



# Medina County Veterans Service Office

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*“Service for Those That Served and Their Families”*

December 2022

## Department of Veterans Affairs: Non-Service-Connected Pension, Survivors Pension & Special Monthly Pension, (Housebound & Aid and Attendance)

### What are Pension Benefits?

**Non-Service-Connected Pension and Survivors Pension** are needs-based benefits paid to wartime Veterans, and their survivors.

### VA Pensions Simplified

**There are four factors the VA must consider when determining eligibility for VA Pension:**

- 1) The Veteran served during time of war.
- 2) The claimant’s and dependent’s combined net worth.
- 3) The Veteran’s age, disability and/or medical condition OR the claimant’s relation to the deceased Veteran.
- 4) The claimant’s and dependent’s unreimbursed, reoccurring out-of-pocket medical expenses.

### Basic Eligibility Requirements for Pension

Wartime Periods Recognized by the VA for VA Pension Benefits	
War Era	Time Periods
WWII	December 7, 1941 – December 31, 1946
Korean War	June 27, 1950 – January 31, 1955
Vietnam War	August 5, 1964 – May 7, 1975 or November 1, 1955 – May 7, 1975 for Veterans who served in the Republic of Vietnam during that period
Persian Gulf War	August 2, 1990 – TBD
<i>*Veterans who entered active duty after September 7, 1980, must also have served at least 24 months of active service. If the total length of services is less than 24 months, the Veteran must have completed his/her entire tour of active duty.</i>	

- 1) **Veteran must be honorably discharged from the service, and served 90 days or more of active duty, with at least 1 day during a period of war\*, AND**
- 2) **Claimant & dependent’s countable income is below the Maximum Annual Pension Rate (MAPR), and their combined net worth meets the net worth limitations, AND**
  - For purposes of entitlement to VA pension, net worth is defined as the sum of a claimant’s or beneficiary’s assets AND annual income.
  - Effective December 1, 2022 the net worth limit is \$150,538.
- 3) **The Veteran must be 65 or older, OR is shown by evidence to have a permanent and total non-service connected disability, OR is a patient in a nursing home, OR is receiving Social Security Disability Insurance OR Receiving Supplemental Security Income OR Claimant is the unmarried surviving spouse, OR the unmarried dependent child of the deceased Veteran.**

Office Hours: Mon - Wed - Thurs - Fri 8:00AM - 4:00PM - Tue 10:00AM - 4:00PM (Closed Noon – 1:00 PM for Lunch)  
Medina: 330-722-9368 – Toll Free: 844-722-3800 - Fax: 330-722-9378

#### 4) Claimant & dependent's unreimbursed, reoccurring out-of-pocket medical expenses.

- Generally, medical expenses for VA needs-based benefit purposes are payments for items or services that are medically necessary; that improve a disabled individual's functioning; or that prevent, slow, or erase an individual's functional decline. *(Examples of medical expenses may include, but are not limited to: Health insurance premiums, in-home care, hospitals, nursing homes, medical foster homes and inpatient treatment centers, etc.)*

#### What is Special Monthly Pension?

**Housebound** is an increased monthly pension amount paid to a Veteran or surviving spouse who is:

- Eligible for basic pension benefits **AND**
- Substantially confined to his or her home because of permanent disability.
- Additionally, if the claimant is a Veteran, he/she may qualify for the increased housebound amount if he/she has a permanent disability evaluated as 100% disabling **AND**, due to a disability or disabilities, are permanently and substantially confined to their immediate premises, **OR**
- Has a single permanent disability evaluated as 100% disabling **AND** another disability or disabilities, independently evaluated at 60% or more disabling.

**Aid and Attendance (A&A)** is an increased monthly pension amount paid to a Veteran or surviving spouse who is:

- Eligible for basic pension benefits **AND**
- Requires the aid of another person in order to preform activities of daily living, **OR**
- Are bedridden, in that their disability or disabilities require that they remain in bed apart from any prescribed course of convalescence or treatment, **OR**
- Are a patient in a nursing home due to mental or physical incapacity, **OR**
- Have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.

**Dependency and Indemnity Compensation (DIC)** is a pension available to the surviving spouses of veterans that died while on active duty or died as the result of a service-connected disability or disease. Income does not matter for DIC.

#### Frequently Asked Questions

**How much does the VA Pension Pay?** The Maximum Annual Pension Rates (MAPR) are determined by Congress. Current & historical pension rate tables are available at <https://www.benefits.va.gov/pension/rates.asp>.

#### How does the VA calculate your pension?

VA calculates annual pension by first determining your particular circumstances and the MAPR, an amount set by Congress. Next, VA determines your countable income. VA determines countable income by subtracting income exclusions provided by law from your total annual income in a particular 12-month period. VA subtracts your annual countable income from the MAPR; the difference is your annual pension entitlement. VA divides this amount by 12 and rounds down to the nearest dollar to obtain the amount of your monthly pension payment.

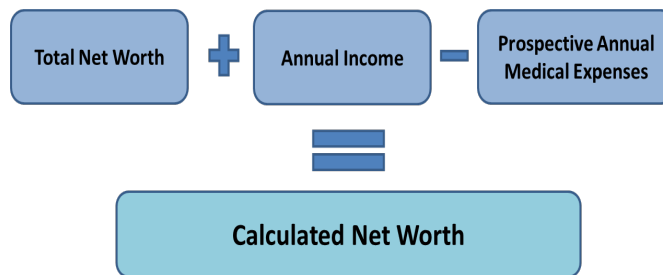
VA will deduct certain expenses paid by you, e.g., unreimbursed medical expenses, from your annual household income, which may decrease your countable income and increase your monthly pension payment.

### Would I be eligible to receive a VA Pension if I currently reside in a Nursing Home and I'm on Medicaid?

Typically, the maximum pension rate a claimant residing in a Nursing Home, on Medicaid can receive is \$90.00 per month.

### What does the VA consider "Net Worth" for Pension Benefits purposes?

For purposes of entitlement to VA pension, **net worth** is defined as the sum of a claimant's or beneficiary's assets **AND** annual income.



**Assets:** The fair market value of **ALL** property that an individual owns, including all real and personal property, less the amount of mortgages or other encumbrances specific to the mortgaged or encumbered property. *(Examples include, but are not limited to: Checking accounts, savings accounts, stocks, bonds, mutual funds, etc.)*

**Annual Income:** Payments of any kind from any source shall be counted as income during the 12-month annualization period; this includes income received by the Veteran, Veteran's dependent spouse, as well as each child of the Veteran, in the Veteran's custody or to whose support the veteran is reasonably contributing. In the case of Survivor's Pension, the surviving spouse's annual income and the annual income of each child of the veteran in the custody of the surviving spouse to the extent that such child's income is reasonably available to or for the surviving spouse is considered by the VA. *(Examples include, but are not limited to: Social Security, Retirement Pensions, Inheritance, Salary, Distributions, Dividends, Interest, Business, farm or professional income, etc.)*

#### Are there exclusions from assets?

Yes. However, **ALL** assets should be reported on the application. Let the VA determine which assets the law allows to be excluded. *(Examples include, but are not limited to: Claimant's primary residence, Personal effects such as appliances and family transportation vehicles, Radiation Exposure Compensation, Ricky Ray Hemophilia Relief Fund payments, Energy Employees Occupational Illness Compensation Program payments, Payments to Aleuts and Statutory exclusions.)*

#### Are there exclusions from income?

Yes, and like assets **ALL** income should be reported on the application. Let the VA determine what income can be excluded based on the law. *(Examples include, but are not limited to: Welfare, Maintenance, Department of Veterans Affairs Pension Benefits, Reimbursement for casualty loss, etc.)*

### **Is there a “look-back period” for Pension benefits?**

Effective October 18, 2018, the VA defined a look-back period as the 36-month period immediately preceding the date on which VA receives either an original pension claim or a new pension claims after a period of non-entitlement. This definition does not include any date before October 18, 2018, however they can, and will inquire about claims where excessive net worth maybe a factor.

### **If I am already receiving monthly payments for a service-connected disability, can I also receive a VA pension?**

No, you cannot receive a VA pension and service-connected compensation at the same time. However, if you apply for pension and are ultimately awarded, VA will pay you whichever benefit is greater.

### **Can I transfer or gift assets?**

A claimant may NOT create pension entitlement by transferring covered assets. There are some exceptions when it comes to transfers of assets, in which case the VA may require a claimant to provide evidence of such. Remember, VA pension is a needs-based benefit and is NOT intended to preserve the estates of individuals who have the means to support themselves.

### **Is there a penalty period for transferring covered assets during the look back period?**

Yes. When a claimant transfers a covered asset during the look-back period, VA will assess a penalty period not to exceed 5 years. VA will calculate the length of the penalty period by dividing the total covered asset amount by the monthly penalty rate and rounding the quotient down to the nearest whole number. The result is the number of months for which the VA will not pay pension. When a claimant transfers a covered asset or assets during the look back period, the penalty period begins on the first day of the month that follows the date of the transfer. If there was more than one transfer, the penalty period will begin on the first day of the last transfer.

### **I am a widow/er; If I remarry do, I lose my benefits? If I later get divorced or my new spouse dies, do I get my VA benefits back?**

The law generally requires a surviving spouse’s entitlement to be terminated if the surviving spouse remarries, regardless of age, even if that remarriage is terminated by death or divorce. However, VA regulations establish limited exceptions that generally allow entitlement to Death Pension to be reestablished if the marriage was:

- Annulled or declared void **OR**
- Terminated by death or divorce on or after January 1, 1971, AND before November 1, 1990.

### **Who can help me file my claim?**

Be sure to file claims for pension and/or VA benefits through an accredited representative. There are over 200 organizations that market financial and estate-planning services to help pension claimants with excess assets meet financial eligibility requirements for pension benefits. Some of these organizations charge substantial fees for products and services that may not always be in the claimant’s best long-term interests.

Each Service Officer at our office is VA accredited and would be happy to assist you with the preparation, presentation, and prosecution of your claim for VA benefits, **FREE OF CHARGE**. Depending on the circumstances, you may need to consult your attorney or financial planner prior to us submitting the application for VA pension, however it is NOT always necessary. Most private attorneys and financial planners are NOT VA accredited.

### **Checklist of Documentation Most Commonly Needed**

**Please bring the following information with you to your initial appointment:**

- Military Discharge Document**
  - *Must show the character of discharge (i.e. DD-214, WD AGO or NavPers)*
- Marriage License**
- Marital History for Veteran AND Spouse or Surviving Spouse**
  - *Date of previous marriage/s*
  - *Location of previous marriage/s*
  - *Name of former spouse/s*
  - *How marriage/s ended? (i.e. Divorce, Death, etc.)*
  - *Date previous marriage/s ended*
  - *Location previous marriage/s ended.*
- Death Certificate of Veteran**
- Social Security Numbers for Veteran, Spouse or Surviving Spouse, & Dependent Children**
- Birth Certificate/s for dependent child/ren**
  - *Child/ren must be under 18, OR 18-23 and attending school OR permanently incapable of self-support due to a disability before age 18.*
  - *Proof of School enrollment or child's disability for applicable dependents will also be required in addition to their birth certificates.*
- CURRENT Gross Income Statements for Veteran, Spouse & Dependents**
  - *I.e. Income from employment, Pensions Statements, Social Security Award Letters, Annuities Statements, IRA, Black Lung, Unemployment, Rental Property, Farm, Business, Interest, Royalties, Distributions, etc.*
- CURRENT Statements for all Assets belonging to Veteran, Spouse, Surviving Spouse & Dependent Children**
  - *I.e. Most recent Checking & Savings Account Statements, Stocks, Savings Bonds, Annuities, Mutual Funds, Life Insurance Policies, Real Estate etc.*
- Documentation of Discontinued Income from the prior tax year**
  - *I.e. Any income no longer being received or was a one-time payment*
- Details & Documentation of Asset Transfers within the last 36 months**
  - *I.e. Any assets that were sold, conveyed, traded or given away in the current year and/or prior 3 tax years.*
- All Non-Reimbursable monthly medical payments for Veteran and spouse.**
  - *I.e. Assisted Living, Nursing Home, Medical Insurance Premiums, Prescriptions, Doctors Co-Pays, etc.*
- Direct Deposit Information**
  - *I.e. Voided Check*

**The following forms will be provided to you at your initial appointment:**

- ✓ **VA Form 21-2680 (Doctor Form)**
- ✓ **VA Form 21-0779 (Nursing Home Form)**
- ✓ **Worksheet for an Assisted Living, Adult Day Care or Similar Facility**
- ✓ **Worksheet for In-Home Attendant Expenses**

**\*\*\*After you have gathered all the necessary documentation, please contact our office at (330) 722-9368 and schedule an appointment to meet with an accredited Service Officer.**

## NonService Connected Disability Pension/Survivor's Pension Worksheet

Monthly Gross Income	Amount	Source
Veteran		
Veteran		
Spouse		
Spouse		
Savings Interest		
Investment Funds Interest		
Required Minimum Distribution		

Net Worth	Amount	Amount	Amount
Interest Bearing Accounts			
Non-Interest Bearing Accounts			
Stocks			
Bonds			
CDs			
401/IRAs			
Dividends			
Profits from Non-Business Sales			
Revocable Trusts			
Other			
<b>Total Net Worth</b>			

Monthly Medical Expenses	Veteran Amount	Spouse Amount	Child Amount <i>(if applicable)</i>
Medicare Part B			
Medicare Part D			
Medicare Supplemental Insurance			
Supplemental Insurance			
Incontinency Supplies			
Life Alert Costs			
Assisted Living Costs			
Nursing Home Costs			
Home Health Aid Costs			
Adult Day Care Costs			

Other Expenses	Veteran	Spouse	Child
Last Illness Expenses			
Property Casualty Loss(es)			
Education Costs ( <i>Tuition/Fees/Books</i> )			
Post-Secondary Education			
Childs Earned Income			