**Section 200.41 Determination of Eligibility for Casualty Based Grants – Active Duty Service Members**

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

1) He or she, at least 60 days prior to the date of injury, was a resident of Illinois and a member of the active duty armed forces. Proof of residency for military members will consist of information obtained from the supporting documents provided: DD Form 214, orders, Leave and Earnings Statement (LES), and/or a copy of the service member's Illinois State income tax return from the previous calendar year and the individual's certification on the application.

2) The service member identified in subsection (a)(1) is/was on active military duty for at least 60 consecutive 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 duty will consist of the individual deployment orders clearly indicating the purpose and period of duty and an LES reflecting Hazardous Duty Pay, Combat Pay, or Combat Zone Tax Exclusion.

3) The Adjutant General is authorized to waive the 60 day requirement in subsection (a)(2) upon written request indicating the circumstances justifying the waiver. The Adjutant General may use discretion in granting or denying these 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 shall include proof that the service member sustained an injury on or after November 23, 2009 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. 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 are eligible. No payments can be made without sufficient documentation.

5) If a family member or other person not listed in DEERS signs the application, the applicant must provide a Power of Attorney authorizing the transactions on behalf of the service member.

6) There are no pay 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, received 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 Absent Without Leave (AWOL), deserter or dropped-from-rolls status;

3) Deceased members, as other compensations may be paid by the State of Illinois or Department of Defense.

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