

Veterans Affairs Aid and Attendance Benefits

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

What Are Aid and Attendance benefits?

Aid and Attendance is a benefit paid by Veterans Affairs (VA) to veterans, veteran spouses or surviving spouses. It is paid in *addition* to a veteran's basic pension. The benefit may not be paid without eligibility to a VA basic pension. Aid and Attendance is for applicants who need financial help for in-home care, to pay for an assisted living facility or a nursing home. It is a non-service connected disability benefit, meaning the disability does not have to be a result of service. You cannot receive non-service and service-connected compensation at the same time. Aid and Attendance benefits are paid to those applicants who:

- Are eligible for a VA pension
- Meet service requirements
- Meet certain disability requirements
- Meet income and asset limitations

Who is Eligible for Veterans Affairs Basic Pension and Aid and Attendance?

A pension is a benefit that the VA pays to wartime veterans who have limited or no income and who are at least 65 years old or, if under age 65, are permanently or completely disabled. There are also "Death Pensions," which are needs based for a surviving spouse of a deceased wartime veteran who has not remarried.

What are the Service Requirements for Aid and Attendance?

A veteran or the veteran's surviving spouse may be eligible if the veteran:

- Was discharged from a branch of the United States Armed Forces under conditions that were not dishonorable **AND**
- Served at least one day (did not have to be served in combat) during the following wartime periods and had 90 days of continuous military service:
 - World War I: April 6, 1917, through November 11, 1918
 - World War II: December 7, 1941, through December 31, 1946
 - Korean War: June 27, 1950, through January 31, 1955
 - Vietnam War: August 5, 1964 (February 28, 1961, for veterans who served "in country" before August 5, 1964), through May 7, 1975
 - Persian Gulf War: August 2, 1990, through a date to be set by Presidential Proclamation or Law.

If the veteran entered active duty after September 7, 1980, generally he/she must have served at least 24 months or the full period for which called or ordered to active duty (there are exceptions to this rule).

What are the Disability Requirements for Aid and Attendance?

Veterans, spouses of veterans or surviving spouses can be eligible for Aid and Attendance benefits if they meet the following disability requirements:

- The aid of another person is needed in order to perform personal functions required in everyday

living, such as bathing, feeding, dressing, toileting, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment; or

- The claimant is bedridden, in that his/her disability or disabilities require that he/she remain in bed apart from any prescribed course of convalescence or treatment; or
- The claimant is in a nursing home due to mental or physical incapacity; or
- The claimant is blind, or so nearly blind as to have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.

What are the Income Requirements for Aid and Attendance?

The claimant's *countable family income* must be below a *limit* set yearly by law (see chart below for amounts). *Countable Income* means income received by the claimant and his or her dependents. It *includes* earnings, disability and retirement payments, interest and dividends, and net income from farming or business. *Excluded* from the countable monthly income are unreimbursed medical expenses and public assistance such as SSI. The annual income limits for the Aid and Attendance program are higher than those set for the basic pension. The Aid and Attendance benefit amount is determined on the claimant's countable income. The maximum Aid and Attendance benefit that can be paid monthly to a single veteran is \$1,704, but the veteran must have *countable* income of \$0 to receive this amount.

The following chart includes the set yearly income rate, annual basic pension called the MAPR (Maximum Annual Pension Rate) and Aid and Attendance limits set by Congress; it also includes the maximum monthly benefit:

Aid and Attendance Maximum Annual Pension Rate (MAPR) Category <i>If you are a...</i>	Basic Pension MAPR	5% of Basic Pension MAPR (The amount you subtract from medical expenses...)	Annual Aid and Attendance Pension Rate Your yearly income must be less than...
Single Veteran	\$12,256 (\$1,021 per month)	\$613	\$20,447 (\$1,704 per month)
Veteran with Spouse/ Dependent	\$16,051 (\$1,337 per month)	\$803	\$24,239 (\$2,020 per month)
Two Veterans Married to Each Other	\$16,051 \$1,337 per month)	\$803	\$31,578 (\$2,631 per month)
Surviving Spouse	\$8,219 (\$684 per month)	\$411	\$13,138 (\$1,094 per month)
Surviving Spouse with One Dependent	\$10,759 (\$896 per month)	\$538	\$15,673 (\$1,306 per month)

Unreimbursed Medical Expenses

A portion of unreimbursed medical expenses paid by claimants may reduce the countable income.

Unreimbursed medical expenses include: cost of a long term care institution or assisted living, health related insurance premiums (including Medicare premiums), diabetic supplies, private caregivers, incontinence supplies, prescriptions and dialysis not covered by any other health plan. **Only the portion of the unreimbursed medical expenses that exceed 5% of the basic pension MAPR may be deducted** (see above chart for this amount).

Example A: Single Veteran/No Spouse or Dependents — Income Above MAPR – Medical deduction

- Jim is disabled and needs help paying for care. His yearly income is \$40,000 and he has \$35,000 unreimbursed medical expenses this year.
 - $\$12,256 \text{ basic pension MAPR} \times 0.05 = \613
 - $\$35,000 \text{ medical expenses} - \$613 = \$34,387 \text{ medical deduction}$
 - $\$40,000 \text{ Jim's income} - \$34,387 = \$5,613 \text{ Countable Income}$
- The countable income is subtracted from the maximum annual Aid and Attendance Rate to determine the benefit amount.
 - $\$20,447 \text{ (Aid and Attendance Rate)} - \$5,613 \text{ (countable income)} = \$14,834$
- Jim's Aid and Attendance benefit would be \$14,834 or \$1,236/monthly

Example B: Single Veteran/No Spouse or Dependents — Income Over MAPR — No Med Deduction

- Frank's countable income is \$1,300 per month (\$15,600 per year). Because his annual income is more than \$12,256 (more than \$1,021 monthly), and he does not have any medical expenses to deduct, he is not eligible for VA Veterans Pension with Aid and Attendance.
- Frank may reapply again when his countable income falls below the limit or when he has unreimbursed medical expenses that would reduce his income.

Example C: Married Veterans — Income Below MAPR — Need Aid and Attendance

- Both Carlos and Patricia live in a senior apartment and need a caregiver 24 hours a day to remain safely in their house. SSI is their only monthly income. Since SSI is not counted, their countable income for VA purposes is \$0. They are eligible for \$2,631 per month (\$31,578 annually), the maximum benefit to help pay for their care.

Example D: Surviving Spouse of Veteran — Income Above MAPR — In Assisted Living

- June is in an assisted living facility. Her income is \$12,000 per year in Social Security. Her children help pay for the assisted living cost of about \$4,000 monthly. Thus, June's unreimbursed medical expenses are \$4,000 per month or \$48,000 per year.
 - $\$8,219 \text{ MAPR} \times 0.05 = \411
 - $\$48,000 - 411 = \$47,589 \text{ total unreimbursed medical expenses}$
 - $\$12,000 \text{ income} - \$47,589 \text{ expenses} = \text{June has } \$0 \text{ countable income.}$
- Thus, June would be eligible for the maximum benefit of \$1,094 to help her children pay for the assisted living facility.

What are the Asset Requirements for Aid and Attendance?

Net Worth (the value of your assets) also affects eligibility. VA pensions are a need-based benefit, and a large net worth might affect your eligibility. All personal goods are exempt from the net worth. These goods include the home you live in, a vehicle used for the care of the claimant, and household goods and personal effects such as clothes, jewelry and furniture. Unfortunately, there is no asset limit set by law, and the determination of eligibility can be made at the discretion of a VA caseworker.

How does Aid and Attendance affect Medi-Cal Benefits?

In the community:

Aid and Attendance payments are not counted as income for Medi-Cal or IHSS purposes for those beneficiaries who reside at home (not in an institution). However, the basic pension does count as income.

In a Nursing Home:

If you are in nursing home under Medi-Cal, you are allowed to keep \$35 out of your monthly income for personal needs. If you receive Aid and Attendance benefits, you will be allowed to keep an additional \$90 (\$125 total) for the monthly personal needs allowance; the remaining Aid and Attendance payments will be counted as income and will need to be paid as part of your monthly share of cost, unless there is a community spouse or dependent child at home.

How do You Apply for Veterans Affairs Benefits?

Applying for VA pension is often complicated and may take some time. It is a good idea to keep copies of all unreimbursed medical bills for at least twelve months. The average wait for approval is six months. However, the benefits are retroactive to the date of application.

There are several ways you can apply for non-service connected pensions:

1. You can contact the VA at 1-800-827-1000.
2. You can apply online at: <http://vabenefits.vba.va.gov/vonapp/main.asp>
3. Veteran's applying for the first time can download the "VA Form 21-526, Veteran's Application for Compensation and/or Pension" at www.vba.va.gov/pubs/forms/VBA-21-526-ARE.pdf and send the completed application to the VA regional office that serves your county (listed below). If you have applied for pension, compensation or Dependency and Indemnity Compensation (DIC) in the past there may be other applications you can use (i.e. VA Form 21-527).
4. Surviving spouse's applying for the first time can download the "VA Form 21-534, Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by Surviving Spouse or Child" at <http://www.vba.va.gov/pubs/forms/VBA-21-534-ARE.pdf> and send the completed application to the VA regional office that serves your county. If you have applied for pension, compensation or DIC in the past there may be other applications you can use (i.e. VA Form 21-0518 or 21-0519).

VA Regional Offices:

- The Los Angeles Regional Office covers the following counties:
Inyo, Kern, Los Angeles, San Luis Obispo, Santa Barbara, and Ventura.
Los Angeles Regional Office
Federal Building, 11000 Wilshire Boulevard
Los Angeles, CA 90024
- The San Diego Regional Office covers the following counties:
Imperial, Orange, Riverside and San Diego.
San Diego Regional Office
8810 Rio San Diego Drive
San Diego, CA 92108
- The Reno Regional Office covers the following counties:
Alpine, Lassen, Modoc, and Mono.
Reno Regional Office
5460 Reno Corporate Drive
Reno, NV 89511
- The Oakland Regional Office covers all remaining counties.
Oakland Regional Office
1301 Clay Street, Room 1300 North
Oakland, CA 94612

Or

5. The claimant may also contact a Veterans Service Officer (VSO) from a veteran's service organization in their county. A VSO is a professional veteran affairs advocate. They play a critical role in advocacy and are often the initial contact in the community for veteran services. A VSO can help fill out the application. To search for the nearest VSO see: <http://www.va.gov/ogc/apps/accreditation/index.asp>

What Documents are needed to apply for Aid and Attendance?

The veteran or surviving spouse will need to gather the following VA Forms (Forms can be found at <http://www.va.gov/vaforms/>) before applying for benefits:

- Discharge or Separation Documents (DD 214)
- VA Form 21-22 if a Veteran's Service Organization or 21-22a if individual is acting as the claimant's representative
- Form 21-4142: Authorization and Consent to Release Information to the Department of Veterans Affairs
- Letter from the claimant's attending physician VDVA Form 10
- Physician Statement, VA Form 21-2680 or Nursing Home Statement, VA Form 21-0779
- Medical Expenses incurred, VA Form 21-8416

In addition to the VA forms, an applicant will need to gather the following documents:

- Marriage Certificate and Death Certificate (Surviving Spouses only)
- Asset Information (bank account statements, etc.)
- Verification of Income (social security award letter, and statements from pensions, IRAs, annuities, etc)
- Proof of Medical Premiums (Insurance Statements, Medication or Medical bills that are not reimbursed by Medi-Cal or Medicare)
- Voided Check for Aid and Attendance Direct Deposit