
Veterans Administration Aid and Attendance Benefits

Dolores M. Coulter

8341 Office Park Dr. Ste C, Grand Blanc, MI 48439

Phone: (810) 603-0801, Fax: (810) 603-0804

Email: coulterdm@sbcglobal.net

The Aid and Attendance benefit is a needs-based disability pension benefit that provides financial assistance to certain eligible veterans who meet income and asset eligibility criteria and who need assistance with activities of daily living. The veteran must meet the basic requirements for a disability pension under the Improved Pension program and the additional requirements under the “Special Monthly Pension” program for the Aid and Attendance benefit. The other Special Monthly Pension benefit is the Housebound benefit (which pays a smaller benefit). Aid and Attendance benefits can also be paid to the surviving spouse of an eligible veteran and to certain surviving dependents of the veteran under the “Improved Death Pension” program.

It is important to keep in mind that under the Improved Pension program the veteran’s disability does not have to be service-connected. There is a separate Disability Compensation program for veterans with service-connected disabilities. The Disability Compensation program does not have financial eligibility criteria and pays benefits for partial as well as total disability.

Basic requirements for the Improved Pension benefit

The veteran must meet the following basic eligibility requirements for a pension under the Improved Pension program. If these requirements are met the veteran will be eligible for the basic pension amount. If the veteran meets the criteria for the Aid and Attendance benefit, he/she will be eligible for a higher benefit amount.

- Must have been discharged from service under conditions other than dishonorable.

- Must have served at least 90 days of active military service, one day of which was during a war time period. Veterans who entered active duty after September 7, 1980 generally must have served at least 24 month or the full period for which he/she was called or ordered to active duty. Wartime periods since 1941 are:
 - World War II: December 7, 1941, through December 31, 1946, inclusive.
 - 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, in the case of a veteran 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.
 - Persian Gulf War. August 2, 1990, through date to be prescribed by Presidential proclamation or law.
- Meet income and asset (net worth) eligibility criteria (discussed below).
- Must be permanently and totally disabled or over the age of 65.
- The disability must not be the result of willful misconduct.

Additional requirement for the Aid and Attendance benefit

A veteran who meets the above requirements will be eligible for a basic disability pension. If the veteran has a higher level of care need he/she may be eligible for the Aid and Attendance benefit, which pays a higher monthly benefit. In order to meet the medical requirements for the Aid and Attendance benefit the veteran must (1) need assistance with performing personal activities required for everyday living (such as bathing, dressing, eating, protecting him/herself from the hazards of the daily environment), when the need is clearly established and the amount of services required by the veteran on a daily basis is substantial; or (2) blind, or nearly so; or (3) a resident in a nursing home due to physical or mental incapacity.

If the VA determines that the veteran does not need this level of care the veteran may be eligible for the Housebound benefit, which pays a monthly benefit that is less than the Aid and Attendance benefit.

Financial eligibility and amount of benefit

Cautionary Note: *On January 23, 2015, the Department of Veterans Affairs published proposed regulations that would make significant changes to the financial eligibility rules for Aid and Attendance benefits. The proposed regulations would establish a bright-line net worth limit for eligibility; re-define net worth as the sum of assets and annual income; define those unreimbursed medical expenses that VA will allow as a deduction from the claimant's income in determining the benefit amount; and establish a look-back and penalty period for claimants who transfer assets before applying for benefits. The comment period for the proposed regulations expires March 24, 2015. The proposed regulations were published in the Federal Register on January 23 2015, 80 Fed Reg 3840 (2015). As of July 1, 2016 no final regulations have been issued. The following eligibility information is based on the current rules.*

Income: The veteran's countable income must be below the maximum annual pension rate (MAPR). The MAPR for 2016 for a single veteran for the Aid and Attendance benefit is \$21,466 [\$1,788/month] and for a married veteran is \$25,448 (\$2,120/month). The amount of the Aid and Attendance benefit is computed by subtracting countable income from the MAPR. Countable income is gross income minus allowable deductions. Gross income includes income from all sources, included Social Security, retirement pensions, interest and dividends, and net income from a business. The VA allows a deduction for unreimbursed medical expenses so long as the expenses exceed 5% of the MAPR. Medical expenses include payments for in-home caregivers, visiting nurses, therapy services, health care insurance premiums, and other out-of-pocket medical expenses. If the veteran is living in an assisted living facility the cost is considered an allowable medical expense provided certain criteria are met.

Example: A veteran who receives Social Security benefits of \$12,000 per year and pension benefits of \$9,000 per year would have a gross annual income of \$21,000. If the veteran is single his/her MAPR would be \$21,466. If the veteran's total annual unreimbursed medical expenses were \$ 18,000, then his/her allowable medical expenses deduction would be \$18,000 minus 5% of the MAPR (5% of \$21,466 = \$1,073.30) or \$16,926.70. The veteran's countable income would be \$21,000 (gross income) minus allowable deductions of \$16,926.70 or \$4,073.30. Since this is below the MAPR of \$21,466, the veteran would be entitled to an Aid and Attendance benefit equal to the difference: \$21,466 minus \$4,073.30, or \$17,392.70.

Net Worth: The VA rules do not define a specific maximum dollar amount of net worth (net value of assets) that a veteran may have and still be eligible for Aid and Attendance benefits. Instead the rules require the VA to determine whether, under the circumstances, it would be reasonable for the veteran to use part of his/her net worth for maintenance. Certain assets are not counted in computing net worth: the value of the veteran's residence, one motor vehicle, personal items and household furnishings. As a rule of thumb, a single veteran with a net worth over \$40,000.00 and a married veteran and his spouse with a net worth over \$80,000.00 are likely to be considered to have excess assets. The VA does not impose a penalty if the veteran gives away assets. However if the gift is to a relative who is residing in the same household as the veteran the VA will treat the gifted amount as if the veteran still owned it.

Aid and Attendance Benefits for a surviving spouse

The unmarried surviving spouse of a veteran who met the basic eligibility criteria regarding length of service, including wartime service, is eligible for Aid and Attendance benefits if the spouse meets the medical requirements and the financial eligibility requirements described above. This benefit is called the Improved Death Pension or widow's pension. The maximum annual pension rate (MAPR) for 2016 for a surviving spouse is \$13,794 [\$1,149/month]. The amount of the pension benefit is computed in the same manner as described above, by subtracting the spouse's countable income from the MAPR.

How to Apply

A veteran can apply for a pension under the Improved Pension Program in various ways:

- Download (from www.va.gov/vaforms) and fill out *VA Form 21P-527EZ, Application for Pension*. Mail the form to the VA Pension Management Center serving your state. For Michigan veterans the Pension Management Center is: Milwaukee VA Pension Center, P.O. Box 342000, Milwaukee, WI 53234-9907. You can also take your application to the VA Regional Office serving your state. For Michigan veterans the VA Regional Office is located at:

Patrick V. McNamara Federal Bldg.
477 Michigan Ave.
Detroit, MI 48226
Phone: 800-827-1000

- Contact the county Department of Veteran Services for assistance. For Genesee County call 810-257-3068.
- Contact a Veterans Service Officer (VSO) from a veterans service organization for assistance. Call 1-800-827-1000 for the location of the nearest VSO.
- Utilize the search tool found in the Office of General Counsel Search for Accredited Attorneys, Claims Agents, or Veterans Service Organizations (VSO) Representatives: <http://www.va.gov/ogc/apps/accreditation/index.asp>

A surviving spouse can apply by downloading (from www.va.gov/vaforms) and filling out *VA Form 21-534EZ Application for Dependency and Indemnity Compensation, Death Pension and/or Accrued Benefits*. Mail the application to the VA Pension Center serving your state or take the application to the VA Regional office serving your state. A surviving spouse can also seek assistance from a VSO or a county Department of Veteran Services.

For the Aid and Attendance benefit the applicant should include medical documentation, preferably a letter from a treating physician explaining the applicant's physical and/or mental impairments and how they affect his/her ability to attend to personal care needs, or the physician can complete VA Form 21-2680.

The applicant must submit documentation to verify the eligibility requirements. However it is not necessary to submit all of the verifications with the application. The VA is required to assist the applicant in developing the claim, including obtaining the veteran's military service records or other required documentation.

