

## Veterans Benefits (Non-Service Connected Pension)

Many veterans and families are unaware of non-service connected pension benefits (also called an “improved pension”) available through the Department of Veterans Affairs. This pension is designed to assist veterans and their surviving spouses with recurring medical expenses such as assisted living or home health care. Unlike many other programs for veterans, the care needs do not have to be related to injuries or illnesses which resulted from their time in service. In order to qualify, a non-service connected pension requires the veteran to have some minimum service. These tax-free benefits are “needs based” with a financial criteria that must be met. This Special Monthly Pension has three levels: Basic (Low Income) Pension, Housebound and Aid and Attendance.

### Basic Eligibility Criteria

The claimant must meet the following criteria to receive Improved Pension benefits:

- The veteran must have served at least 90 consecutive days active duty, with at least one day during a qualifying wartime period.
- The veteran must have been “other than dishonorably discharged”.
- The veteran must be 65 years of age or older or be 100% permanently and totally disabled.
- The claimant must meet countable asset criteria established by the VA.
- The claimant’s out of pocket annual medical expenses must exceed or be close to his/her total annual income.
- A surviving spouse must have been officially married to the veteran for at least one year, or have had a child by the veteran if married less than one year, and have never remarried.
- The surviving spouse must have been living with the veteran at the time of his/her death unless the separation was due to medical or military reasons.
- Minor or disabled adult children may qualify for limited benefits on their own.

### Wartime Dates

Recognized dates of wartime are:

- World War II: December 7, 1941 through December 31, 1946. If the veteran was in service on December 31, 1946, then continuous service before July 26, 1947 is considered wartime service. Service in the Merchant Marines also qualifies.
- Korean Conflict: June 27, 1950 through January 31, 1955.
- Vietnam Era: February 28, 1961 through May 7, 1975 if veteran served in the Republic of Vietnam; August 6, 1964 through May 7, 1975, in all other cases.
- Gulf War: August 2, 1990 through date to be determined.

### Asset Limits

The VA considers the net worth of the individual seeking benefits, excluding the value of their home. The VA standard for eligibility determination is whether or not the person has “sufficient means” to pay for their own care. The VA instructs their caseworkers to perform an “age analysis” to determine financial need. The asset limit should not be a barrier to eligibility as many strategies exist to help individuals qualify without losing their savings.

### Types of Pensions *Basic Pension*

The VA classifies any veteran 65 years or older as disabled regardless of their physical condition. This classification entitles the veteran or a surviving spouse to a Basic Pension if he/she meets the net worth and income criteria. 2016 Maximum Monthly Pension Rates for Basic Pension are:

|                               |                |
|-------------------------------|----------------|
| Ø Veteran with no dependents: | <b>\$1,072</b> |
| Ø Veteran with one dependent: | <b>\$1,404</b> |
| Ø Surviving Spouse:           | <b>\$719</b>   |

## ***Housebound Pension***

Housebound pension benefits are available to a veteran or a surviving spouse who is determined to be disabled and is essentially confined to the home. A housebound claimant needs regular assistance with care. Eligibility is met when:

- “ The claimant has a single, permanent disability evaluated as 100 percent disabling, and, due to this disability, he/she is permanently or substantially confined to his/her dwelling, or
- “ The claimant has a single permanent disability evaluated as 100% disabling, and another disability, or disabilities, evaluated at 60 percent or more disabling, regardless of whether he/she is confined to the dwelling.
- “ A disability rating is not required for people aged 65 or older. People aged 65 or older are presumed disabled by the VA, though a physician’s affidavit regarding the claimant’s condition is required.

2016 Maximum Monthly Pension Rates for Housebound Pension are:

- Ø Veteran with no dependents: **\$1,310**
- Ø Veteran with one dependent: **\$1,642**
- Ø Surviving Spouse: **\$879**

## ***Aid and Attendance***

Aid and Attendance benefits are available to a veteran or a surviving spouse who meets the criteria for the Basic Pension in addition to one of the following conditions:

- “ Claimant is blind;
- “ Claimant is living in an assisted living facility, nursing home, or other environment in which they are protected from harm; or
- “ Claimant is unable to:
  - dress/undress or keep self clean and presentable;
  - attend the wants of nature; or
  - has a physical or mental incapacity that requires assistance on a regular basis to protect claimant from daily environmental hazards.

2016 Maximum Monthly Pension Rates for Aid & Attendance are:

- Ø Veteran with no dependents: **\$1,788**
- Ø Veteran with one dependent: **\$2,120**
- Ø Surviving Spouse: **\$1,149**

## **Planning for Veterans Benefits**

Veterans or their surviving spouses requiring health care assistance should seek professional counsel to determine their eligibility for benefits. Professional counsel is extremely important as Veterans Benefits often intersect with other available benefits or programs, and a complete analysis of the best benefit for the individual is crucial for a positive outcome. For the VA benefit, proper planning will allow additional income received from the VA to preserve assets for a healthy spouse, extend a stay in a current setting (home or assisted living), or prevent an individual from moving to the next level of care before it is medically necessary. The attorneys at Oast & Taylor can assess your situation and provide you with a comprehensive plan to maximize your benefits while minimizing their effects on your assets and income.

## **Learn More**

Call Oast & Taylor at 757-452-6200 or visit [www.OastTaylor.com](http://www.OastTaylor.com) to schedule a consultation with an attorney at one of Oast & Taylor’s convenient office locations in Virginia Beach, Portsmouth, or Elizabeth City, North Carolina.

### ***Disclaimer:***

*This report is not intended as a substitute for legal counsel. While every precaution has been taken to make this report accurate, Oast & Taylor PLC assumes no responsibility for errors, omissions, or damages resulting from the use of the information in this report.*

Oast & Taylor PLC © Copyright 2016

**Virginia Beach** | 277 Bendix Road, Suite 400 | Virginia Beach, Virginia 23452  
**Olde Towne Portsmouth** | 355 Crawford Street, Suite 720 | Portsmouth, Virginia 23704  
**Elizabeth City** | 905 West Church Street | Elizabeth City, North Carolina 27909

757.452.6200 | F: 757.452.6201 | [www.OastTaylor.com](http://www.OastTaylor.com)