§ 13.69 Limitation of beneficiaries to individual fiduciary.

For purposes of payment of Department of Veterans Affairs benefits, the number of beneficiaries for whom an individual fiduciary may act will be limited to the number the fiduciary may be reasonably expected to properly serve. When, in the judgment of the Veterans Service Center Manager, a fiduciary has been appointed or is seeking appointment in a case in excess of that number, the Veterans Service Center Manager will initiate action to obtain a suitable substitute fiduciary.

(Authority: 38 U.S.C. 501, 512, 5502, 5503)

§ 13.70 Apportionment of benefits to dependents.

(a) Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof. When compensation, pension or emergency officers’ retirement pay is payable in behalf of a veteran who is incompetent or under other legal disability by court action, the Veterans Service Center Manager may recommend such apportionment to or in behalf of the veteran’s spouse, child or dependent parent as may be necessary to provide for their needs.

(b) Dependent parents. When the compensation of a veteran paid to his or her fiduciary includes an additional amount for a dependent parent or parents and the fiduciary neglects or refuses to make an equivalent contribution for their support, the Veterans Service Center Manager may recommend the apportionment to the parent or parents of the additional amount.

(c) Payments withheld because of fiduciary’s failure to properly administer veteran’s estate. When payments of compensation, pension or emergency officers’ retirement pay in behalf of a veteran have been stopped because of the fiduciary’s failure or inability to properly account or otherwise administer the estate, the Veterans Service Center Manager may recommend the apportionment to the veteran’s spouse, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

(Authority: 38 U.S.C. 501, 512, 5502, 5503)
[51 FR 26157, July 21, 1986]
to be needed for the veteran’s personal use,
(2) An amount to be agreed upon to be accumulated to provide for the veteran’s rehabilitation upon release from the institution, and
(3) So much of the amount of the benefit as remains not exceeding the amount the Veterans Service Center Manager determines to be the proper charge as fixed by statute or administrative regulation, to the cost of the veteran’s maintenance.
(c) Upon execution of an agreement as provided in paragraph (b) of this section, the Veterans Service Center Manager will certify the total amount to be released to the chief officer of the institution.
(Authority: 38 U.S.C. 501, 512, 5502, 5503)

§ 13.72 Release of funds from Personal Funds of Patients.
Veterans Service Center Managers may authorize release of funds from Personal Funds of Patients for the needs of veterans and their dependents, including amounts fixed by statute or administrative regulations as the cost of current maintenance of veterans in institutions of the United States or a political subdivision thereof other than Department of Veterans Affairs institutions.

[40 FR 54248, Nov. 21, 1975]

§ 13.73 Transfer of funds from funds due incompetent beneficiaries.
Veterans Service Center Managers may, when required for the benefit of the veteran and/or the veteran’s dependents, authorize the transfer of amounts credited to veterans in Funds Due Incompetent Beneficiaries to Department of Veterans Affairs Personal Funds of Patients accounts or to chief officers of non-Department of Veterans Affairs institutions for the accounts of institutionalized veterans.

[40 FR 54248, Nov. 21, 1975]

§§ 13.74–13.77 [Reserved]

§ 13.100 Supervision of fiduciaries.
(a) Federal fiduciaries. In Federal fiduciary cases, the Veterans Service Center Manager may, when he or she deems it necessary for the protection of the beneficiary’s interests:
(1) Require an accounting, formal or informal, of Department of Veterans Affairs benefits paid.
(2) Terminate the appointment of a Federal fiduciary and appoint a successor Federal fiduciary.
(Authority: 38 U.S.C. 5502)

(b) Court-appointed fiduciaries. In court-appointed fiduciary cases, the Veterans Service Center Manager will take such informal action as may be necessary to assure that the needs of the beneficiary are provided for and Department of Veterans Affairs benefits are prudently administered and adequately protected.
(Authority: 38 U.S.C. 501)

(c) Unsatisfactory conditions. In any case where a fiduciary fails to render a satisfactory account or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are illegal or inequitable or in excess of those allowed by law, or has failed to use Department of Veterans Affairs funds for the benefit of the beneficiary or the beneficiary’s dependents, or has otherwise failed or neglected to properly execute the duties of his or her trust, and informal efforts by the Veterans Service Center Manager to correct the situation prove unsuccessful, the case will be referred to the Regional Counsel. In such cases the Veterans Service Center Manager may have all Department of Veterans Affairs benefits suspended.
(Authority: 38 U.S.C. 5502)

(d) Misappropriation, embezzlement or violation of Federal statutes. When the evidence indicates a prima facie case of misappropriation, embezzlement or violation of the Federal statutes, the