

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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Use Only:

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Name of Agency Arkansas Department of the Military

Department \_\_\_\_\_

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Statutory Authority for Promulgating Rules A.C.A. 12-61-106(o)

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Bilenda Harris-Ritter Bilenda.Harris-Ritter@arkansas.gov 11/21/22  
Contact Person E-mail Address Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Phone Number E-mail Address

Chief of Staff, Department of the Military  
Title

November 21, 2022  
Date

NGAR Regulation 2015-02

**Military Family Relief  
Trust Fund Operating  
Guide and Procedures**

Department of the Military  
OFFICE OF THE ADJUTANT GENERAL  
Camp Joseph T. Robinson  
North Little Rock, AR 72112-2200  
01 January 2023

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01 January 2023

## MILITARY FAMILY RELIEF TRUST FUND OPERATING GUIDE AND PROCEDURES

This regulation is established in accordance with the Arkansas Administrative Procedure Act (Act), Ark. Code Ann. §§ 25-15-201 et seq.:

Official:

Major General Kendall Penn  
*The Adjutant General*

**History.** Military Family Relief Trust Fund Operating Guide and Procedures filed March 17, 2010.

**Summary.** This regulation implements Act No. 1028 of 2005, as amended. It includes changes through the 2015 legislative session, which includes Act No. 402 of 2015.

**Applicability.** This regulation applies to all members of the Arkansas National Guard and Reserve Components of the Armed Forces and the families of these members.

**Proponent and exception authority.** The proponent of this regulation is The Adjutant General of the Arkansas National Guard. The Adjutant General has the authority to approve exceptions or waivers.

to this regulation that are consistent with controlling law and regulations.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to The Adjutant General.

**Distribution.** This publication is available in electronic media. Special distribution of this publication in paper will be made through channels to all levels of command in the Arkansas National Guard.

### Contents

#### **Introduction**

Authority • 1-1, page 2

Purpose • 1-2, page 2

Administrative Procedures • 1-3, page 2

Eligibility • 1-4, page 2

Funds Administration • 1-5, page 2

Application Procedures • 1-6, page 2

Type of Assistance Available • 1-7, page 2

Application Process and Response Time • 1-8, page 3

Emergency Application • 1-9, page 3

Appeals • 1-10, page 3

Service Information Phone Numbers • 1-10, page 4

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## **Introduction**

### **1-1. Authority**

This regulation is created pursuant to authority granted to The Adjutant General by the Arkansas Legislature through the adoption of Act No. 1028 of 2005, Act No. 827 of 2007, and Act No. 402 of 2015 (codified at Ark. Code Ann. §§ 19-5-1127 and 26-51-2506, respectively).

### **1-2. Purpose**

The Military Family Relief Trust Fund was established to provide short term emergency financial assistance in the form of grants to members of the Arkansas National Guard and Reserve Components of the Armed Forces and/or families of these members. This fund provides a valuable means to assist and improve the morale and welfare of members of the Arkansas National Guard and Reserve Components of the Armed Forces.

### **1-3. Administrative Procedures**

Pursuant to Ark. Code Ann. §26-51-2506(h), The Adjutant General of the Arkansas National Guard has the responsibility to promulgate all rules necessary from implementing the grant program of the Military Family Relief Trust Fund. The Adjutant General has designated the Arkansas National Guard Foundation as his designated agent for the overseeing of the operation of the program, and for approving grant applications. Funds are administered through an account maintained by the Arkansas State Treasury. Members may appeal a final decision of the Foundation to deny a grant to the Deputy Adjutant General of the Arkansas National Guard.

### **1-4. Eligibility**

Any current member, or family member, of the Arkansas National Guard or a Reserve Component of the Armed Forces who is a resident of Arkansas is eligible to request assistance. Pursuant to Ark. Code Ann. §26-51-2506(h), eligibility criteria for receiving grants shall include, but not be limited to, the following:

- a. The need of the family;
- b. The paygrade of the member of the National Guard and reserve components of the Armed Forces.
- c. The difference between the member's military and civilian pay; or
- d. Any other factors that establish the family's financial hardship.

### **1-5. Designated Agent**

The Adjutant General has designated the Arkansas National Guard Foundation (the Foundation), a non-profit organization organized under the laws of the state of Arkansas and recognized by the United States Internal Revenue Service as a tax exempt organization in accordance with section 501 (c) (3) of the Internal Revenue Code, to serve as his agent for administration of the Military Family Relief Trust Fund. The Foundation will receive grants from the Department of the Military in accordance with the Department's annual budget appropriation and will distribute those funds in accordance with Ark. Code Ann. §§ 19-5-1127 and 26-51-2506, and any additional guidance that the Adjutant General may issue from time to time. The Foundation will develop and publish procedures for accepting grant request, evaluating them in accordance with statutory guidance and making grants consistency with that

guidance. If the Foundation denies a grant, there shall be a right of appeal in accordance with guidance below. The Foundation will maintain records of all grant requests and their decisions on those requests. The Foundation will supply the Department of the Military with a copy of their annual audit and will make their records of grants from the Military Family Relief Trust Funds available for review to the Department of the Military.

#### **1-6. Application Procedures**

The member or family member's first step will normally be to contact the unit First Sergeant or Unit Commander or Full Time Staff at the unit. Personnel may also contact someone in the Rear Detachment or the Family Readiness Office or local Family Assistance Center to assist in the process. Anyone who can act on the behalf of the member may apply for assistance if they have a properly executed Power-of-Attorney and proof of identification. The Servicemember in need, family member or unit representative on the member's behalf will prepare an application and submit to request assistance. It is preferred that the request be prepared and forwarded to the specific service representative who will verify eligibility. Each service will provide the POCs upon distribution of this information. The service representative will provide the application electronically to the Executive Director of the Arkansas National Guard Foundation for processing.

#### **1-7. Emergency Assistance Approval Committee**

The Adjutant General will appoint members of the Emergency Assistance Approval Committee to assist the Foundation in evaluating grant requests. The Committee may conduct its proceedings in person, or electronically. Decisions will be made by a majority vote of the committee. Electronic voting is authorized. Recommended members of the committee include:

- a. The State Senior Enlisted Advisor for the member's Service or Component within the State.
- b. A Family Readiness Coordinator
- c. The State Family Programs Director
- d. The State Full Time Support Chaplain
- e. The Executive Director of the National Guard Association of Arkansas

#### **1-8. Appeals**

Members may appeal a final decision of the Foundation to deny a grant to the Deputy Adjutant General of the Arkansas National Guard. In the event of an appeal, the Foundation will provide the Deputy Adjutant General with all documents relating to the grant request and a statement of reasons for its decision to deny the grant. The Deputy Adjutant General may confirm the decision of the Foundation to deny the grant or approve the grant in whole or in part.

#### **1-9. Fund Sources**

Pursuant to Ark. Code Ann. §26-51-2506 (c), the Revenue Division of the Department of Finance and Administration includes on Arkansas individual income tax forms a reference to the Military Family Relief Check-off Program where individuals can donate money to the Military Family Relief Trust Fund. Pursuant to Ark. Code Ann. §26-51-2506 (d)(1), the Director of the Department of Finance and Administration may accept any gift, grants, bequests, devises, and donations made to the State of Arkansas for the purpose of funding the Military Family Relief Check-off Program.

**1-10. Contact Information**

Current members, or family members, of the Arkansas National Guard or a Reserve Component of the Armed Forces may contact The Arkansas National Guard Foundation at its offices on Camp Joseph T. Robinson by calling 501-758-6422 or through its website at <https://www.angf.us/> .