



Ohio Administrative Code Rule 5902-4-06 Legal residence.

Effective: May 17, 2010

(A) For purposes of this rule, the term service member shall mean the individual for whose military service compensation is sought, regardless of whether the application for compensation is filed by the individual on his or her own behalf; by a legally appointed guardian; or by his or her next of kin in the case of a deceased individual or an individual designated as missing in action or held in enemy captivity.

(B) In order to be eligible for compensation under this chapter, the applicant must establish to the satisfaction to the director of the department of veterans services, that the service member was a legal resident of Ohio at the start of such service members active duty service in the United States armed services. The proof of residence shall be the official military records of the United States or other evidence deemed sufficient by the director. In making a determination of the legal residence in cases where official military records do not show Ohio as the home of record at the start of active duty service, the director will apply a rebuttable presumption that the veteran was not a legal resident of Ohio. The applicant may rebut this presumption by submitting documents establishing to the satisfaction of the director that Ohio was the service members legal residence.

(C) In order to be eligible for compensation under this chapter the applicant must also establish to the satisfaction of the director that the service member, if living, is an Ohio resident at the time the application is filed. An applicant for compensation who is the survivor of a deceased service member or the next of kin of a service member designated as missing in action or held in enemy captivity need not be a resident of Ohio at the time the application is filed in order to be eligible for compensation under this chapter if all other criteria are met, however in the case of an application for compensation filed by the survivor of a deceased service member, such service member must have been an Ohio resident at the time of his/her death in order for his/her survivor to be eligible for payment of compensation.

(D) A legal resident of Ohio is an individual for whom Ohio was the state of domicile and who did not claim legal residence in any other state for any purpose. A service members legal residence in



Ohio is not changed by virtue of military assignment to another state.

(E) Documents that the director may consider to determine the residency of a service member under paragraphs (B) and (C) of this rule include, but are not limited to, the following:

(1) Voter registration records;

(2) Proof of payment of Ohio state income tax as a resident;

(3) Ohio driver's license;

(4) Other proof of Ohio residence address, including high school diploma or attendance record for Ohio high school, real estate records, utility receipts and other records showing residence in Ohio;
and

(5) An affidavit of residence submitted by the service member or other person having knowledge of such facts under penalty of law in which the affiant swears or affirms that the service member was a resident of Ohio at the start of his/her active duty and/or is a current Ohio resident.