

## Thousands of Veterans Wait on Checks from VA Due to System Errors

By: Pilar Pedraza, KAKE.com

Thousands of veterans who rely on the GI bill face eviction from housing or don't have money for groceries or gasoline. This is because their checks from the Department of Veterans Affairs are late by 30 to 60 days or more.

"If you say you're going to do something, do it," said Michael Bearth, a U.S. Marine veteran and student at Wichita State University. Like many Kansas veterans, he's bracing for more problems with GI Bill benefit payments.

Just as the Department of Veterans Affairs is getting a backlog of benefits applications under control, new headlines hit shouting that the VA may not fix shortfalls on housing benefit checks this year. The VA swears every veteran will get their due.

Student veterans just want to know what's going on.

"Saying that those that....may have been overpaid were not getting any reduction, I can kind of understand," said Bearth. "But to not afford the same respect to those who are underpaid is kind of off-putting to me."

The Veteran Student Senator in Wichita State's student government, Bearth has spent the last few months helping student veterans deal with problems getting their benefits applications certified caused by a change in the VA's IT system. Now, he's concerned about a possible new problem. This one due to changes Congress made to the Forever GI Bill, designed to make GI benefits lifelong, not limited by how long it's been since someone served. In this case, the change made the housing benefits dependent on where a student veteran is attending school.

"We said we should give you a per diem amount based upon where you're actually going to school," said Rep. Roger Marshall, (R) Kansas 1st District. "And we asked the VA to have it up and running by August the first of this year and it's still not up and running."

Due to errors and misunderstandings some students got more money than allotted, others didn't get enough. Now, word the VA may not true up what's owed on the shortfalls.

At WSU's military and veterans services office, they're worried and upset.

"This is something that is owed to them by the government for their service. And it is not our student veterans' fault that the system is not working. It is the government's fault that the system is not working," said retired Army Lt. Col. Larry Burks, Sr, head of Wichita State's Military and Veterans Services Office.



## **Thousands of Veterans Wait on Checks from VA Due to System Errors (Cont'd)**

The university has been offering emergency loans to veteran student still waiting for GI Bill payments, but says it can't do much more.

"The measure of what they need is going to be a very large amount of money and something that only the government can truly make right," Burks said. "But Wichita State University is going to certainly do everything that we can here to support them during these times."



Many students aren't quite sure what to believe.

"It's pretty far out there for me," said Ciaban Peterson, president of the Student Veterans Organization at WSU. "I believe that there needs to be a follow up with it, if it's true or not, but explicitly coming from leadership versus others who are unnamed sources."

In Washington D.C. the Undersecretary of Veterans Benefits swore the national story was false saying in a written statement, "Once again - each and every, and I mean every single veteran, will be made whole for their housing benefits this year."

But then, Dr. Paul Lawrence told a congressional committee that a retroactive audit of payments needed to determine who the VA still owes is not a given.

"It is not clear there are going to be any changes. We've got to figure out what the implications of that are. then go back, or not, as appropriate," Dr. Lawrence said.

Kansas Congressional delegation is promising to hold the VA accountable.

"So we may have overpaid some people. We may have underpaid some people. But what we got the VA to commit to today is, number one, they weren't going to call back any of the dollars and, number two, by golly, they are going to reimburse those folks what they actually should have been paid," Rep. Marshall said via Skype Thursday afternoon. "So there may have been a little bit of hesitancy on the part of the VA, but I don't think there's any of that going on now and we're going to hold them accountable."

## **Handling a Tenant's Abandoned Property in Kansas**

By: Shae Irving, J.D.

Most states have laws governing what happens when a tenant moves out and leaves personal property behind. These laws may control matters such as how long you must wait before dealing with the property and what kind of notice, if any, you have to give the tenant before taking action.

Here are some answers to common questions about handling a tenant's abandoned property in Kansas.

## Handling a Tenant's Abandoned Property in Kansas (Cont'd)

### **If a tenant leaves property behind, can I dispose of it as I see fit or are there rules I must follow?**

In Kansas, you may not sell, give away, or throw out abandoned belongings until at least 30 days from the date you reclaim possession of your rental property. You must also provide two kinds of notice stating that you will be disposing of the abandoned property:

- At least 15 days before disposing of the property, you must publish a notice in a local newspaper with general circulation.
- Within seven days of the newspaper publication, you must send a copy of the published notice to the tenant at the tenant's last known address.

(See Kansas Statutes § 58-2565(d).)

Be certain the lease agreement is legally complete before you start the clock on the waiting period and give notice. If you need information on the right steps to take to legally end a tenancy, see *Evicting a Tenant or Ending a Lease* on Nolo.com, read Kansas's landlord statutes, or consult a qualified lawyer.

### **What exactly should the notice say?**

Kansas law requires the published notice to include:

- ◆ The tenant's name
- ◆ A brief description of the abandoned property, and
- ◆ The approximate date on which you plan to sell or otherwise dispose of the property.

The published notice alerts the tenant of the pending disposal, but it also serves as a notice to others who may have an interest in the abandoned property. Note that you are not required to turn over property to anyone other than the tenant or a secured creditor who has a legal interest in a particular item -- such as an expensive piece of furniture purchased under a rent-to-own agreement. (See Kansas Statutes § 58-2565(d).)

### **What are the rules about storing a tenant's abandoned property?**

You should store the property in a safe place and



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## Handling a Tenant's Abandoned Property in Kansas (Cont'd)

take reasonably good care of it. That said, you probably won't be liable for damage to the property unless you damage it on purpose or handle it negligently -- for example, by leaving a good sofa out in the rain.

To avoid problems, be careful when moving and storing the tenant's belongings until the tenant reclaims them or you dispose of them.

### **I had to pay to store the tenant's property. Will I be reimbursed for that?**

The tenant may reclaim the property during the 30-day period or at any time before you get rid of it - - but only if they pay you for the costs of storing the property, preparing the property for sale, and any other outstanding debts, including back rent.

### **If I legally sell the tenant's property, do I get to keep the proceeds?**

Yes. You must first use the proceeds of the sale to cover:

- the costs of storing and selling the property, and
- any amount the tenant still owes you.

If there's money left over after that, you may keep it.

### **If a tenant owes me money, can I take and sell the tenant's property to cover the amount due?**

As discussed just above, you may sell a tenant's abandoned property after the legal notice period expires and you may keep the proceeds of the sale. If the tenant's property has not been abandoned, Kansas law forbids you from seizing it to cover back rent or other debts a tenant owes you.

### **When should I get a lawyer's help?**

If you think the abandoned property is very valuable or if you have any reason to believe the tenant may cause problems later, talk to a lawyer before you do anything other than carefully store the tenant's possessions. It's particularly important to get a lawyer's advice if you have any questions about whether a tenancy has been properly terminated or whether a tenant's property is truly abandoned.

A good lawyer can help you protect yourself from claims that you have stolen or illegally destroyed a tenant's property.



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