

TITLE 5A

MILITARY AND VETERANS' AFFAIRS

CHAPTER 1

DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS ORGANIZATIONAL RULES

Authority

N.J.S.A. 38A:3-6(n) and (o), and 52:14B-3 and 4.

Source and Effective Date

R.2008 d.320, effective September 25, 2008.
See: 40 N.J.R. 6199(a).

Chapter Expiration Date

Chapter 1, Department of Military and Veterans' Affairs Organizational Rules, expires on September 25, 2013.

Chapter Historical Note

Chapter 1, Organization of the New Jersey Department of Military and Veterans' Affairs, was adopted as R.1990 d.200, effective March 12, 1990. See: 22 N.J.R. 1117(c). Pursuant to Executive Order No. 66(1978), Chapter 1 expired on March 12, 1995.

Chapter 1, Department of Military and Veterans Affairs Organizational Rules, was adopted as R.1999 d.44, effective January 7, 1999. See: 31 N.J.R. 401(a). Administrative correction. See: 31 N.J.R. 638(b).

Chapter 1, Department of Military and Veterans Affairs Organizational Rules, was readopted as R.2003 d.506, effective November 19, 2003. See: 35 N.J.R. 5544(b).

Chapter 1, Department of Military and Veterans Affairs Organizational Rules, was readopted as R.2008 d.320, effective September 25, 2008. As a part of R.2008 d.320, Chapter 1 was renamed Department of Military and Veterans' Affairs Organizational Rules. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. OPERATION AND ORGANIZATION OF THE DEPARTMENT

5A:1-1.1 Mission

The New Jersey Department of Military and Veterans' Affairs mission is to provide trained and ready forces prepared for rapid response to a wide range of civil and military operations, while providing exemplary services to the citizens and veterans of New Jersey.

Amended by R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).
Rewrote the section.

5A:1-1.2 Organization

The Department of Military and Veterans' Affairs is a principal department in the executive branch of the State Government that is organized into two groups, in addition to the Office of The Adjutant General, which reflect the major reporting and operational functions of the Department. These groups are: Veterans Affairs and the State's military forces.

Amended by R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).
Rewrote the section.

Amended by R.2008 d.320, effective September 25, 2008.
See: 40 N.J.R. 6199(a).

Inserted an apostrophe following the first instance of "Veterans", substituted "two groups" for "three groupings" and "These groups" for "These groupings", and deleted "Central Support Services;" following the second occurrence of "Affairs".

5A:1-1.3 Office of The Adjutant General

(a) The Adjutant General, a member of the Governor's Cabinet, is the Chief Executive Officer of the Department and oversees all functions of the Department of Military and Veterans' Affairs. Concurrently, he or she is appointed as a General Officer in the New Jersey National Guard in accordance with N.J.S.A. 38A:3-3 and serves as the commander of the State's military forces under the direction of the Governor, pursuant to N.J.S.A. 38A:3-6(d).

(b) The Deputy Adjutant General is one of two deputies to The Adjutant General. The Deputy Adjutant General oversees the general operations of the Department as directed by The Adjutant General and acts in the place of The Adjutant General in his or her absence. In addition to all other requirements, he or she may be appointed as a General Officer in the New Jersey National Guard in accordance with N.J.S.A. 38A:3-5.

(c) The Administrator of Veterans Affairs is one of two deputies to The Adjutant General. The Administrator oversees the general operations of the veterans programs for the Department and in the performance of this duty carries the title of Deputy Commissioner of Veterans Affairs. The Deputy Commissioner must be an honorably discharged veteran of the Armed Forces of the United States in accordance with N.J.S.A. 38A:3-4.1.

(d) The Adjutant General, as the commander of the State's military forces, is assisted in their operations by the Deputy Adjutant General and the Chiefs of Staff for Army and Air.

(e) The senior commanders of the State's military forces, which are hierarchical military organizations, report directly

to The Adjutant General in matters regarding their commands.

(f) In matters relating to Federal resources directed at supporting the State's military forces, The Adjutant General is assisted and advised by the United States Property and Fiscal Officer in accordance with 32 U.S.C. § 708.

(g) In the normal course of events, the following special staff reports directly to The Adjutant General in their respective areas:

1. The Senior Army Advisor;
2. The Inspector General;
3. The Command Sergeant Major;
4. The Command Chief Master Sergeant;
5. The Command Chief Warrant Officer;
6. The Judge Advocate General (Federal issues). The State Attorney General's office and the assigned Deputy Attorney General handle State Legal issues;
7. The Director of Homeland Security; and
8. The United States Property and Fiscal Officer.

(h) The following commissions and councils advise The Adjutant General directly on matters within their respective areas of interest:

1. Agent Orange Commission;
2. Council on Armed Forces and Veterans' Affairs;
3. Korean Veterans' Memorial Committee;
4. New Jersey Veterans' Memorial Home—Menlo Park Advisory Council;
5. New Jersey Veterans' Memorial Home—Paramus Advisory Council;
6. New Jersey Veterans' Memorial Home—Vineland Advisory Council;
7. Veterans' Services Council;
8. Vietnam Veterans' Memorial Committee;
9. New Jersey Veterans' Memorial Cemetery Advisory Council—North Hanover Township;
10. New Jersey Advisory Committee for Women Veterans; and
11. World War II Memorial Commission.

Amended by R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).

Rewrote the section.

Amended by R.2005 d.409, effective October 26, 2005.
See: 37 N.J.R. 4402(a).

Substituted "Government Relations" for "National Guard Training Center" in (b)(2); substituted "Family Readiness" for "New Jersey National Guard Challenge Youth Program; and" in (b)(4); added (b)(6);

in (c), added "or her" following "his"; in (d), deleted "and Homeland Security"; substituted "North Hanover Township;" for "Arneytown" in (h)(9); added (h)(10) and (11).

Amended by R.2008 d.320, effective September 25, 2008.
See: 40 N.J.R. 6199(a).

In (a), inserted an apostrophe following "Veterans"; in (a), the introductory paragraph of (b) and in (e), deleted the former last sentence; deleted (b)1 through (b)6; in (c), substituted "of" for a comma following the first occurrence of "Commissioner"; in (d), substituted "and" for a comma following the second occurrence of "General"; in (g)5, deleted "and" from the end; in (g)6, substituted a semicolon for a period at the end; and added (g)7 and (g)8.

5A:1-1.4 Veterans Affairs

(a) The Department of Military and Veterans' Affairs is charged with supervising, administering and maintaining the facilities, programs and services provided by the State of New Jersey to its veterans and their families.

(b) Veterans Affairs is organized under the Deputy Commissioner of Veterans Affairs who is responsible for the following program areas:

1. Division of Veterans Health Care Services, formerly the Division of Veteran Administrative Services;
2. Division of Veterans Programs, formerly the Division of Veteran Loans, Grants and Services; and
3. Division of Veterans Services, formerly the Division of Veterans' Training, Information and Referrals.

Amended by R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).

In (a), deleted "the two-fold responsibility of" preceding "supervising" and deleted "and with dressing their concerns and future needs" following "families"; in (b), rewrote 3.

Recodified from N.J.A.C. 5A:1-1.5 and amended by R.2008 d.320, effective September 25, 2008.

See: 40 N.J.R. 6199(a).

In (a), inserted an apostrophe following "Veterans"; in (b)1, inserted "formerly the Division of Veteran Administrative Services"; and in (b)2, inserted "formerly the Division of Veteran Loans, Grants and Services". Former N.J.A.C. 5A:1-1.4, Central Support Services, repealed.

5A:1-1.5 State's military forces

The military forces of New Jersey include the organized militia pursuant to N.J.S.A. 38A:1-3(a), which consists of the New Jersey National Guard (Army and Air), the New Jersey Naval Militia and the New Jersey State Guard. The New Jersey Naval Militia and the New Jersey State Guard are organized as a single joint regiment designated as The New Jersey Naval Militia Joint Command. Under the direction of the Governor, The Adjutant General exercises supervision, command and control over each of the components of the organized militia, pursuant to N.J.S.A. 38A:3-6.

Repeal and New Rule, R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).

Section was "New Jersey National Guard".

Recodified from N.J.A.C. 5A:1-1.6 by R.2008 d.320, effective September 25, 2008.

See: 40 N.J.R. 6199(a).

Former N.J.A.C. 5A:1-1.5, Veterans Affairs, recodified to N.J.A.C. 5A:1-1.4.

5A:1-1.6 Public information requests

(a) The public may obtain general information concerning the Department of Military and Veterans' Affairs by writing to the Public Affairs Office, Department of Military and Veterans' Affairs, PO Box 340, Trenton, NJ 08625-0340; by accessing the DMAVA website <http://www.nj.gov/military/>; or by calling (609) 530-6939.

(b) Requests for release of records maintained by the Department are governed by the New Jersey Open Public Records Act 2002 (OPRA), N.J.S.A. 47:1A-1 et seq., N.J.S.A. 38A:3-10, U.S. Department of Defense Freedom of Information Act (FOIA) Program Regulation 5400.7-R, Department of the Army FOIA Regulation 25-55 and Department of the Air Force FOIA Instruction 37-131.

(c) Fee assessments for direct costs for search, review and duplication will be charged in accordance with the guidance provided in the document cited in (b) above.

Amended by R.2003 d.506, effective November 19, 2003.
See: 35 N.J.R. 5544(b).

In (a), amended the phone number; in (b), substituted "Open Public Records Act 2002 (OPRA)" for "Right To Know Law"; deleted (d). Recodified from N.J.A.C. 5A:1-1.7 and amended by R.2008 d.320, effective September 25, 2008.
See: 40 N.J.R. 6199(a).

In (a), inserted an apostrophe following "Veterans" twice, substituted "Public Affairs" for "Public/Command Information", "; by accessing the DMAVA website <http://www.nj.gov/military/>;" for a comma, and "6939" for "4600". Former N.J.A.C. 5A:1-1.6, State's military forces, recodified to N.J.A.C. 5A:1-1.5.

5A:1-1.7 Procedure to petition for a rule

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Department of Military and Veterans' Affairs. A petition shall be in writing, shall be legible and intelligible and shall be signed by the

petitioner. Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request; and
4. The statutory authority under which the Department may take the requested action.

(b) Departmental action taken in response to the petition will be in accordance with N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2.

(c) Petitions shall be mailed to: The New Jersey Department of Military and Veterans Affairs, Attn: IASD-ASB, PO Box 340, Trenton, NJ 08625-0340.

New Rule, R.1999 d.168, effective June 7, 1999.

See: 31 N.J.R. 708(a), 31 N.J.R. 1482(a).

Amended by R.2003 d.506, effective November 19, 2003.

See: 35 N.J.R. 5544(b).

In (b), amended N.J.A.C. reference; added (c).

Amended by R.2005 d.409, effective October 26, 2005.

See: 37 N.J.R. 4402(a).

In (c), substituted "IASD" for "F/IASD" preceding "--ASB."

Recodified from N.J.A.C. 5A:1-1.8 and amended by R.2008 d.320, effective September 25, 2008.

See: 40 N.J.R. 6199(a).

In the introductory paragraph of (a), inserted an apostrophe following "Veterans". Former N.J.A.C. 5A:1-1.7, Public information requests, recodified to N.J.A.C. 5A:1-1.6.

5A:1-1.8 (Reserved)

Recodified to N.J.A.C. 5A:1-1.7 by R.2008 d.320, effective September 25, 2008.

See: 40 N.J.R. 6199(a).

Section was "Procedure to petition for a rule".