

Benefits Available to Elderly Veterans

EPSCD

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Mike Shea, Esq.

The Law Offices of Michael L. Shea, LLC

PO Box 460092

Aurora, CO 80046-0092

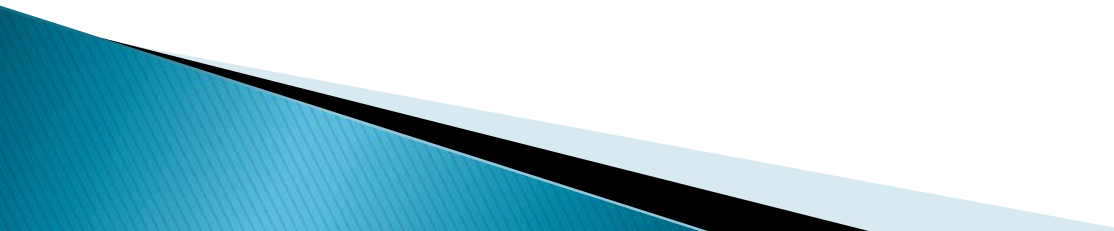
303-710-9521

mike@mikesheaveteranslaw.com

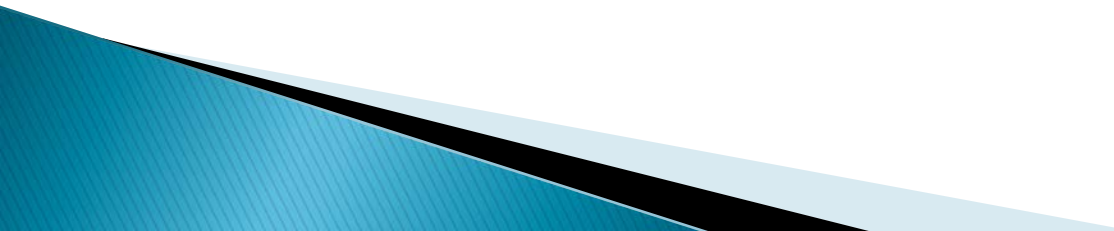
AGENDA

- ▶ Accreditation
 - VA form 21a
 - VA form 21-22a
- ▶ VA Compensation
 - For the Veteran
 - DIC for survivors
- ▶ VA Pension
 - For the Veteran
 - For Survivors

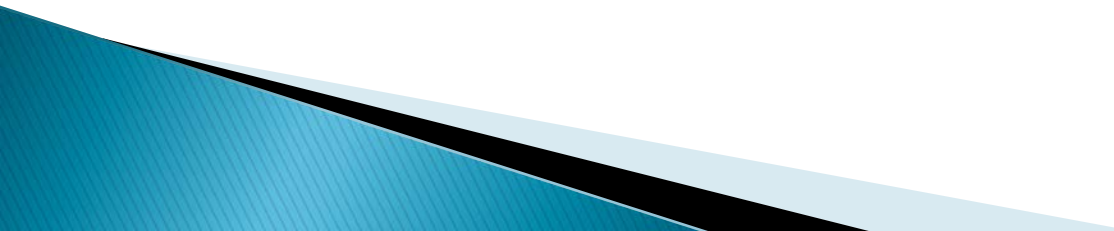
AGENDA

- ▶ Aid and Attendance
 - For Service Connected Compensation
 - For VA Pensioners
 - ▶ VA Medical Benefits
 - ▶ VA Death Benefits
 - Burial plot in National Cemetery with military honors
 - Headstones, markers
 - Flag
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Primary Reference Materials

- ▶ Title 38 United States Code
 - ▶ 38 Code of Federal Regulations
 - ▶ M21-1 MR (Manual Re-write) – available online
 - ▶ www.va.gov
 - ▶ Veterans Benefits Manual
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ACCREDITATION

- ▶ New rules effective June 23, 2008
 - ▶ VA form 21 a
 - Submit to VA General Counsel
 - ▶ CLE
 - 3 hour course within one year after accreditation
 - Another 3 hour course within 3 years after accreditation
 - 3 hour course every two years thereafter
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Veterans Benefits

▶ Eligibility for benefits

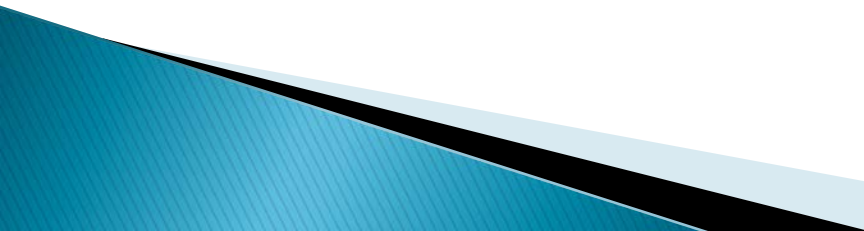
- Must be a veteran
 - Must have served on “active duty”
 - National Guard and Reserves are not active duty for VA purposes and aren’t considered veterans unless they have been activated under Title 10
- Honorable discharge
 - Other than honorable discharges create problems
- Injury must have been incurred in active military service or aggravated by military service

Presumptive Service-Connection

- ▶ Presumptive service-connection for certain statuses – *for example*
 - Korea – cold injuries
 - Vietnam – Agent Orange illnesses
 - Gulf War – Undiagnosed illnesses, PTSD, TBI


Aid and Attendance for SC

▶ Eligibility


- Housebound–100% SC
 - Regular A&A
 - Need for A&A, AODL
 - Mental disabilities
 - Nursing home
 - Family care vs. Professional care
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Benefits Available to Surviving spouses and dependent children

- ▶ Qualifying categories

- Spouse
 - Surviving spouse
 - Child
 - Surviving child
 - Dependent parent
 - Surviving parent
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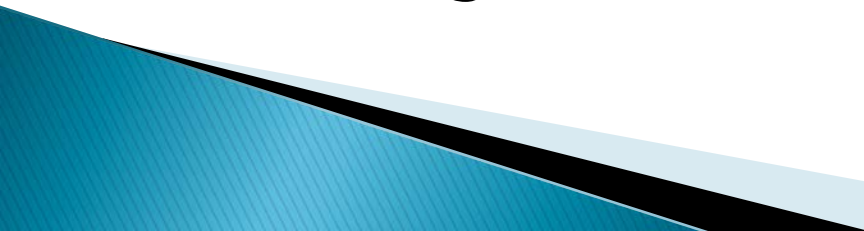
Benefits Available to Dependents and Surviving Spouses and Children

- ▶ Additional schedular benefits for spouse and children if rating is 30% or greater
 - ▶ Accrued benefits – amounts owed to the veteran before he died, e.g. arrearages from a pending or appealed claim
 - ▶ DIC payments for service–connection
 - ▶ Spina Bifida claims –irrespective of character of discharge for Vietnam veteran
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DIC


- ▶ Monthly payments made to surviving spouse, surviving child or surviving parent if:
 - Death was from a service-connected illness/injury
 - Veteran had a totally disabling service-connected disability for the 10 years prior to death
 - Veteran was receiving or *should have been receiving* total disability payments from the date of discharge from active duty to the date of death at least five years later.

DIC (Cont.)

- ▶ Veteran must have died from service-connected disability, *or*
 - ▶ Veteran was in receipt of *or should have been receiving* compensation for a total disability rating for 10 years prior to death
 - ▶ Veteran was in receipt of *or should have been receiving* compensation for a total disability rating for at least 5 years from the date of discharge
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Non Service-Connected Pension

▶ Eligibility Criteria

- Veteran of wartime service with at least one day of active duty during a period of war
 - Service on or after 9/8/1980 – 24 months of continuous active or full period for which veteran was called or ordered to active duty
 - At least one day of wartime service which resulted in a discharge for a service-connected disability
 - Discharged under other than dishonorable conditions
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Pension

▶ Financial Criteria

- IVAP less than MAPR (\$1,054/Mo. w/o spouse, \$1,381 /Mo. w/spouse)
- Net assets generally less than \$80,000

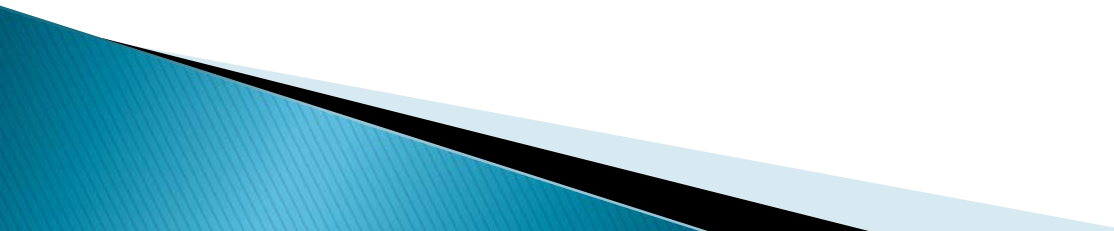
▶ MAPR Concept

- The MAPR is essentially the poverty level. The VA will pay a pension, up to the MAPR to bring the veteran up to the poverty level.

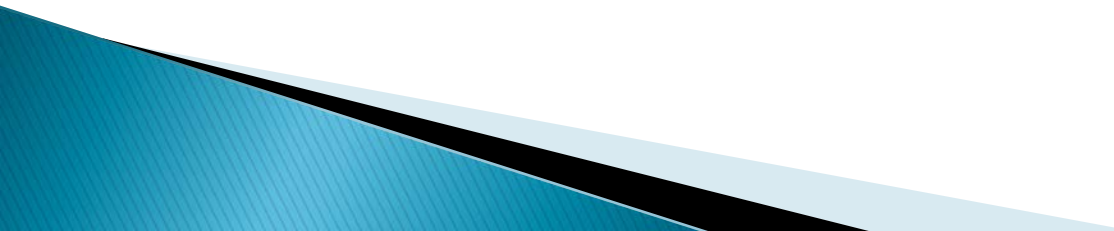
IVAP

- ▶ What income is countable?
 - Earnings
 - Interest and dividend payments
 - Retirement payments, including social security
 - Net income from a business or farming
 - One time cash payments
- ▶ How the VA checks
 - Cross references with social security and IRS


Income Exclusions

- ▶ Welfare benefits, including SSI
 - ▶ Maintenance provided by a relative, friend or charitable organization
 - ▶ Medical expenses in excess of 5% of MAPR (\$632 for single veteran \$828 for veteran and spouse) – includes payments made to a nursing home
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Exclusions (cont.)

- ▶ Amounts in joint accounts acquired by death of other joint-owner
 - ▶ Expenses of spouse's or child's last illness
 - ▶ Expenses of veteran's last illness
 - ▶ Child's income with certain stipulations.
 - ▶ There are more. Check 38 CFR 3.272
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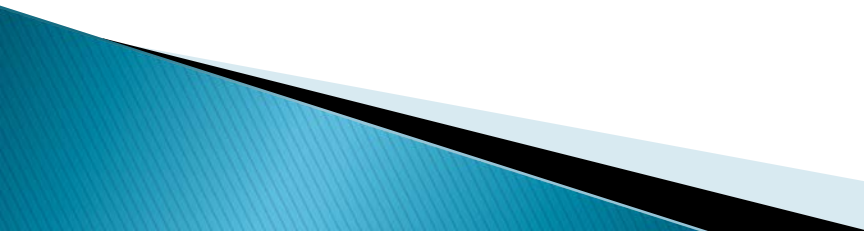
Net Worth Test

- ▶ Generally a net worth of greater than \$80,000 will exclude a veteran from receiving benefits
 - ▶ Assets of spouse and dependent children are included
 - ▶ Triggers a VA review
 - ▶ Net worth is based on life expectancy – older the veteran, the less the value of the assets trigger the review
 - ▶ Can the asset be readily converted to cash?
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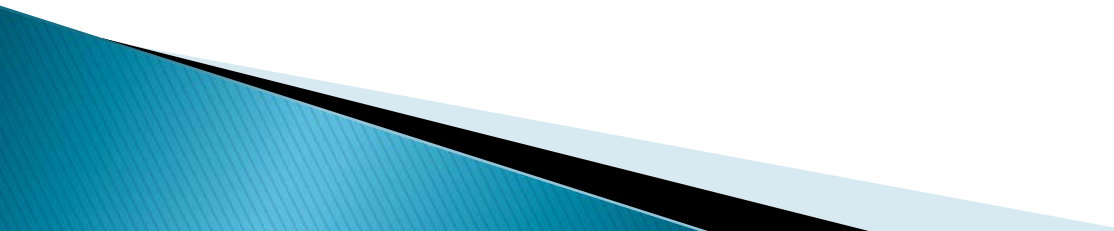
Aid and Attendance

- ▶ Eligibility
- ▶ Nursing home expenses reduce IVAP

Death Pension

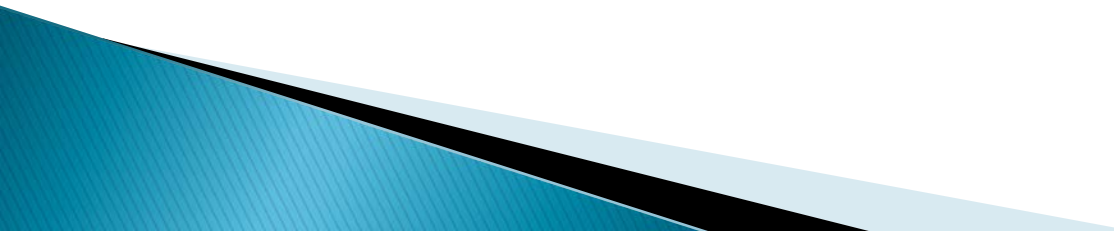
- ▶ Similar to the application for non service-connected disability pension but with a lower amount paid to survivor (\$707 for a surviving spouse without a dependent child)
 - ▶ Spouse must have been married to veteran for at least one year or had a child with the veteran if married for less than one year
 - ▶ Similar analysis for IVAP and MAPR but lower amounts (\$8,484 for surviving spouse alone)
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VA Medical Benefits

- ▶ Eligibility and Enrollment
 - ▶ Priority groups 1–8
 - ▶ Women Veterans
 - ▶ Military Sexual Trauma
 - ▶ Co-payments
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VA Burial Benefits

- ▶ Burial in a National Cemetery
 - Honorable discharge
 - Served the required period of service

 - ▶ Includes:
 - Gravesite
 - Headstone or marker
 - Opening and closing of grave
 - Military honors
 - Perpetual care
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Burial Allowances

- ▶ Non-SC connected death
 - \$300
- ▶ Death occurs while receiving VA hospital, nursing home or domiciliary care
 - \$722
- ▶ SC connected death
 - \$2,000
- ▶ Non-SC death but Veteran was receiving comp or pen
 - Up to \$722

Dealing With the Vietnam Vet

- ▶ Correct false impressions of entitlement
 - “I was in Vietnam and I’m owed”
- ▶ Correct AO misimpressions
 - “I was in Vietnam and exposed to AO so I get benefits because of that”
- ▶ Manage expectations
 - The evidence required, e.g. current diagnosis
 - The time it is going to take