

# Aid and Attendance Pension Benefit Eligibility

As part of the Veterans Administration's Pension program, the VA offers additional income for veterans and their surviving spouses who are eligible for the VA's base pension, but who also either demonstrate a regular need for the aid and attendance of a caregiver or are what the VA refers to as housebound.

**Basic Criteria for Pension Benefit Eligibility:** The VA considers offering Pension benefits to a Veteran or their surviving spouse if:

- The veteran received discharge from service under any condition other than dishonorable, **AND**
- The veteran served at least 90 days of active military service, one (1) day of which was during a war-time period;
  - World War II: December 7, 1941 through December 31, 1946 inclusive. If the veteran was in service on December 31, 1946, but had not yet served 90 days, then continued service lasting until July 26, 1947, will be considered World War II service.
  - Korean conflict: June 27, 1950 through January 31, 1955 inclusive.
  - Vietnam era: The period beginning on February 28, 1961 and ending on May 7, 1975 inclusive, for all veterans who served in the Republic of Vietnam during that period. The period beginning on August 5, 1964 and ending on May 7, 1975 inclusive, in all other cases.

**AND**

- The claimant is age 65 or older, OR, is permanently and totally-disabled,

**AND**

- The claimant's total countable family income is below an annual limit set by law (most medical or care expenses including Nursing Home, Assisted Living and Home Care will reduce net countable income if you qualify medically),

**AND**

- The VA determines that the claimant's household net worth is not excessive (there is no specific dollar amount designated as excessive, rather, excessive net worth is

determined on a case-by-case basis with a number of considerations taken into account, and it should be noted that some assets are exempt from the net worth determination).

**Basic Criteria for Aid and Attendance Pension Benefit Eligibility:** Aid and Attendance is a monthly benefit paid in addition to monthly Pension. A veteran or their surviving spouse may be eligible for Aid and Attendance when the veteran or surviving spouse:

- Requires the ongoing aid of another person in order to perform basic personal functions required in everyday living, (Activities of Daily Living or ADLs) such as bathing, eating, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment,

**OR**

- Is bedridden, in that his/her disability or disabilities requires he/she remain in bed apart from any prescribed course of convalescence or treatment,

**OR**

- Is a patient in a long-term care facility due to cognitive or physical incapacity,

**OR**

- 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 five degrees or less.

# Aid and Attendance Pension Benefit

The Aid and Attendance level of the pension benefit is very substantial for those who qualify. In 2009, the maximum annual benefit was:

- Surviving spouse of a veteran: **\$12,681 (\$1,056 per month)**
- Veteran with no spouse or dependent children: **\$19,736 (\$1,644 per month)**
- A married veteran where the veteran requires care: **\$23,396 (\$1,949 per month)**

The benefit is particularly helpful to those who qualify when you consider that in order to qualify, the claimant must:

- Demonstrate a financial need.
- Show that he/she is housebound or in the regular need of care by a caregiver. Such care can be very expensive and financially out of reach for most veterans.

By qualifying for the Aid and Attendance pension benefit, the claimant may be able to:

- Afford a caregiver who can come into the claimant's home to provide help with the activities of daily living (ADLs).
- Afford the comforts of receiving care in an Assisted Living Community or a skilled Nursing Home.

The ultimate purpose of the Aid and Attendance pension benefit is to provide veterans or their surviving spouses with additional resources so that they can afford care in their time of need.

More information can be obtained from the Family Heritage Group, LLC, at 10940 Fair Oaks Blvd. Suite 100 in Fair Oaks. Their phone numbers are (916) 967-3500 and toll free (888) 313-1010.

# How to Apply for the Aid and Attendance Pension Benefit

The application process for the VA's Aid and Attendance Pension Benefit is quite extensive, but that is to be expected considering the assistance that is being offered through this program. You will need to gather up quite a few documents for the application process to be a success. **The following is a list of forms and papers you will need:**

- Military separation paper, form DD-214. The VA is now requiring a certified copy or an original in most cases. It is recommended that you order a copy from the National Archives. To request a copy, visit [www.archives.gov/veterans](http://www.archives.gov/veterans) . You can also request a copy using standard form 180. It is typical for them to tell you that many records were lost in the St. Louis fire of 1973. However, in most cases they will eventually be able to provide you with a valid certificate of service.
- Married veterans and surviving spouses will need to provide a copy of your marriage certificate.
- Surviving spouses will need to provide a copy of the veteran's death certificate.
- A copy of your current Social Security Award letter. This shows the monthly amount of your Social Security benefit. Additionally, if you get a monthly statement from a private pension program, it is best to provide it as well, although many claims get approved without these documents.
- If you are a court appointed guardian of the applicant, you will need to provide a copy of the court order.
- A copy of your monthly health insurance bill as well as your home care, assisted living, or nursing home bill if paid out-of-pocket and not reimbursed by a long term care insurance policy or Medicaid.
- A physician statement that provides all information about your diagnosis, your current medical status, the prognosis, travel ability, and your ability to care for yourself and your need for assistance with activities of daily living.
- You will need to provide a voided check for direct deposit of the monthly payment. The benefit is paid directly to the claimant the way their Social Security benefit is paid.
- You will need to provide a list of doctors and hospitals that you have visited in the last year.

When you have gathered all of the supporting documentation, veterans will need to complete VA Form 21-526 and surviving spouses will need VA Form 21-534. Follow the instructions on the form, make two (2) copies of all the documents for you to keep and submit the entire packet to one of the three Pension Maintenance centers. Call the VA at (800) 827-1000 for the address of the center nearest you. If you need help, the VA and many service organizations such as the VFW or American Legion can provide assistance. Some representatives of these organizations are well versed and will to help, others are not. Note; it is illegal for anyone, including attorneys, to charge for assistance with an initial claim for benefits.

Once your forms are submitted, the next step is to wait. You should receive a letter from the VA within 30-45 days, acknowledging receipt of the application and providing you with the VA file number for your case. Following that, you should expect correspondence every 60-90 days. If you don't receive correspondence, call the VA to make sure they still have your claim. Claims can get lost and may need to be resubmitted (one of the copies you made before you sent the packet to the VA).