

Veterans Pension and Benefits: A Little Secret That Veterans Need to Know

By Julie A. Dialessi-Lafley, Esq.

FAST FACTS

- Until recently, very few people knew about the existence of the Veterans Pension Program and the programs for Aid and Attendance or Housebound benefits, which are in place to help the people who have served in the armed forces of the United States.
- The Veterans Pension is a benefit paid to wartime veterans who have limited or no income and who are 65 years of age or older or, if under age 65, who are permanently and totally disabled.
- Aid and Attendance and Housebound benefits are paid to disabled veterans in addition to their basic pension; however, they cannot receive both Aid and Attendance and Housebound benefits at the same time.

The men and women who have served this country may be entitled to more than what they are getting. It is the unfortunate reality that until recently, very few people knew about the existence of the Veterans Pension Program and the programs for Aid and Attendance or Housebound benefits, which are in place to help the people who have served in the armed forces of the United States.

The Veterans Pension is a benefit paid to wartime veterans who have limited or no income and who are 65 years of age or older or, if under age 65, who are permanently and totally disabled. Veterans who are seriously disabled, may be able to qualify for benefits under the Aid and Attendance or Housebound programs. The benefits provided by these additional programs are paid in addition to the basic pension

that veterans are paid.

To be eligible for the Pension Benefit, veterans must have been discharged from service under conditions other than dishonorable and must have served at least 90 days of active military service, 1 day of which was during a war time period. Veterans who entered active duty after September 7, 1980, generally have served at least 24 months or the full period for which they were called or ordered to active duty.

In addition to meeting the service requirements, veterans must have countable family income that is below the yearly limit as set by Congress. Further, veterans must meet the age requirements or be permanently and totally disabled. Of course, the disability cannot be due to willful misconduct by the veteran.

For veterans who are not sure if they satisfy the eligibility requirements, the Department of Veterans Affairs (VA) advises that they apply for the benefits to confirm or deny eligibility. The VA will process the request and notify the applicants if they qualify.

Veterans who do not initially qualify may reapply if they have un-reimbursed medical expenses during the 12-month period of time after the VA receives the claim. Un-reimbursed expenses, such as payments for medical services or products that are not covered by Medicare or other private medical insurance, may bring the countable income below the yearly income limit. Veterans can determine their countable income by calculating the amount of earnings from all sources, including disability, retirement, interest, dividend, and farming of business income.

Eligibility is income driven, and the assets owned by veterans and their dependents are generally not considered in the eligibility test unless the amount of money or assets is determined to be excessive. The application requires that all net worth be reported, and the VA determines if the assets are "sufficiently large that the claimant could live off these assets for a reasonable period of time." If such assets exist, veterans are denied benefits on the basis of need.

To calculate the pension, the VA totals the countable income and then deducts any non-countable income. The resulting countable income is then deducted from the annual pension limit, which is determined by the number of dependents, if any. If veterans also

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receive Aid and Attendance benefits or Housebound benefits, these benefits are added to the annual pension limit as well. If veterans are eligible for a pension, they may also be available for Aid and Attendance or Housebound benefits, but they cannot obtain the additional benefits without being pension-eligible first.

Assuming veterans qualify for the pension, these veterans may also be eligible for Aid and Attendance when they meet one of these criteria: (1) the veteran requires the aid of another person to perform personal functions of everyday living, such as bathing, feed-

ing, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting him- or herself from the hazards of the daily environment; (2) the veteran is bedridden, in that his or her disability or disabilities require that he or she remain in bed apart from any prescribed course of convalescence or treatment; (3) the veteran is a patient in a nursing home due to mental or physical incapacity; or (4) the veteran 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 5 degrees or less.

To obtain the Housebound benefit,

which is paid in addition to the monthly pension, veterans must be pension-eligible. However, veterans cannot collect the Aid and Attendance and Housebound benefits at the same time. Housebound benefits are paid when veterans have a single permanent disability evaluated as 100% disabling and, due to such disability, they are permanently and substantially confined to the immediate premises, or, have a single permanent disability evaluated as 100% disabling and another disability, or disabilities, that are evaluated as 60% or more disabling.

Once an application for Pension Benefits is filed, veterans can provide information from a physician or other attending medical professional to apply for the Aid and Attendance or Housebound benefits. The application must demonstrate that the veterans meet the criteria outlined herein with specific detail and, particularity, to obtain the qualification.

The eligibility for these benefits can mean the ability to maintain an appropriate level of care and quality of life for veterans. As an estate planner and elder-law attorney, I often advise clients to investigate their eligibility through the VA. For those men or women who believe they may qualify for benefits, the application should be submitted to verify eligibility. Veterans should contact the regional office for instructions and assistance on applying for these benefits. Veterans have given so much to this country, it may be time for them to get the same in return. (Attorney Dialessi-Lafley would like to credit the Department of Veterans Affairs web site as a resource for the criteria and eligibility standards discussed in this article.) ■