

A Brief Guide to Aid and Attendance Benefits

By Errol Sayin
Founder, Acclaim4Veterans



Forward

The process of applying for VA benefits can be a long, confusing, and frustrating procedure. Many Veterans just give up.

This handbook is to help the Veteran or spouse understand the application process, to educate you as to what benefits are available, and give you an idea if you are eligible for any of those benefits.

This handbook provides general guidelines, it is not a step-by-step do it yourself guidebook. The cost of trying to do it yourself is usually a denial in benefits.

Each case is different, so one size does not fit all!

The Department of Veteran Affairs does its very best to process all claims in the best interest of the claimant. But when the paperwork is not completed correctly, or is incomplete in the beginning, the result is a claim that can drag out for a long period of time. Filing a claim can be time consuming and complicated. It's important to get help.

After you review this handbook, I recommend that you contact me in Riverside, California. We have a VA Accredited Attorney and a VA Accredited Claims Agent on our staff to assist you in the application process. I receive many referrals from nurses, social workers and other sources and every veteran is entitled to a free application.

The information in this handbook is not intended to be sufficient in itself. Applicants should consult with a VA Accredited Representative prior to any legal or financial planning.

Disclaimer: Every effort has been made to make the information presented in this booklet as accurate as possible. However, laws, regulations and the policies of the Veterans Administration can change at any time. Independent accredited claims agents are not part of the Veterans Administration.

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Purpose of Veterans Pension

Many older veterans are getting assistance from family members as their health becomes more and more frail. According to the 20th Annual Congress on Women's Health, there are unpaid caregivers in 21% of American homes. These caregivers are often women and include children and grandchildren, spouses and friends. In 2004 the value of this unpaid labor was estimated to be over \$300 billion.

The Aid an Attendance Pension can be used to reimburse the costs of in-home care or assisted living.

Service Connected vs Non Service Connected Benefits

A service connected benefit is paid to a Veteran that was injured while on active duty or later developed a condition as a result of their service. Some Veterans may be receiving benefits, but their condition has worsened, and they should reapply, and, perhaps, get an increased benefit.

This Benefit is called Compensation.

A non-service connected benefit is paid to a wartime Veteran or spouse for healthcare conditions that are not service connected.

This Benefit is called Pension

Veterans typically can not receive both Compensation and Pension at the same time, we will help you identify and get the benefit that pays the higher amount.

VA Aid and Attendance Rates

As of 2022, the VA will provide up to the following levels of benefits for qualifying individuals:

Category	Maximum Benefits
Veterans and Spouses:	\$2,431 monthly
Veterans without Dependents:	\$2,051 monthly
Surviving Spouse (Widow or Widower):	\$1,318 monthly

Note: Spouses who have divorced the veteran are not eligible for benefits

Eligibility for Non Service Connected Benefits

The Veterans Administration will look at four key areas to establish eligibility:

1. Wartime Service of the Veteran.
2. Care needs of the Veteran, Spouse or Widow.
3. Social Security and Pension income spent on care.
4. Assets: There is a \$138,489 cap on assets, excluding home or car value.

Age and Service Requirements

In order to qualify for VA compensation the veteran must be 65 or older and have served at least one day during a qualifying wartime period, have had at least 90 days of continuous active service, and have received an honorable discharge.

Period of War	Eligible Dates
Mexican Border Period	May 9 th , 1916 – April 5 th , 1917 *
World War I	April 6 th , 1917 – November 11 th , 1918
World War II	December 7 th , 1941 – December 31 st , 1946
Korean Conflict	June 27, 1950 – January 31 st , 1955
Vietnam Era	August 5 th , 1965 – May 7 th , 1975 [†]
Gulf War	August 2 nd , 1990 – a future date to be set by law or presidential proclamation

* For Veterans who served in Mexico, on its borders, or in adjacent waters.

† For Vietnam Veterans who served “in country” prior to August 5th, 1965; eligible dates are February 28th, 1961 – May 7th, 1975.

Care Needs of the Veteran, Spouse, or Widow

Additionally, the applicant must need help with Activities of Daily Living (ADLs). ADLs are daily activities required to sustain a healthy life and include activities like medicating, bathing, dressing, toileting, transferring, and eating.

Income and Asset Requirements

In addition to the applicant meeting the requirements for dates of service and receiving care for ADL’s, there are also income and asset requirements. Income: In order for the applicant to receive the full monthly benefit, their monthly income can not exceed the cost of their unreimbursed Medical expenses. (i.e. Cost of assisted living, Medicare premium, home care, and regular unreimbursed prescriptions)

To state it more clearly: Your expenses must be more than your income to get full benefits!

Common Planning Pitfalls

Number 1 – Trying to complete the application without help.

It is important to have all of the required supporting documents before you complete the application. It is also important to have the correct application. We see many cases that come to us after they have dragged on for months and years, just because the applicant applied for the wrong benefit, or filed an incomplete application. Don't assume that the VA can read your mind. You must apply for the right benefit that you are entitled to. Once the application is closed or denied, it is much more difficult to deal with.

Number 2 – Selling the home (an exempt asset), forgetting about the asset cap.

Perhaps the biggest mistake You can make is to change an exempt asset into a cash asset that puts you over the asset cap of \$138,489. You can make this mistake before doing a claim, or while you are in the process of completing a claim.

Number 3 – Relying on individuals that are not qualified and experienced in VA benefits procedures.

Many senior Veterans want to rely on their broker or financial adviser to provide advice on applying for VA benefits. These professionals may be experts in their fields, but, typically, don't have the knowledge or expertise to properly advise the applicant. The application process is complex, and requires a lengthy training and testing process, for an accredited claims agent to learn the VA system.

Many companies have popped up, claiming to be experts in VA Benefits. They all claim to have accredited agents on their staff; although they are, themselves, not accredited.

Here is a simple test. Go to www.accreditlist.com, if the person you are talking to is not on the VA list of Accreditation, then you are getting second-hand information that could be very unreliable. You are also getting it from a person who is knowingly in violation of Federal Laws, and probably has their own agenda.

Number 4 – Attempting to reposition assets to remain under the VA asset cap

In many cases, where an applicant has too many assets in order to qualify for VA or Medicaid, the applicant may attempt to reposition or gift their assets, from their control, to the control of their children, or to an Irrevocable Trust, in order to stay under the \$138,489 cap on assets. The VA "looks back" over three years of your financial history to identify transfers of assets.

While gifting or repositioning assets before you submit your VA application is permitted, the applicant should also be aware that, unless it is done properly, it may cause the applicant to be disqualified for Medicaid later, if he/she needs nursing home care.

Make sure that whoever is advising you understands the Medicaid requirements in your state, and the ramifications of keeping or repositioning of assets.

Number 5 – Thinking that a nursing home stay will “never happen to me”

Our philosophy is “hope for the best; plan for the worst”. VA planning should always be done in such a way as to retain Medicaid benefits, should a person have to go to a nursing home.

At least 70% of people over the age of 65 will require some long term care services at some point. More than 40% will need care in at least 3 different nursing homes. – U.S. Department of Health & Human Services, September 2008.

The 2009 national average median cost of one year in a private nursing home is \$74,208 – Genworth Financial “cost of care survey” conducted by CareScout, April 2009. It has only gotten more expensive.

VA planning should always be done with an eye on Medicaid, so that you don't lose Medicaid benefits just to get VA benefits

Number 6 – Children should be involved in the planning and application process from the beginning!

Frequently Asked Questions

Q. How do I know that I qualify for improved pension (Aid & Attendance)?

A. The VA will require that your physician fill out a form establishing that the claimant requires daily assistance from others in order to dress, bathe, cook, eat, leave home, etc. The claimant does NOT have to require help in ALL these areas. There simply must be adequate medical evidence that the claimant cannot function alone.

Q. How do I know that I qualify for Housebound?

A. A physician's statement is also required for Housebound (and the VA will automatically consider it if the claimant does not fully qualify for A&A). The criteria for Housebound require that the claimant needs regular assistance, and that they be in a protected environment.

Q. How do I know that I qualify for Basic Pension?

A. A Veteran who served in the military 90 days, one of which was during an era that would be considered a wartime period, is eligible for a basic pension, if he meets the net worth and income criteria. The same is true for the surviving spouse.

Q. Is there a "look back" period for Improved Pension?

A. No, the VA looks at the assets in hand the day the forms are filed.

Q. I am my father's Power of Attorney; how is that handled?

A. The VA does NOT recognize a POA unless they have approved the individual for that designation. If you are simply a POA for convenience purposes, it is much quicker to have your parent manage and sign the forms themselves. If your parent is not capable of managing his/her own affairs in that manner, then the VA will want to set up an interview with you in order to determine if you are the appropriate fiduciary for the claimant.

Q. What happens if my claim is denied for excessive income?

A. Denial is often only the beginning of the process. You then have one year to collect receipts etc. on your medical expenses. At the end of that year you file what is known as an EVR - a two-page sheet that establishes your income and expenses for the year. If the VA reviews it and determines that you are now eligible for the pension, you will receive a lump sum check, retroactive back to the date you originally filed.

Q. Can I send the claim to any VA office?

A. No, the claim package must go to the Regional VA Office that serves the area in which the claimant resides. Do not send claim packages to VA medical centers or other facilities. They must go to the regional office that serves your region.

Q. My mother is applying for the surviving spouse's A&A, does she need to have a marriage license?

A. Actually, she needs the marriage certificate, not the license. The certificate establishes that the wedding did indeed take place. If you cannot find the certificate, you may need to contact the County Clerk's office in the county where your parents were married. You do need to have this document so the VA can establish that your mother has a legitimate claim to the benefits earned by your father's service.

Q. My father was married before he married my mother; does the VA need any of that information?

A. Yes, you will need to provide the following: where the marriage took place, when, to whom, what date it ended, where, and how? The VA needs to be able to establish that the previous marriage ended through the appropriate legal channels in order to establish the legitimacy of your mother's claim to the benefits.

Q. What portion of assisted living expenses is considered deductible?

A. If the VA determines that the claimant is deserving of Aid & Attendance or Housebound benefits, then ALL of the costs are deductible. The VA Operating Manual states: "Allow all reasonable fees paid to the facility as long as the facility provides some medical or nursing services for the disabled person. These services do not have to be furnished by a licensed health professional."

Where do I go from here?

One of the most important steps in the claims process is informing the VA of your intent to file a claim. This creates a start date for benefits, so regardless of how long the actual claims process takes – maximum of 1 year – the VA will provide payment starting on that date. If the claims process takes 3 months then the applicant will receive 3 months of payment once their claim is approved.

Seeking the help of a qualified VA Claims agent is crucial in ensuring you complete the claim in a timely manner and receive the maximum benefits possible. Acclaim4Veterans is a VA accredited organization which provides consulting and assistance to Veterans and their dependents as they navigate the VA benefits system.

Acclaim4Veterans

<https://www.acclaim4veterans.com>

Errol Sayin
Claims Agent #21154

8175 Limonite Ave. Suite 7,
Riverside, CA 92509

Tel: (818) 203-1999

Fax: (888) 548-6597