA disability payments often disqualify veteran
SSI	Yes	Reduces SSI benefit or disqualifies veteran because income too high
Medicaid	Sometimes excluded	May not affect eligibility for many types of NJ Medicaid

Veterans, Medicaid, and Health Care Coverage





If you are a veteran receiving Supplemental Security Income (SSI), you are automatically eligible for Medicaid. As defined [earlier](#), SSI is a monthly benefit paid by the federal government to adults with disabilities who have limited income and resources. Medicaid is the joint state and federal program that offers low-cost healthcare coverage for Americans under a certain income level.

In New Jersey, qualification for Medicaid is based on an individual’s Modified Adjusted Gross Income (MAGI), which reflects their income before taxes and after some minor mathematical adjustments. **For veterans receiving VA disability, your VA benefits are not counted when the state calculates your income for Medicaid purposes.**

Why utilize both VA health care and Medicaid? A veteran may take advantage of multiple programs at once to address multiple concerns. For example, you can utilize the VA for your service-connected health issues, then use Medicaid for non-service-connected health care and care you cannot get at the VA.

If you served on active duty and received better than a dishonorable discharge, you may be eligible for VA health care coverage. VA coverage provides free health care, including VA doctors, VA facilities, or non-VA facilities with prior approval.

Once enrolled with the Veterans Health Administration (VHA), you will be placed into a priority group by VA, based on several factors. The priority system is designed to ensure that veterans who urgently need care can get it quickly. You will be assigned to a priority group based on factors including:

-  Military service history
-  Current disability rating
-  Income level, and
-  Medicaid qualification status

Veterans with service connection are often placed in higher priority groups than non-service-connected veterans or veterans with higher incomes. If you qualify for more than one priority group, the VA will assign you the higher of the two groups.

If you have a 50% disability rating or higher, VA will assign you to Priority Group 1, which receives the quickest care. Veterans at this rating may also qualify for waiver of copays for non-service-connected care, based on their ability to work.

If you qualify for VA health benefits, regardless of status as a service-connected Veteran, the VA covers: (1) preventative care services; (2) inpatient hospital procedures; (3) urgent and emergency services; (4) mental health services; and (5) certain assisted living or home health care arrangements and prescriptions.

Your priority group can change based on your income or if your service-connected disability receives an increased disability rating. Consult a case manager at a VA medical center to learn more about priority groups, or contact your local VSO for more details.

Public Entitlements Resources

WFNJ, SNAP, TANF

The New Jersey Department of Human Services is the agency that oversees these programs in the state of New Jersey. These are more closely overseen by the Division of Family Development office. For more information, go to their [website](#).

SNAP, WFNJ, TANF, and other state benefits programs described here are administered by your county social services agency. Each county is different – [contact your local agency](#) to apply for these benefits and to get more information.

VA HEALTH CARE

Learn more about whether you are entitled to VA Health Care [here](#)

For more information about VA Priority Groups, visit the VA [website](#)

MEDICAID PROGRAMS

Medicaid in New Jersey is called “NJ Family Care.” This is overseen by the Department of Human Services and the Division of Medical Assistance & Health Services office.

To learn more about the programs, eligibility, and how to apply, [access their website](#).

Veterans in the Court System: Felonies, Expungements, & Driver's Licenses

Veterans and civilians alike may interact with the municipal or criminal court system for a variety of reasons. Many people in New Jersey have outstanding driver's license fines, surcharges, and unpaid court costs that can suspend their license and leave them with a mountain of fees to pay. This section details how someone's status and benefits as a disabled veteran may interact with or be affected by past involvement with the criminal court system or the New Jersey Motor Vehicle Commission (MVC).

Service-Connected Veterans & Felony Convictions

Though most past convictions do not prevent veterans from receiving or applying for VA benefits, veterans should be mindful that **VA disability payouts could be affected in two scenarios related to felony charges: felony jail sentences lasting over 60 days, and outstanding felony arrest warrants.**

Veterans Serving Felony Sentences

A **felony** – called an “Indictable Offense” in New Jersey – is a crime that carries a sentence of **greater than 1 year** behind bars in a state or federal prison. If a service-connected Veteran is sentenced to over 60 days of incarceration in a federal, state, or local facility for a felony conviction, their VA disability payments will be severely restricted. Misdemeanor convictions – “Disorderly Persons” offenses in New Jersey – do not result in this temporary reduction, regardless of the length of the sentence.

If a service-connected veteran is convicted of a felony and gets a sentence of over 60 days, VA will temporarily reduce their monthly payments for the length of time they are incarcerated. If a veteran is rated 20% or higher, their payouts will be reduced to the 10% level. **These temporary reductions in payments do not lower the veteran's actual service-connected disability rating**, but lower the amount of money the veteran receives while they are behind bars. If your actual rating is reduced while you are in jail, contact your local Veterans Service Officer to challenge the reduction.

If you are incarcerated for over 60 days, you can still apply for service-connection benefits or for an increased disability rating from jail or prison. Additionally, Veterans with dependents can choose to have the VA send the balance of their VA payouts to their family while the Veteran is locked up. The VA calls this “apportionment,” and dependents can request this using [VA Form 21-0788](#).

EXAMPLE: APPORTIONING BENEFITS

Victor is a **married veteran with one dependent child**. He is **rated 70%** for his disabilities, receiving \$2,074 each month. Victor is convicted of a felony and must serve a sentence of 1 year in a state facility. On day 61 of his sentence, his monthly check from the VA drops to \$180 a month.

After he begins his sentence, Victor’s spouse applies to the VA for apportionment of his reduced benefits. This means **Victor’s family receives the amount the VA is withholding from Victor while he is incarcerated: \$1,894 a month.**

Six months after his release, Victor notifies the VA that he is no longer in jail serving the felony sentence. His monthly disability checks return to the previous payout of \$2,074, paying back to the date of his release from jail.

QUICK TIP: If you are participating in work release or community supervision as part of a felony sentence over 60 days, your VA benefit payouts *should not be reduced*.

Notifying the VA of Incarceration

It is very important to notify the VA as soon as possible about the beginning – and end – of a sentence if it will last over 60 days. Veterans can use [VA Form 21-4193](#) to alert the VA if they enter or leave custody related to a felony sentence.

Any benefits received by an incarcerated veteran after the 60th day is considered an overpayment of benefits, which the veteran will have to pay back. To avoid an overpayment, submit as soon as possible to notify VA if you must serve a felony sentence over that time limit.

Similarly, a veteran should notify the VA as soon as possible after release from custody, using the same VA Form. If the veteran notifies VA of release within a year, **full VA payments will be reinstated and paid back to the date of release.** If they notify the VA after a year has passed since release, the VA will pay benefits only back to the date the veteran told VA he was out of custody.

“Fugitive Felon” Status

Payment of VA benefits is prohibited to a veteran while they are a fugitive felon, meaning a veteran fleeing to avoid prosecution or custody after a conviction. Under VA’s definition, a veteran does not need to be convicted of a felony before being considered a fugitive felon, and does not need to know about the outstanding warrant. Additionally, a service-connected veteran who is found in violation of their parole or probation on a felony sentence is considered a “fugitive felon” for purposes of this rule.

A veteran stops being a “fugitive felon” in the eyes of the VA when the outstanding felony warrant is cleared by arrest, dismissal, or other court proceeding removing the warrant.

Veterans & Expungements

Certain convictions in service by a general court martial *may prevent* veterans from receiving VA benefits. Some of these military convictions include: mutiny, spying, willful and persistent misconduct, and offenses involving moral turpitude. **Any convictions handed down through the military justice system cannot be expunged through civilian courts.**

Fortunately, eligibility for VA disability benefits is not affected if you've had prior dealings with law enforcement. **Veterans who have past criminal convictions or criminal charges are not prevented from receiving or applying for VA benefits.**

In 2017, New Jersey established a Statewide Veterans Diversion Program that offers veterans with eligible offenses, minimal records, and other criteria a path away from the criminal justice system. For more information on the eligibility requirements for the program, visit the website [here](#).

In addition, some counties have Veteran Treatment Courts that allow veterans to seek expungement of their criminal history or avoid convictions by participating in structured treatment, employment, mentorship, and community service. This is not available in every county.

If you have criminal convictions or charges on your record, you may be eligible for expungement, depending on the number of convictions on your record and how much time has passed. **For legal advice on whether your record makes you eligible for expungement, call our office.**

New Jersey Driver's License Restoration

Loss of a driver's license is a common legal and financial obstacle for many veterans. Unfortunately, there are **no special legal protections or automatic accommodations** for veterans dealing with suspended driving privileges in New Jersey. However, there are clear steps available for restoring your license, and quite a few local agencies and programs that may offer assistance.

Restoring a Suspended License in New Jersey

In New Jersey, suspended licenses are handled through the Motor Vehicle Commission (MVC). The process to restore your license can vary depending on why it was suspended, but typically includes:

- ✚ **Paying a restoration fee (at least \$100)**
- ✚ **Paying any outstanding fines, tickets, or court costs**
- ✚ **Submitting required documents either online or in person**

In New Jersey, your license can be suspended because of unpaid municipal or criminal court costs, even if the initial offense had nothing to do with driving. In some cases, you may need to re-take your driver's test if your license has been suspended for a few years.

Veterans can begin the process by visiting the MVC's **Suspensions and Restorations** page on their website [here](#).

Working with the Courts

If you have fines or costs you are unable to pay in full, it is sometimes possible to **negotiate a lower repayment amount** through the court. Prosecutors and judges in some counties may be willing to work with veterans with outstanding fine amounts, especially those enrolled in treatment programs or struggling with financial hardship. If this applies to your situation, ask the court if a payment plan or reduction is available.

QUICK TIP: If your license was suspended due to a court fine or failure to appear, addressing those issues directly through the court first can make the restoration process with MVC smoother and faster.



Resources for Veterans in the Court System

VETERANS DIVERSION PROGRAM

This statewide program was created with the goal of re-routing veterans away from the criminal justice system and providing support, mentoring, substance use counseling, mental health services, etc.

Consult the NJ Attorney General's website for [contact information for each county's](#) veteran diversion program.

CLEARING YOUR RECORD

*Legal Services of New Jersey publishes an annual **Clearing Your Record** handbook which provides step-by-step guidance on seeking expungements in New Jersey.*

Access that [online tool kit here](#), and check back often as the law changes frequently.

NEW JERSEY REENTRY CORPORATION

A local agency with a mission of transforming the lives of folks returning from substance use treatment, jail or prison, or active duty / combat. The corporation has a Veterans Justice Initiative that helps veterans contact courts, negotiate payment plans, or other fine reduction efforts related to driver's license restoration.

Visit: <https://njreentry.org/referrals/> for the online referral form

Call or email: Sharon McGreevey, Director of Veteran Services, 201-252-7641, smcgreevey@njreentry.org

NEW JERSEY STATE BAR MILITARY LEGAL ASSISTANCE PROGRAM

This program provides free legal help in civil cases to New Jersey veterans who have served overseas since the Sept. 11 terrorist attacks. They assist in cases of family law, employment law, debtor-creditor law, and military and administrative law.

See their website to [apply for assistance](#).

VOLUNTEER LAWYERS FOR JUSTICE

*Their **Getting Back on the Road** program focuses on helping individuals restore suspended driver's licenses in New Jersey.*

Visit their website for more [details](#).

LEGAL SERVICES OF NORTHWEST JERSEY (LSNWJ)

Provides free advice and representation to low-income individuals in five NJ counties, including on driver's license restoration cases

A flyer detailing LSNWJ practice areas is available at the end of this manual

www.LSNWJ.org

VA DRIVING PRIVILEGE RESTORATION PROGRAM

Some VA hospitals and Veteran Justice Outreach programs may connect you with resources to assist in driver's license reinstatement. Ask your local VA or VJO for help accessing this support.



Legal Services of Northwest Jersey provides a full range of free legal services to people with limited income in Hunterdon, Morris, Somerset, Sussex, and Warren Counties

LSNWJ's priority is to provide equal access to justice to protect its clients' basic needs that are critical for self-sufficiency: income, safe and affordable housing, access to quality health care, family stability and personal safety, and life with dignity in the community.

APPLY FOR HELP



Hunterdon residents: 908-782-7979
Morris residents: 973-285-6911
Somerset residents: 908-231-0840
Sussex residents: 973-383-7400
Warren residents: 908-475-2010



www.lsnwj.org



Sign up for our newsletter
<https://www.lsnwj.org/newsletter>

GET HELP WITH

● PUBLIC BENEFITS

Homelessness Assistance
Welfare (TANF & GA)
Food Stamps (NJ SNAP)
Medicaid
Charity Care
Health Care Access
Social Security Disability SSI/SSD

● FAMILY

Domestic Abuse
Child Support or Parenting Time
Support for you or your child

● CONSUMER

You are being sued to collect a debt
You have a Wage Garnishment or Bank Levy
You need to file for bankruptcy protection
You need help clearing your credit

● HOUSING

Tenants' Rights, Evictions
Home Ownership Issues

● INDIVIDUAL RIGHTS

Do you need a Will or Powers of Attorney?
Expungement
Driver's License Restoration