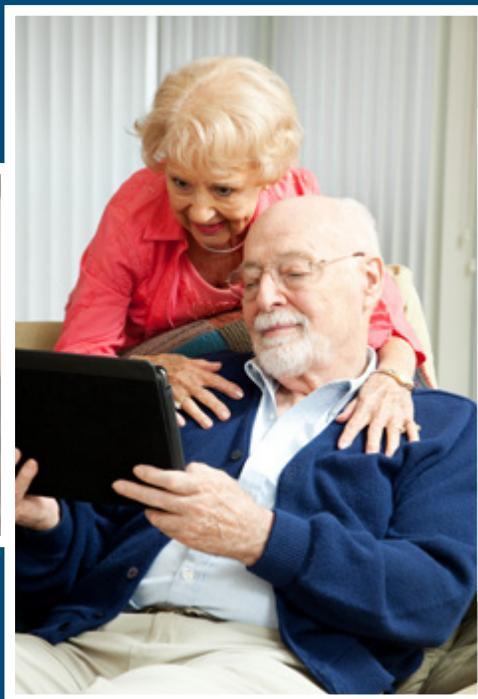
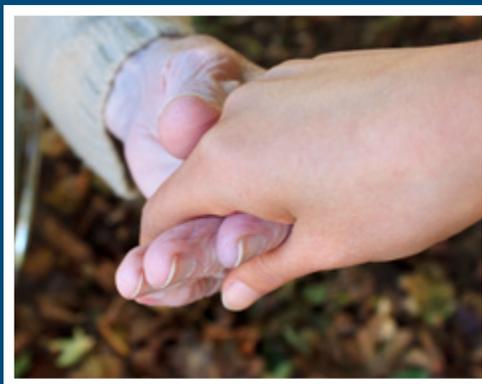


Need Assistance? Explore Your Options



A Guide to Aid & Attendance Non-Service Connected Pension Benefits

“As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.”

~John F. Kennedy



About the Firm

Legal Help for Veterans, PLLC is a law firm dedicated to assisting our Nation's veterans receive the veterans disability compensation to which they are entitled based on their service to the country.

The law firm has been assisting veterans since 1998. Our legal staff has decades of experience in dealing with medical disability matters and employs a network of medical specialists, many former military physicians, who can insure your claim has the best likelihood of success. Our staff includes former officers and enlisted personnel, health care professionals, and

dedicated individuals.

We have a national practice representing veterans from across the country. This representation occurs at the United States Court of Appeals for Veteran Claims, the Board of Veterans Appeals, and regional offices throughout the country.

Over the years, Legal Help for Veterans, PLLC has become a trusted name in the legal community for providing legal services to veterans. Our lawyers are regularly asked by law schools, bar associations, and veterans' service organizations to lecture and train others to practice in this area.

BRIGADIER GENERAL CAROL ANN FAUSONE (RET)

Brigadier General Carol Ann Fausone (Ret.) served for 34 years with U.S. Air Force and Michigan National Guard. As a nurse, her duty assignments took her around the country, and the world, assisting commanders with troop readiness.





LEGAL HELP FOR VETERANS, PLLC

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What is the Aid & Attendance Special Monthly Non-Service Connected Pension?

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This book will cover Aid and Attendance Special Monthly Non-service connected Pension benefits. It is a special form of non-service connected (NSC) pension benefits. Some veterans with service connected disabilities that need assistance with activities of daily living maybe be entitled to a different “Aid and Attendance Special Monthly Compensation” benefit.

The Aid & Attendance Special Monthly NSC Pension provides benefits for Veterans and surviving spouses who require the regular attendance of another person to assist in eating, bathing, dressing and undressing or taking care of the needs of nature. It also includes individuals who are blind or a patient in a nursing home because of mental or physical incapacity. Assisted care in an assisting living facility also qualifies. Aid & Attendance is a potential source of funds for long-term care, whether at home, at an assisted living facility, or at a nursing home.

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Eligibility

WHAT ARE THE QUALIFICATIONS?



- A Veteran having served for 90 days of active duty with one day being during a period of war (although the Veteran him/herself does not need to have been in combat).
- Having family income levels below a specified amount, which is \$11,820 currently for a single Veteran, or \$15,492 for a married couple.
- To qualify financially, the net worth of the Veteran and dependents must be less than \$80,000. The home and property the Veteran lives in are not countable. Transferring or gifting is permitted but should be done with the advice of an experienced attorney.
- Being totally and permanently disabled, or presumed such.

Eligibility

Periods of Wartime

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For the claimant to qualify for the benefit, the Veteran must have had 90 days of active duty and one of those days needs to have been during a period of war (although the Veteran does not need to have been in combat). Periods of wartime are:

- WWI: April 6, 1917 to November 11, 1918
- WWII: December 7, 1941 to December 31, 1946
- Korean Conflict: June 27, 1950 to January 31, 1955
- Vietnam Era: August 5, 1964 to May 7, 1975 (February 28, 1961 for Veterans who served “in country” before August 4, 1964)
- Gulf War: August 2, 1990 to TBD (still ongoing)

Eligibility

To receive this benefit, Veterans must show they are totally and permanently disabled, however, VA presumes that a Veteran aged 65 years or older is totally and permanently disabled for pension purposes. The VA pays the Veteran the difference between the countable family income and the yearly income limit. Welfare benefits, SSI income, and some wages earned by dependents are generally excluded from countable income, but Social Security disability and age-related payments, as well as employer pensions, are included. This benefit is based upon income and assets, and the disabilities that the Veteran has does not need to be related to his/her time in service.



The Veterans Affairs (VA) has an income and network test. As of 2012, the Aid and Attendance Pension can provide the following:

- Up to \$1,632 per month to a Veteran
- Up to \$1,055 per month to a surviving spouse
- Up to \$1,949 per month to a married couple

Eligibility

Veteran Status

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Eligibility for most VA benefits is based upon discharge from active military service under other than dishonorable conditions. Active service means full-time, active duty service as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, or as a commissioned officer of the Public Health Service, or the

National Oceanic Atmospheric Administration (NOAA). Reservists and National Guard members may also qualify for VA health care benefits if they were called to active duty (other than for training only) by a Federal order and completed the full period for which they were called or ordered to active duty. Veterans who enlisted after September 7, 1980, or who entered active duty after October 16, 1981, must have served continuous months or the full period for which they were called to active duty in order to be eligible.

Dishonorable and bad conduct discharges issued by general court-martial may bar VA benefits. Veterans in prison and parolees must contact a VA regional office to determine eligibility. VA benefits will not be provided to any veterans or dependent wanted for an outstanding felony or warrant. Certain VA benefits require service during wartime.

Determining Need for Aid & Attendance

The criteria for determining the need for Aid and Attendance are:



- Inability of claimant to dress or undress self
- Inability of claimant to keep self ordinarily clean and presentable
- Frequent need of adjustment of any special prosthetic device or orthopedic appliance, which by reason of the particular disability cannot be done without aid
- Inability of the claimant to feed self through loss of coordination of upper extremities or through extreme weakness
- Inability to attend to the wants of nature
- Incapacity, whether physical or mental, which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to his or her daily environment.
- Evidence that the claimant is so helpless as to need regular aid and attendance

{ The claimant does not need to require assistance with all of these items, just that there is }
{ adequate medical evidence that the claimant cannot function completely on his/her own. }

Allowable Medical Spend-Downs

In computing the income of the claimant for Aid & Attendance Pension benefits, certain items can be deducted from income. Specifically, unreimbursed reoccurring medical expenses paid by the claimant can be used to reduce his/her income.



The most common costs to consider, include:

- Home Attendance (Aides)
- Medication
- Equipment (i.e. wheelchair, walker)
- Prosthetics (i.e. glasses, hearing aids, dentures)
- Supplies (i.e. needles for diabetics)
- Transportation for Physician or Therapy Appointments
- Personal Care Assistance (i.e. for meals, cleaning, groceries)

How to Apply for Aid & Attendance

CLAIMANTS NEED THE FOLLOWING DOCUMENTS:

- Discharge/separation papers (DD-214)
- Copy of Marriage Certificate and all marital information (surviving spouses only)
- Copy of Death Certificate of Veteran (surviving spouses only)
- Copy of current Social Security Award Letter (the letter that Social Security sends at the beginning of the year stating what your monthly amount will be for the following year)
- Net worth information, including bank accounts, CDs, trusts, stocks, bonds, annuities, proof of all income from pensions and retirement
- If you are a court-appointed guardian of the Veteran or surviving spouse, a certified copy of the court order of the appointment is required
- Proof of insurance premiums, medications, medical bills or any other medical expenses that are not reimbursed by insurance, Medicare, or Medicaid
- Physician statement that includes current diagnosis, medical status, prognosis, name and address, ability to care for self, ability to travel unattended, etc.
- If you are a Veteran in a nursing home, or a family member of a Veteran in a nursing home, you need a certification of that status.
- Banking information for direct deposit of Aid & Attendance monthly payments (include a voided check).
- Employment history (does not apply if you are over 65)
- List of all doctors and hospitals visited in the last year.

ONCE YOU HAVE THIS INFORMATION COMPILED,

YOU WILL NEED TO OBTAIN & COMPLETE:

- VA Form 21-526 (Veteran)
- VA Form 21-534 (Spouse)

Death/Widow Pension

Benefits are payable to either a surviving spouse (if over the age of 57, the surviving spouse can be remarried), or an unmarried child of the deceased Veteran of a period of wartime. There are no disability requirements for this program. Pensions are based upon income and unreimbursed medical expenses.



*“It is our duty to
protect those
who protected us.”*

*~Brigadier General
Carol Ann Fausone (Ret.)*