

## **VETERAN'S PENSION BENEFITS**

Veterans may be eligible for a non-service connection pension benefit (called an "improved pension") through the Department of Veterans Affairs. Although this benefit does not usually cover the full cost of long-term care, it is designed to supplement income for medical care. Unlike the compensation program, which requires a service-connection, this benefit is needs-based.

# **Eligibility Criteria**

To be eligible for benefits, the person filing a claim must meet the following criteria:

- The veteran must have served at least 90 consecutive days of active-duty service, with at least one day during a qualified wartime period
- The veteran must have been "other than dishonorably discharged"
- The veteran must be 65 years of age, permanently and totally disabled, a patient in a nursing home for long-term care because of a disability, receiving Social Security Disability Insurance or Supplemental Security Income
- The claimant must meet countable asset criteria established by the Department of Veterans Affairs
- Out of pocket medical expenses must exceed, or come close to, claimant's income

For surviving spouses, additional criteria must be satisfied:

- Surviving spouses must have been married to the veteran for at least one year, or have a child with the veteran
- Surviving spouses must have been residing with the veteran at the time of death, unless separation was due to medical or military reasons

Minor or disabled children may qualify for benefits on their own.

## **Wartime Periods**

The Department of Veterans Affairs recognizes the following wartime periods:

- Mexican Border period (May 9, 1916, to April 5, 1917, for Veterans who served in Mexico, on its borders, or in adjacent waters)
- World War I (April 6, 1917, to November 11, 1918)
- World War II (December 7, 1941, to December 31, 1946)
- Korean conflict (June 27, 1950, to January 31, 1955)
- Vietnam War era (November 1, 1955, to May 7, 1975, for Veterans who served in the Republic of Vietnam during that period. August 5, 1964, to May 7, 1975, for Veterans who served outside the Republic of Vietnam.)
- Gulf War (August 2, 1990, through a future date to be set by law or presidential proclamation)

#### **Asset Criteria**

The Department of Veterans Affairs considers the net worth of the claimant, as well as dependents. Net worth is based on the fair market value of all assets and income, less any encumbrances. Certain assets, such as a claimant's primary residence, are excluded from net worth.

From **December 1, 2023,** to **November 30, 2024**, the net worth limit to be eligible for Veterans Pension benefits is \$155,356.

There are strategies that may be implemented to help individuals qualify while preserving assets.

#### **Pension Rates**

There are three pension levels. The **Basic Pension** is available to veterans over age 65 regardless of physical condition, provided they meet the net worth and income criteria. The **Housebound Pension** is available to a veteran or a surviving spouse that is confined to the home. The **Aid and Attendance Pension** is available when the veteran or surviving spouse is blind, living in a facility in which they are protected from harm, or is either (1) unable to dress or keep themselves clean and presentable and attend to the wants of nature, or (2) has a physical or mental incapacity that requires assistance on a regular basis to protect claimant from daily environmental hazards.

The Maximum Annual Pension Rate (MAPR) is the maximum amount of pension payable to a Veteran, surviving spouse, or child. The MAPR is based on whether you have a dependent and what pension benefit you are qualifying for. The MAPRs are adjusted each year for cost-of-living increases. The maximum benefit is the Aid and Attendance Pension and 2025 rates are:

Veteran with no dependents	\$28,300 (\$2,358 per month)
Veteran with 1 dependent	\$33,548 (\$2,795 per month)
Surviving Spouse with no dependents	\$18,187 (\$1,515 per month)
Surviving Spouse with 1 dependent	\$21,696 (1,808 per month)

### Shannon A. Laymon-Pecoraro, CELA

East Coast Elder Law, PLLC

Phone: 757-734-7584 www.eastcoast-elderlaw.com

Disclaimer: This is not intended to serve as a substitute for legal advice and not all-encompassing. East Coast Elder Law, PLLC is not responsible for any errors, omissions, or damages resulting from the use of the information contained herein.