



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised June 2020

1. General Information			
a. Agency/Board Name* Military Department, Wyoming			
b. Agency/Board Address 5800 Central Avenue		c. City Cheyenne	d. Zip Code 82009
e. Name of Agency Liaison Christopher Smith		f. Agency Liaison Telephone Number 307-772-6759	
g. Agency Liaison Email Address christopher.smith.411@us.af.mil			
h. Date of Public Notice September 1, 2022		i. Comment Period End Date October 24, 2022	
j. Public Comment URL or Email Address: christopher.smith.411@us.af.mil			
k. Program General Agency, Board or Commission Rules			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 2	Chapter Name: Wyoming Military Assistance Trust Fund	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Douglas C. Shope
Signatory Title	Deputy Director
Date of Signature	July 22, 2022

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Wyoming Military Department

*5410 Bishop Boulevard
Cheyenne, Wyoming 82009
Phone: 307-777-8100
Fax: 307-777-8105*

STATEMENT OF REASONS

The Wyoming Military Department is adopting rules for Chapter 2 – Wyoming Military Assistance Trust Fund to implement the amendments to Wyo. Stat. Ann. § 19-7-402(a)(v) enacted by the Wyoming Legislature during the 2022 budget session, which became effective July 1, 2022. (See HEA0027 2022). The rules establish the parameters by which Wyoming National Guard members may seek reimbursement from the Wyoming Military Assistance Trust Fund for dependent care costs incurred during drill periods.

Chapter 2

Wyoming Military Assistance Trust Fund

Section 1. Authority. These rules are promulgated by authority of Wyoming Statute 19-7-402(c).

Section 2. Purpose. The Wyoming Military Assistance Trust Fund provides conditional emergency assistance to qualified military members and dependents. The plan is established to provide emergency assistance during periods of financial hardship resulting from the military member's active duty status and to members of the Wyoming National Guard to support dependent care expenses incurred during drill periods.

Section 3. Plan Implementation.

(a) The Adjutant General is the final authority in administering the Wyoming Military Assistance Trust Fund.

(b) The Adjutant General, and his designees, are permitted to exercise discretion in administering these rules. Moreover, except for eligibility requirements, the Adjutant General, and his designees, possess discretion to waive the requirements set forth herein.

(c) Evaluative Criterion For Approval of Emergency Assistance Requests and not for Dependent Care Reimbursement Requests (may include but are not limited to):

(i) Nature of assistance requested;

(ii) Degree of financial hardship;

(A) Current family income;

(B) Debt and obligations; and

(C) Number of dependents;

(iii) Link and causation between financial hardship and military member's active duty status;

(A) Change in income (based on active duty);

(B) Changes in employment and income status of dependents related to military member's active duty status;

(C) Increased expenses based on military member's active duty;
(D) Military pay problems; and
(E) Other issues of financial hardship related to military member's active duty status.

- (iv) Bankruptcy filed or pending;
- (v) Pending Disciplinary Action (military Member only);
- (vi) Length of active duty;
- (vii) Other aid available and/or received; and
- (viii) Amounts and date of any funds previously received from this fund.

(d) Evaluation Criterion for Approval of Dependent Care Reimbursement Expenses.

(i) Members of the Wyoming National Guard may request reimbursement of dependent care expenses incurred during drill periods.

(ii) The definition of "drill periods" includes the following inactive duty periods:

- (A) Unit Training Assembly (UTA)
- (B) Split Unit Training Assembly (SUTA)
- (C) Multiple Unit Training Assembly (MUTA)
- (D) Rescheduled Unit Training Assembly (RUTA)
- (E) Regularly Scheduled Drill (RSD)
- (F) Rescheduled Drill (RD)
- (G) Equivalent Training (ET)

(iii) Reimbursement for expenses is limited to dependents through age 11 or older dependents with a documented need for care who are registered in the requesting member's Defense Enrollment Eligibility Reporting System account.

(e) Approval Process.

(i) Emergency Assistance Requests. The level of approval authority is dictated by the amount of assistance requested. Each approval authority possesses the discretion to approve an amount lower than the amount requested, or to deny the request completely. The levels of approval authority are as follows:

(A) Level 1 – Wyoming Military Department ~~State~~-Soldier and Family Program Director (applications up to \$1,500); and

(B) Level 2 – Deputy Director of Wyoming Military Department (applications over \$1,500 to \$3,000).

(C) Level 3 – Requests for over \$3,000 can only be approved by the Adjutant General, and only in extraordinary circumstances.

(ii) Dependent Care Reimbursement Requests. Approval authority for all requests will be the Deputy Director of the Wyoming Military Department.

Section 4. Eligible Recipients.

(a) Emergency Assistance Requests.

(i) Any member of the Wyoming national guard or a reserve unit that is based in Wyoming who has been called to active duty or active state service;

(ii) Any Wyoming resident who is a member of a military reserve unit that is not based in Wyoming, if the member is called to active duty;

(iii) Any other Wyoming resident performing service in the uniformed services as defined in W.S. 19-11-103(a)(ix) for any branch of the military of the United States; and

(iv) Members of the immediate family for those personnel identified in paragraphs (a) through (c) of this section. For purposes of this paragraph, “immediate family” means spouse and each child as defined by W.S. 2-1-301(a)(v) and, if they are dependents of the member of the military, the parents, grandparents, siblings, stepchildren and adult children of the member of the military.

(v) Recipients who meet the above status criteria must also need assistance as a last resort to address financial hardship resulting from the military member’s active duty status.

(b) Dependent Care Reimbursement Requests. Members of the Wyoming National Guard with the pay grades of E-1 through E-6, WO-1 through WO-2, and O-1 through O-2 who pay for dependent care during drill status.

Section 5. Application Process.

(a) Emergency Assistance Requests. Eligible recipients may apply for funds, based upon available funds by submitting a completed application packet containing:

- (i) Application for Wyoming Military Assistance Trust Fund;
- (ii) Consent and authorization to release information;
- (iii) Proof of residency (if applicable);
- (iv) Proof of military membership and member's active duty status;
- (v) Proof of dependency (if applicable);
- (vi) Military member's most current Leave and Earnings Statement (LES)(if available); and
- (vii) Substantiating documents (if applicable, i.e. car repair estimates, rental agreement, utility bill, bank statements, employment records, etc.).

(b) Dependent Care Reimbursement Requests. Eligible members may apply for reimbursement for dependent care expenses incurred in the previous 90 days. Approved reimbursement will be based upon available funds. Eligible members can apply by submitting a completed application packet containing:

- (i) Application for Wyoming Military Trust Fund Dependent Care Reimbursement;
- (ii) Receipt or invoice for care provided with details of dependent name(s), dates of care, total cost, and signature of care provider;
- (iii) LES for drill period when dependent care expenses were incurred.

(c) Wyoming Army National Guard requests should be delivered to: Wyoming Military Department, ATTN: Soldier and ~~State~~ Family Program Director, 5410 Bishop Blvd. Boulevard, Cheyenne, WY 82009.

(d) Wyoming Air National Guard requests should be delivered to: 153rd Airlift Wing, ATTN: Airman and Family Readiness Program Manager, 217 Dell Range Boulevard, Cheyenne, WY 82009.

Section 6. Assistance.

(a) Payments are subject to the availability of funds and the sole discretion and approval authority of the Adjutant General or his designees.

(b) The following are examples of acceptable reasons for assistance under the Emergency Assistance provisions of the fund: food, rent, utilities, emergency transportation and vehicle repair, funeral expenses, medical/dental expenses, personal needs when pay is delayed or stolen, emergency home repairs (habitability/essential areas but not home improvements), etc., as well as other emergency needs at the discretion of the approval authority.

(c) Dependent care expenses shall be capped at “Full Day Rate 75th percentile” listed in the most recent and available Market Price Study from the Wyoming Department of Family Services, broken down by age of the dependent.

(d) The Military Department will process dependent care reimbursement requests once each month and approved recipients can expect payment within 60 days of application.

(e) Regardless of appropriation and availability, funds shall not be used to:

- (i) Help pay for nonessentials;
- (ii) Finance ordinary leave or vacation;
- (iii) Pay fines or legal expenses;
- (iv) Help liquidate or consolidate debt;
- (v) Assist with house purchase or home improvements; or
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