

**Veterans and Surviving Spouses:
Aid and Attendance Pension**

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This outline explains how the Veteran's Aid and Attendance Pension works, including how to calculate the likely amount for which you could qualify. There are many different kinds of Veteran's benefits and this is only one.

I. Here's how it works; start with these main questions.

- A. Can a veteran or a surviving spouse of a veteran get additional payments for long term care in an assisted living facility, in a nursing home or at home with a home care program?**

Yes, if you fulfill the service, disability, and financial requirements listed below you may be eligible for the Aid and Attendance pension program. If you qualify, you will get an additional monthly check.

B. Service Requirements

1. Veterans must have served 90 days or more of continuous military service with at least 1 day in wartime during their lifetime and have been discharged "Honorable" or "General under honorable" conditions:

- *World War II*: Dec. 7, 1941 through Dec. 31, 1946.
- *Korean War*: June 27, 1950 through Jan. 31, 1955.
- *Vietnam War*: August 5, 1964 through May 7, 1975 (Feb. 28, 1961 for veteran's who served "in country" before Aug. 5, 1964.
- *Gulf War*: August 2, 1990, through a date to be set by law of Presidential Proclamation.

2. The veteran also must be certified by a physician as permanently and totally disabled, ***although this condition does not have to be service-connected***. There are several forms which need to be prepared. The Veteran's organization will help you determine which ones and help you complete these free of charge. Forms are available at the website: www.va.gov, however, the best practice would be to obtain experienced help from a Veteran's organization or attorney; see section F. of this article for recommendations.

C. Disability Requirements

1. Available to any veteran and surviving spouse who requires the "aid and attendance" of another person in order to, "avoid the hazards of his or her daily life."
2. A person in an assisted-living facility is presumed to be in need of aid and attendance. You do not have to be bedridden or entirely helpless. You need only show that you require this care on a regular basis.
3. The VA will accept a letter from your private physician, with a complete medical diagnosis, stating that the claimant has an incapacity that requires care or assistance on a regular basis to protect the claimant from the hazards or dangers incident to his or her daily environment. Furthermore the VA presumes anyone 65+ is disabled.

D. Financial Requirements

1. Assets or net worth limits:
The VA considers financial assets. Generally an applicant's net worth should be under \$80,000, married or single, not counting the home, vehicle or term life insurance. (Please note that

recently \$80,000 has been the approximate number for single applicants; it was \$50,000). Factors to take into consideration are the age (and life expectancy) of the applicant and the costs of care. For example, recently a 98yr. old Veteran was denied this benefit because he had \$75,000. By comparison, in Connecticut, Medicaid limits an applicant's assets to \$1,600 and the Connecticut Funded Home care program caps assets for a single applicant will be \$32,868.00, for a couple \$43,824.00. (Jan. 1, 2009) There are also income caps on these two programs. However, keep in mind that excess income can be placed into a Special Needs Trust.

The transfer of asset rules which apply to Medicaid or Title XIX applications, do not apply here.

An applicant can transfer assets the day before the application and qualify, without a penalty period. The VA does not inquire about transfers prior to the date of application.

2. Income limits:
If all of the above requirements are met, the next question is about countable income. What is the Veteran's income? The VA will calculate your countable monthly income and if it falls below their standards for 2009, the VA will send you the difference between your countable income and their income standard. In 2009, the income standard for a single Veteran is \$1,644.00 monthly; couples \$1,950.00. The surviving spouse amount in 2009 is \$1,056.00. These figures change annually in January based on the increase for social security.

However, there are certain items deducted from the income, such as **unreimbursed or out of pocket medical expenses**, such as dentist fees, glasses, doctor's fees, prescription drugs, therapy, health insurance, including Medicare Part B, \$96.40 per month, (plus Medicare part D) and supplemental health insurance premiums.

List all unreimbursed, recurring, monthly health care expenses:

- **Assisted living costs** _____
- **Nursing Home costs** _____
- **Home health care services** _____

- **Health insurance premiums**_____
- **Medicare premium**_____
- **Part D, RX plan**_____
- **Unreimbursed prescriptions**_____

Total expenses: _____

Subtract your total expenses from your total income to arrive at your countable income: _____.

E. Here's how it works:

CASE ONE: A single Veteran
(**income standard for a single veteran is \$1,644.00 a month.**)

Income: \$1,400.00 social security

Expenses:- \$1,200.00 ALSA fee

- 96.40 Medicare premium

- 28.00 Part D RX plan

1,324.40 total expenses multiplied by 95% = \$1,258.18

Countable income: \$141.82

(\$1,400 - \$1,258.18 = \$141.82)

His actual income minus 95% of his expenses = countable income

Monthly Deficit \$1,502.18

(\$1,644.00 minus \$141.82)

VA's standard for 2009 for a single Vet: his countable income - deficit

New Total income: \$2,812.18

(\$1,400+ \$1,502.18 = \$2,902.18)

F. Who can help me apply for this pension? How long does the process take?

You can appoint a recognized service organization such as the Conn. Dept. of Veteran's Affairs to represent you. This is a **free service**.

Beware of organizations which sound like Veteran's assistance but are really trying to sell you an annuity or other financial products.

Our office will assist you free of charge if we are handling other matters for you, as well.

On average, the application process can take as little as 6 months to as long as a year to complete, however, the **benefit is retroactive from the first of the month after the month applied for.** You will get a check for the retroactive amount.

II. Important related questions: Will the Veteran's increased income count for other programs/benefits? Eg. Medicaid Home care, State-funded home care?

The answer in Connecticut is YES. It's very important to get good advice so you select the best program for you. You may need a special needs trust (SNT) to hold the excess income.

Helpful websites:

- www.ct.gov/ctva

Connecticut Dept. of Veteran's Affairs website. Find which District office covers your town and then call the Advocate in that office for assistance.

- www.vetassist.org

Also good details about this program, will assist in filing for you free of charge. A Project of the American Veteran's Institute.

- www.va.gov **Contact the VA, on their website, and ask a question; they respond within a day or two.**