



ESTATE PLANNING  
&  
ELDER LAW SERVICES



VA BENEFITS FOR VETERANS AND THEIR FAMILIES

While the Veteran's Administration (VA) offers numerous benefits programs to veterans, there are a few VA programs that can greatly improve the lives of elderly veterans and their surviving spouses. Our dedicated, VA-accredited staff and network of professionals provide counseling to veterans on their rights to the following programs:

- The VA Pension Improved Pension Program
- Death Pension Program
- The VA Disability Program (Service Connected)
- The VA Dependency & Indemnity Compensation (DIC) Program

## The VA Improved Pension Program

Perhaps the most underutilized Veteran's program is the Improved Pension Benefit (IPB) Program. Unfortunately, you will not see billboards or hear any radio advertisements informing veterans or their spouses that they may be entitled to receive this benefit. The IPB benefits can be used by a veteran and/or their surviving spouse to help finance the costs incurred for in-home care, assisted living facility costs, and nursing home costs.

The eligibility requirements for the IPB Program are dramatically different than other VA programs. As a result, many veterans believe that they are not eligible for the IPB Program or simply do not fully understand the eligibility requirements.

The IPB Program has three tiers of benefits, including the "Basic Pension" benefit, the "Housebound" benefit, and the "Aid and Attendance" benefit. Each tier has its own eligibility requirements and benefit limits.

### Eligibility Requirements

All three benefit tiers require the veteran to have 90 days or more of active military service, with at least one day of service occurring during one or more of the following wartimes:

- **World War II:** December 7, 1941 – December 31, 1946
- **Korean War:** June 27, 1950 – January 31, 1955
- **Vietnam War:** August 5, 1964 – May 7, 1975; however, February 28, 1961 – May 7, 1975, for a veteran who served in the Republic of Vietnam during that period
- **Gulf War:** August 2, 1990 through a future date to be set by law or Presidential Proclamation

If the veteran entered active duty after September 7, 1980, generally the veteran must have served at least 24 months or the full period for which called or ordered to active duty (there are exceptions to this rule).

The veteran **does not** need to have a service-related disability, **does not** need to have retired from the military, and **does not** have to have been in combat.

The Basic Pension benefit requires the veteran to be 65 or older OR the veteran is permanently and totally disabled, not due to his/her own willful misconduct.

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The Housebound benefit requires the veteran:

- To have a single permanent disability evaluated as 100-percent disabling AND, due to such disability, he/she is permanently and substantially confined to his/her immediate premises, OR,
- To have a single permanent disability evaluated as 100-percent disabling AND, another disability, or disabilities, evaluated as 60 percent or more disabling.

The Aid and Attendance benefit requires the veteran:

- To need the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment, OR,
- To be 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,
- To be a patient in a nursing home due to mental or physical incapacity, OR,
- To be 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 5 degrees or less.

All three benefits require the veteran and/or veteran's spouse to have monthly countable income less than the allowable pension amount (according to the applicable tier) to be eligible for all or a portion of the pension. Countable income is the income a veteran and/or their spouse retain each month, *after* being reduced by un-reimbursed, "deductible," recurring medical expenses. Deductible medical expenses include assisted living costs, home health care, insurance and Medicare premiums, prescriptions, and more.

The VA does not provide a set figure for determining whether a veteran or veteran's surviving spouse meet the VA's "net worth" test. This may soon change. However, the current net worth test boils down to a determination by the VA that your net worth is such that it will probably not support you through the remainder of your life. The VA excludes a primary residence and a motor vehicle when determining net worth.

### The Benefit

The Basic Pension benefit provides the lowest monthly benefit, while the Aid and Attendance pension benefit offers the highest monthly benefit. An eligible single veteran can receive a maximum monthly benefit of \$1,788. If an eligible veteran is married, the maximum monthly benefit is \$2,120.

The IPB benefits can be used by a veteran to help finance the costs incurred for in-home care, assisted living facility costs, and nursing home costs – and the benefits are ***tax free!***

### Planning Options

Will you qualify for any of the IPB Program benefits? We would like the opportunity to assist you in determining your rights and whether you should apply for such benefits.



The dedicated and VA accredited staff of Estate Planning & Elder Law Services provides counseling concerning the IPB Program (and Death Pension program below), including advice on how to receive the maximum benefit allowed, as soon as possible.

The VA is constantly changing their rules and procedures. For instance, the VA may soon look back three years to see if you've made a gift prior to applying for VA benefits, and impose a penalty "disqualification period" if you have. Failure to know and understand the current rules can be time consuming and costly.

Care must also be exercised to ensure that any action taken to qualify for the IPB Program does not adversely affect a senior's opportunity to qualify for Medicaid nursing home benefits in the future.

Once you schedule a consultation, our firm can determine whether you are a good candidate for the IPB Program and counsel you on what actions are necessary to qualify.

### **Death Pension Program**

The Death Pension (DP) program is essentially the Improved Pension Benefit program for the surviving spouse of a wartime veteran who has not remarried since the death of their veteran spouse.

### **Eligibility Requirements**

The eligibility requirements for the DP program are identical to those for the IPB program.

### **The Benefit**

The maximum monthly benefit for the surviving spouse of a veteran is \$1,149. The DP benefits can be used by a veteran's spouse to help finance the costs incurred for in-home care, assisted living facility costs, and nursing home costs – and, again, the benefits are tax free!

### **Planning Options**

Our VA accredited staff will assist you in determining your rights to Death Pension program benefits and whether you should apply for such benefits.

Applicants must consider planning options similar to those under the Improved Pension Program, above. As explained there, part of our role is to advise you regarding opportunities and risks posed by the VA's constantly changing rules and procedures. We also help you consider whether any action taken to qualify for the DP Program could adversely affect your opportunity to qualify for Medicaid nursing home benefits in the future.

## VA Disability Compensation Benefits

The Disability Compensation program provides a veteran, who has a service-connected disability, with extra monthly income.

### Eligibility Requirements

The eligibility requirements for this program are relatively simple, however sometimes challenging to prove. In order to be eligible for this program, the veteran simply needs to prove that they have a current disability **and** that disability is somehow connected to their service in the military.

There are certain medical conditions that are “presumptively” related to one’s service in the military. For instance, certain medical conditions, such as Parkinson’s and many types of cancer, are considered to be presumptively service-related for veterans who had “boots on the ground” in Vietnam. For other conditions, the veteran will have to prove, through their service and medical records, that their condition is related to their service in the military.

Unlike the pension the IPB and Death Pension programs, there are no income or asset tests at all.

### The Benefit

The benefit paid to the veteran will depend upon the severity (“rating”) of disability (will equate to \$100s if not \$1,000’s/month). Depending upon the severity of the disability, the veteran also receives a higher priority for other benefits.

## Dependency & Indemnity Compensation Program

The Dependency & Indemnity Compensation (DIC) Program can provide extra income to the surviving spouse of certain veterans who have died.

### Eligibility Requirements

To receive the DIC benefit, the surviving spouse must prove that the veteran died: (1) in active duty, (2) as a result of a service-connected condition, or (3) as a result of non-service-connected condition but with a 100% service-connected rated condition. The surviving spouse must not be currently remarried (unless remarried after 12/16/03 and after age 57, then still eligible).

### The Benefit

The benefit paid to the surviving spouse is \$1,254, but increases if they have dependents, or are housebound or in need of aid and attendance.

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**EPELS is not affiliated with the Veterans Administration or any government entity.** This brochure is not intended to give specific legal or tax advice. For specific information about planning your estate, contact one of our attorneys at Estate Planning & Elder Law Services, P.C.