

VETERANS SERVICE COMMISSIONS

Appointment Guidelines and Recommended Best Practices

A. Authority and Appointment Guidelines

Background

During the Civil War, the State of Ohio levied taxes for the expressed purpose of “providing relief of the necessities of the families of soldiers and marines in the service of the state or United States.” County commissioners then were required to apportion the funds “according to the necessities of the families.” This process involved annual legislation to authorize the tax.¹

In 1886, the Ohio General Assembly enacted permanent legislation to establish a soldiers relief commission in each county. The purpose of the commission was to distribute assistance from a local fund for the relief of indigent Union soldiers, sailors and marines or their eligible surviving family members. These original commissions consisted of three county residents who were honorably discharged veterans appointed by a judge on the common pleas court. In 1945, the law was amended to increase the size of the soldiers relief commissions to five persons. In 1988, the legislature changed the name of the relief commissions to veterans service commissions.

Today

Under Ohio Revised Code section 5901.02, veterans service commissions are comprised of five residents of the county, appointed to five-year terms by a judge of the Court of Common Pleas.² Each member must be an honorably discharged or an honorably separated veteran. Within the State of Ohio, county veterans service commissions are the primary source of care and service to the veterans’ community.

The members of the veterans service commission are required to meet at least once a month to perform their statutory duties, which can be divided into either service or administrative functions.

Service

The primary service function of the veterans service commission is to provide direct and indirect financial assistance to veterans and their dependents who have encountered unexpected hardships. The commission is also charged with establishing regularly scheduled transportation for veterans to and from the local Department of

Veterans Affairs medical center. Commission staff, including county veterans service officers, are authorized to establish programs of outreach and coordination with other agencies to enhance services to veterans within the county. The county veterans service officers also advise and assist present and former members of the armed forces, veterans, and their spouses, surviving spouses, children, parents, and dependents in presenting claims or obtaining rights or benefits under any federal or state law. The commissions also provide financial assistance to maintain veterans' graves and to bury indigent veterans, or the parent, spouse, or surviving spouse of any such veteran. The commissions participate in appropriate memorial and commemorative activities to help promote patriotism and veterans services.

Administrative

While each county's veterans service commission presents an annual budget for projected expenses to the board of county commissioners for approval, the commission is not a county department. As such, it must establish policies and procedures for the administration of the commission and the veterans service office, including hiring and setting compensation for all staff. This also includes promoting, monitoring, and providing funding for ongoing education and training for commissioners and staff.

To perform their statutory duties, the commission may hire as many investigators and clerks as are necessary. Although not required, an executive director may be employed to assist the commission. If one is hired, the executive director must be a veteran. Each commission is required to hire at least one or more veterans service officers, one of whom could also be an executive director. The commission may also hire the necessary clerks, stenographers, and other personnel to assist the veterans' service officers. All veterans service officers shall be honorably discharged or honorably separated veterans. All other staff members for the commission and the veterans service office shall be veterans, or, if a qualified veteran is not available, the spouse, surviving spouse, child, or parent of a veteran.

Veterans service commissions receive funding for services and administration from the board of county commissioners. Under Ohio Revised Code section 5901.11, the board shall make the necessary levy, not to exceed five-tenths of a mill per dollar on the assessed value of the property of the county to support the administration and services of the veterans service commissions. As such, the commissioners assume the responsibility and stewardship for significant public funds. For example, in 2024 the Ohio Department of Veterans Services reported that annual budgets for veterans service commissions ranged from a low of just over \$230,000 in Vinton County to a high of nearly \$12.7 million dollars in Franklin County.

Role of the Judge

Pursuant to Ohio Revised Code section 5901.02, a judge on the common pleas court has a legal duty to make appointments to the county veterans service commission. Aside from the appointment authority, a common pleas court judge shall also remove a member of the local county veterans service commission if the member was judicially appointed and fails to maintain certification or if the certification is revoked by the director of veterans services. Under Ohio Revised Code section 5901.03, a common pleas court judge may also remove a judicially appointed member for cause, upon complaint and hearing.³ If a judicially appointed member is removed, then a common pleas court judge shall fill the vacancy for the unexpired term in the same manner as the original appointment.

Judicial Appointments

The judicial appointments are made from lists of up to three recommended veterans made by each affiliated post or chapter in the county. The appointments are staggered to allow for one new commissioner to be appointed each year. One veteran represents each of the following groups:

- American Legion – for terms to commence in years ending in 0 and 5
- Veterans of Foreign Wars – for terms to commence in years ending in 1 and 6
- Disabled American Veterans – for terms to commence in years ending in 2 and 7
- AMVETS – for terms to commence in years ending in 3 and 8
- Military Order of the Purple Heart of the USA; the Vietnam Veterans of America; or the Korean War Veterans Association – for terms to commence in years ending in 4 and 9

Prior to Appointments

On or before the fifteenth day of October of each year, the appointing judge shall notify each post or chapter of each organization within the county from which the member may or must be appointed that it may submit a list containing three recommendations of veterans who are eligible for appointment. If any of the above-mentioned organizations has no post or chapter located in the county, the appointment may be made from lists of recommended veterans submitted by posts or chapters of any other congressionally chartered veterans organization located in the county. If the judge does not receive any recommendations within sixty days after providing the required notification, the judge may appoint any qualified veteran to represent the veteran community.

At the time of appointment or reappointment to the commission, no commissioner shall be an employee of the commission or hold an elective or other appointive office of the county served by the commission. Additionally, within sixty days after the date of

appointment, each commission member shall file the member's Department of Defense Form 214 (DD-214)(certificate of release or discharge from active duty) with the Ohio Department of Veterans Services in accordance with guidelines established by the director of that department. As such, it is prudent for a judge making the appointment to make inquiries into the eligibility of the person seeking the appointment.

Appointments

The judge shall make the appointment on or before the fifteenth day of January of each year. If any vacancy in a judicially appointed membership occurs, it shall be filled in the same manner as the original appointment.

After the Appointment – Monitoring

Veterans service commissions are required to perform several statutory duties. The appointing judge has the authority to remove members for cause if the commission is not performing those duties to a basic standard. As such, the appointing judge should monitor the duties and responsibilities of the commission. Commissioners are required to select one of its members as president, one as vice-president, and one as secretary. Judges should request notice when officers are selected or changed. One of the duties of the commission is to compile reports and submit them to the organizations represented on the commission and to others, upon request. The appointing judge should feel free to request an annual report regarding the activities of the commission and copies of the monthly minutes of commission meetings. The judge may also choose to monitor notices of meetings and the commission's advertisements for services and programs offered to the veteran community.

B. Recommended Best Practices to Implement Rules

Since any common pleas court judge, from any division, has the legal duty to appoint or remove a member of the local county veterans service commission appointed under Ohio Revised Code section 5901.02, the following recommended practices may serve as guidance to those judges unfamiliar with this role.

Develop a Procedure

Judges in multi-judge Courts of Common Pleas may wish to discuss how to manage these duties. Since the appointment and/or removal of members of the local county veterans service commission could result in an administrative problem common to all divisions of the Court of Common Pleas, a court may choose to allow the presiding judge or a judge designated by the presiding judge to handle issues related to the appointment and/or removal of veterans service commission members. Alternatively, a court may choose to have the entire bench review and vote on appointments. Either way,

a court should decide the procedure, reduce that procedure to writing, and make it accessible to the public.

As a recommended practice, judges should interview all individuals nominated for appointment. Pertinent areas of inquiry include the candidates' eligibility and qualifications, their interest in representing the veterans community, their ability to serve a five-year term, their past and current involvement in community and veterans service organization activities, suggested social media or technological improvements, projects or changes they would support, etc. A judge should not automatically reappoint a member recommended by the local veteran service organization without conducting a new interview to verify that the individual is still capable of managing the duties of a commissioner. Since many veterans are older or retired, judges should consider the physical, mental and time demands required of commissioners.

Of note, some veterans organizations responsible for submitting nominees to the appointing judge have been known to submit three names as required, but later it is discovered only one of the three nominees is interested in serving as commissioner. In other words, no competition exists, and effectively the veterans organization has submitted only one candidate for consideration. In this scenario, and only if the circumstances dictate, the appointing judge may choose to reopen the nomination process with a goal of creating competition and finding the best qualified applicant for the position.

Assistance in Interviewing Nominees

The appointing judge may wish to designate a committee of honorably discharged veterans from the community to assist in interviewing nominees. For example, a three-member committee of honorably discharged veterans designated by the appointing authority may convene to conduct thorough interviews of all nominees, then submit the committee's recommendation to the appointing judge. The judge is free to follow the recommendation, or to disregard the recommendation and conduct further inquiry, if necessary. The interview committee serves three practical purposes; it provides input independent of the veterans service organization(s), gives another perspective to the appointing judge, and ideally saves the appointing judge considerable time and effort.

Prior to Appointment

- Judges should get to know the veterans service organizations in their county and how each is organized and commanded.
- Judges should timely notify the appropriate veteran service organizations' chapter or post leaders regarding recommendations for appointments prior to October 15th.
- Judges should request that the DD-214s (certificate of release or discharge from active duty) be submitted along with recommended names.

- Judges should verify with the Ohio Department of Veterans Services that the individuals recommended for appointment are honorably discharged or honorably separated veterans.
- Judges should confirm that the individuals are not employees of the commission or hold an elective or appointive county office.

At the Time of Appointment

- Judges should provide new commissioners with a list of commissioners' duties.
- Judges are encouraged to hold a public appointment ceremony that includes all members of the veterans service commission along with the appropriate veteran service organization's chapter or post leaders.

After the Appointment – Monitoring

- Veterans service commissions are required to select one of its members as president, one as vice-president, and one as secretary. Judges should request to be notified when officers are selected or changed.
- Judges should request copies of the minutes of the monthly commission meetings.
- Judges should obtain detailed annual reports of the services provided by the commission, including the number of veterans and eligible dependents serviced, the dollar value of assistance provided, transportation statistics, outreach events, and similar statutory activities.
- Since a judge has a duty to remove a member appointed by a judge who fails to maintain certification or whose certification is revoked by the Director of the Ohio Department of Veterans Services, judges have an obligation to verify certification every year.

Final Recommendations

Since standard operating practices vary widely from county to county across the state, judges should verify that the veterans service commissions have active office hours and are providing services to present and former members of the armed forces, veterans, and their spouses, surviving spouses, children, parents, and dependents. Because there is minimal oversight authority for these commissions, it is imperative that judges use the statutory authority given to them to ensure that the needs of Ohio's veterans are being met. Failure by the court to monitor the management, activities and policies of the commission may have a detrimental effect on the veteran community and will reflect poorly on the appointing court or judge if bad management or other poor practices become known. Adhering to these guidelines should prevent such a situation from occurring.

The Ohio Department of Veterans Services is available to answer questions from courts and judges in conducting their appointment, removal, and oversight duties of veterans service commissions and commissioners pursuant to Title 59 of the Ohio Revised Code. In addition, the county prosecutor's office is responsible for providing legal counsel and advice to both the common pleas court judges and county veterans service commission. Judges should use those two resources, as necessary, to obtain information, clarification, and guidance.

¹ This paragraph is taken from "Members Brief," Leg. Svc. Comm., Vol. 134, Issue 38, (March 31, 2022), p. 1.

² Counties with populations of more than five hundred thousand may have more than five members. Under Ohio Revised Code section 5901.21, if a county meets the population requirement, and either the veterans service commission submits a budget request for the ensuing fiscal year that exceeds twenty-five-thousandths of one per cent of the assessed value of property in the county, or if the commission's budget increases by more than ten percent, then the board of county commissioners, by resolution, may create up to six additional memberships for the veteran service commission for a possible total of 11 members. These additional members are appointed by the board and must be (1) residents of the county and (2) honorably discharged or separated veterans. The county-appointed commissioners can serve terms of up to five years, as prescribed by the board. The board of county commissioners may remove, for cause, any of the members they appoint.

³ Members of a county veterans service commission are "officers" for purposes of Ohio Constitution, Article II, section 38, and may be removed from office only upon complaint and hearing. See, 2001 Ohio Op. Atty Gen. No. 4, 2001 Ohio AG LEXIS 4.