

VA PENSION / DEATH PENSION / AID & ATTENDANCE

Information to Assist Veterans, Surviving Spouses, and Their Family Members on Preparing Their Claim for VA Benefits

What is VA Pension, VA Death Pension, and this thing called Aid & Attendance?

Pension and Death Pension is an income based monetary VA benefits for war era veterans (Pension) and their surviving spouses (Death Pension). Aid & Attendance is a higher level of payment for pension and death pension based on the claimants needs for assistance with activities of daily living (ADL).

Who is eligible for VA Pension Benefits? There are five criteria that a veteran must meet for eligibility for VA Pension benefits.

- 1) The veteran must be discharged under other than dishonorable conditions.
- 2) The veteran must have active service that includes a total of ninety days during one or more periods of war; ninety or more consecutive days, one of which is during a period of war; or at least one day of wartime service that results in a discharge for a service connected disability. For those veterans that enlisted in the military service for the first time on or after September 8, 1980, they must complete a minimum period of service, either twenty-four months of continuous active duty or the full period for which the veteran was called or ordered to active duty.
- 3) The veteran must have limited income and a net worth that does not provide adequate

maintenance based on VA Means Test standards.

- 4) The veteran must be permanently and totally disabled at the time of application for pension benefits. In VA speak a veteran that is incapable of gainful employment is considered totally & permanently disabled. A veteran that has reached the age of 65 is considered totally and permanently disabled.
- 5) The permanent and total disability must not be due to willful misconduct of the veteran.

What is war time service? Does the veteran have to have served in combat?

War time service is defined by federal law. The chart on page 4 defines the periods of war time service for VA pension benefits. The veteran does not have to have served in combat, but only during a period of time that is defined as war time service.

It says I must have limited income. What does this mean?

VA will supplement a veteran's income to reach the maximum allowable pension rate (see chart on page 5). If the veteran's adjusted income is below the maximum allowable rate the VA will then supplement the veteran's income to reach the maximum allowable rate. VA does allow certain un-reimbursed medical expenses to be deducted from income to come up with an adjusted income for VA Pension purposes.

What type of un-reimbursed medical expenses can be deducted from income? On an original application, VA allows unreimbursed re-occurring medical expenses to be deducted from a veteran's income. This reduces their total income for VA pension purposes. Types of unreimbursed re-occurring medical expenses can include but are not limited to: nursing home expenses, assisted living expenses, health insurance premiums, and in home care expenses. Expenses related to the last illness or burial of a dependent are also taken into consideration.

I have heard that VA can pay for a veteran's care at a nursing home or an assisted living facility. Like wise, I have heard that VA can pay for an in home care attendant. Is this true? In a round about way, yes. The VA uses a formula to determine the amount of VA pension payable. If it is determine that a veteran is eligible for payments that payment will be paid directly to the veteran or if appropriate, the veteran's fiduciary. The veteran can then use this money to help pay for their care at the nursing home facility, assisted living facility or an in home attendant, whatever the case may be.

I am a war era veteran and my spouse is in a nursing home. Can I get pension or aid and attendance for her/him? In this scenario the spouse is not a surviving spouse so she would not qualify. However, if the veteran qualifies for

pension her un-reimbursed medical expenses may be use to lower family income.

If VA pension is a veteran benefit, why do I have to count my spouse's income? VA provides for dependents by increasing the maximum allowable rate. However the dependents income must be included on the application. Don't forget that you are also allowed to claim the dependents un-reimbursed re-occurring medical expenses on the original application.

What does net worth that does not provide adequate maintenance mean? VA will make a determination on each application on whether the claimant has enough assets to pay living expenses for a reasonable period of time. The rule of thumb on net worth limits is \$40 thousand for a single claimant and \$80 thousand for a claimant with dependents. The VA defines net worth as the market value, less mortgages, of all real and personal property owned by the claimant and/or spouse, except the claimant's single-family dwelling and reasonable personal effects.

Does the VA have a "look back"? The VA does not have a look back on assets. However it is strongly suggested that any claimant with significant assets consult with an elder care attorney for information on financial planning. Medicaid, however does have a five year look back .

**Ingham County Department of Veteran Affairs
5303 S. Cedar St., Lansing, MI 48911
(517) 887-4331**

What type of income must be reported? All gross income, whether earned or unearned must be reported. This includes social security, pensions, wages, gambling winnings etc. Certain income such as supplemental security income and welfare are not included.

I have a house. Is this included as an asset?

A claimant's primary residence and a suitable amount of land are not considered assets for VA Pension/Death pension purposes.

What about the veteran's surviving spouse?

A war era veteran's un-remarried surviving spouse may be eligible for a benefit called death pension. This program, like pension, is an income based benefit. The chart on page six shows the maximum annual pension rate for death pension.

My 1st husband, a veteran, passed and I re-married. Am I eligible for death pension?

You may be eligible for death pension if your last spouse meet the qualifications of a war era veteran as identified on page 4.

I am divorced from a war era veteran who has subsequently passed. Am I eligible for death pension benefits?

In order to qualify for death pension benefits you must be considered a surviving spouse of the war era veteran. If you are divorced from a war era veteran there is no entitlement to death pension benefits.

How does medicaid effect pension/death pension?

VA rules limit to \$90 the amount a claimant can be paid to a veteran or surviving spouse with no dependents who are in a Medicaid-approved nursing facility and are covered by a Medicaid plan for services furnished by the nursing facility. No part of the \$90 monthly benefit may be used to reduce the amount of Medicaid paid to a nursing facility.

This is good information but still confusing.

Who can I contact to get assistance applying for benefits?

VA Pension/Death Pension are regulated by laws enacted through Congress. These programs are extremely complex in nature. Page 8 has examples that may help you understand these programs more thoroughly. Fortunately help is available. Ingham & Clinton County veterans and family members can contact Ingham County Department of Veteran Affairs at (517) 887-4331 to set up an appointment. We have three VA accredited counselors who will assist you through the entire process.

Is there any cost for this?

Ingham County Department does not charge for any of their services. VA law prohibits anyone for charging a fee for assisting a veteran/spouse with a claim. Assisting with a claim includes the planning, preparation, and prosecution of the claim. For more information on Pension/Death Pension or any other VA benefit contact us at (517) 887-4331.

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Periods of War As Established by Federal Statues

World War I	April 6, 1917 through November 11, 1918, or for those who served in Russia, April 1, 1920. Service after November 11, 1918, and before July 2, 1921 qualifies as wartime service if the veteran had any active service from April 6, 1917, through November 11, 1918.
World War II	December 7, 1941, through December 31, 1946, extended to July 25, 1947, if continuous with active duty on or before December 31, 1946.
Korean War	June 27, 1950, through January 31, 1955
Vietnam War	August 5, 1964, through May 7, 1975. However, February 28, 1961, through May 7, 1975, for a veteran who served in the Republic of Vietnam during that period.
Persian Gulf War	August 2, 1990, through a date to be prescribed by Presidential proclamation or law.

Verification of military service should be included with the application for benefits. If available, a certified copy of the veteran's discharge should be included. If you need help obtaining this document please contact a benefit's counselor at (517) 887-4331. For veteran's and family members living outside of Ingham and Clinton counties, please refer to www.macvc.net and click on County Listings at the top of the page to find a county veterans office in your area.

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VA Pension Rates (Veterans)

FAMILY INCOME LIMITS (EFFECTIVE DECEMBER 1, 2010)	
If you are a...	Your yearly income must be less than...
Veteran with no dependents	\$11,830
Veteran with a spouse or child	\$15,493
Veteran with additional children: add \$1,909 to the limit for each child	
Housebound veteran with no dependent	\$14,457
Housebound veteran with one dependent	\$18,120
Veteran who needs aid and attendance and has no dependents	\$19,736
Veteran who needs aid and attendance and has one dependent	\$23,396
Note: Some income is not counted toward the yearly limit (for example, welfare benefits, some wages earned by dependent children, and Supplemental Security Income.)	

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VA Death Pension Rates (Un-remarried Surviving Spouses of Veterans)

FAMILY INCOME LIMITS (EFFECTIVE DECEMBER 1, 2010)	
If you are a...	Your yearly income must be less than...
Surviving Spouse with no dependent children	\$7,933
Surviving Spouse with one dependent child	\$10,385
Add \$2,020 to the limit for each additional child	
Housebound surviving spouse with no dependents	\$9,696
Housebound surviving spouse with one dependent	\$12,144
Surviving Spouse who needs aid and attendance with no dependents	\$12,681
Surviving Spouse who needs aid and attendance with one dependent	\$15,128
Surviving child (no eligible parent)	\$2,020
Note: Some income is not counted toward the yearly limit (for example, welfare benefits, some wages earned by children, and Supplemental Security Income)	

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Checklist of Items That May Be Needed To Support An Application For Pension/Death Pension/Aid & Attendance

Military Discharge/DD 214 - a certified copy of this document will expedite the processing of your claim

Gross amount of monthly income. This should be itemized for each source of income.

Asset information both real and personal property. The principle residence is not considered an asset for VA Pension/Death Pension purposes.

Marriage and divorce information including date of marriage, place of marriage, to whom married, date of divorce, and place of divorce.

Social security number, date of birth, place of birth for veteran and dependents.

Direct deposit information to include name of financial institution, type of account, routing number and account number.

If claimant or dependent is in a nursing home, assisted living facility, adult foster care facility etc. you will need a statement from the provider verifying the name, address & phone number, date of admission, type of services provided by the facility and the cost for those services. This should be on the providers letterhead or VA Fm 21-0779 can be used.

If medical care is provided by an in home attendant, a signed attendant affidavit that includes the name and address of the attendant, what type of services the in home care attendant provides, the monthly cost of those services, and the date when employment began.

Medical documentation verifying applicant's physical and mental capabilities. VA Fm 21-2680 can be completed by applicant's primary care provider.

Monthly cost of healthcare premiums, medicare premiums, dental insurance, supplemental insurance etc.

VA Fm 21-527ez (pension) or VA Fm 21-534 (death pension)

Simple Examples of VA Pension/Death Pension

(Examples are used for explanation purposes. VA also has a 5% medical exclusion)

VA Formula used to determine VA Pension/Death Pension

$\text{MAPR} - \text{IVAP}/12 = \text{Monthly VA Payment}$

MAPR = Maximum Annual Payment Rate

IVAP = Income for VA Pension

MAPR is determined by appropriate chart on page 5 or 6

Example 1 - Single WWII veteran, gross income from social security and pension is \$45,000; \$25,000 in assets in a savings account; health insurance & medicare premiums total \$6,000 per year; lives in an assisted living facility and cost is \$36,000 a year. Veteran is considered in need of aid & attendance for VA Pension purposes. The maximum annual rate for a single veteran per the chart on page 5 is \$19,736. The veterans income for VA pension purposes would be \$45,000 - (\$36,000+\$6,000) totals \$3,000. $\$19,736 - \$3,000 = \$16,736 /12 = \$1,394$ monthly payment. Net worth is not prohibitive.

Example 2 - Married WWII veteran, gross income for both is \$65,000; \$45,000 in assets, they own their own home; veteran is in a nursing home which costs \$60,000 per year; health insurance premiums including medicare are \$7,000 yearly. Veteran is considered in need of aid & attendance for VA purposes. The veteran's income for VA pension purposes would be \$65,000 - (\$60,000 + \$7,000) totals -\$2,000. In this case the veteran's income is considered \$0 for VA Pension purposes and would receive the maximum of \$23,396 or \$1,949 monthly. Net worth is not prohibitive.

Example 3 - Un-remarried surviving spouse of WWII veteran. Sole income is from social security at \$7,000/year. There are no assets. Healthcare premiums from Blue Cross and Medicare total \$4,000 per year. Surviving spouse is living independently with family members. The surviving spouse income for death pension purposes would be \$7,000 - \$4,000 totals \$3,000. The VA Maximum Allowable Rate for this example would be \$7,933. VA Death Pension payment would be \$7,933 - \$3,000 or \$4,933/12 = \$411/month. Net worth is not prohibitive.

The above examples are used to assist in the layperson's understanding of VA Pension/Death Pension benefits. Contact a Veteran's Benefits Counselor immediately to ensure the **earliest effective date** or for more information.

WEB SITES

INGHAM COUNTY
DEPARTMENT OF VETERANS
AFFAIRS

FEDERAL BENEFITS FOR
VETERANS & THEIR
DEPENDENTS

Accredited Veteran's Benefits Counselors are available to assist you. If you are a veteran, family member of a veteran or are interested in knowing what benefits are available to veterans and their dependents call (517) 887-4331 to schedule an appointment.

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