

Elder Law: Veterans Benefits

Clearing up some common misconceptions

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“America’s veterans deserve the best health care and compensation system we can provide.” (Anthony Principi, Secretary of Veteran’s Affairs, News Release February 3, 2003). Secretary Principi correctly identifies two very distinct branches of the Department of Veterans’ Affairs; the Veterans **Health** Administration and the Veterans **Benefits** Administration (compensation system). What many veterans and their families may not fully understand is that there are not only the two separate tracks of Healthcare and Benefits mentioned above, but there are also two distinctly different sections *within* the **Benefits** branch; **Service connected** (often referred to as **Disability Compensation**) and **Non-service connected** (often referred to as **Pension**, which also has subcategories discussed below).

Although this article briefly touches on the separate and distinct Veterans **Health** Administration, which is America’s largest unified health care system with over 1,700 sites providing care to over 8.76 million Veterans each year, the focus of the article will be on the Non-Service Connected Pension within the **Benefits** branch.

Non Service Connected Disability Pension with Aid and Attendance

Pension is a tax-free monthly monetary benefit payable to low-income wartime Veterans OR to higher income wartime Veterans who require the help of another person in order to perform personal tasks (also called Activities of Daily Living or ADLs) required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or living safely in his or her daily environment.

Following are a few of the most **frequent misperceptions** held by Veterans or their families about eligibility for Veterans Pension:

- Veteran is not eligible for Pension because he did not leave the country during his time of service.
- Veteran is not eligible for Pension because he served in a war zone but was not in combat.
- Veteran is not eligible for Pension because he was in combat but was not injured.
- Widow of a deceased Veteran is not eligible to apply for Pension because application was not made during the Veteran’s lifetime.
- Veteran is not eligible if he is healthy but his wife is ill.
- Veteran over the age of 65 who has not received a rating or his rating “is not high enough” is not eligible for Pension.
- Veteran who is enrolled in VA Healthcare is
 - Already also enrolled for Pension benefits.
 - Not eligible to apply for Pension benefits.

- Veteran who is NOT enrolled in VA Healthcare cannot apply for Pension Benefits.
- Veteran who does have a Service Connected Disability either
 - Is not eligible for Pension OR
 - Is already “in the system” for Pension

ALL OF THE ABOVE ARE COMPLETELY FALSE

The calculations to determine eligibility can be very complicated if the Veteran has high income or assets but has large UME's due to the need for assistance with ADLs. You should contact our office to have a no-obligation evaluation done for your personal family situation. We may be able to assist you with some planning that will enable you to qualify for Veterans Pension. Julian Gray Associates firmly believes that our Veterans deserve the best healthcare and compensation system our country can provide. Let us help you and your family access these well deserved Benefits.