

Eligibility for State Veterans Benefits and Privileges Protocol – Veterans of the Secret War in Laos

This protocol establishes procedures for determining eligibility for state veterans benefits and privileges for Veterans of the Secret War in Laos.

Eligibility for benefits under this section require the applicant to pre-file for burial with the U.S. Department of Veterans Affairs National Cemetery Administration. The applicant must complete VA Form VA40-10007, “Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery,” and provide a copy of their U.S. Certificate of Naturalization showing the Registration “A” number. The registration number will be used by the U.S. Citizenship and Immigration Services to retrieve the applicant’s naturalization records for determination by the Federal VA.

Minnesota County Veteran Service Officers or the Minnesota Department of Veterans Affairs may assist applicants in completing VA Form VA40-10007. Copies of this form will be available on the department website and at department offices.

After the Federal VA determines eligibility, the applicant must provide a copy of the determination to the department. Upon verification, the Minnesota Department of Veterans Affairs will issue the applicant a Certificate of Eligibility qualifying them for state veterans benefits and privileges.

Special Consideration by the Commissioner

If an applicant does not receive a positive determination from the Federal VA, they may request Special Consideration by the Commissioner

Applications for Special Consideration must follow the prescribed process by the Commissioner. Applicable forms and the submission process will be available on the Minnesota Department of Veterans Affairs website and in person at the offices of the department.

For Special Consideration, the applicant must submit the following:

- (1) the denial notice from the Federal VA, and
- (2) at least two different forms of documentation supporting the claim of Veteran status.

Acceptable documentation may include:

- (1) original service-related documents;

- (2) an affidavit of the applicant's superior officer;
- (3) two affidavits from individuals who served with the applicant in a special guerrilla unit or irregular forces, and have personal knowledge of the applicant's service; or
- (4) other appropriate proof as determined by the Commissioner.

Determination of an applicant's eligibility for special consideration requires the Commissioner to evaluate the authenticity and consistency of all submitted documentation and may also review records maintained by organizations that track SGU or Irregular Force Veterans.

Within 90 days of receiving a completed application and supporting documentation, the Commissioner will issue a determination of eligibility, determination of denial, or request additional information from the applicant. Applications will remain open until a final determination is issued. If the Commissioner determines that the applicant qualifies as a Veteran of the Secret War in Laos, The Commissioner will issue a Certificate of Eligibility recognizing the applicant's status for state veteran benefits and privileges.

Appeals of Special Consideration Determinations

If the Commissioner denies issuance of a Certificate of Eligibility, the applicant may submit a written request for a contested case hearing to challenge the determination of Veteran status. The request must be filed within 30 days from the date of the denial notice and must state the specific reasons for contesting the determination.

Contested case hearings will be conducted in accordance with the procedures established in Minnesota Statutes sections 14.57 through 14.62.

Deadline for Application

Applications for eligibility determinations will be accepted until June 30, 2028.