

VA Benefits that Increase Income to Pay for Long term Care

If you are a Veteran or a Widow of a Veteran, you may be able to obtain tax free income from the VA to help pay for the cost of home health care, assisted living care, and nursing home care. The benefit is called "Improved Pension." In addition to the Pension, a person who is housebound or in need of the assistance of another person with activities of daily living may receive additional pay called Housebound Benefits or Aid and Attendance Benefits, which is a supplement to the Pension. The basic eligibility requirements are detailed below:

I. Basic Eligibility Criteria for Pension, Housebound and Aid and Attendance

All of the following criteria must be met before a veteran or widow(er) of a veteran can receive Improved Pension benefits:

1. The veteran must have served at least 90 days of active service with at least one day of service during a wartime period.
2. The veteran must have received a discharge that is other than dishonorable.
3. The claimant must have limited income and assets available.
4. The claimant must have a permanent and total disability, and the disability was caused without willful misconduct of the claimant.
5. The veteran or widow(er) signs an application and provides the application to the Veteran's Administration.

II. Improved Pension Rates

Low income pension is the VA's equivalent of SSI. The claimant must meet all the criteria above (except for widowed spouses – who can be under the age of 65 and have no disabilities). The permissible income limits for Low Income Pension are detailed in the box below:

Permissible family income limits for 2009 to receive Low Income Pension:	
(1) Veteran with no dependents	\$985/month; \$11,830/year
(2) Veteran with one dependent	\$1,291/month; \$15,493/year
(3) Widow(er) with no dependents	\$661/month; \$7,933/year
(4) Healthy Veteran with Ill Spouse	\$1,291/month; \$15,493/year
-- veteran can get pension only	

III. Housebound Benefits

Pension benefits with a Housebound supplement are available to a veteran or widow(er) of a veteran who is determined to be disabled and is essentially confined to the home. The two ways to prove entitlement include:

1. A single permanent disability rated as 100% disabling under the VA schedule and confined to the dwelling, or
2. A 100% disability with another 60% disability, regardless of whether or not the person is confined to the dwelling.

Notwithstanding in the above two methods of proof requiring some sort of disability, a disability rating is not required for people aged 65 or older.

Permissible family income limits for **2009** to receive housebound benefits are:

(1) Housebound veteran with no dependents	\$1,204/month; \$14,457/year
(2) Housebound veteran with one dependent	\$1,510/month; \$18,120/year
(3) Housebound widow(er) without dependents	\$808/month; \$9,696/year

IV. Aid & Attendance

Pension benefits with an Aid & Attendance supplement are available to a veteran or widow(er) of a veteran who meets one of the following conditions:

1. Claimant is blind;
2. Claimant is living in a nursing home; OR
3. Claimant is unable to:
 - a. dress/undress or keep self clean and presentable;
 - b. unable to attend to the wants of nature; OR
 - c. has a physical or mental incapacity that requires assistance on a regular basis to protect claimant from daily environmental hazards.

The permissible family income limits for **2009** for aid and attendance benefits:

(1) Veteran with no dependents	\$1,644/month; \$19,736/year
(2) Veteran with one dependent	\$1,949/month; \$23,396/year
(3) Widow(er) with no dependents	\$1,056/month; \$12,681/year
(4) Healthy Veteran with Ill Spouse	\$1,291/month; \$15,493/year

-- veteran can get pension only when alive and spouse needs assistance

V. Accreditation by VA

As of June 23, 2008, the VA began REQUIRING that ANYONE who assists a veteran or family member with the preparation, presentation and prosecution of a claim for benefits to be accredited by and through the VA BEFORE they can legally provide assistance. Thus, to protect yourself while going through the VA process, make sure you are using an accredited agent. To check if a person is accredited, you can go to: <http://www.va.gov/ogc/apps/accreditation/index.html> and type in their name for confirmation. (A one time agent – usually a family member – does not need to be accredited).

VI. Fees for Assistance

Attorneys may charge a PRE-FILING consultation fee to assess whether there are any benefits you may be eligible for through the VA. However, NO ONE can charge you to assist with the preparation, presentation, and prosecution of your claim.

The Elder & Disability Law Firm of Victoria L. Collier, PC will provide a 30 minute FREE consultation (either in person or over the phone) with anyone who wants to assess whether they can qualify for any veteran benefits.

VII. Legal Disclaimer

This information has been provided for informational purposes only. It does not constitute legal advice. The receipt of this information does not establish attorney-client privilege. Proper legal advice can only be given upon consideration of all the relevant facts and laws. Therefore, you should not act upon any of the information contained herein without seeking appropriate counsel.

The Elder & Disability Law Firm of Victoria L Collier, P. C., Mission Statement
We are dedicated to helping you and your loved ones financially manage the cost of healthcare while preserving assets and quality of life.

The Elder & Disability Law Firm of Victoria L. Collier, PC
160 Clairemont Ave., Suite 440
Decatur, GA 30030
404-370-0696
(866) 371-6100

House Calls Available for those who cannot come to the office!