**Section 200.40 Determination of Eligibility for Casualty Based Grants − National Guard and Reserve Service Members**

a) The grant applicant must show proof of the following:

1) He or she is, at the time of entry on mobilization, a member of the Illinois National Guard or an Illinois resident who is a member of another U.S. Armed Forces Reserve component or is a family member of the service member. Proof of residency for military members will consist of information obtained from the supporting documents provided; DD 214, item 7b; or orders and military pay statement, along with the individual's certification on the application. Proof of a familial relationship will consist of information obtained from DEERS.

2) The Illinois National Guard or Reserve component member was on active military duty for at least 60 consecutive days (effective December 9, 2009; previously 30 days) in support of an emergency as defined in Section 200.10 (effective July 3, 2014; previously as a result of the September 11, 2001 terrorist attacks). Proof of active duty will consist of a DD 214, DD 220, or copy of the orders issued by an authorized headquarters ordering the member to active duty and a military pay statement reflecting duty performance.

3) The Adjutant General is authorized to waive the 60-day (effective December 9, 2009; previously 30 days) requirement in subsection (a)(2) upon a written request indicating the circumstances justifying such a waiver. The Adjutant General may use discretion in granting or denying such requests.

4) The Department of Military Affairs will verify the member's casualty status with official documents provided by the service member or official message from the U.S. Department of Defense, including, but not limited to, Line of Duty Investigations, DOD Casualty Reports, Incident Reports, and intake medical reports/medical assessments. Documentation will include proof that the service member sustained an injury as a result of terrorist activity; sustained an injury in combat, or related to combat, as a direct result of hostile action; or sustained an injury going to or returning from a combat mission, provided that the incident leading to the injury was directly related to hostile action. This includes injuries to service members who are wounded mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. This rule is retroactive, but does not apply to applications for casualty based grants that were disbursed prior to December 7, 2004. No payments shall be made without this verification.

5) If a custodial parent or guardian is applying for a grant on behalf of a service member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS or a Power of Attorney that authorizes these transactions.

6) There are no grade limitations to eligibility for the casualty based grant.

b) Casualty grant applications received on the same day as status or needs applications will be processed first.

c) The following members are ineligible to receive grants under this Section:

1) Members who, at any time prior to the approval of a grant application under this Section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions or a lower characterized discharge;

2) Members whose casualty status is the result of a self-inflicted wound or other misconduct or willful negligence by the member, or if the casualty occurs when the member is in an AWOL, deserter, or dropped-from-rolls status;

3) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service for duty as prescribed in subsection (a)(2);

4) Deceased members, as other compensations are paid by the State of Illinois.

(Source: Amended at 39 Ill. Reg. 8822, effective June 15, 2015)