

# Your Rights as a Veteran in Washington



**Washington State Office of the Attorney General**

Office of Military and Veteran Legal Assistance

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**Disclaimer:** This guide provides general information about your rights and protections as a veteran in Washington. It is not legal advice or an official opinion of the Attorney General.

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# Part 1: Introduction

## 1. What is the Attorney General's Office?

The Washington State Attorney General's Office (AGO) gives legal advice to state agencies and protects Washington citizens. We defend peoples' rights and stand up for our shared values. We file lawsuits in court to support Washington residents and represent Washington agencies in court.

The Attorney General's Office is not allowed to represent or give advice to private individuals about their personal legal problems. We represent the state, not individuals. **This means that, if you contact us, we can't tell you what to do about your case or legal problem. We may help you find other resources.**

## 2. What is the Office of Military and Veteran Legal Assistance (OMVLA)?

The Washington State Legislature created OMVLA in the Attorney General's Office in 2017. OMVLA helps low and middle-income Washington veterans, service members, and their families who need help with civil (non-criminal) legal problems. Civil legal problems include things like parenting plans, debt, or disagreements with a landlord. OMVLA connects people with free lawyers for legal advice. We also send people information about other resources or their legal rights. To ask for help from OMVLA, submit a request to [www.atg.wa.gov/civil-legal](http://www.atg.wa.gov/civil-legal).

OMVLA also creates resources and trainings to help lawyers, social service providers, and members of the military and veteran community understand veteran and military legal problems. We also look for changes to law or government policy that might help veterans, service members, or their families.

## 3. Can this guide help me?

This guide is for veterans and their family members in Washington. It provides information about state and federal laws, protections, and benefits for veterans. If you do not live in Washington, some of the information about federal benefits may be helpful for you, but information about state laws will **not** apply to you.

This information is not legal advice. We encourage you to talk to a lawyer about your legal problems, because everyone's situation is different.

This guide does **not** provide information about every benefit or protection for veterans or every issue that a veteran might face. The federal government provides hundreds of benefits for veterans and their families, and this guide does not discuss most of those benefits. It has information about some federal benefits that overlap with state benefits.

This is **not** a how-to guide about how to apply for VA benefits or other protections. There are links throughout the guide to other resources.

If you are a National Guard or Reserves member, some of this information may be helpful for you, but other laws and protections that are specific to military service members are not discussed here. The legal resources in the next section may be helpful.

#### **4. How can I get civil legal help?**

If you need civil legal help in Washington, there are many resources available that could help you. Some have income limits.

##### **For general civil legal help:**

- **[Office of Military and Veteran Legal Assistance at the Washington State Attorney General's Office](#)**: The Office of Military and Veteran Legal Assistance (OMVLA) helps veterans, service members, and their families who have any non-criminal legal problem. OMVLA may help you find a free lawyer. **Not everyone will get a free lawyer.** If you do qualify for a free lawyer, the lawyer may give you up to an hour of free legal advice. The lawyer will *not* go to court with you or talk to the other party. OMVLA may also connect you with community groups or give you information about your legal rights. You can ask for help at [www.atg.wa.gov/civil-legal](http://www.atg.wa.gov/civil-legal).
- **[WashingtonLawHelp.org](http://WashingtonLawHelp.org)**: Washington Law Help is Washington's online, free law library. It has information and tools to help you with civil legal problems, including step-by-step guides to help you complete forms.
- **[Northwest Justice Project's CLEAR Hotline](http://NorthwestJusticeProject.org/clear-hotline)**: The CLEAR Line is a toll-free legal hotline. It helps people with low incomes. CLEAR provides legal education, advice, and referrals to other legal aid organizations in Washington. You can call CLEAR at 1-888-201-1014 or visit <https://nwjustice.org/clear-hotline>.

**For eviction**, call the Eviction Defense Line at 1-855-657-8387. If you are a renter and are facing eviction in Washington, you can get free legal help. There's more info at <https://nwjustice.org/eviction-help>.

**For help with VA benefits applications or appeals**, you can work with a free veteran service officer (VSO) or a lawyer. Free lawyers can help you apply for VA benefits or file an appeal. A lawyer who charges a fee can only help *after* the VA decides your claim, usually during an appeal.

Lawyers and VSOs must be “accredited” by the VA to help with veterans benefits claims. You can find VSOs and lawyers and check if a lawyer or VSO is accredited by searching their name at <https://www.va.gov/ogc/apps/accreditation>.

Organizations that call themselves “claims consultants” or say that they will “coach” you on your claim are *not* VA accredited. You might have to pay them much more than if you worked with a lawyer. VSOs are free.

These organizations may be able to help with your VA benefits claim:

- **[Washington Department of Veterans Affairs \(WDVA\)](#)**: WDVA can help you find a trained veteran service officer near you. WDVA works with counties and tribes to train and support veteran service officers. You can call WDVA at 1-800-562-2308 or email [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov).
  - WDVA also has an LGBTQ+ Veterans Outreach Coordinator to help LGBTQ+ veterans connect with services and benefits. You can learn more about the [services WDVA provides for LGBTQ+ veterans](#)<sup>1</sup> on their website.
- **County Veteran Service Program**: Some counties have veteran service offices or programs that can help you with VA benefits. WDVA has a county map with links to resources at <https://www.dva.wa.gov/resources/county-map>.
- **Legal aid organizations**: Some legal aid organizations can help you with VA benefits applications or appeals, but you will need to call to see if they have someone who can help with this in your area. You can find legal aid organizations in your area at <https://www.washingtonlawhelp.org/en/get-legal-help>.

**If you need other resources, including help finding food, transportation, shelter, other local legal clinics, or healthcare**, you can look at <https://search.wa211.org/> or call 211 for help in your area.

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<sup>1</sup> <https://www.dva.wa.gov/lgbtq-veterans>

# Part 2: Federal Veterans Benefits

## 1. Am I eligible for federal veterans benefits?

To get many benefits from the U.S. Department of Veterans Affairs (VA or federal VA), like disability compensation or a home loan, the VA considers whether you meet the federal, legal definition of veteran. However, you can get some benefits without meeting the federal definition. It depends on the benefit.

The federal definition is in a statute (law), 38 USC § 101(2) and has two requirements:

- “Active military, naval, air or space service,” **and**
- A discharge that was “under conditions other than dishonorable.”

### ***A. Service in the Active Military, Naval, Air or Space Service***

The VA answers three questions when deciding if you have active service.

#### **1. Did you serve the US Armed Forces?**

Army, Air Force, Coast Guard, Marine Corps, Navy, Space Force

#### **2. Did you have qualifying active service?**

Active Duty, activated **federal** (*not* state) service if in the National Guard, Active Duty for Training or, for some benefits, Inactive Duty for Training.

#### **3. How long and when did you serve in the military?**

Some (not all) benefits have duration requirements, like serving for at least 24 months. Other benefits are only for veterans who served during wartime.

### ***B. Discharge Under Conditions Other than Dishonorable***

The VA answers two additional questions when deciding if your discharge was “under conditions other than dishonorable.” They *usually* can get the information from your separation documents (like your DD214 or NGB22) but might have to look at other documents for information.

### What is your discharge?

It could be:

- Honorable
- General Under Honorable
- Other than Honorable
- Bad Conduct Discharge
- Dishonorable
- Uncharacterized

AND

### Why did you leave the military?

Your reason for separation is usually in its own box on your DD214. Some reasons for separations disqualify you for VA benefits.

It can be hard to know if you meet the federal definition of “veteran,” and even the VA gets it wrong sometimes. If you aren’t sure, or if you think the VA made the wrong decision, talk to a VA accredited lawyer or veterans service officer (VSO).

**If you want more information about the federal definition of veteran, visit:**

- [“Who is a Veteran?”](https://lawforveterans.org/who-is-a-veteran)<sup>2</sup> on [LawforVeterans.org](https://lawforveterans.org) has an easy-to-understand overview. Elsewhere on the site has information about Arizona law. Washington law is different, so do not use what it says for a Washington case.
- [“Eligibility for VA disability benefits”](https://www.va.gov/disability/eligibility/)<sup>3</sup> on [VA.gov](https://www.va.gov). This federal VA webpage will likely be updated the fastest if there are any changes to VA eligibility.

## 2. Can I change my eligibility for federal VA benefits?

There are two primary ways that you can try to change your eligibility for federal benefits: a **discharge upgrade**, and a **VA character of service determination**. Both can improve your access to VA benefits, but they are **not** the same process. **You should try to talk to a lawyer before trying to change your eligibility.**

### A. Discharge Upgrades

A discharge upgrade changes your DD214. You must apply **to your former branch of service**. You can ask your former branch to change things like your characterization of service, reason for separation, or re-enlistment code.

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<sup>2</sup> <https://lawforveterans.org/who-is-a-veteran>

<sup>3</sup> <https://www.va.gov/disability/eligibility/>



Many people think that some types of discharges will be automatically upgraded after six months. **This is not true.**

The rules for discharge upgrades change often. **If you want more information about discharge upgrades, visit:**

- “[Upgrading Your Discharge and Changing the Reason for Your Discharge](#)”<sup>4</sup> from [Swords to Plowshares](#), a California veteran service nonprofit. This easy-to-understand guide has many helpful tips for preparing an upgrade application.
- [Pro Bono Help for Discharge Upgrades from the Veterans Consortium](#).<sup>5</sup> [The Veterans Consortium](#) is a national program that provides pro bono lawyers to help with discharge upgrade applications. Not everyone can get pro bono help.

### ***B. VA Character of Service Determination (CSD)***

A VA character of service determination is when the VA decides whether your military service is “Honorable for VA purposes” so that you can get most VA benefits. A decision that your service was “Honorable for VA purposes” won’t change your discharge document (like your DD214). It only affects VA benefits.

- The VA CSD process begins with sending in a claim (application) to the VA.
- Try to talk to a lawyer if you want to apply for a VA CSD. It can be complicated.

**If you want more information about the VA CSD process, visit:**

- “[VA Character of Service Determinations: An Alternative to Discharge Review](#)”<sup>6</sup> from [Swords to Plowshares](#) has excellent information, including comparisons to discharge upgrades.
- “[Character of Service Determination: A Simple Overview of How to Apply for Veterans Affairs Health Benefits](#)”<sup>7</sup> from the nonprofit Texas Law Help. This has lots of links to resources and the VA CSD laws that apply to VA CSDs. However, resources elsewhere on the website are about Texas law. They likely will not apply to Washington.

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<sup>4</sup> <https://www.swords-to-plowshares.org/guides/upgrading-your-discharge>

<sup>5</sup> <https://www.vetsprobono.org/legal-help/discharge-upgrade/>

<sup>6</sup> <https://www.swords-to-plowshares.org/guides/va-character-of-service-determination-an-alternative-to-discharge-review>

<sup>7</sup> <https://texaslawhelp.org/article/character-of-service-determination-a-simple-overview-of-how-to-apply-for-veterans-affairs-health>

### 3. What are the most common VA benefits for veterans?

There are **two primary cash benefits** for veterans: disability compensation and non-service connected pension. The [VA's Fact Sheets](#)<sup>8</sup> cover other VA benefits.

**Disability Compensation:** A tax-free, monthly cash benefit for veterans with a disability or condition caused or worsened by their military service. You must show the VA that you have a current disability, that something happened in service, and that there is a connection between the current disability and in-service event.

- The VA may assume that your military service caused your disability (a “presumptive condition”). Many of these conditions are related to exposure to toxic substances like Agent Orange or burn pits. The [PACT Act](#),<sup>9</sup> passed in 2022, expanded presumptions to cover more areas and time periods.

**Non-Service Connected (NSC) Pension:** A tax-free, needs-based monthly benefit for low-income, wartime-era veterans. The amount you receive changes based on your income, family size, and circumstances (like if you need help with daily activities or need nursing care). There are also duration (length of service) requirements.

**To get NSC pension, you must meet one of these requirements:**

- Over the age of age 65, or
- Permanently and totally disabled but *not* because of your military service, or
- A patient in a nursing home for long term care, or
- Receiving Social Security Disability Insurance or Supplemental Security Income.

**AND**

**You must have served during one of these periods:**

- World War II (December 7, 1941, to December 31, 1946)
- Korean conflict (June 27, 1950, to January 31, 1955)
- Vietnam War era if you served in the Republic of Vietnam (November 1, 1955, to May 7, 1975)
- Vietnam War era if you served outside the Republic of Vietnam (August 5, 1964, to May 7, 1975)
- Gulf War (August 2, 1990, through a future date to be set by law or presidential proclamation)

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<sup>8</sup> <https://www.benefits.va.gov/benefits/factsheets.asp>

<sup>9</sup> <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>

## 4. What are the most common VA benefits for survivors of deceased veterans?

There are two main monthly cash benefits for surviving spouses, parents, and dependents of deceased veterans or service members.

Contact a veteran service officer or the state or federal VA to learn more about what other benefits may be available to you as a survivor.

### ***Did you know?***

Disability compensation or non-service-connected pension benefits do **not** automatically continue after a veteran's death. **If you are a veteran's survivor, you must apply for survivor benefits.**

### **Dependency and Indemnity**

**Compensation (DIC):** A tax-free, monthly cash benefit paid to eligible survivors of military service members who died in the line of duty or veterans whose death was because of a condition related to their military service. You might be able to get DIC even if the veteran wasn't getting disability compensation before their death.

**Survivors Pension:** A tax-free monthly cash benefit paid to very low-income surviving spouses or unmarried dependent children of deceased wartime veterans who met certain service requirements. While the wartime-era requirements are the same as for non-service connected pension, the income requirements are **not**.

### **If you want more information about survivor benefits, visit:**

- “[Survivors Pension And DIC](https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/)”<sup>10</sup> from VA.gov. This is a good way to learn about both survivors benefits at once.
- “[Veteran Survivor Benefits: VA Death Benefits Explained](https://www.dav.org/get-help-now/veteran-topics-resources/survivors/)”<sup>11</sup> from Disabled American Veterans. This is a more in-depth guide about both benefits.

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<sup>10</sup> <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/>

<sup>11</sup> <https://www.dav.org/get-help-now/veteran-topics-resources/survivors/>

# Part 3: State Veterans Benefits and Protections

Washington State also provides benefits and protections to veterans and their families. The Washington Department of Veterans Affairs (WDVA) manages some state veteran benefits like burial in a state veterans cemetery. Benefits like property tax relief or veterans employment preference for state jobs are managed by other state agencies.

## 1. What is the Washington State definition of veteran?

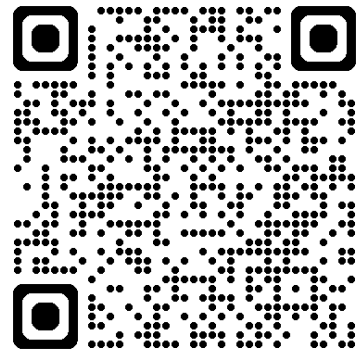
Washington uses two definitions of veteran:

- [RCW 41.04.005](#): Defines a veteran based on their period of service.
- [RCW 41.04.007](#): Broader definition of veteran, used for many state benefits.

In 2024, the State Legislature expanded **both** definitions of veteran to align better with the federal definition.

Now, to qualify as a “veteran,” you must meet the requirements of one of those laws (depending on the benefit) *and* have a qualifying discharge under [RCW 73.04.005](#). This means that you either:

- Receive monetary benefits (money) from the federal VA, **or**
- Were separated from the military because of your sexual orientation, gender identity, or gender expression, *regardless of your discharge*.



If you want more information about the state definition of veteran, scan the above QR code or visit <https://www.dva.wa.gov/definition-veteran>.

## 2. What is the Washington Department of Veterans Affairs (WDVA)?

The WDVA is a state agency to support Washington veterans and their families. It can help you connect with both state **and** federal veterans services. WDVA also manages some state veterans benefits, like:

- Long-term care in the state Veterans Homes;
- Counseling and wellness services, including PTSD counseling; and
- Burial in our state Veterans Cemetery.

It is *not* the same agency as the federal Department of Veterans Affairs.

**If you want more information about WDVA, you can:**

- Visit their website at [www.dva.wa.gov](http://www.dva.wa.gov)
- Call their Olympia Service Center at 1-800-562-2308
- Email them at [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov)

### **3. Are Washington veterans protected from discrimination?**

**Yes.** Veterans are a protected group under the Washington Law Against Discrimination (WLAD), [RCW 49.60](#). It protects veterans who meet the state definition of veteran. WLAD also protects many other categories of people, such as religious minorities.

- If you want more information about who the WLAD protects or when it applies, review this [brochure from the Washington State Human Rights Commission](#).<sup>12</sup>
- You can report discrimination by making a complaint to the Washington State Human Rights Commission. You can fill out the form on the [Human Rights Commission website](#)<sup>13</sup> or call 1-800-233-3248, option #4 to file a complaint by phone, or to get information about other ways to file a complaint.
- You can also file a [complaint with the Attorney General's Office's](#)<sup>14</sup> Consumer Resource Center.

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<sup>12</sup>

[https://www.hum.wa.gov/sites/default/files/public/publications/GeneralBrochure/General%20Brochure\\_English\\_Current.pdf](https://www.hum.wa.gov/sites/default/files/public/publications/GeneralBrochure/General%20Brochure_English_Current.pdf)

<sup>13</sup> [https://wahum.my.site.com/FileaComplaintOnline/s/?language=en\\_US](https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US)

<sup>14</sup> <https://www.atg.wa.gov/file-complaint#Online>

# Part 4: Housing and Homelessness Benefits and Protections

## 1. Can I get help from the government to buy a home?

**Yes.** Both the state and federal government have programs to help veterans buy homes.

### ***A. Washington State Downpayment Assistance Program***

The Washington State Housing Finance Commission has a downpayment assistance program for first-time homebuyers. You can read the law at [RCW 43.180.250](#).

- You may be eligible if you meet the state's definition of veteran.
- You may also be eligible if you are a member or former member of the WA National Guard or reserves.
- The program is also available for never-remarried spouses and dependent children of deceased veterans who met the state definition of veteran.
- There are income limits. They vary by county.

The program works with other programs provided by the Washington State Housing Finance Commission. More information about the Downpayment Assistance Program is available on [the Washington State Housing Finance Commission website](#).<sup>15</sup>

### ***B. Federal VA Home Loan***

The federal VA home loan program is also available. It can help you buy, fix, build, or refinance a home. The [VA Home Loan website](#)<sup>16</sup> has lots of information.

- The program does not require a downpayment or Private Mortgage Insurance.
- It has low interest rates and closing costs.
- You can use the VA home loan program multiple times.

You must meet length of service requirements to qualify for a VA home loan. These requirements vary based on when you served. You can look at your length of service requirements and other eligibility criteria on the [VA's Home Loan eligibility webpage](#).<sup>17</sup>

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<sup>15</sup> <https://heretohome.org/downpayment-assistance/>

<sup>16</sup> <https://www.va.gov/housing-assistance/home-loans/>

<sup>17</sup> [www.va.gov/housing-assistance/home-loans/eligibility](https://www.va.gov/housing-assistance/home-loans/eligibility)

## 2. Can I get a property tax exemption or reduction?

**Possibly.** Washington has a property tax exemption for veterans, and a property tax grant program for un-remarried surviving spouses of deceased veterans.

### ***A. Property Tax Exemption for Veterans***

Veterans with service-connected disabilities rated at 40% or higher, or with a total disability and individual unemployability (TDIU) rating are eligible for a property tax exemption. You can read the law at [RCW 84.36.381](#). You may also be eligible to apply for the senior citizen or people with disability exemption.

- There are income requirements. They vary by county.
- You must own and occupy your home as your primary residence.

You can apply for the exemption through your local county assessor. The [Department of Revenue website](#)<sup>18</sup> has a map with links to each county assessor and information about the program and eligibility.

### ***B. Property Tax Assistance for Surviving Spouses***

Widows and widowers of certain veterans are eligible for a grant to help pay property taxes. The law is at [RCW 84.39.010](#). You must be approved for the [senior citizen or people with disabilities exemption program](#)<sup>19</sup> before applying for surviving spouse property tax assistance. Together, the programs help you get the most financial help.

- There are income requirements. They vary by county.
- You must own and occupy your home as your primary residence.
- You cannot be remarried.

As a surviving spouse, you are eligible if your deceased veteran spouse:

- Died due to a service-connected disability, or
- Had a 100% federal VA disability rating for 10 years before their death, or

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<sup>18</sup> <https://dor.wa.gov/taxes-rates/property-tax/property-tax-exemption-seniors-people-retired-due-disability-and-veterans-disabilities>

<sup>19</sup> <https://dor.wa.gov/taxes-rates/property-tax/property-tax-exemption-seniors-people-retired-due-disability-and-veterans-disabilities>

- Was a former prisoner of war **and** had a 100% VA disability rating for 1+ years before their death,
- Died on active duty or in active training status while in the US military, reserves, or National Guard.

The Department of Revenue website has [informational materials about eligibility for the property tax assistance program for survivors of deceased veterans](#).<sup>20</sup>

### 3. Does Washington have veteran nursing homes?

**Yes.** WDVA runs four state veteran nursing homes in Port Orchard, Orting, Spokane, and Walla Walla.

The homes are Medicaid and Medicare-certified and provide 24-hour nursing care. You are eligible if you reside in Washington state and meet one of these requirements:

- Served at any time in the US military (including the National Guard) **and** meet the state definition of veteran, or
- Are the spouse or surviving spouse of an eligible veteran, or
- Are a Gold Star parent who lost a child who was serving in the Armed Forces.

The federal VA may help pay for nursing care for some veterans. You can find more information on the [WDVA State Veterans Homes webpage](#).<sup>21</sup>

### 4. I'm homeless. How can I get help?

Both the state and federal government have programs available to help veterans who are experiencing homelessness. Generally, you will work with a social worker at the VA or a local social service program or county office to connect with these programs.

#### A. HUD-VASH

The [HUD-VASH program](#)<sup>22</sup> is a federal rental assistance program for veterans experiencing long-term homelessness. The federal VA combines housing “vouchers” (help paying rent) from the federal Department of Housing and

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<sup>20</sup> [https://dor.wa.gov/sites/default/files/2022-02/PTAssistance\\_WidowsWidowers.pdf](https://dor.wa.gov/sites/default/files/2022-02/PTAssistance_WidowsWidowers.pdf)

<sup>21</sup> <https://www.dva.wa.gov/veterans-service-members-and-their-families/veterans-homes>

<sup>22</sup> <https://www.va.gov/homeless/hud-vash.asp>



Urban Development (HUD) with VA case management and support (VA Supportive Housing) to help you get and keep housing. Rent is income-based.

HUD-VASH is available for veterans who are eligible for VA healthcare. If you have a criminal record, you are eligible for HUD-VASH, *except* if you have a sex offense on your record and must register as a sex offender. Talk to your VA social worker for more information or call the National Call Center for Homeless Veterans at 877-424-3838.

### ***B. Supportive Services for Veteran Families (SSVF)***

SSVF helps very low-income veterans avoid losing their housing or quickly regain housing after becoming homeless. It provides supportive services (like financial assistance) and case management. You can learn more on the [VA's SSVF webpage](#)<sup>23</sup> or by calling the National Call Center for Homeless Veterans at 877-424-3838.

### ***C. Veterans Transitional Housing Program in Orting***

WDVA has a transitional housing program in Orting for veterans who served in any branch of the US Armed Forces and who have been homeless for one or more nights.

- It is available for veterans who have an Honorable or General under Honorable discharge. You *may* be eligible with an Other than Honorable discharge.
- WDVA helps you connect with supportive services, including mental health services, employment specialists and claims assistance.
- You can ask your VA case manager or social worker about this program.

The WDVA's [Transitional Housing Program webpage](#)<sup>24</sup> has information and FAQs.

### ***D. Local Resources***

[State law](#) (RCW 73.08) requires every county in Washington to have a Veteran Assistance Fund. These funds help low-income veterans by giving them short-term financial support. In small counties, they are often located in the Auditor's Office or with the County Commission. Large counties may have a dedicated Veterans Program. The WDVA resource map has links to each county's veteran assistance fund at <https://www.dva.wa.gov/resources/county-map>.

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<sup>23</sup> <https://www.va.gov/homeless/ssvf/index.html>

<sup>24</sup> <https://www.dva.wa.gov/veterans-service-members-and-their-families/veterans-benefits/housing-resources/veterans-transitional-housing-program>

# Part 5: Family Law Protections

Family law can be complicated. **You should try to talk to a lawyer** if you have questions about child support, divorce, or other family law issues. Look at “How can I get civil legal help” (#4 in Part 1 of this guide) for information about legal resources.

## 1. Are my VA benefits “income” for child support?

**Usually.** Washington law ([RCW 26.19.045](#)) says that the court *may* count veterans disability compensation and veterans disability pension as “disposable income” when deciding on a child support payment. Aid and attendance payments and special monthly compensation are *not* income for child support.

## 2. Can my VA benefits be taken (garnished) to pay child support?

**Maybe.** Normally, the VA won’t allow money to be taken directly from your VA benefits. *However*, there are circumstances where garnishment **is allowed** under federal law to pay for child support. It’s most likely to apply to you if you receive military retirement and VA disability benefits. **Try to talk to a lawyer if this applies to you.**

If you owe child support, however, the other parent *can* ask the VA for an **apportionment**. This is a process through the federal VA, *not* state court. If the VA approves the apportionment, the other parent will receive part of your benefits. State law ([RCW 26.18.190](#)) views apportionment as child support payment.

If you want more information about apportionment or child support, you can visit:

- [“Apportionment of the Veteran’s Benefits to Dependents”](#)<sup>25</sup> from Texas Law Help. Note: this *does* include discussion of Texas law, which will not apply to Washington.
- Washington’s Division of Child Support at the Department of Social and Health Services has [Veteran Liaisons](#)<sup>26</sup> available to help you, including working with you to pay your owed child support and referring you to community resources to help you reach your goals.

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<sup>25</sup> <https://texaslawhelp.org/article/apportionment-of-the-veterans-benefits-to-dependents>

<sup>26</sup> <https://www.dshs.wa.gov/esa/division-child-support/veterans-liaisons>

# Part 6: Consumer Law Benefits and Protections

## 1. What is the Pension Poacher Prevention Act?

“Pension poachers” try to convince you to transfer your assets or invest in insurance products. They tell you that this will make you eligible for VA pension benefits. Usually, these transfers or investments make money for the pension poacher. Pension poachers can be financial advisers, attorneys, or others.

The pension poacher doesn’t tell you that the VA reviews asset transfers for the 3 years before filing a pension claim. If the VA finds out that you transferred assets to qualify for pension benefits, you might have to repay the VA for those benefits.

Washington law ([RCW 19.335.020](#)) bans people from:

- Getting money to help you with your VA benefits claim, unless it’s allowed by the federal VA,
- Promising (or even implying) that you will get benefits,
- Misusing the personal and financial information you shared with them when they were helping you with your VA benefits claim, and
- Receiving money for referring you to someone who is VA accredited.

If you want more information on pension poaching or keeping yourself safe from scams, you can visit the VA’s [“Pension Poaching”](#)<sup>27</sup> webpage.

## 2. I can’t afford my hospital bill, and I don’t get VA healthcare.

### What do I do?

**Consider applying for charity care.** Charity care provides free or discounted care at hospitals. You can read the law at [RCW 70.160.060](#).

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<sup>27</sup> <https://benefits.va.gov/BENEFITS/factsheets/limitedincome/pension-poaching.pdf>

- You may be eligible for discounted or free care at large hospitals and healthcare systems (Tier 1) if your income is up to 400% of the federal poverty level.
- You may be eligible for discounted or free care at small hospitals (Tier 2) if your income is up to 300% of the federal poverty level.
- There is a calculator for the federal poverty level at <https://www.atg.wa.gov/charitycare>.

***Did you know?***

You do not have to apply for Medicaid or Medicare to be eligible for charity care, and you can get charity care even if you have private insurance.

If you want more information about charity care, you can visit:

- “[Washington State Charity Care Law](#)”<sup>28</sup> from the Washington State Attorney General’s Office. This has information about which hospitals are considered Tier 1 (large) or Tier 2 (small).
- “[Guide to Charity Care](#)”<sup>29</sup> from Washington Law Help. This guide talks about issues like how long it may take for a decision after you apply for charity care, what happens if you were already sued, and other questions that may come up.

### **3. How do I report a scam, problem with a business, or other consumer problem in Washington?**

You can file a [complaint with the Attorney General’s Office’s](#)<sup>30</sup> **Consumer Resource Center**. The Consumer Resource Center (CRC) can give you information and referrals. It also has an informal complaint resolution service to try to help you and the business resolve a complaint. You can tell the CRC if you were scammed, too.

The CRC will tell the business that you complained and ask the business to respond. If the business won’t respond or won’t do anything in response to your complaint, the Consumer Resource Center can’t make them do anything. The CRC can tell you alternatives if they can’t resolve the complaint. They cannot give you or the business legal advice. They can’t sue the business for you.

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<sup>28</sup> <https://www.atg.wa.gov/charitycare>

<sup>29</sup> <https://www.washingtonlawhelp.org/en/guide-charity-care>

<sup>30</sup> <https://www.atg.wa.gov/file-complaint#Online>

# Part 7: Education Law Benefits and Protections

## 1. I'm a veteran or a veteran's family member and I want to go to school. Can I get a tuition waiver?

**Possibly.** Washington State allows community colleges, colleges, and universities to waive all, or some, tuition and fees for eligible veterans and national guard members. There is also a waiver program for eligible dependents. Your eligibility will depend on your service, or your family member's service.

### ***A. Veteran Tuition Waiver***

Schools (including state and regional universities, Evergreen State College, and community and technical colleges) can waive all or some of tuition and fees for an “eligible” veteran or National Guard member. You can read the law at [RCW 28B.15.621](#).

You are eligible if you live in Washington and have a “qualifying discharge” under the state definition of veteran.

- *Reminder:* A “qualifying discharge” means that you either receive money from the VA or were discharged from the military because of your sexual orientation, gender identity, or gender expression, *regardless of your discharge*.

You must also meet both of these criteria:

- You served as an active or reserve member of the US military, or as a National Guard member called to active duty who served in active federal service under either Title 10 or Title 32, and
- You served in a war or conflict on foreign soil or in international waters *or* somewhere else supporting those who did.
  - Schools *may*, but don't have to, waive tuition and fees for veterans and National Guard members who don't meet this requirement.

Every school has its own process to apply for the veteran tuition waiver, so you will have to reach out separately.

### ***B. Dependent Tuition Waiver***

Washington requires schools to waive tuition for eligible undergraduate dependents of veterans and national guard members. You can read the law at [RCW 28B.15.621](#).

- Dependents include children, spouses or domestic partners, surviving spouses or domestic partners, and surviving children of a deceased veteran or National Guard member.
- The state encourages, but doesn't require, tuition waivers for graduate students.
- The waiver covers up to 200 quarter credits or the equivalent semester credits.

You are eligible if you are dependent of a veteran or national guard member and live in Washington, and the veteran or National Guard member:

- Became totally disabled due to their service in active, federal military or naval service, or
- Is missing in action or is a prisoner of war, or
- Died due to serving in active federal military or naval service

The law has some other requirements. If you want more information about the state tuition waiver for veterans **or** dependents, visit the [WDVA's Tuition Waiver webpage](#).<sup>31</sup>

## **2. I owe student loans but can't work due to service-connected disabilities. Do I have options?**

**Possibly.** You might be eligible for discharge (forgiveness) of *federal* student loans if you are totally and permanently disabled. Private student loans are *not* covered by the same laws.

You can get your federal student loans forgiven if you get 100% service-connected VA benefits or have a total disability and individual unemployability (TDIU) rating.

- In some cases, the VA will send the U.S. Department of Education documentation automatically. However, you can also give the Department of Education proof.
- You can also submit proof that you get SSDI or SSI. If you do this, you must also give the Department of Education proof that the disability is permanent.

You can find out more, including information about how to apply, on the U.S. Department of Education's [Total and Permanent Disability Discharge webpage](#).<sup>32</sup>

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<sup>31</sup> <https://www.dva.wa.gov/veterans-their-families/veterans-benefits/education-and-training/washington-tuition-waiver>

<sup>32</sup> <https://studentaid.gov/manage-loans/forgiveness-cancellation/disability-discharge>

### 3. I want a better job. Can I get help?

**Yes.** Washington supports veterans who want to learn a trade or get a new job.

#### ***A. WDVA Apprenticeship Program***

The WDVA Apprenticeship Program helps veterans and separating service members connect with apprenticeships in Washington. Apprenticeships provide on-the-job training, paid employment during your education, and classroom instruction. You can use your VA education benefits to help pay for things like living expenses, books, and supplies. At the end of an apprenticeship, you will have journey-level status with marketable skills.

You can learn more about how the WDVA supports veterans looking for apprenticeships on their [Apprenticeship webpage](#).<sup>33</sup> The Washington Student Achievement Council has more information about how VA benefits work with apprenticeships and on-the-job training programs on their [Veterans Education and Training webpage](#).<sup>34</sup>

#### ***B. Worksource***

If you need help finding a job, you can get help from Worksource veteran employment specialists. These specialists at many Worksource centers across the state help veterans figure out how their military skills translate to the civilian workforce. You can find a Worksource center near you on <https://www.worksourcewa.com/>.

- Veteran employment specialists can support you throughout the job search.
- Offices have phones, computers, and copy machines you can use to job search.

Worksource also has a [“Veterans Military Crosswalk” tool](#)<sup>35</sup>. You can input your Military Occupational Specialty (MOS) and location and it will find jobs that may be a good match for you.

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<sup>33</sup> <https://dva.wa.gov/veterans-service-members-and-their-families/veterans-benefits/apprenticeship>

<sup>34</sup> <https://wsac.wa.gov/veterans>

<sup>35</sup> <https://workinwashington-veterans.jobs/jobs/>

### **C. Veterans Conservation Corps (VCC)**

The Veterans Conservation Corps (VCC) is for all veterans. VCC members work with partners in the community who help keep Washington's ecosystems healthy. The VCC program also has training and internship opportunities to help you gain skills and experiences that may help you find employment. VCC provides a stipend to help with living expenses while you are taking part in the internship program.

You can read more about the VCC on the WDVA's [Veteran Conservation Corps webpage](#),<sup>36</sup> including information about how to apply and current available internships.

#### **4. I never graduated from high school because I joined the military. Can I get my diploma now?**

**Yes, if you are a WWII, Korea, or Vietnam-era veteran, or their survivor, who meets the requirements of [RCW 28A.230.120\(3\)](#).** Washington law allows you to get a diploma if you left high school to join the military. You can find more information on the [WDVA Operation Recognition webpage](#).<sup>37</sup>

- You can apply for a diploma from the high school you would have graduated from, a high school in your local community, or a high school you have ties to.

There are **three** requirements to get a diploma from Operation Recognition.

- 1. Are you, or your deceased family member, a veteran of WWII, Korea, or Vietnam?**
  - [RCW 41.04.005](#) specifies what the time limit is for the Vietnam era.
- 2. Did you, or your deceased family member, leave high school without getting a diploma so you or they could join the military?**
  - You can apply even if you later got a GED.
- 3. Do you, or your deceased family member, have a qualifying discharge under [RCW 73.04.005](#)?**
  - A "qualifying discharge" means that you either receive money from the VA or were discharged from the military because of your sexual orientation, gender identity, or gender expression, *regardless of your discharge*.

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<sup>36</sup> <https://www.dva.wa.gov/vcc>

<sup>37</sup> <https://www.dva.wa.gov/veterans-their-families/veterans-benefits/education-and-training/operation-recognition>



# Part 8: Employment Law Benefits and Protections

## 1. What is veterans' preference? Can I get it for any job I apply for?

Veterans' preference means that you are a preferred candidate over non-veteran job candidates. It is available for federal, state, and local government jobs. It is allowed, but **not required**, for non-government, private sector jobs.

### *A. Federal Veterans' Preference*

Federal veterans' preference can be complicated. Many jobs in the federal government give eligible veterans preference in hiring. It does **not** guarantee that you will get a job. You must have an Honorable or General under Honorable discharge to receive federal veterans' preference. Some spouses, survivors, and parents of veterans are also eligible.

- You may be eligible for some level of preference if you:
  - Have a service-connected disability, or
  - Receive non-service connected pension or military pension, or
  - Served on active duty during certain periods, including during wartime, or
  - Served in a campaign or expedition for which a campaign medal was authorized, or
  - Received a Purple Heart, or
  - Are a veteran and are the sole survivor in a family where the mother, father, or one or more siblings served in the armed services and was killed or totally and permanently disabled.

The [USAJobs Veterans webpage](https://help.usajobs.gov/working-in-government/unique-hiring-paths/veterans)<sup>38</sup> has more information.

### *B. State and Local Government Veterans' Preference*

Washington State also has veterans' preference for employment with the state or local, city or county government. State veterans' preference can also be complicated. You can get veterans' preference for both competitive and non-competitive service jobs.

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<sup>38</sup> <https://help.usajobs.gov/working-in-government/unique-hiring-paths/veterans>

For both competitive and non-competitive state government service jobs, veterans must have a “qualifying discharge” under [RCW 73.04.005](#).

- *Reminder:* A “qualifying discharge” means that you either receive money from the VA or were discharged from the military because of your sexual orientation, gender identity, or gender expression, *regardless of your discharge*.

**Competitive Service Jobs:** These are jobs where an employer gives you an exam to decide if you’re qualified for the job. The law for competitive service veterans’ preference is [RCW 41.04.010](#).

- 10% is added to your score (if you pass) if you are a veteran who served during a period of war (defined in RCW 41.04.005), **and** you don’t get military retirement.
  - This percentage can’t be used in promotional tests.
- 5% is added to your score (if you pass) if you are a veteran who did **not** serve during a period of war or in an armed conflict (defined in RCW 41.04.005), **or** you are receiving military retirement.
  - This percentage can’t be used in promotional tests.
- 5% is added to your score (if you pass) if you were called to active duty while working for the state, or any local government (county, city, town, etc.).
  - This can be added to promotional tests until your first promotion only.

**Non-Competitive Service Jobs:** These are jobs where there isn’t a test to decide if you’re qualified. Preference for these jobs means that if you are otherwise qualified for the job, the employer must send your application to the hiring official. The law for non-competitive veterans’ preference is [RCW 73.16.010](#).

You are eligible for non-competitive service veterans’ preference if you are a:

- Veteran of any war or any military campaign for which a campaign medal was awarded.
- Surviving spouse or surviving registered domestic partner of an eligible veteran
- Spouse of an eligible veteran who has a service-connected permanent and total disability.

### ***C. Private Job Veterans’ Preference***

**Private employers can give preference to veteran job applicants under state law ([RCW 73.16.110](#)).** They do not have to give veterans preference in employment.

- The law applies to honorably discharged veterans who served in any war or military campaign for which a campaign ribbon was awarded.
- It also applies to their surviving spouses and spouses of honorably discharged veterans who have a service-connected permanent and total disability.

- Giving veterans preference in private employment does not violate any state or local laws, including employment or discrimination laws.

## 2. Can I register my business as a Veteran Owned Business in Washington?

**Possibly.** If you own a business and are a veteran, contact the Washington Department of Veterans Affairs to check eligibility for a Veteran Owned Business certification. You will need to give WDVA information about your military service and the business you own. You can read the law about this at [RCW 43.60A.190](#).

- A Veteran Owned Business certification helps you because the Governor's Office asked Washington State agencies to do 5% of their purchasing from Veteran or Servicemember Owned Businesses.
- There is also a Veteran Owned Business directory available online, so people can look for businesses owned by veterans in their communities.

WDVA's [Veteran Owned Business webpage](#)<sup>39</sup> has lots of resources available, including information about how to register your business and how to find contractors that are looking to work with Veteran Owned Businesses.

## 3. Does my military training satisfy the requirements for occupational licensing in Washington?

**Maybe.** It depends on the type of occupational license you are applying for. There are many different departments that manage licensing in Washington, and you will need to review information from the department that manages the license you are applying for. Worksource has a [list of the different departments and their military and veteran license and credentialing webpages](#).<sup>40</sup> Many of these webpages also have information for veteran and military spouses who would like to transfer their credentials.

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<sup>39</sup> <https://www.dva.wa.gov/veterans-service-members-and-their-families/veteran-owned-businesses>

<sup>40</sup> <https://www.worksourcewa.com/microsite/Content.aspx?appid=MGSWAVET&pageType=simple&seo=credentialslicenses>

# Part 9: Other Benefits and Protections

## 1. Can I get free license plates as a veteran or family member?

**Possibly.** Not all veterans or family members are eligible. There are several ways veterans can qualify to receive free license plates.

### *A. Disabled American Veteran Plates*

**Some veterans with disabilities are eligible for free Disabled American Veteran license plates (RCW 46.18.235).** These plates do not give you disabled parking privileges. You can find out more about [disabled veteran parking privileges](#)<sup>41</sup> and [disabled parking permits](#)<sup>42</sup> on the Washington Department of Licensing website.

The plates are available for one non-business or commercial vehicle per year and are valid for the rest of your life. You are eligible for these plates if you meet the definition of veteran in [RCW 41.04.007](#) and either lost the use of both hands or one foot, become blind in both eyes due to your military service, or are receiving VA disability compensation at the 100% rate that's expected to last for more than 1 year.

You can find out more information about the Disabled American Veteran license plate and how to apply on the [Department of Licensing website](#).<sup>43</sup>

### *B. Medal of Honor Recipient Plates*

**Medal of Honor recipients are eligible for up to three sets of free license plates.** You must send the Department of Licensing a copy of your DD214 or proof from the Department of Veterans Affairs that you received the Medal of Honor. The Washington Department of Licensing [Medal of Honor plates webpage](#)<sup>44</sup> has more information, including application details. The law is [RCW 46.18.230](#).

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<sup>41</sup> <https://dol.wa.gov/driver-licenses-and-permits/get-or-renew-disabled-parking-permits/disabled-veteran-parking>

<sup>42</sup> <https://dol.wa.gov/driver-licenses-and-permits/get-or-renew-disabled-parking-permits>

<sup>43</sup> <https://dol.wa.gov/vehicles-and-boats/license-plates/get-custom-plates/special-design-plates/disabled-american-veteran>

<sup>44</sup> <https://dol.wa.gov/vehicles-and-boats/license-plates/get-custom-plates/special-design-plates/medal-honor>

### ***C. Former Prisoner of War Plates***

**Former Prisoners of War are eligible to receive one set of free license plates.** These plates are free for one vehicle each year. They are also available for the surviving spouse or domestic partner of a deceased former prisoner of war. You must provide the Washington Department of Licensing with your DD214 or a letter of eligibility from the U.S. Department of Veterans Affairs. The Department of [Licensing Former Prisoner of War webpage](#)<sup>45</sup> has more information. The law is [RCW 46.18.235](#).

### ***D. Purple Heart Recipient Plates***

**Purple Heart recipients are eligible to receive one set of free license plates.** These plates are free for one vehicle each year. They are also available for the surviving spouse or domestic partner of a deceased Purple Heart recipient. You can find out more on the Department of Licensing [Purple Heart plates webpage](#).<sup>46</sup> The law is [RCW 46.18.280](#).

### ***E. Gold Star Family License Plates***

**Some Gold Star family members are eligible to receive free license plates.** The Department of Licensing offers Gold Star plates to family members of US military members who died while serving or because of their service. Many different family members are eligible for Gold Star plates, including:

- Widow or widowers,
- Biological, adoptive, or stepparents,
- Adults who fulfilled the parental role (like a foster parent, kinship provider, or caretaker relative),
- Biological or adopted children, and
- Siblings.

If you are a widow, widower, parent (including adoptive, biological, or stepparent), or adult who fulfilled a parental role, your first set of plates is free for one vehicle. Widows and widowers can choose to use the exemption on another special plate background. To prove eligibility, you must submit a letter to the Department of Licensing from WDVA

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<sup>45</sup> <https://dol.wa.gov/vehicles-and-boats/license-plates/get-custom-plates/special-design-plates/former-prisoner-war>

<sup>46</sup> <https://dol.wa.gov/vehicles-and-boats/license-plates/get-custom-plates/special-design-plates/purple-heart>

showing that you are a family member of a deceased service member or veteran who died because of their service. You can find out more on the Department of Licensing [Gold Star license plate webpage](#).<sup>47</sup> The law is [RCW 46.18.245](#).

## 2. Can I get a free ID or license because I'm a veteran?

**No. Washington veterans are *not* eligible for a free driver license or ID card just for being a veteran.** *However*, you **can** get a “veteran” designation added to an existing driver license or ID card for free. The Department of Licensing website has [more information about the veteran designation](#).<sup>48</sup>

**If you are experiencing homelessness, however, you may be eligible for a free or reduced-cost ID.** This is available for anyone experiencing homelessness, not just veterans. You can find out more at <https://dol.wa.gov/id-cards/id-help-unhoused>.

## 3. Can I get discounted hunting or fishing licenses? What about discounted state park access?

**Possibly.** Veterans with a **qualifying discharge under [RCW 73.04.005](#)** and a **service-connected rating of at least 30%** are eligible for [reduced rate hunting and fishing licenses](#)<sup>49</sup> under [RCW 77.32.480](#) and a free [lifetime disabled veteran Discover Pass from Washington State Parks](#).<sup>50</sup> You will get free day-use parking, boat launch, and trailer dump access. You also get free camping and moorage. You will need to pay reservation and change fees. The law is [RCW 79A.05.065](#).

Veterans **aged 65 and older** with a **qualifying discharge under [RCW 73.04.005](#)** are eligible for reduced rate hunting and fishing licenses. The law is [RCW 77.32.480](#).

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<sup>47</sup> <https://dol.wa.gov/vehicles-and-boats/license-plates/get-custom-plates/special-design-plates/gold-star>

<sup>48</sup> <https://dol.wa.gov/license-and-registration-rules-military-personnel-and-veterans/driver-license-designations-military-personnel-and-veterans>

<sup>49</sup> <https://wdfw.wa.gov/accessibility/eligibility-requirements-veterans-reduced-fees>

<sup>50</sup> <https://parks.wa.gov/passes-permits/get-park-pass/lifetime-disabled-veteran-pass>