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Disability Pension VA Benefits

Introduction to the Pension with Aid and Attendance Benefit

There is a little known Veterans Affairs (VA) benefit for veterans and/or their widows to aid with the expenses of long term care costs such as assisted living. There are three levels of Pension Benefit:

| PENSION DOLLARS as of 01/01/2010 | Improved Pension Benefit per month | | |
|-------------------------------------|------------------------------------|------------|---------|
| | Aid & Attendance | Housebound | Basic |
| 1. Married Veteran | \$1,949 | \$1,510 | \$1,291 |
| 2. Single Veteran | \$1,644 | \$1,204 | \$985 |
| 3. Widow of a Veteran | \$1,056 | \$808 | \$661 |

The level of the Pension Benefit is based on the medical needs of the claimant. The veteran is always the claimant during the veteran's life. If the veteran is deceased, then the claimant will be the surviving spouse.

The Basic Level is based on income and assets only. There is no medical need required for the claimant. It is very hard to qualify for this benefit because it requires the income of the claimant to be reduced to less than the maximum pension amount to qualify for the pension benefit. If the veteran is married, then they can use the medical expenses of his or her spouse to reduce the married couple's income sufficiently in order to qualify.

The Housebound Level applies to those claimants who are unable to transport themselves but are able to care for themselves in their house.

The Aid and Attendance Level applies to those claimants who need assistance with at least two of their Activities of Daily Living (ADL) and cannot live independently (see below).

1. What is Aid and Attendance?

Aid and Attendance is a benefit paid by the VA to a veteran, a veteran's spouse or a surviving spouse. It is paid in *addition* to a veteran's basic pension. The benefit may not be paid without eligibility to a VA basic pension. It is a non-service connected disability benefit, which means the disability does *not* have to be a result of service.

Aid and Attendance is for applicants who need financial help for in-home care, to pay for an assisted living facility or a nursing home. Benefits are also paid to veterans, spouses or surviving spouses who require the regular attendance of another person to assist them in their daily living activities such as eating, bathing, dressing and undressing or taking care of the needs of nature. It also includes individuals who are blind or patients who reside in a nursing home because of a mental or physical incapacity. Individuals requiring the assisted care in an assisted living facility also qualify for the Pension Benefit.

2. How can these benefits help a claimant?

Aid and Attendance can help pay for care in the home, nursing home or assisted living facility. A veteran is eligible for up to \$1644 per month, while the surviving spouse of a veteran is eligible for up to \$1,056 per month. If applying as a couple, then they would be entitled to \$1,949 per month (see Aid & Attendance Benefits Chart below).

3. Who is eligible for the benefit?

The benefit applies to any war veteran with ninety (90) days of active duty, one (1) day beginning or ending during a period of war. Also, a surviving spouse of a war veteran could be eligible; however, the marriage between the veteran and the surviving spouse must have ended in death. The individual must qualify both medically and financially.

A. Medically / Disability Requirements. Veterans, spouses of veterans or surviving spouses can be eligible for Aid and Attendance benefits if they meet the following disability requirements:

- The aid of another person is needed in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, toileting, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment; or
- The claimant is bedridden, in that his/her disability or disabilities requires that he/she remain in bed apart from any prescribed course of convalescence or treatment; or
- The claimant is in a nursing home due to mental or physical incapacity; or
- The claimant is blind, or so nearly blind as to have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to five (5) degrees or less.

B. Financially / Income Requirements. The claimant's **countable family income** must be below a yearly limit set by law (see attached "Determining Countable Income" reference guide). "Countable" means income received by the claimant and his or her dependents. It includes earnings, disability and retirement

payments, interest and dividends, and net income from farming or business. A claimant must report all income; however, the VA will exclude certain types of income such as public assistance income, like Social Security Income. The annual income limits for the Aid and Attendance program are higher than those set for the basic pension. The maximum Aid and Attendance benefit that can be paid monthly to a single veteran is \$1,644, but the veteran must have countable income equal to or less than \$0 to receive the maximum benefit.

The following chart includes the set yearly income rate / annual pension Aid and Attendance limit set by Congress on December 1, 2009 for 2010; it also includes the maximum monthly benefit:

| Aid and Attendance Maximum Annual Pension Rate (MAPR) Category If you are a... | MAPR Amount Your yearly income must be less than: | Maximum Monthly Pension Rates |
|--|---|----------------------------------|
| Single Veteran | \$19,728 | \$1,644 |
| Veteran with Spouse/Dependent | \$23,388 | \$1,949 |
| Two Veterans Married To Each Other | \$30,985 | \$2,582 |
| Surviving Spouse | \$12,681 | \$1,056 |
| Surviving Spouse with One Dependent | \$15,132 | \$1,261 |

C. Unreimbursed Medical Expenses. Most veterans have some countable income, but there are exclusions that may reduce countable income, including a portion of unreimbursed medical expenses paid by the claimant. Unreimbursed medical expenses include:

- Cost of a long term care institution or assisted living;
- Health related insurance premiums (including Medicare premiums);
- Diabetic supplies;
- Private caregivers;
- Incontinence supplies; and
- Prescriptions and dialysis not covered by any other health plan.

Only the portion of the unreimbursed medical expenses that exceed 5% of the MAPR may be deducted (see above chart for MAPR amounts).

D. Asset Requirements. Net worth (the value of your assets) also affects eligibility. VA pensions are a need-based benefit and a large net worth might affect your

eligibility. All personal goods are exempt from the net worth. These goods include the home you live in, a vehicle used for the care of the claimant, and household goods and personal effects such as clothes, jewelry and furniture. Unfortunately, there is no asset limit set by law, and the determination of eligibility can be made at the discretion of a VA caseworker; however, as a general rule, a claimant's assets should not exceed \$80,000.

4. How do I qualify for this benefit?

Eligibility must be proven by filing the Veterans Application for Pension or Compensation. This application will require a copy of the DD-214 or separate papers, Medical Evaluation from physician, current medical issues, net worth limitations, and net income, along with out of pocket medical expenses.

5. Example of determining eligible benefit amount for a war veteran.

| | |
|---------------------------------------|------------------------------|
| Total monthly income | \$2,500.00 |
| Total out of pocket medical expenses | \$2,400.00 |
| Total net income | \$100.00 |
| Aid & Attendance | \$1,644.00 |
| Less total net income | \$100.00 |
| Total VA benefit per month | <u>\$1,544.00</u> |

6. How quickly can I expect to receive the benefit?

To actually receive payment from the VA takes approximately 6 to 8 months. However, the VA does pay retroactively from the date of application. An application must be turned in by the third week of the prior month for which you are applying. For example, if you are applying for April benefits the application must be turned in no later than the third week of March and the VA will start the payment date as of April 1.

You may phone the Veterans Administration at (800) 827-1000 for further information, or contact a Veterans Service Office located in your county. You may also visit the Department of Veterans Affairs website at: www.vba.va.gov.