



VA Pension Applications and the Web

Applying Technology to Reduce Throughput
Time

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Introduction to VA Pensions for Non-Service Connected Disabilities

- Pension Benefits available for Veterans, Surviving Spouses, and Dependent Children
- This presentation addresses pension benefits with an additional rating for Aid and Attendance (A&A)
- Basic Requirements
 - Limited income
 - Limited assets
 - Active Duty Service During Period of War
 - Permanently/Totally Disabled
 - Not Dishonorably Discharged
 - In need of “Aid and Attendance”



Surviving Spouse Pension Eligibility

- Military service criteria is the same as for a Veteran claimant
- Asset, income, disability, and need for A&A are the same
- Additional requirement for Surviving Spouse claimant:
 - Married to the Veteran at time of his/her death
 - Married at least one year; lived together continuously (some exceptions)
 - Has not remarried since Veteran's death

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Veteran Eligibility for Non-Service Connected Pension

- Limited Countable Income (Income for VA Purposes—IVAP)
- Countable Income Formula:
 - All income, from any source, unless specifically excluded (Mainly SSI)
 - Subtract Unreimbursed Medical Expenses from gross income to the extent that they exceed 5% of the maximum pension rate
 - This is “countable income,” or IVAP

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Countable Income (cont.)

- Gross Income – Unreimbursed Medical Expenses = Countable Income (IVAP)
- Next Step: Subtract IVAP from the maximum annual pension rate (MAPR)
- Example: MAPR for Aid and Attendance (A&A) Rated Veteran = \$19,736; His IVAP = \$8,000
 - Annual Pension for this Veteran = \$11,736



Countable Income (cont.)

- Unreimbursed Medical Expenses
 - Definition: unreimbursed amounts which have been paid within the 12-month annualization period for medical expenses regardless of when the indebtedness was incurred (38 C.F.R. § 3.272(g))
 - Only recurring expenses may be counted against IVAP for initial application
 - Veteran/Surviving Spouse must actually pay these amounts (i.e. out-of-pocket, no insurance reimbursement)
 - Amount exceeding 5% MAPR is subtracted from gross income
 - For these purposes, MAPR is the amount excluding A&A pension increase
 - Example: MAPR = \$11,830 for Veteran, no dependents; 5% MAPR = \$591
 - Can subtract unreimbursed, recurring medical expenses exceeding \$591 for the year

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Countable Income (cont.)

- Unreimbursed Medical Expenses—Examples:
 - Recurring prescription and nonprescription drug co-pays
 - Medicare premium (deduct this amount from gross social security income)
 - Private Insurance Premiums
 - Home caregiver (different standards apply for A&A vs. Non-A&A pensions)
 - Nursing Home fees
 - Assisted Living Facility costs (All unreimbursed costs count for A&A; limited deductibility for non-A&A pensioners)
 - Incontinence supplies



Limited Assets/Net Worth

- Definition:
 - **Net worth**, or “corpus of estate,” means the market value, less mortgages or other encumbrances, of all real and personal property owned by the claimant and/or spouse, except the claimant’s single-family dwelling and reasonable personal effects.
(WARMS M21-1MR, Pt. V, Subpt. i, Ch. 3, § A-1-b)
- No definite limitation on total assets
- BUT—estates exceeding \$80,000 receive additional scrutiny; application possibly denied



Active Duty Service

- See 38 C.F.R. § § 3.6 -.7 for a complete listing of service meeting the “active duty” requirement
- Some examples:
 - Full-time duty in Armed Forces (other than active duty for training)
 - Ordered to Service (drafted)
 - All branches of US Military
 - Federal Service for National Guard (but not if enrolled in Nat'l Guard prior to orders)
 - Reserves (full time only)
 - Service as a cadet/midshipman at US Military/Air Force/Coast Guard/Naval Academy

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Periods of War

- Veteran must have served at least one day of the 90 days of active duty during a period of war
- Periods of War (38 C.F.R. § 3.2):
 - WWII (Dec. 7 1941 through Dec. 31 1946)
 - Korean Conflict (June 27 1950 through Jan. 31 1955)
 - Vietnam era
 - “Boots on the Ground” in Vietnam (Feb. 28 1961 through May 7 1975)
 - Served active duty, not deployed to Vietnam (Aug. 5 1964 through May 7 1975)
 - Gulf War
 - Aug. 2 1990 to the present
 - Date to be prescribed by Presidential proclamation or law

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Permanently/Totally Disabled

- A Veteran or Surviving Spouse must be permanently and totally disabled to qualify for A&A pension benefits
- Two ways:
 - 100% permanent disability rating from the VA, OR
 - 65 years or older (those over 65 are presumed disabled)

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Aid and Attendance

- Three tiers for VA pensions
 - Low Income Veteran
 - Housebound
 - Aid and Attendance
- Aid and Attendance pensions pay the highest rate

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Aid and Attendance

- **Veteran MAPR**
 - \$19,736, single vet, no dependents
 - \$23,396, vet with one dependant
 - \$2,020 for each additional dependent
- **Surviving Spouse MAPR**
 - **\$12,681**, no dependents
 - **\$15,128**, one dependent
- **Two Veterans married to each other**
 - \$23,396, one spouse qualifies for A&A
 - \$30,480, both spouses qualify for A&A

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Aid and Attendance

- Eligibility: “Need for aid and attendance means helplessness or being so nearly helpless as to require the regular aid and attendance of another person.” (38 C.F.R. § 3.351(b))

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Aid and Attendance

- Criteria for A&A rating (38 C.F.R. §§ 3.351(c), 3.352(a)):
 - Blind (or nearly blind), OR
 - Is a patient in a nursing home because of physical or mental incapacity, OR
 - Establishes a factual need for A&A under § 3.352(a):
 - Inability to dress/undress without assistance
 - Inability to keep oneself clean
 - Frequent need to adjust prosthetic device (if it cannot be done without the aid of another)
 - Inability to feed oneself
 - Inability to tend to the “wants of nature”
 - Needs “assistance on a regular basis to protect the claimant from hazards or dangers incident to his or her daily environment”
 - Examples: Fall risk, person with dementia who regularly wanders

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Aid and Attendance

- Determination of need for A&A:
 - Criteria must be based on the actual requirement of personal assistance from others
 - Physician's opinion is required
 - Claimant actually pays for the assistance he/she requires on a regular basis

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Aid and Attendance

- Deduction from gross income
 - A&A services are deductible medical expenses for IVAP
 - Includes assisted living costs, nursing home fees (to the extent they are paid out-of-pocket by the claimant)
 - Home caregivers
 - Can be family members
 - Need not be a licensed health professional (A&A only—if non-A&A rated, care must be from licensed healthcare worker to be deducted)
 - Claimant must actually pay for the care
 - Should have caregiver sign a care agreement (if a family member or friend)
 - This is income to the caregiver

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Applying for Pension Benefits

- Veteran: VA Form 21-526
- Surviving Spouse: VA Form 21-534
- Required supporting evidence/documents:
 - Official copies of military service records
 - Marriage certificates
 - Death certificates (normally for Surv. Sp. application)
 - Description of unreimbursed medical expenses
 - Signed statement from physician showing need for A&A
 - Statement from assisted living facility (if applicable, to outline A&A services received from facility)
 - Caregiver Contract (if family member provides A&A)

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Applying for Pension Benefits

- Approval can take several months
- Best way to decrease this time—turn in a complete application, with all supporting evidence
- Also – you can submit an informal claim
 - Simple statement mentioning claimant's intent to file for A&A
 - This sets the award date from month informal claim submitted
 - After complete application is submitted and approved, successful claimant gets \$\$ from the date of the informal claim

Using the Web to Reduce Throughput Time

- Efficient use of web resources can reduce time required to prepare complete application
 - Myriad free resources on the web
 - VA Online Applications (VONAPP)
 - Marriage and Death Records
 - Military Records
 - Genealogy/Family History

Veterans Online Applications (VONAPP)

- Created in 2008
- <http://vabenefits.vba.va.gov/vonapp/main.asp>
- Allows Veteran to e-sign
 - Caveat: Attorney representing veteran must get veteran's signature on the 21-22a,
 - Can upload 21-22a with the application (more on that later)
 - Caveat: Attorney representing veteran must upload signature page from the application for benefits, veteran must sign
- Efficiency Increases:
 - Reduces mail delays
 - Eliminates postage costs
 - Reduces number of incomplete applications
 - Real-Time time/date stamp (complete app "stamped" as electronically received in Philadelphia, PA, EST)



Veterans Online Applications (VONAPP)

- VONAPP can be used for the following:
 - Compensation Benefits (21-526 Apps)
 - Pension Benefits (21-526 Apps)
 - Spouse/Dependent Apps for service-connected disabilities
 - Vocational Rehabilitation Benefits
 - Education Benefits
 - Statement in Support of Claim (21-4138)
 - Burial Benefits (21-530)
 - Changes to Dependent Status (21-686c)
 - Claims for increase in service-connected disabilities



VONAPP - Limitations

- Cannot be used for:
 - Surviving Spouse Applications (21-534 Apps) (non-service connected disabilities)
 - Dependent Child Applications (21-534 Apps) (non-service connected disabilities)



VONAPP - Limitations

- 30-day limit
 - Once online application is started, it must be completed within 30 calendar days
 - Can “suspend” application, which pauses the 30-day limit; this gives an additional 30-day window
 - Must “suspend” each time the online application is accessed to preserve remaining time



VONAPP - Limitations

- Attachments
 - Limit of 5 attached files per application
 - Total size of attachment (all five files) must be less than one megabyte
 - Attachments must be in one of the following formats:
 - .doc (Word)
 - .xls (Excel)
 - .gif, .jpeg, .bmp, .tif (picture files)
 - .txt
 - .pdf



VONAPP - Limitations

- Tips for Attachment Limitations
 - Scan documents in grayscale to reduce size
 - Compress picture files
 - Combine documents into one file (to reduce number of total attachments to 5 or less)



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Supporting Documents – Military Discharge Records

- Example: Surviving Spouse wants to apply for benefits, but does not have a copy of discharge records, cannot recall veteran's exact dates of service, and doesn't know veteran's service number
 - When filing for the DD-214, the military records center might be unable to find such records, especially if they are older



Supporting Documents – Military Discharge Records

- Electronic Shortcuts:
 - WWII Veterans who served in the Army
 - Service information available online from the National Archives
 - <http://aad.archives.gov/aad/series-list.jsp?cat=WR26>
 - Can enter name, DOB, place of residence at enlistment
 - Archives show the information, including serial number, exact dates of exit/entry for active duty, rank, etc.
 - Information can be used to complete the SF 180 to obtain a certified copy of discharge records

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Military Records - eVetRecs

- Allows quick data entry
- Duplicates information requested on SF 180
- Record is electronically submitted
- Veteran or Next-of-kin must sign signature page, must be faxed within 20 days of electronic submission

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Supporting Documents – Marriage and Death Records

- Example: Veteran/Surviving Spouse cannot locate marriage or death certificate, and you would like an instant copy to expedite the application process
- Resources:
 - Cook County Genealogy
 - <http://www.cookcountygenealogy.com/>
 - Cook County Vital Records Online
 - <http://cookcountyvitalrecord.com/>

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Cook County Genealogy

- For Marriage Licenses 50 years or older
- For Death Certificates 20 years or older
- Anyone can order
- **Instant** copy downloaded (non-certified)
- Cost: \$15.00 per record, \$1.75 credit card fee

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Cook County Clerk – Vital Records

- Family member can order online
- \$15 per certificate, additional fees apply for expedited service
- Will be mailed
- Advantages: Reduces mail time, simple online application